DEMOCRAT AND REPUBLICAN APPROACHES TO IMMIGRATION POLICY

An investigation of Presidential executive actions
from 1993-2000

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Abstract

Immigration policy in the United States has not been overhauled since the 1980s. However, with an influx of immigration, there have been increasing tensions and politicisation, underscoring the need for immigration reform. The use of executive power to craft immigration policy has increased as it has become clear that a bipartisan effort to pass new policies on immigration is not imminent. Executive power is a virtually unchecked policy tool that the President of the United States can use to craft policy in certain circumstances, thus allowing Presidents to shape the immigration policy of the United States. This study systemically categorises the executive actions on immigration while investigating the overarching patterns of policies between the two parties, Democrats and Republicans. Through quantitative and qualitative policy analysis, over 300 pages of policy are analysed to answer the study's research question: To what extent do Democrat and Republican presidents differ in their approaches to immigration policy through executive orders? The policies are evaluated on four fundamental criteria: policy area, policy measure, group targeted, and geographical origin. The findings reveal that while Democrats and Republicans are overall similar in the policy areas and measures used, Republicans have significantly more policies. It is necessary to note that former President Trump {R} emerged as a disparity in terms of quantity and content of his policies; he stood out from former Presidents Clinton {D} Bush {R} and Obama {D}. Interestingly, it was found that executive power is used as a foreign policy tool, using immigration policy as a diplomatic tool more often than domestically. This study recommends crafting new, bold, and innovative immigration policies and not hesitating to use executive action to craft immigration policy.

Introduction

Problem Statement

On January 27, 2017, former President Donald Trump {R} signed his first executive order as President of the United States; executive order 13769 "Protecting the Nation from Foreign Terrorist Entry into the United States" or, as known by critics "the Muslim ban" (The Federal Register, 2017). The significance of former President Trump's{R} first executive order, being an order pertaining to immigration cannot be understated and leads to the larger impact of executive action on immigration in the United States.

Presidents since George Washington have used unilateral action to craft national policy, whether being through executive orders, proclamations, memorandum, or less explicit directives (Lowande and Rogowski, 2021). Lowande and Rogowski write that Article II of the Constitution invests in "{t}he executive power' and entrusts them with '{taking care} that the laws be faithfully executed" which has resulted in an ambiguity that allows presidents to exercise unilateral action in many situations, though the interpretation of Article II is constantly evolving (Lowande and Rogowski, 2021). Within the topic of immigration there is no consensus on what falls under presidential authority, and due to a lack of congressional policy on the topic, there has been an expansion in recent decades of unilateral action being taken to address immigration concerns.

The United States has not had major immigration reform since the Immigration Control and Reform Act of 1986 (Oliverio, 2018). While congress has yielded little change to the United States immigration system, individual presidents have signed over 200 of executive actions pertaining to immigration (The Federal Register). For example, President Bush {R}'s Homeland Security Order which established an Office of Homeland Security and placed immigration matters under its heading, therefore institutionalising the immigration process as a security issue. Or 'Protecting the Nation from Foreign Terrorist Entry into the United States' from President Trump{R} suspended the United States Refugee Admissions Program and suspended the entry of nationals from eleven countries into the United States. Overturned by a federal court judge, President Trump{R} released an amended version which cut the number of countries down to six and addressed some of the legal concerns but maintained the core goals

of the executive order. Although challenged, this order was eventually ruled as legal by the Supreme Court of the United States in a vote of 5-4(SCOTUS Trump v. Hawaii, 2018). While actions like these garnered national attention, many actions fly under the radar and are rarely reported or noticed by the public, despite having vast effects on the United States immigration system.

Academic Relevance

Increased polarisation in congress has led presidents to take unilateral action and implement policies that are not jointly determined between branches of government and political parties (Carmines, 2017). The two-party system in the United States contributes to the function of American politicization within policymaking. It is necessary to examine and understand how policies are determined by presidents and if their political party affiliation influences the types of policies produced. Understanding these policies and how they differ between parties is integral to understanding the broader research on American Immigration policy.

Societal Relevance

Executive actions on immigration have often been met with criticism, legal battles, and have been rescinded by new administrations. Current literature argues whether the power of Presidential actions should be used to craft immigration policy, and the effectiveness of certain policies. The goal of this thesis is to categorise and comment on the trends of executive orders with reference to the political party of the president who signed them, ultimately determining whether the political party of the President influences which policies are enacted. By researching the topics targeted, tools employed in the policies, and the groups impacted by policies, the project will aim to determine whether the past four presidents have similar or different trends, approaches, and targets for migration policy. Categorisation and analysing the actions is an approach that can offer overall insights into the decision-making process, and the impact on various affected groups.

The impact of immigration on voters is extremely high. Morning Consult found that in the 2020 election immigration policy was the topic driving 54% of republican voters, and 4 in 5

voters said a candidate's immigration policy was important in their decision for a presidential candidate (Morning Consult, 2020). There are also intense ideological drivers between what Democrat and Republican voters prioritise when evaluating immigration policy with topics like border security, deportations, and access to legal status being drivers of division between voters (Oliphant, 2022). This data is important to evaluate, but it lacks meaning without data on what policy presidents are enacting once elected. If immigration is such a large factor for voters, there also must be retrospective data that evaluates what presidents are doing with immigration policy once in office.

Research Question
Therefore, the question must be asked:

To what extent do Democrat and Republican presidents differ in their approaches to immigration policy through executive orders?

Sub Questions:

- What are the characteristics of presidential orders on immigration?
- How do Democrat and Republican presidents compare in their approaches to migration policy via executive order?

Democrats and Republicans address immigration differently in rhetoric, but this thesis will investigate whether these differences materialise into different policies or if Democrats and Republicans are more similar than they seem.

Theory

In this section the theoretical concepts central to understanding American immigration policy through presidential executive actions are explored. Central theories are the U.S. political system, political parties and immigration policy, unilateral action theory, and immigration policy delegation. It is necessary to gain a background on more broad theory such as the U.S. political

system, and unilateral action theory in order to apply them directly to immigration policy in the US. Finally, the exploration of immigration policy delegation and unilateral action theory will be introduced to understand the current uses of presidential action and immigration policy, to understand current literature and draw expectations for the study.

Political Parties and Immigration Policy

Natter explores the shifting dynamics of political parties and immigration. She argues that in recent decades the political salience of migration has resulted in parties needing to take clear positions on migration, which has contributed to the polarisation of party ideologies (Natter, 2018). As a result, parties have adopted more polarised views on migration. Natter highlights the importance of distinguishing between discourse and policies arguing that 'political parties continue to differ significantly in their *discourses* on migration, leaving the impression that right-wing parties are more restrictive towards immigration than left wing parties' (Natter, 2018). Parties on both sides of the political spectrum have sought to win votes through promising tougher border controls and strict access for migrants exemplifying Natter's argument that we cannot identify the left as 'pro' and the right as 'anti' immigrant (Natter, 2018). Joppke acknowledges this context but writes that in general left-wing parties are associated with de-ethicised policies, allowing membership apart from ethnic elements, while right-wing parties favour re-ethnicization (Joppke, 2003). Joppke fits into the left-right ideological divide which assumes that left-wing parties will have more liberal stances on immigration, while right-wing parties will have more restrictive positions.

Carvalho and Ruedin bring to light an important distinction in the literature about the left-right theory on immigration policy. While it is true that in reference to immigration policy targeted at already settled immigrants left-wing parties are liberalised, the theory is weak with policies on topics like border control (Carvalho and Ruedin, 2018). This contradiction in the theory reflects the need to first categorise the policies before applying theory to them, as taking a topic like immigration policy can have many smaller aspects within it. This is an explanation that is often offered for research that contradicts the left-right ideological divide,

as it can often be broken down further, into more complicated components that support or contradict the theory.

Carvalho and Ruedin saw a gap in research investigating mainstream parties, as most research on immigration and political parties was focused around parties on the extreme ends of the spectrum. Their research provides the valuable insight that mainstream left parties often remain aligned with their side of the spectrum with mainstream right parties exhibiting higher levels of polarisation of policy on immigration (Carvalho and Ruedin, 2018). This is significant as in the United States the Democratic party is not necessarily as left wing as parties in Europe, but it is labelled left-wing in literature when compared to the Republican party. In reality, Caralho and Ruedin's research on mainstream left parties offers commentary on parties that are more like the Democratic party and further research should apply it to the United States system.

Contextual factors have played an increasingly significant role in the development of a political party's immigration policies. Abou Chadi argues that when competitiveness is high, left-wing governments are less likely to install liberalised immigration policies as it is seen as an area that can result in large voter losses (Abou-Chadi, 2016). Alonso and Fonceca add to this literature by suggesting that the left-right ideology is weaker for left-wing parties because they are more vulnerable to threats and challenges on the topic of immigration (Alonso and Fonceca, 2011). Additionally, policies that target many potential immigrants are not seen as a political advantage as they are not targeting voters, therefore there is often a lack of political incentive, paired with political threat for liberal immigration policies.

While there is theory on the left-right divide in immigration policy this theory is rarely applied on the American scale. This could be because of the significantly different institutions in the United States with the two-party system, or the lack of a true "left" presence. In the United States Republicans paint a picture that Democrats are radically pro-immigration, advocating for open borders and free movements. With statements like "Democrats want to throw your borders wide open to deadly drugs and endless gangs" and "legal immigration is part of what makes America strong. Anarchy and open borders make us weak" (Brixby 2018, Republican Leader, 2022). Republicans paint a view of democrats that is vastly exaggerated, but the

question must be asked: are Democrats more liberal on immigration, as Republicans claim? In what ways are Democrats more liberal and in what ways might they be more conservative? Research into this topic must investigate the substance of the policies enacted in order to test theory and make analysis about immigration policy in the United States.

While there are different feelings on the factors that lead to sentiments towards immigrants Hampshire found that "Attitudes towards immigration have less to do with rational assessments of economic impacts and more to do with atavistic tendencies to protect" "our way of life and associated fear of cultural difference" (Hampshire, 2013). Hampshire effectively highlights that while public opinion is important, effective mobilisation of public opinion is necessarily to impact public policy. As numerous academics have pointed out, public mobilisation has increased, specifically since September 11th in the United States.

Immigration is typically a difficult policy topic as it does not neatly conform to left-right ideological divides, instead the topic reflects cross cutting cleavages from both sides. On the left, parties are caught between human rights advocates who are pro-immigrant and low skilled workers who are competing with immigrants for jobs and are therefore less likely to support increased immigration (Hampshire, 2013). On the right there are divisions between businesses who want an influx of cheap labour and cultural conservatives and nationalists who are interested in protecting the cultural values of the nation state (Hampshire, 2013). The description of these cleavages are written while focusing on the European political system. When moving to look at the American system the theory becomes more complicated to apply.

United States Political System
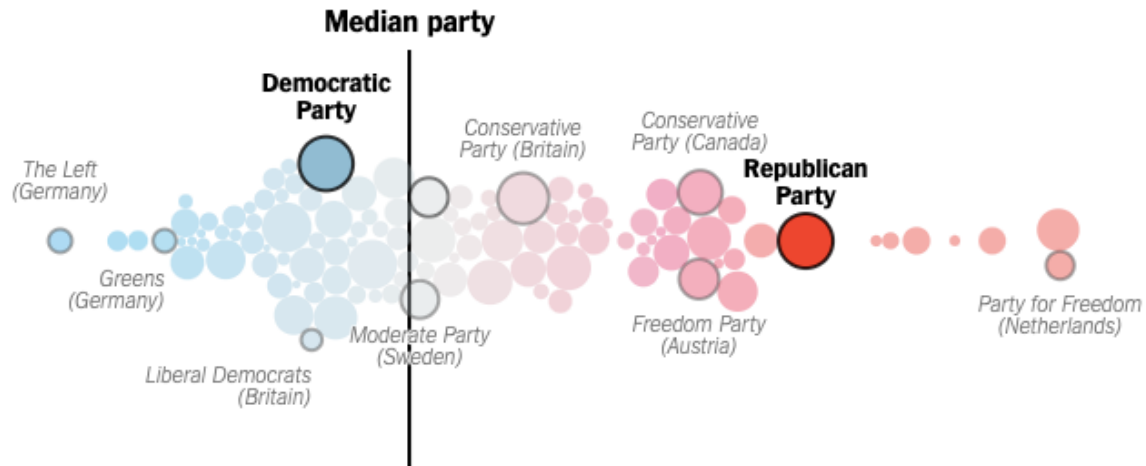
(The Manifesto party Database)

As displayed in the research from The Manifesto Party Database, which provides analysis on political party's ideologies, the distribution of "left" and "right" in America is far different than in Europe. In Figure 1 the Democratic and Republican parties are displayed in comparison to European parties, which is important to consider when applying theory from Europe to the United States. The author of the NYT article, (NAME), comments that the issue with this distribution is that the far-right parties in Europe are an alternative to the mainstream, while the Republican party is the mainstream option for conservative Americans (NYT, 2021). This graphic is a reflection before the 2016 presidential elections and reflects that the Republican party has been pulled to the right by its more extreme members. The "centre of gravity" is therefore off, in American politics, without a strong left force to even the political pull. It is important to note, that while reading theory on "left" and "right" parties, in the United States the Democratic and Republican Parties are not equally distributed along the political spectrum, with the Democratic party being more central, and the Republican party farther right.

Hampshire writes that "The main US parties are sufficiently heterogeneous and loosely organised to provide opportunities for anti-immigrant mobilisation within the existing party

system" and this is most often observed with the far-right wing of the republican party (Hampshire, 2013). Pew Research Centre recorded extensive data on Americans' political typology, by dividing the groups into nine different groups across the political spectrum. The results found clear divides between Republican and Democratic voters on immigration issues. As the table below demonstrates, on immigration issues left and right groups never cross over each other, making the issue of immigration seem divided strongly along an ideological divide. For example, under 25% of all left leaning groups thought that the number of legal immigrants admitted to the United States should decrease (Pew, 2021). In a sharp contrast, over 25% of all right leaning groups thought that legal immigrants to the United States should decrease (Pew, 2021).

Natter explores the shifting dynamics of political parties and immigration policy through researching the restrictiveness of policies with reference to the parties in power. In her research on restrictiveness of immigration policy, Natter found that the political ideology of parties in power played a limited role in 'explaining the restrictiveness of immigration policy reform'(Natter, 2018). Faced with the same interest groups and international contexts, policy trends were 'coherent across the left/right spectrum' (Natter, 2018). While this research is important, the role of Executive Action brings in an important question, as it is unique to the United States system. The majority of policies being passed are not bipartisan, thus emphasising the power political parties have over immigration policy. Without having to find a balance or work within coalitions policymakers have strong impacts on American immigration policy. With this in mind, it can be narrowed down to the importance of studying the American Presidential power over immigration policy through unilateral action.

Unilateral Action Theory

Unilateral Action Theory is a growing field of study, as an increasing number of presidential actions are occurring and crafting significant change. Executive action has a complicated history in the United States, from interning persons of Japanese ancestry during World War 2, to expanding civil rights, there are a broad range of topics that executive orders have covered

(Johnson, 2017). Howell and Lewis point out that the strategic employment of unilateral actions is one of the defining features of the 'modern presidency' (Howell and Lewis, 2002). Thus, reflecting the importance of studying unilateral action, and further investigating unilateral action on certain topics such as immigration. The various tools that fall under the term executive action are defined as;

> *"Executive orders and proclamations are directives or actions by the President. When they are founded on the authority of the President derived from the Constitution or statute, they may have the force and effect of law. . . . In the narrower sense Executive orders and proclamations are written documents denominated as such. Presidential memoranda and executive orders appear to be very closely related, if not identical. However, the lack of a definition for either of these mechanisms has made it difficult to make a clear distinction between them."*

In terms of executive action on immigration there has been an increase in the use of executive orders due to frustrations over a lack of congressional action on immigration. With the failed attempts at immigration reform in 2005, 2007 and 2013, presidents began using executive orders to craft modern immigration policy. Johnson highlights this trend using the example of President Trump {R} who immediately skipped trying to pass legislation through congress and signed three major executive orders on immigration in his first days as president (Johnson, 2017). This has not come without repercussions as Donato writes, "greater use of broad executive action has resulted in specific policy preferences of presidents rather than research-based support" (Donato, 2020). Over the past four administrations there have been over 200 executive orders relating to immigration, some of which have significantly changed the direction of American immigration policy. While there is literature evaluating individual orders, arguing whether the power has gone too far, and offering commentary on the repercussions of the orders, there is a gap in simply compiling and coding these orders and evaluating them based on factors such as the political party. De Haas and Natter write that "notwithstanding diverging discourses and promises of political parties, the question remains whether the actual

policies enacted under left- or right-wing dominated governments really differ significantly?" In the case of this thesis, the question is whether Democrat and Republican presidents differ significantly in their executive action on immigration.

A significant arm of theory within Unilateral Action Theory is dedicated to researching the impacts of growing unilateral action and the possible political repercussions of employing unilateral action. Christenson and Kriner research this topic using Obama's Immigration Policy as a case study for investigating the political constraints on unilateral action. They argue that unilateral action is not constrained by institutional limits, but that 'Presidents consider the longer-term political costs' entailed with unilateral action (Christenson and Kriner, 2014-2015). Politically, there is a fear that the unilateral action 'intensifies battles with congress' which has the potential to make future negotiations difficult. Additionally, there is the risk of public opinion on unilateral action, which is under researched, but suggests that Americans are hesitant to approve of unilateral action and prefer congress-presidential action (Christenson and Kriner, 2014-2015).

Unilateral Action Theory and Foreign Policy

There is growing literature devoted to investigating the use of presidential actions as a form of foreign diplomacy. The theory of border and migration diplomacy is defined by Laube as the political process in which governments strategically use issues of migration and mobility as a foreign policy tool (Laube, 2019). As the head of state, foreign policy is a large part of the Presidential duties, therefore the use of migration and mobility as a tool for achieving diplomatic relations or punishing states for is a possibility. Adamson writes that states have a range of factors such as foreign policy interests, bargaining power, and bilateral relationships to engage in migration diplomacy (Adamson, 2019). Presidential actions are also used as a means of achieving campaign promises, thus as a domestic political tool. This can be predicted with President Obama and President Trump{R} who each campaigned on large scale immigration change.

Unilateral Action Theory is essential to keep in mind when evaluating why presidents might (or might not) choose to use executive action to address immigration issues and what the potential outcomes could be for those actions.

Immigration Policy Delegation

One possible hesitation from Presidents to use executive action to achieve immigration goals or policy is the distinction between what issues are states issues and what issues are for the national government.

There is ambiguity in the American government over whose responsibility immigration policies fall under, which branch of government and at which levels of government. Cox and Rodríguez argue that the judiciary's job within immigration is ruling on cases which is more of a reactive step. But, they argue, there has been little scholarly commentary on the delegation of immigration issues or the interrelationship between the two branches (Legislative and Executive) working on immigration issues (Cox & Rodríguez, 2009). They do believe that the President has a significant amount of 'screening power' in determining who is able to enter the United States, which can quickly shift between administrations (Cox & Rodríguez, 2009). Because of this, there has been tension in the United States as the President has made more aggressive immigration policies, which some see as a partisan overstep of the powers of the President. Although as displayed by Natter, some research argues that political parties (and their ideologies) have very little power over immigration policies.

There has been a sentiment on both sides of the political aisle that the federal government has 'failed to enforce immigration laws' or offer any comprehensive immigration reform (Johnson, 2012). Johnson argues that because of this, and in combination with the changing regional demographics of immigration, and tightening budgets, there has been a 'record number of states and local immigration laws' (Johnson 2012). This has reflected an increasing belief that immigration needs to be handled on a local level because of the lack of federal action. Therefore, unilateral federal action can be portrayed as an invasion of local rights. This notion can be observed in the backlash following the executive order withholding funding from sanctuary cities by President Trump{R} on January 25, 2017. It is also important to

note that 'little has been said of how immigration is to be distributed between the political branches' and with the judicial branch stepping back there is a division between the legislative and the executive branches on who should be taking the lead on immigration (Cox & Rodríguez, 2009).

Expectations

Based upon Unilateral Action Theory, I expect to find that Presidential action is used as a means of domestic and foreign policy tools. I also expect to find that for a majority of immigration executive orders Democrats and Republicans will not differ on the targets, tools, policy areas, or groups they are affecting. Based on Natter's research, I expect to find that American presidents are using very similar methods within immigration policy. Although, with increasing the rights of states and having a small national government being values associated with the conservative party, and with the framework of Unilateral Action Theory also arguing that Democrats are more likely to issue unilateral action, it is to be expected that there will be more actions from Democratic administrations than Republican administrations (Black and Black, 2003).

Methodology

This thesis is an investigation of all immigration policies enacted through the executive office in the United States over the past four presidential administrations. I used ATLAS.ti to code for certain traits answering various questions on what topics are addressed, what tools are employed, what migrant groups are targeted, and what geographical groups are targeted by every executive order on immigration from the past four presidential administrations (Clinton, Bush, Obama, Trump). The choice to research executive orders was derived from the lack of research on executive orders as policy, despite there being over 100 executive orders mentioning immigration since 1993.

Case Selection

While there has been literature written about the effectiveness of certain presidential actions, or whether the actions were justified or not, there is a gap in literature on an overarching argument about presidential executive orders on immigration. Instead of focusing on a few specific policies, large scale document analysis was an effective way to categorise the large number of policies and their traits. De Haas argues for this approach when she says that irrelevant of changing discourses, rhetoric, and policy goals "the question remains whether the actual policies enacted under left- or right- wing dominated governments really differ significantly" (De Haas, 2014). Therefore, the approach of document analysis provides the best method for determining if (and if so, where) there are differences in immigration policy between Democrat and Republican Presidents in the United States.

Sampling Strategy

Since the last major immigration reform bill was passed through congress in 1990 it made sense to begin my research after this had been in effect. Starting with President Clinton {D} and going through the Trump administration results in a four-year difference between Democrats and Republicans. While Executive Orders, Executive Proclamations and Presidential Memorandum hold very similar legal rights and are often used interchangeably, Presidential Memorandum are not required to be submitted to the Federal Registry (Library of Congress). I chose to still include any Presidential Memorandum recorded in the Federal Registry, with the knowledge that this is not a fully accurate collection of Presidential Memorandum. This choice was made due to increasing research on Presidential Unilateral Action, and the argument to include Presidential Memorandum within research, despite the possible exclusions of Memorandum not reported to the Federal Registry (Lowande, 2014). Additionally, executive orders have only been digitised since 1994, therefore making any older orders more difficult to obtain. Therefore, the choice was made to limit the sampling to 1993-2021.

When searching the topic immigration in the Federal Registry between the years 1993 and 2021 there are over 200 hits. In order to narrow down these orders I have evaluated the topics and decided to eliminate topics that are similar in nature and irrelevant to my data collection.

For example, there are many orders that are similar to "Establishing a Spanish-American Heritage Day", while this is significant it is loosely connected to current immigration, and I could not satisfy each of the aspects I am coding for. Similarly, there is a yearly refugee admissions number that is released each year that is required for the president to release and while the content is important it does not help analyse the presidents, since it is a required report. With these exclusions the number of orders was 92 which was much more manageable for data collection. The number of orders is as follows:

- Clinton {D}: 17
- H.W. Bush{R}: 14
- Obama{D}: 14
- Trump {R}: 47

I chose to evaluate all the resulting policies as my intention was to analyse the president's policy trends. I chose to not select an equal sample size from each President, because data on the number of orders released is integral to my research and is an essential part of my analysis as I want to have a holistic review of what each president was doing with their policy. Because I quantified parts of analysis it is important for me to have the entire data set, and I restricted the timeline in order to have the ability to accommodate for this number of policies.

Data Collection:

The methodology is derived from "Compiling and Coding Migration Policy Insights from the DEMIG POLICY database" by De Haas, Natter, Vezzol (De Haas, 2014). De Haas et al highlight the importance of coding policy measures through two branches: one indicating the issue(s) addressed and the other indicating the group(s) addressed. Thus, the codes will be developed based on the sub questions and formed with the following four points in mind.

1. Identifies the broad policy area (what?) addressed by the measure.
2. Captures the policy measure (how?) used to regulate a specific issue.
3. The migrant category (who?) targeted by the policy measure.
4. The geographical origin (from where?) of the targeted migrant category.

De Haas argues that this framework for coding policies "captures the main substance of the policy measure…Coding the policy for these four categories helps create a more detailed narrative for analysing patterns and relationships between the political parties" (De Haas, 2015).

An example of the data collection results can be seen below.

President (Party)	Title	Policy Area	Policy Measure	Migration Category	Geographical Origin
Trump {R}	13769- "Protecting the Nation from Foreign Terrorist Entry into the United States"	Legal Entry	Visa	All migrants	Specific Nationalities: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen

Data Analysis

The data was analysed using a mixed methods approach with both qualitative and quantitative analysis. Qualitative inductive and deductive content analysis through Atlas.ti was used to detect, identify more broad themes or patterns that are present throughout all four presidents' policies (Bryman and Burgess, 1996). Quantitative analysis was used to detect the number of times certain codes appear within the policy, to develop analysis on the frequencies of certain aspects of the policy (van Dijk, 2017). For example, how many times a certain geographical group is targeted by the policies. It is important to include both qualitative and quantitative methods as the policies are extremely diverse, some are less than a page and will have exactly four codes, while others are twenty pages and have more than ten codes. While the quantitative analysis is important to include it cannot be taken on its own.

Initially the data was not divided between Democrats and Republicans. Analysis will be developed from this and will reflect general trends and patterns of American presidential immigration policy. This answered my first sub-question: What are the characteristics of United States presidential orders on immigration? Following this, I divided the data between Democrat and Republican presidents and drew an analysis from the quantitative and qualitative content analysis, now with the political affiliation of the president as an independent variable. Van Dijk writes that content analysis can differentiate policies which can then be "grouped according to different actors" in this case, grouped by political party (van Dijk, 2017). This helped me develop my answer to my second sub question: How do Democrat and Republican presidents compare in their approaches to migration policy via executive order?

With this in mind, my final analysis was a comparative analysis to answer my research question to determine to what extent the policies of Democrats and Republicans differ from each other.

Limitations

This approach has a time limitation due to time constraints and digitization efforts of executive orders only extending to 1994. Since President Clinton {D} took office in 1993 I will have to manually track down the orders from his first year as president, but doing this for multiple years and presidents would be too difficult. Additionally, it is acknowledged that Presidential Memorandum is a level of executive action that is not required to be reported to the Federal Register, but many are reported. Therefore, it is acknowledged this is not a full representation of the Presidential Memorandum on immigration. Additionally, if an action is legally challenged and the case is completely closed, the Federal Register must take down any action that is overturned or repealed by the courts, therefore there are an unknown number of orders that are no longer published and thus unavailable for analysis.

Working directly with policy the ethical considerations are twofold. One must ensure to remain unbiased in policy analysis, not allowing personal beliefs or convictions to influence the way data is collected or coded. Additionally, transparency is something that must be open for

the audience to understand what steps were taken throughout the research process. With these two considerations in mind, the ethical requirements for the study will be met.

Analysis Chapter

This chapter goes into the findings of the study, comparing it to relevant theory. The chapter will first seek to answer the sub questions, answering what the overall characteristics of executive action on immigration are, and then if there are differences between the policy measures, areas, groups, and origins covered. The main research question will then be answered, comparing Democrat and Republican approaches to executive action on immigration.

This section will dive into the general characteristics of presidential orders on immigration, and three main findings.

Restriction on entry and stay

A clear majority of the orders are coded within the policy area 'restrictions on entry and stay' and are thus very similar to each other. These policies are suspension of entry policies and are banning the entry of certain groups from entering and staying in the United States. The groups are labelled according to nationality, group identification, travel history, etc. The policies then go on to suspend the entry of all members of the group from entry and stay into the United States. 'Suspension of Entry' policies typically either banned a specific nationality, or a specific group, which will be analysed further in the analysis section, but it is important to note that the groups targeted varied from being members of a military, beneficiaries of corruption, or entire nationalities. Furthermore, these policies banned the entry of all migrants, regardless of timeline, therefore it was not just migrants hoping to move permanently. This full closure of the border to certain groups of people is something that ignited outrage in 2021 following President Trump's {R} inauguration but was occurring throughout each of the presidencies investigated. Reflecting upon Natter's emphasis on separating discourse from action, it is interesting to highlight the differences in public reaction to President Trump's{R} 'suspension of entry' and the other presidents (Natter, 2018). What can be analysed as distinct is the

justification for these policies, some groups would argue that certain orders were justified, while others were not.

Overall, the pattern of these policies is significant as they followed a very consistent pattern and if they provided context the context usually was centred around a contextual event. For example, as a reaction to extreme corruption to avoid U.S. sanction in Syria, suspension of entry for those involved. In cases where new nationalities or groups were being restricted the policies often had multiple pages of justification for why the action was being taken. This pattern confirms Laube's theory of border and migration diplomacy and highlights the use of 'suspension of entry' as a specific policy tool used as a foreign policy tool (Laube, 2019). The contexts often highlighted 'American values' such as democracy, freedom, and rights. For example, Executive Proclamation 8015 which suspended entry for 'per- sons who formulate, implement, participate in, or benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus;' (The Federal Registry, 2006).

It is important to highlight one key difference in President Trump's{R} 'Suspension of entry' orders which resulted in multiple court cases emerging. In an order President Trump{R} suspended entry for eleven countries and then after it was overturned by a court, he released a new order and lowered the number to six countries. The reasoning for the suspension is quoted,

> *The risk of erroneously permitting entry of a national of one of these countries who intends to commit terrorist acts or otherwise harm the national security of the United States is unacceptably high (The Federal Registry, 2017).*

While the previous suspension of entries was more of a reaction to extreme contextual situations such as a coup d'etat in Burma, this suspension was justified as a proactive order for 'national security concerns' which courts argued the administration failed to prove. The administration was quoted saying that the American Immigration System "*has been repeatedly exploited by terrorists and other malicious actors who seek to do us harm*" (The Federal

Registry, 2017). In this justification it becomes clear that the administration was acting in precautionary efforts which is a significant shift from the previous presidential actions. Another example is found in EO 13769 in which the United States Refugee Program (USRAP) was suspended for 120 days with the explanation that,

> *'During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admis- sion do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures.' (The Federal Registry, 2017).*

However, what is unclear is whether there was any issue with the USRAP, or why the review process must be conducted while the program was suspended. These variations were significant to note as different and were also accompanied by court cases arguing that this was a violation of presidential power although the supreme court ultimately ruled in favour of President Trump{R}.

Additionally, the opposite code of 'Restriction on Entry and Stay' is 'Legal Entry and Stay' and was not only much lower, but the content of the policies is important to evaluate as it was often repealing the previous suspensions on entry and stay. This means that while still important, most of the codes that were an opposing force to the 'restriction on entry and stay' were not actually crafting new methods, or opening options for migration, but rather addressing former policy. Thus, 'Legal Entry and Stay' was the second most popular section behind 'Restrictions on Entry and Stay' which is logical as these sections were linked to each other. Without so many 'Restrictions on Entry and Stay' there would have been significantly less 'Legal Entry and Stay' policies repealing the former restrictions.

My expectation was that the policies coded within this section would be the most positive in terms of rights for migrants and would reflect measures like EO 13749 by President Obama{D}, which increased the capacity for screening and increased the capabilities of visa

processing services. These types of adjustments, and more positive policy initiatives were significantly less common, and I was surprised to find that the policies coded into this section were not legitimate increases in rights for migrants.

Lack of policies on integration assimilation or resettlement

There is a clear lack of orders on integration, assimilation, or resettlement. Over twenty-eight years, and out of 92 orders there was only one order under the code 'integration'. This policy was from President Trump{R}, giving states the right to set their own numbers for refugees for resettlement, which was previously a national level decision. The lack of orders on integration, assimilation or resettlement could be seen as a reflection of the values of seeing resettlement and integration as issues of states' rights, which is supported by Trump's {R} one order being an order giving states more rights for states to set refugee limits. The view that the federal government has 'failed to enforce the immigration laws' in combination with the changing regional demographics of immigration, and tightening budgets have resulted in a 'record number of state and local immigration laws' (Johnson, 2012). This basis in combination with the Republican value of increasing states' rights makes President Trump's {R} singular law on integration being one that increases state's rights unsurprising (Black, 2003). Following Laube's theory on migration as a foreign policy tool, it is logical that there is a lack of orders on integration as that does not have international political power, thus the analysis can be drawn that Presidents place a heavy emphasis on using executive orders as a foreign policy tool more often than on internal issues (Laube, 2019).

While this could be interpreted as an effort to localise the integration efforts of migrants, it is also possible that issues like integration, assimilation and resettlement are just not high priorities for the President or are pursued through alternative avenues. The structure of the United States National Government is important to note here, as there are six national departments that deal with immigration issues, thus resulting in integration efforts being spread between the departments. Because these departments are under Presidential power it is possible that executive orders are not necessary in order to craft integration efforts (Pew, 2005).

Level of change in policies

Finally, most of these policies are not long term or institutional changes, although the ones that were, are policies that are more polarised. I expected the larger, more hallmark policies to be policies that were more polarised, but I did not expect to find the difference that these policies would reflect more institutional changes. While I was not coding for the level of change from policies it became clear that some policies had a short timeline or were reactions to contextual events that would ultimately be repealed. This was the more common type of order, for example, Executive Proclamation 9984 which was a ban on people travelling from the Wuhan Region in China following the outbreak of COVID19. Less common however, were orders that were structurally altering the United States immigration system, such as EO 13228, in which President Bush{R} created the Department of Homeland Security and placed certain immigration topics under the department's authority.

Referencing the theory on executive action, there are large political and legal debates over ambiguous rights of the President. Therefore, it is logical that most immigration executive actions are not pushing the boundaries of what the president can do, however President Trump did begin to push these boundaries. Additionally, with the knowledge of the extreme polarisation of immigration in the United States it is also logical that Presidents would not make radical immigration policies for two reasons. First, the president's orders are vulnerable once the president leaves office, so if the next president has the power to repeal or replace the action there is more hesitancy. Second, radical or more polarised immigration policies might have negative impacts on a president's next election, remembering the data on the number of Americans who vote with immigration topics in mind. This follows the theory on hesitations to utilise unilateral action.

Comparing Democrat and Republican presidents in their approaches to migration policy via unilateral action

Getting into the sub questions, the paper will first overview the number or actions from each president and then compare the different trends and characteristics of each of the sections

coded for, policy area, policy measure, target group, and target origin, with respect to political party.


Comparing Numbers

The main difference in numbers of executive orders issues was not along a party division, but instead was President Trump {R} vs. everyone else. Each of the other Presidents had very similar numbers Obama {D}14, Bush {R}14, Clinton {D} 17, while President Trump {R} 47, clearly stands out from the group. There are a few possible explanations for this trend, one being the COVID-19 pandemic which was a world altering event that required quick action from the President on 'securing the borders from the virus'. With this in mind, I wanted to check and see if the COVID-19 pandemic resulted in a significant increase of orders from President Trump {R}. EO 9984 issued on 1/31/2020 was the first executive order issued on COVID-19. 31 orders predated COVID, therefore 17 orders could be analysed as impacted by COVID-19. Considering the average of 12 orders per year, President Trump{R} had 5 more than the average in his final year. This increase of 5 orders per year does not necessarily reflect that a significant amount of President Trump's{R} orders were necessary due to COVID19. Another possible explanation could be drawn from theory, recognizing that the other Presidents leaned more towards issuing Presidential Memorandum when writing policy on immigration, such as Obama{D} with the DACA order, although there is no way to prove that President Trump{R} did not also issue a high number of Presidential Memorandum. Despite these scenarios the conclusion can be clearly drawn that President Trump{R} issued far more executive actions on immigration than his previous three successors.

When comparing the numbers of the data it is important to remember that these policies vary in length, and therefore having more policies does not necessarily mean more resulting actions. Because of this, some policies had more than ten codes associated with them, because they employed multiple tools and policy areas, while others had the minimum of four.

Policy Area

Looking at the policy area code group, there is a high concentration of orders on 'Restrictions on Entry and Stay', these policies were found to be actively restricting the pathways to migrating, or even travelling across the border, they were often suspending entry for entire groups of people. Of all democratic orders 38% were coded as 'Restrictions on Entry and Stay' compared to 73% of Republican orders. The next highest code for Democrats and Republicans was 'Legal Entry and Stay' which characterises the opposition of restrictions, opening legal pathways to migration and movement across the United States border. Sometimes these policies were directly repealing the suspension of entries. Although the second most common for both parties, 'Legal Entry and Stay' compiled, 35% of Democrat orders, and 10% of Republican orders. Finally, 'Border Security and Enforcement' was third for both Democrats and Republicans. Overall, the trend reflects that based purely on the order of popularity, both of the parties leaned towards the same policy areas, but when quantified although ordered the same, there is a very large difference. Although, it must be kept in mind that quantity, does not purely reflect length or impact of the orders.
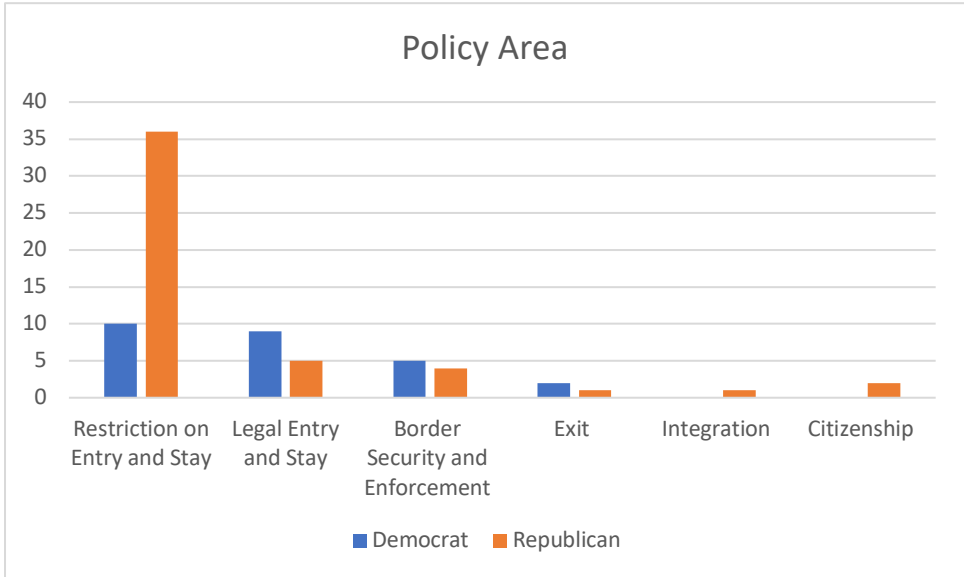
Policy Measure

Looking at the policy measure utilised by the parties there are a few interesting tendencies. It is important to note that in this code group it was more likely for multiple codes to occur, as

larger policies often employed more than one measure. Suspended Entry was the most common measure used for both Democrat and Republicans with 40% of Democrat and 47% of Republican policies using 'Suspended Entry'. Other than the top measure, there was an even distribution of measures used (listed below).

Changes in Legal Status	2
Detainment	4
Eligibility for Benefits	1
Enforcement Against illegal crossings	1
Enhances / increased screenings	4
Exemption from immigration procedures	2
Legal enforcement	4
Overstay deterrence	2
Reinstatement of entry	4
Repatriation	5
Research Report	4
Suspended Entry	47
Suspending USRAP	1
Visa	5
Worksite Enforcement	3

Target Group

The most common group targeted by the policies was the 'all' category which often occurred in Suspension of Entry policies which apply to anyone, not just migrants, but everyone such as temporary travellers and international students. 'All' composted 44% of Democratic groups targeted, and 56% of Republican groups. The next most common category for both parties was 'Irregular migrants' which composed 38% of Democratic policies and 30% of Republican policies. Dividing further by President;

Number of orders targeted towards irregular migrants:
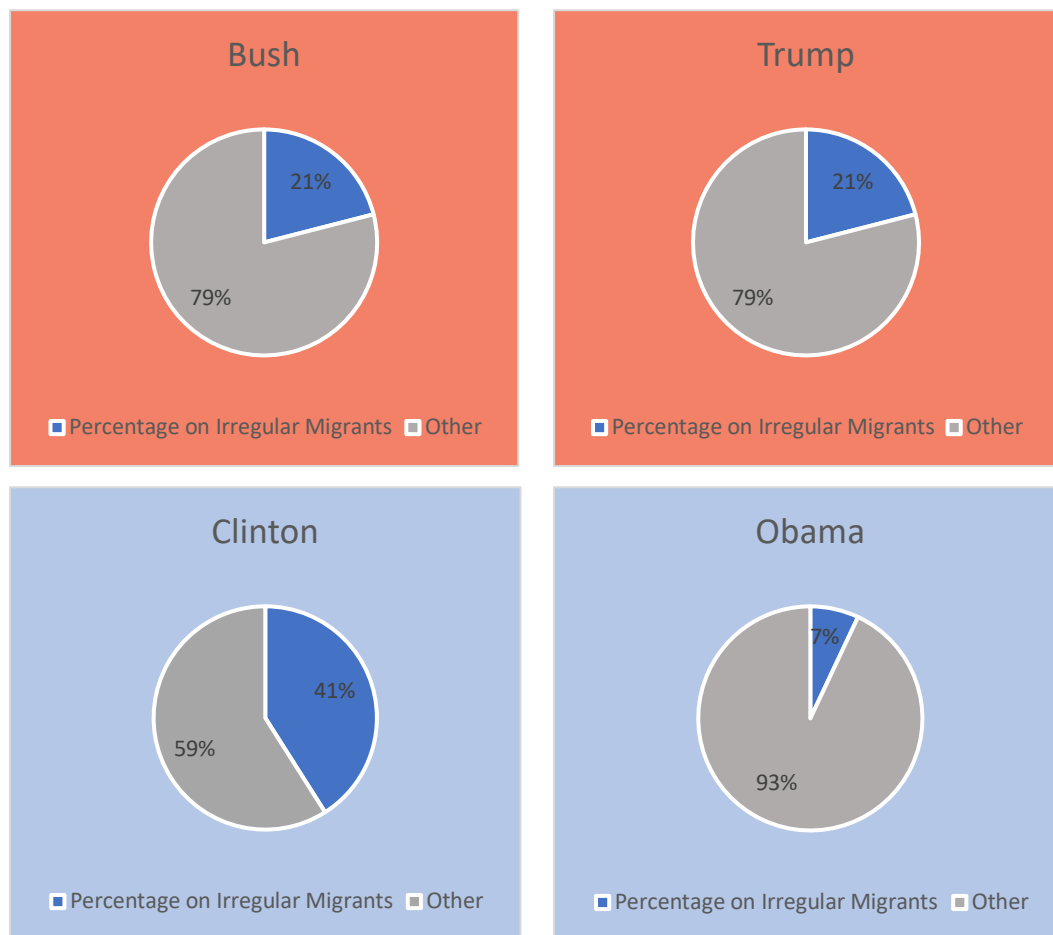
It is important to examine this data from both a qualitative and quantitative perspective. Quantitatively, it is interesting to note that President Clinton {D} had the highest rate of orders aimed at irregular migrants. Although President Trump {R} still had the highest number of orders. Qualitatively, it is significant to note that Presidents Clinton{D}, Bush {R}, and Trump{R} all used similar language when referring to irregular migrants, interchanging the terms 'illegal' 'alien' and 'undocumented'. In the singular policy from President Obama {D} he referred to the migrants as 'not citizens', which out of context could be taken as a completely different target group, but President Obama {D} was clearly referring to the group that the other Presidents referred to as 'illegal' 'alien' and 'undocumented'. One explanation for why President Clinton

{D} had such a high percentage of policies aimed at irregular migrants can be derived from the theory that presidential executive order power was expanding to be about more than just controlling who enters and exits the United States. In the 1990's there was still a more conservative belief about using executive power to craft immigration, but as immigration progressed and congress failed to act to adjust policy the perspective on the scope of presidential power seemed to expand. With that expansion a smaller percentage of policies would likely be about irregular migrants over time, which is a pattern that emerged from Clinton{D} to Bush{R} to Obama {D} but was broken by Trump{R}.

While Democrats only touched four categories (All, Irregular Migrants, Visa Applicants, and Low Skilled Workers), Republicans covered six targets adding Refugees and International Students to the groups targeted by their policies.

Target Origin

Iran was the most often targeted nationality within this code with it occurring eleven times, twice by Democrats and nine times by Republicans. Other nationalities that were targeted more than once were Burma, Sudan, Nigeria, Liberia, Venezuela, and Syria. Notably, these are all considered less stable governments and result in a high number of refugees and internally displaced peoples. Specific Group Identification became an interesting code that grew broader, but still maintained the idea that people targeted shared some kind of group identification. Over time those groups changed and changed in response to the contexts that were presented. Initially, the idea of targeting a group of people seemed like an option other than targeting entire nationalities, for example, after a Coup d'état in Burma all Burmese citizens were not targeted, but people in connection to the Coup d'état were. Therefore, they were coded as a group that shared some kind of identification. Further along, we saw President Trump {R} banning people that had visited certain areas of the World in an attempt to limit the spread of COVID19, although seemingly in different situations these were also coded as people sharing group identification. Both 'sharing group identification' and 'nationalities' were similar in that they were clearly contextual situations that were met with a response of grouping people together. Interestingly, the term 'southern border' was not identified within the policies until

President Trump {R}, and it was coded 5 times. The term 'Caribbean region' was also the only other region coded, and it was coded once by Democrats. These both seemed to be reactions to migrant situations in these areas which are tension spots for the U.S. Migration.

Below is a visual for the various states specifically mentioned by orders. Notably, they are all considered to be a part of the global south, other than Hong Kong. One significant partner in immigration policy is absent from the list, Mexico. Perhaps this is once again a reflection of immigration being used as a foreign policy tool, and in an effort to not damage a diplomatic relationship, policies involving Mexico would be dealt with in more direct agreements. Additionally, with the idea in mind that the list is missing some of the countries that are the largest sending countries to the United States, one must ask what binds these specific nations to each other? It is interesting to note that most of these nations have unstable governments, this could be a significant that the United States is willing to work more diplomatically with nations who have democratically elected, stable government, but in authoritarian regimes like Venezuela or Military Coup d'état states like Burma presidents are more likely to issue an executive order, possibly as a last resort.

Countries Targeted by Executive Actions

Created with Datawrapper
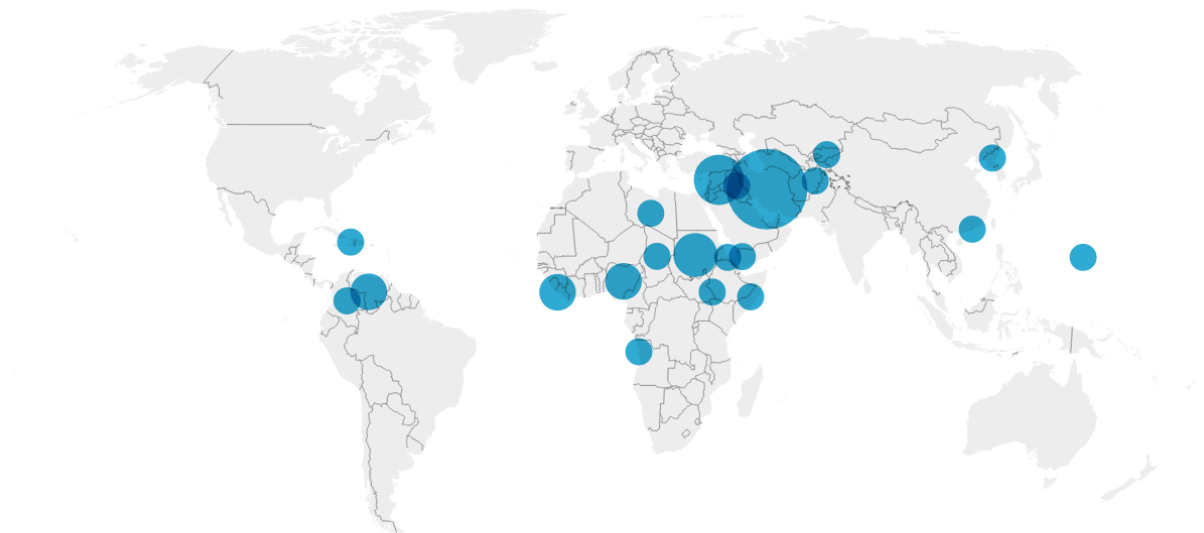
Africa	Americas:	Asia:
Sudan	Colombia	Burma
Nigeria	Haiti	Afghanistan
Angola	Venezuela	Iran
Libya		Syria
Somalia		Iraq
Liberia		Yemen
		North Korea
		Hong Kong

To what extent do Democrat and Republican presidents differ in their approaches to immigration policy through executive orders?

Overall, the most significant analysis found was something that I did not expect to be as prominent as it is. It is very common that Executive action has been used by all presidents as political tools for foreign policy. In orders such as EO 7294 where migration rights were suspended President Clinton{D} justifies it by arguing that because of the actions of the Federal Republic of Yugoslavia to 'obstruct democracy' and 'suppress independent media and freedom of the press' in Serbia, Montenegro, and Kosovo any officials of the Federal Republic of Yugoslavia were banned. This is clearly a foreign policy tool to express disapproval for the manner in which the state acted. Similarly, in EO 13742 where migration rights were restored there was the justification that the state of Burma 'made substantial advances to promote democracy' and references to the sign of increasing human rights. When looking at the list of countries targeted there is a consistent theme of countries that are in transitional periods, have weak democracies or authoritarian regimes, and they tend to be places with ongoing conflicts. This is important to highlight as the 'suspension of entry' policies have a strong effect on people attempting to escape violence or instability in those places. These executive orders display the use of executive orders as a measure for rewarding or reprimanding foreign governments and act as a form of sanctions. With Presidents being the Head of State, foreign policy is a main distinction between the powers of congress and the President, therefore it is logical that most

of the policies enacted by the Presidents, across both political parties, had a foreign policy component.

Additionally, the lack of integration and in general domestic migration policy reflects the idea that migration policy from the President is often aimed on the outward policies of immigration, not policies once migrants are admitted into the United States. Although there are some instances where executive action was used as a domestic tool for political purposes, the content of the actions is rarely focused on what happens once a migrant enters the United States borders. It has been pointed out that in his first days in office President Trump{R} signed multiple executive orders, skipping the potential of working with congress altogether, exemplifying an urgency to deliver on his campaign promises (Adamson, 2019). Adamson pointed out that through executive action President Trump{R} called for 15,000 new border patrol agents, but without congressional allocation of funds nothing would happen (Adamson, 2019). It is the job of the administration to negotiate and ensure funding for executive action, so what is the point in signing a policy that does not have the funding to be carried out? With the theory of unilateral action being used as a political tool, this could be interpreted as President Trump{R} signalling to his voters without having the logistics in place for anything to change. In a slightly different manner after President Obama's {D} Dream Act failed to pass congress in 2011, he passed the Deferred Action for Childhood Arrivals Executive Memorandum, which was not identical to the Dream Act, but contained many similarities. In this, it can be seen that President Obama {D} employed executive action to achieve a domestic policy goal that he campaigned on. While both these instances reflected the priorities that each President campaigned on, there is a clear difference in President Trump{R} signing five orders within the first two weeks of his presidency, and President Obama {D} signing an order after a three-year long negotiation with congress that ultimately resulted in a bill failing. While there was an attempt from President Obama {D} to work in a bipartisan manner, and engage with congress, that was not observed in similar instances with President Trump{R}. Some would argue that this made President Trump more effective in carrying out his campaign policies, but less effective in engaging in political bipartisanship.

This idea leads us into a main theme throughout the data analysis. There is a difference between Democrats and Republicans executive action on immigration, but to what extent of that difference must be attributed to President Trump{R}. First, we must consider the sheer number of Executive Action policies released by President Trump{R}. With a yearly average of 11.75 actions, President Trump{R} had two more orders in his four years than Presidents Clinton{D}, Bush {R}, and Obama {D} combined over the course of twenty-four years.

Ultimately, it is interesting to take a step back from actions relating to Immigration and see whether the high number of executive orders was a trend across all categories, or if President Trump{R} seemed to have a focus on immigration.

President	Total Executive Actions	Years in Office
Clinton {D}	1390	1994-2000
Bush {R}	1804	2001-2009
Obama {D}	2107	2009-2021
Trump{R}	1127	2017-2021
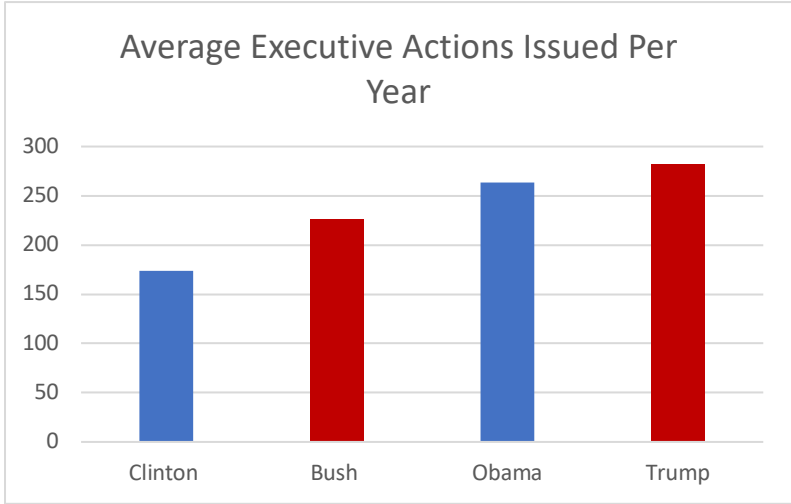
Referring to the table above it is interesting to note that President Clinton{D} had the lowest number of executive actions, with President Obama{D} having the most, although President Trump{R} had the highest average per year. While President Trump{R} had the highest average

per year his average number of actions is not significantly more than the other Presidents and seems to follow the pattern of an increasing number of actions being released by the President irrespective of the political party. Therefore, it is interesting that President Trump{R} had such a significantly higher number of orders on immigration in this study. This reveals the increased tendency of President Trump{R} to address the immigration in his executive actions, higher than the tendencies of his predecessors.

It is interesting to note that despite President Trump{R} having significantly more presidential actions, Democrats had more actions on border and security enforcement. Although similar (5 for Democrats and 4 for Republicans) as an overall percentage of the number of actions from each party, 14% of Democratic actions were in this category versus 6% of Republican actions. Therefore, Democrats dedicated a higher percentage of their actions to border and security enforcements. This fits in with the theory that argued that Democrats are typically highly criticised as not being 'tough' enough on the border, and therefore lean into more border policies in order to counteract the criticism. Although, a limitation of this thesis must be acknowledged in that this thesis is not attempting to make an analysis on the deeper content or effects of the content within the policies. Therefore, while the data proves that Democrats have more bills on border and security developments it does not necessarily reflect that Democrats are more restrictive or tough on the border, because the policies coded into that section could be removing agents from the border or increasing technology in order to speed up border processes. In the same vein, Republicans having more policies on citizenship does not reflect what type of policies were written, they could be removing access to citizenship.

With this analysis in mind, the paper will review the expectations as they relate to the findings and analysis in order to draw overall conclusions.

Expectation 1: Unilateral Action Theory

The expectation that executive action is used as a politicisation tool was correct, confirming unilateral action theory. Each of the Presidents displayed a use of Unilateral Action as a means of foreign policy, specifically, using suspension of entry as a mobility sanction on certain groups

and populations. While this expectation was correct, the analysis revealed that over the course of the four presidencies, the suspension of entry's has shifted from banning entire nationalities, to more specific groups such as military leaders. Additionally, it was found that there was a pattern of the suspension of entries occurring as a means of fighting back against 'anti-democratic' values.

Domestically, I underestimated the degree to which executive action is used as a political tool to engage and employ voters, through delivering on campaign promises, for example Trump{R} rescinding the Deferred Action for Childhood Arrivals Act. Although it did not happen an incredible number of times, this did occur with both the Obama{D} and Trump{R} presidencies. Both instances were not bipartisan and caused outrage, and legal battles over the policies. Overall, the expectation was correct though, that most of the policies that occurred were less polarising and more about the function of 'screening' who enters the U.S. via suspension of entry, and reinstation of entry.

How presidents may (or attempt to) strike a balance between popular and effective policies is the key unanswered topic in the discussion of unilateral action theory. If Presidents are using policies in order to mobilise and satisfy voters, there must be an assurance that these policies are effective in pursuing the goals of the United States Immigration system. And while that question can be interpreted as partisan, it was not the question of this research, but further research should be conducted into how / if we can balance effective policies versus popular policies.

Expectation 2: Methods

Overall, the expectation that Democrats and Republicans are addressing the same policy areas and using the same policy tools was correct. Qualitatively and quantitatively the policies from both parties leaned towards similar actions, such as increasing border agents to address irregular migration, and suspended migration from certain 'anti-democratic' states. The perceived difference comes from the policies that are headline grabbing and polarising, therefore they garner a lot of attention due to their polarising nature. The majority of policies are very similar in their actions, although there were some policies from President Trump{R}

such as pausing the admission of refugees for 90 days, which reflected a new approach to the policies.

Therefore, with the knowledge that Democrats and Republicans are addressing the same policy areas with the same measures, and with the previously established notion that the U.S. Immigration system is not effective for migrants or United States citizens, one must ask why there is not more of an interest or effort to invest in new strategies? Using the same tools repeatedly is resulting in a lack of change within an ineffective system, therefore Presidents must be emboldened to use innovative strategies to address the ongoing shortcomings in the current system. Some would argue that this can be observed in President Trump's {R} approach to unilateral action on immigration, as he stands out as unique in some of his attempts to craft policies. If Democrats hope to counteract the actions of the Trump administration on immigration, they too must adopt bold, new policies.

Expectation 3: More Democratic than Republican actions

The final expectation was that Democrats would have more presidential actions on immigration than Republicans. Over the course of sixteen years, versus twelve years Republicans had significantly more actions than Democrats on immigration. On a broader note, it should be highlighted that the number of presidential actions per year has increased steadily throughout the presidencies, regardless of parties. With this knowledge it is then even more significant to draw attention to the quantity of presidential actions that Republicans have geared towards immigration. This reveals the tendency of Republican Presidents to address immigration topics via executive action, more than the Democrat Presidents.

Conclusion and Recommendations Chapter

Presidential executive action is an under researched topic, specifically within research on immigration policy in the United States. Following a qualitative and quantitative model of policy analysis, 92 presidential executive action documents were analysed, spanning the past four presidents of the United States (Clinton, Bush, Obama, Trump). This thesis added to previous literature which highlighted executive actions on immigration, but never solely focused on the category of executive actions on immigration. Furthermore, the thesis sought to categorise and

analyse trends between Presidents and political parties, which has not been addressed in current literature, adding to the commentary on politicization in immigration policymaking. Therefore, the question was answered, *"To what extent do Democrat and Republican presidents differ in their approaches to immigration policy through executive action?"*

There is a general pattern that across Democrats and Republicans executive action on immigration is restrictive, therefore not differing. Both Democrats and Republicans used executive action as a foreign policy tool to reward or sanction groups or nations, often in relation to the pursuance of 'democratic values.' The 'Suspension of Entry' policy measure was extremely common and used by every president across political party lines. Therefore, the act of restricting mobility, particularly as a foreign policy tool, was a unique finding adding to the literature. There was not a consistent effort to used executive action as a domestic tool, as there was a lack of actions on integration or assimilation.

A new key insight is that there is consistency across presidents that the executive actions are qualitatively similar in terms of content, with policy measures and target areas revealing similarities. Overall, Republican presidents have had many more executive actions on immigration than Democrat presidents. This brings us to the point of if the differences in executive action was aligned by political party, or due to President Trump. A limitation of this study is that Democrats and Republicans were represented by two Presidents each, but this could skew data, as we see the outlying data from President Trump has a significant impact on the analysis of the Republican party. President Trump had 47 executive actions relating to immigration, more than the other three presidents combined. These actions were typically more unique, polarising and bold, such as suspending the United States Refugee Admission System for 90 days. Furthermore, former President Trump displayed less effort than the other Presidents to work with congress in a bipartisan manner to solve immigration issues.

While there are some differences between Democrat and Republican Presidents approaches to executive action relating to immigration issue, the more significant finding is that former President Trump displayed a unique policy approach compared to his predecessors.

These policy recommendations were derived from the previous policy analysis.

Presidents should seek new, and innovative policies to implement through executive action. As established early in the thesis, the current immigration system is not working for Americans or migrants, and congress is unable or unwilling to work together to fix it. Therefore, presidents must take bold unilateral action in order to address the concerns being raised by migration research.

Domestically speaking, taking bold action is risky, as it can leave policies in limbo between administrations. Therefore, in order to deliver on campaign promises, presidents should use executive action as a means of addressing immigration issues, and then the party should further campaign on these delivered actions. Using the threat of a changing party as a motivator for encouraging citizens to vote if they want to see the changes last.

Moreover, bold action is required to counterbalance the current tides of immigration policy in the United States. Recently, former President Donald Trump vowed to end birth right citizenship through executive office on his first day, if elected in 2024. Who is to say if this is a smart political move, but what stands is that candidates like Donald Trump make bold promises, and as was observed in his last presidency, he delivers them through executive action. If Democrats, or other Republicans want to counteract these promises they must begin to create bold policies that ignite their bases. There must be less hesitancy in using executive power to craft immigration policy.

These actions must be new, innovative, and effective. The goals of these policies must be twofold, and while these policies should be used as a tool for political campaigning, they also must be effective in enacting positive change for the target populations. The study shows that there is little variety in the policy tools employed by Democrats and Republicans. There is a need for change in the American immigration system, and in order to achieve those changes there must be new, innovative strategies and policies that are effective for both Americans and migrants.

Finally, on an international scale presidents must be cautious of using mobility as a tool for foreign policy and must ensure that the populations that are being affected by suspension

of entries are the intended populations. The use of 'Suspension of Entry' policies was significant from all the President's, marking its significance as a policy measure used by President's. Mobility is a human right and restricting it should be treated with sanctity.

Limitations and Outlook for Further Research

Future research should be conducted into the impact of the policies to gain deeper understanding into if there are different levels of impact on immigrants. The limitations of the study can be addressed through future research which involves deeper investigation into individual actions and evaluations into the level of impact these actions have on immigration policy in the United States. This study was a broad document analysis but was limited in the ability to deeply analyse levels of change, restrictiveness, or effectiveness of the policies. This is also a gap in the research which can be address through further study.

There is a significant qualitative difference between Democrats and Republicans in terms of the number of executive actions produced. This thesis has argued that the difference is largely attributed to President Trump who was a quantitative outlier with the number of executive actions passed. Finally, there was nuance in the way that executive action was approached between President Trump and the other Presidents, exemplifying the importance of further studying the processes leading to an executive action being passed.

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Appendix A. *List of Documents Analysed*

Table 1: *List of Documents Analysed*

Document Label	Document Name	Number of Pages
92 Documents		Total: 445
Clinton1	Memorandum of February 7, 1995 *Deterring Illegal Immigration*	5
Clinton 2	Presidential Determination No. 95–49 of September 28, 1995 *Immigration Emergency Resulting From Alien Smuggling by Organized Crime*	1
Clinton 3	Executive Order 12989 of February 13, 1996 *Economy and Efficiency in Government Procurement Through Compliance With Certain Immigration and Naturalization Act Provisions*	3
Clinton 4	Proclamation 6925 of October 3, 1996 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Formulate or Implement Policies That Are Impeding the Transition to Democracy in Burma or Who Benefit From Such Policies*	2
Clinton 5	Proclamation 6958 of November 22, 1996 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Are Members or Officials of the Sudanese Gov- ernment or Armed Forces*	2
Clinton 6	Presidential Determination No. 97–18 of February 28, 1997 *Certification for Major Narcotics Producing and Transit Countries*	26
Clinton 7	Presidential Determination No. 97–16 of February 12, 1997 *Immigration Emergency Resulting From Alien Smuggling*	1
Clinton 8	Executive Order 13042 of April 9, 1997 *Implementing for the United States Article VIII of the Agree- ment Establishing the World Trade Organization Concerning Legal Capacity and Privileges and Immunities*	2
Clinton 9	Proclamation 7060 of December 12, 1997 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Are Senior Officials of the National Union for the Total Independence of Angola ("UNITA") and Adult Members of Their Immediate Families*	2
Clinton 10	Proclamation 7062 of January 14, 1998 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Are Members of the Military Junta in Sierra Leone and Members of Their Families*	1
Clinton 11	Proclamation 7219 of August 2, 1999 *Contiguous Zone of the United States*	2
Clinton 12	Memorandum of April 16, 1999	1

	Delegation of Authority Under Sections 212(f) and 215(a)(1) of the Immigration and Nationality Act	
Clinton 13	Presidential Determination No. 2000–16 of February 29, 2000 *Presidential Determination on Major Illicit Drug Producing and Drug Transit Countries*	24
Clinton 14	Proclamation 7249 of November 12, 1999 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Repression of the Civilian Population in Kosovo or for Policies That Obstruct Democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro) ("FRY") or Otherwise Lend Support to the Current Govern- ments of the FRY and of the Republic of Serbia*	2
Clinton 15	Proclamation 7359 of October 10, 2000 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Impeding the Peace Process in Sierra Leone*	2
Clinton 16	Proclamation 7249 of November 12, 1999 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Repression of the Civilian Population in Kosovo or for Policies That Obstruct Democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro) ("FRY") or Otherwise Lend Support to the Current Govern- ments of the FRY and of the Republic of Serbia*	2
Clinton 17	Memorandum of September 24, 1999 *Delegation of Authority Under Sections 212(f) and 215(a)(1) of the Immigration and Nationality Act*	1
Bush 1	Proclamation 7524 of February 22, 2002 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Actions That Threaten Zimbabwe's Democratic Institutions and Transition to a Multi- Party Democracy*	2
Bush 2	Proclamation 7452 of June 26, 2001 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Actions That Threaten International Stabilization Efforts in the Western Balkans, and Persons Re- sponsible for Wartime Atrocities in That Region*	2
Bush 3	Executive Order 13269 of July 3, 2002 *Expedited Naturalization of Aliens and Noncitizen Nationals Serving in an Active-Duty Status During the War on Terrorism*	1
Bush 4	Executive Order 13228 of October 8, 2001 *Establishing the Office of Homeland Security and the Home- land Security Council*	6
Bush 5	Executive Order 13276 of November 15, 2002 *Delegation of Responsibilities Concerning Undocumented Aliens Interdicted or Intercepted in the Caribbean Region*	3

Bush 6	Executive Order 13286 of February 28, 2003 *Amendment of Executive Orders, and Other Actions, in Con- nection With the Transfer of Certain Functions to the Sec- retary of Homeland Security*	17
Bush 7	Executive Order 13323 of December 30, 2003 *Assignment of Functions Relating to Arrivals in and Depar- tures From the United States*	1
Bush 8	Proclamation 7750 of January 12, 2004 *To Suspend Entry as Immigrants or Nonimmigrants of Per- sons Engaged in or Benefiting from Corruption*	2
Bush 9	Executive Order 13465 of June 6, 2008 *Amending Executive Order 12989, as Amended*	3
Bush 10	Executive Order 13480 of November 26, 2008 *Exclusions From the Federal Labor-management Relations Program*	4
Bush 11	Proclamation 8158 of June 28, 2007 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies and Actions That Threaten Lebanon's Sovereignty and Democracy*	2
Bush 12	Executive Order 13442 of August 13, 2007 *Amending the Order of Succession in the Department of Homeland Security*	3
Bush 13	Proclamation 8015 of May 12, 2006 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten the Transition to Democracy in Belarus*	2
Bush 14	Proclamation 7750 of January 12, 2004 *To Suspend Entry as Immigrants or Nonimmigrants of Per- sons Engaged in or Benefiting from Corruption*	2
Obama 1	Executive Order 13687 of January 2, 2015 *Imposing Additional Sanctions With Respect To North Korea*	4
Obama 2	Executive Order 13716 of January 16, 2016 *Revocation of Executive Orders 13574, 13590, 13622, and 13645 With Respect to Iran, Amendment of Executive Order 13628 With Respect to Iran, and Provision of Implementation Authorities for Aspects of Certain Statutory Sanctions Out- side the Scope of U.S. Commitments Under the Joint Com- prehensive Plan of Action of July 14, 2015*	8
Obama 3	Proclamation 8342 *To Suspend Entry As Immigrants And Nonimmigrants of Foreign Government Officials Responsible for Failing To Combat Trafficking In Persons*	3
Obama 4	Executive Order 13608 of May 1, 2012 *Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Re- spect to Iran and Syria*	4
Obama 5	Executive Order 13729 of May 18, 2016	5

	A Comprehensive Approach to Atrocity Prevention and Re- sponse	
Obama 6	Executive Order 13645 of June 3, 2013 *Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Freedom and Counter- Proliferation Act of 2012 and Additional Sanctions With Respect To Iran*	9
Obama 7	Proclamation 8693 of July 24, 2011 *Suspension of Entry of Aliens Subject to United Nations Se- curity Council Travel Bans and International Emergency Eco- nomic Powers Act Sanctions*	5
Obama 8	Proclamation 8697 of August 4, 2011 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Hu- manitarian Law Violations and Other Abuses*	3
Obama 9	Executive Order 13628 of October 9, 2012 *Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Threat Reduction and Syria Human Rights Act of 2012 and Additional Sanctions With Respect to Iran*	7
Obama 10	Executive Order 13742 of October 7, 2016 *Termination of Emergency With Respect to the Actions and Policies of the Government of Burma*	2
Obama 11	Memorandum of November 21, 2014 *Modernizing and Streamlining the U.S. Immigrant Visa Sys- tem for the 21st Century*	2
Obama 12	Executive Order 13749 of November 29, 2016 *Providing for the Appointment in the Competitive Service of Certain Employees of the Foreign Service*	2
Obama 13	Executive Order 13753 of December 9, 2016 *Amending the Order of Succession in the Department of Homeland Security*	2
Obama 14	Memorandum of December 22, 2016 *Supporting New American Service Members, Veterans, and Their Families*	3
Trump 1	Executive Order 13767 of January 25, 2017 *Border Security and Immigration Enforcement Improvements*	5
Trump 2	Executive Order 13768 of January 25, 2017 *Border Security and Immigration Enforcement Improvements*	4
Trump 3	Executive Order 13769 of January 27, 2017 *Protecting the Nation From Foreign Terrorist Entry Into the United States*	6
Trump 4	Proclamation 9842 of February 7, 2019 Addressing Mass Migration Through the Southern Border of the United States	3
Trump 5	Executive Order 13776 of February 9, 2017 *Task Force on Crime Reduction and Public Safety*	2
Trump 6	Executive Order 13773 of February 9, 2017	3

	Enforcing Federal Law With Respect to Transnational Crimi- nal Organizations and Preventing International Trafficking	
Trump 7	Memorandum of March 6, 2017 *Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry Into the United States, and Increasing Transparency Among Departments and Agencies of the Federal Government and for the American People*	3
Trump 8	Executive Order 13780 of March 6, 2017 *Protecting the Nation From Foreign Terrorist Entry Into the United States*	10
Trump 9	Memorandum of March 28, 2019 *Extension of Deferred Enforced Departure for Liberians*	2
Trump 10	Memorandum of April 6, 2018 *Ending "Catch and Release" at the Border of the United States and Directing Other Enhancements to Immigration En- forcement*	3
Trump 11	Proclamation 9723 of April 10, 2018 *Maintaining Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terror- ists or Other Public-Safety Threats*	4
Trump 12	Memorandum of April 22, 2019 *Combating High Nonimmigrant Overstay Rates*	2
Trump 13	Proclamation 9880 of May 8, 2019 *Addressing Mass Migration Through the Southern Border of the United States*	3
Trump 14	Executive Order 13871 of May 8, 2019 *Imposing Sanctions With Respect to the Iron, Steel, Alu- minum, and Copper Sectors of Iran*	4
Trump 15	Executive Order 13841 of June 20, 2018 *Affording Congress an Opportunity To Address Family Sepa- ration*	2
Trump 16	Executive Order 13876 of June 24, 2019 *Imposing Sanctions With Respect to Iran*	4
Trump 17	Executive Order 13846 of August 6, 2018 *Reimposing Certain Sanctions With Respect to Iran*	10
Trump 18	Executive Order 13848 of September 12, 2018 *Imposing Certain Sanctions in the Event of Foreign Inter- ference in a United States Election*	5
Trump 19	Executive Order 13849 of September 20, 2018 *Authorizing the Implementation of Certain Sanctions Set Forth in the Countering America's Adversaries Through Sanctions Act*	5
Trump 20	Executive Order 13815 of October 24, 2017 *Resuming the United States Refugee Admissions Program With Enhanced Vetting Capabilities*	4
Trump 21	Proclamation 9822 of November 9, 2018 *Addressing Mass Migration Through the Southern Border of the United States*	4

Trump 22	Executive Order 13902 of January 10, 2020 *Imposing Sanctions With Respect to Additional Sectors of Iran*	4
Trump 23	Proclamation 10138 of January 18, 2021 *Terminating Suspensions of Entry Into the United States of Aliens Who Have Been Physically Present in the Schengen Area, the United Kingdom, the Republic of Ireland, and the Federative Republic of Brazil*	3
Trump 24	Proclamation 9984 of January 31, 2020 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk*	4
Trump 25	Proclamation 9983 of January 31, 2020 *Improving Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terror- ists or Other Public-Safety Threats*	9
Trump 26	Proclamation 10042 of May 25, 2020 *Amendment to Proclamation of May 24, 2020, Suspending Entry as Immigrants and Nonimmigrants of Certain Addi- tional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus*	2
Trump 27	Proclamation 9992 of February 29, 2020 *Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus*	4
Trump 28	Proclamation 9993 of March 11, 2020 *Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus*	4
Trump 29	Proclamation 9996 of March 14, 2020 *Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus*	4
Trump 30	Memorandum of March 30, 2020 *Extending the Wind-Down Period for Deferred Enforced De- parture for Liberians*	3
Trump 31	Proclamation 10014 of April 22, 2020 *Suspension of Entry of Immigrants Who Present a Risk to the United States Labor Market During the Economic Recov- ery Following the 2019 Novel Coronavirus Outbreak*	4
Trump 32	Proclamation 10042 of May 25, 2020 Amendment to Proclamation of May 24, 2020, *Suspending Entry as Immigrants and Nonimmigrants of Certain Addi- tional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus*	2
Trump 33	Proclamation 10043 of May 29, 2020 *Suspension of Entry as Nonimmigrants of Certain Students and Researchers From the People's Republic of China*	3
Trump 34	Proclamation 10052 of June 22, 2020	5

	Suspension of Entry of Immigrants and Nonimmigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak	
Trump 35	Proclamation 10054 of June 29, 2020 *Amendment to Proclamation 10052*	2
Trump 36	Executive Order 13880 of July 11, 2019 *Collecting Information About Citizenship Status in Connec- tion With the Decennial Census*	5
Trump 37	Executive Order 13936 of July 14, 2020 *The President's Executive Order on Hong Kong Normaliza- tion*	5
Trump 38	Memorandum of July 21, 2020 *Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census*	3
Trump 39	Executive Order 13940 of August 3, 2020 *Aligning Federal Contracting and Hiring Practices With the Interests of American Workers*	2
Trump 40	Proclamation 9931 of September 25, 2019 *Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten Venezuela's Democratic Institutions*	3
Trump 41	Proclamation 9932 of September 25, 2019 *Suspension of Entry as Immigrants and Nonimmigrants of Senior Officials of the Government of Iran*	2
Trump 42	Executive Order 13888 of September 26, 2019 *Enhancing State and Local Involvement in Refugee Resettle- ment*	2
Trump 43	Proclamation 9945 of October 4, 2019 *Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System, in Order To Protect the Availability of Healthcare Benefits for Americans*	4
Trump 44	Proclamation 10131 of December 31, 2020 *Suspension of Entry of Immigrants and Nonimmigrants Who Continue To Present a Risk to the United States Labor Mar- ket During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak*	3
Trump 45	Proclamation 9645 of September 24, 2017 *Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats*	11
Trump 46	Executive Order 13810 of September 20, 2017 *Imposing Additional Sanctions With Respect to North Korea*	5
Trump 47	Executive Order 13788 of April 18, 2017 *Buy American and Hire American*	3