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A Tale of Two Administrations: A Comparison between the George W. Bush and the Barack H. Obama Administrations on Border Security

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Introduction

The Republican and Democratic political parties in the United States usually spar in the public arena about their achievements and failures regarding different policies that affect American citizens. This holds true for the subject of securing the U.S. borders. Since the terrorist attacks on September 11, 2001, U.S. border security and unauthorized immigration have become more prominent issues for American citizens. Policy implementation by elected Republican or Democratic officials commonly follows the core ideological values for each party. Political parties often express conflicting viewpoints about public policy, which can lead to discussions that will hopefully generate deeper understanding and possible solutions – a benefit of the democratic process.

In regard to immigration and border control, the Republican Party supports a system in which borders are permeated, where all foreign visitors should be identified and tracked through a biometric data system. In addition, the Republican Party opposes a blank amnesty for any unauthorized immigrants already in the United States (Bush & Bolick, 2013; Wroe, 2008). On the other hand, the Democratic Party has historically been very active in finding a path to legalization for unauthorized immigrants in the United States and firmly supported progressive initiatives such as the DREAM Act; a legislation proposed by the Obama Administration in which young children who were brought without authorization to the U.S. by their parents would be granted a legalized status in exchange for educational or military requirements (Corles, 2013).

Although both parties seem to philosophically disagree about particular issues involving immigration and border security, there are common themes within their policies. For instance, both parties support the abstract concept of "securing the border," cracking down on those who employ unauthorized immigrants, and providing a path for legalization of those who entered the country

unauthorizedly. Despite the efforts of both parties, concerns remain that U.S. borders are not secure, and that there has been an increase in unauthorized immigrants entering the United States, despite the continual procurement of new U.S. Border Patrol agents (Alden & Roberts, 2011).

The groundwork laid by the Bush and Obama administrations for border security and immigration set the climate for the current political debate. President Donald Trump has identified his plans to focus on these controversial issues. While this has caused some concern from both Republican and Democratic parties, it sets the stage for the current President to further his own agenda using the successes and failures of the previous administrations. The new President will have to satisfy the American public with regards to their concerns about the security of U.S. borders and unauthorized immigrants who enter the U.S. unchecked.

To have a better understanding of how the last two administrations have dealt with the overall issue of securing our borders, the central aim of this paper is to analyze and compare the border security-related legislation implemented by the Bush and Obama Administrations and the numerical data reflecting allocation of funds and personnel, along with apprehension rates, removals, and returns of unauthorized immigrants during the two administrations. Assuming that each administration seemingly aligned with the core ideological positions of their respective parties, it is important to have a clear idea of their policies and philosophical approaches to border security and immigration.

The George W. Bush Administration

Acts of terrorism encountered before the Bush Administration were singular, isolated occurrences (Mabee, 2007). Post-9/11, the U.S. was forced to realize that not only was it vulnerable to large scale threats, it was also unprepared. In response, the Bush Administration

started its tenure by creating the Department of Homeland Security (DHS). The DHS involved consolidating 22 government agencies totaling over 180,000 employees, which was the largest governmental reorganization since the creation of the Department of Defense 50 years prior (Mabee, 2007). The DHS has served to close the gap between border security and terrorism (Alden, 2012). The terrorist attacks of September 11, 2001 were an extremely impactful event in American history, which reshaped the way our nation viewed terrorism and our overall vulnerability.

The attacks on 9/11 provided an opportunity to redefine national security in the U.S. (Mabee, 2007). All of the diverse agencies that were involved in different aspects of 'homeland security,' including immigration, border control, coast guard, intelligence, and disaster management, were integrated and the focus was shifted to transnational actors, especially terrorist groups (Mabee, 2007). Several new policies were created and implemented to secure the U.S. borders as well as control unauthorized immigration. President Bush stated on September 20, 2001, that our war on terror began with al Qaeda, but it did not end there. He maintained that it would not end until every terrorist group of global reach had been found, stopped, and defeated (Goler, Rosen & Kirtz, 2005).

The first attempt at border security for the Bush Administration was to secure the U.S. border with Canada. In December of 2001, Tom Ridge, the director of the newly created Office of Homeland Security, and Canadian Deputy Prime Minister John Manley signed the "Smart Border" Declaration and created a 30-point action plan. This plan was designed to enhance the security of our shared borders with Canada while facilitating the legitimate flow of people and goods (The White House, 2002). The aim of the plan was to continually improve border security, information-sharing and law enforcement cooperation between the two nations as well as enhancing both countries' mutual security and cross-border commerce. The action plan had four pillars: (1) The

secure flow of people; (2) The secure flow of goods; (3) A secure infrastructure; and, (4) Information sharing and coordination in the enforcement of these objectives.

In 2005, President Bush declared border security as essential to the security of the U.S. homeland and advocated for new laws to assure the security of our borders. To this end, President Bush signed the DHS budget that same year, which approved $2.3 billion for increased border security, including resources to increase the number of U.S. Border Patrol agents, and $3.7 billion to apprehend unauthorized immigrants and hold them until they were deported (Goler, Rosen & Kirtz, 2005). The U.S. Border Patrol was able to use that funding to apprehend and send home more than 4.5 million people who entered the country unlawfully, including more than 350,000 with criminal records. At that point, President Bush had increased funding for border security by 60% since he first took office in 2001 (Goler, Rosen & Kirtz, 2005).

The Bush Administration proposed an approach to unauthorized immigration that included returning unauthorized immigrants to their homes more quickly, stronger detainment plans, and larger law enforcement efforts along the Southwest border. One of the plans announced by President Bush was an expansion of "interior repatriation," which referred to returning Mexican unauthorized immigrants to the interior of Mexico, rather than returning them to the other side of the border. At that time, President Bush stated that more than 85% of unauthorized immigrants entering the U.S. were Mexican, and most were escorted back across the border within 24 hours (Goler, Rosen & Kirtz, 2005). The Bush Administration argued that it was difficult for unauthorized Mexican immigrants to reach the border a second time if they were sent back to the interior of their country. This was a response to the decades-long governmental practice of "catch-and-release," which released four out of every five unauthorized Mexican immigrants and asked them to voluntarily return for a court hearing; this was because detainment facilities were too

crowded at the time. The Bush Administration perceived it to be an unwise policy, and President Bush wanted it to be eliminated.

In 2005, the Bush Administration implemented the Secure Border Initiative (SBI). This initiative was a critical component of the Customs and Border Protection (CBP) border security efforts, which were intended to help secure America's land borders with Mexico and Canada by ensuring the deployment of an integrated system including both tactical infrastructure and technology (Steinmetz, 2011). The SBI was a multi-year project that was intended to be comprehensive, addressing a number of deficiencies that led to increased unauthorized immigration. The SBI primary components were to add additional agents to patrol our borders and enforce immigration laws; create a comprehensive and systematic upgrading of the technology used in controlling the border; expand detention and removal capabilities to eliminate "catch and release" once and for all; and, greatly increase interior enforcement of our immigration laws – including more robust worksite enforcement (Gaines & Kappeler, 2012).

Technologically speaking, the key element of the SBI initiative was the SBInet, which consisted of an integrated network of sensors and cameras along the border (Shields, 2009). SBInet represented a virtual wall to be used in less populated areas for tracking the movement of people and vehicles at the border. The initial focus was on the 2,000-mile long Southwestern border with long term plans to implement the "virtual fence" to most of the nation's land borders. The first phase of SBInet was dubbed Project 28 and encompassed a 28-mile stretch of the Arizona border. The system would alert border agents when people attempted to cross the border without authorization. The border was then monitored by Unmanned Aerial Systems (UAS), satellites, radars, and cameras (Gaines & Kappeler, 2012).

On October 26, 2006, President Bush signed the Secure Fence Act of 2006. The Act directed the Secretary of the DHS to take appropriate actions to achieve operational control over U.S. international land and maritime borders within 18 months of enactment (The Secure Fence Act of 2006, 2006). The Act mandated systematic border surveillance through more effective use of personnel, technology and physical infrastructure enhancements to prevent unlawful border entry and facilitate border access by U.S. Customs and Border Protection. The DHS Secretary was also directed to report annually to Congress on border-control progress and provide at least two layers of reinforced fencing, installation of additional physical barriers, roads, lighting, cameras, and sensors. The fence extended 10 miles west of the Tecate-California port of entry and 10 miles west of the Calexico-California port of entry (The Secure Fence Act, 2006). The goal was to help secure America's borders, decrease unauthorized entry, drug trafficking, and security threats by building 700 miles (1,100 km) of physical barriers along the Mexico-United States border.

In response to concerns about tracking the millions of foreign visitors who travel in and out of the U.S. each year, Congress and the Bush Administration radically altered the nation's longstanding open-door policy toward foreign visitors, by signing into law in May of 2002, the Enhanced Border Security and Visa Reform Act (Bustos, 2002). The law prohibited issuance of non-immigrant visas to the citizens of the seven countries the U.S. Department of State deemed state sponsors of terrorism (Bahgat, 2003). The law imposed strict visa requirements on foreign visitors who came to the U.S. to study, do business or travel as tourists (Bustos, 2002). President Bush insisted that the new law was a necessary tool to prevent future terrorist attacks as it was imperative to know who was coming into our country and for what purpose they were coming. In addition, the Bush Administration wanted to know what foreign visitors were doing when they left the U.S. as a requirement to secure the American homeland. The Enhanced Border Security and

Visa Reform Act authorized the federal government to track the entry and exit of all foreign visitors, which was then divided among several federal agencies, including the FBI (Bustos, 2002). In addition, the new law required college and university officials to inform the federal government whenever a foreign student failed to enroll in school, and, by 2003, all passports had to contain "biometric" features that included electronic fingerprints and photos. Also, all airlines and ships had to submit passenger lists to immigration officials before they arrived in the U.S. Because of the new law, the Justice Department was authorized to hire hundreds of new Border Patrol agents along the Southwest and Northern borders. As a consequence, by 2003, 1000 new U.S. Border Patrol agents were stationed in the Southwest border and 300 at the Northern border (Bustos, 2002).

Another policy for border security that was introduced by the Bush administration was the U.S. Visitor and Immigrant Status Indicator Technology program (US-VISIT). Devised in 2004, this program required foreign visa applicants to have their biometric information collected before they reached U.S. borders (Shields, 2009). This policy was used to enhance the security of the U.S. while expediting legitimate travel and trade. Specifically, the program collected biographical and biometric identifiers (digital photographs and fingerprints) from foreign nationals at U.S. consulates. These identifiers were compared to those on watch-list databases to identify and flag "high risk" individuals. Officials captured the same biometric information and examined it to ensure that the individual seeking entry was the same individual to whom the visa was issued when approved visitors arrived at U.S. ports of entry (Bradbury, 2013). The biometric information collected allowed immigration officials to determine if the particular individual could receive a visa or gain entry to the United States. Since biometrics were unique and virtually impossible to

forge, biometrics were used to prevent people from using fraudulent documents to enter the U.S. without authorization.

Along with changes in border control came changes in the way U.S. travel requirements. President Bush signed the Western Hemisphere Travel Initiative (WHTI) into law December 17, 2004 (Bradbury, 2013). This initiative required U.S. citizens to present passports, passport cards, or any other WHTI-compliant document for entry into the U.S. (Ackelson, 2009). The WHTI also required all citizens of the United States, Canada, Mexico, and Bermuda to have a passport, or other accepted document that established the bearer's identity and nationality, to enter or depart the U.S. from within the Western Hemisphere. This initiative was implemented in two phases. First, air travel requirements went into effect January 23, 2007, and stated that all travelers, including children, must present a passport or secure travel document when entering the United States by air. Second, the land/sea requirements went into effect June 1, 2009, and required U.S., Canadian, and Bermudian citizens to present a WHTI-compliant document when entering the United States. In terms of security and border procedures, this act was regarded as the most significant change impacting American travelers since 2001. Strengthening border security and facilitating entry into the U.S. for legitimate U.S. citizens, foreign visitors, and residents was the purpose of this initiative. Because of the concern of authenticity, and the vast array of documents used to prove identity and citizenship, the initiative mandated the use of standardized, secure, and reliable documentation. This also allowed for quick and accurate identification of all travelers entering the U.S. (Bradbury, 2013).

President Bush signed the Real ID Act in May 2002. This law modified U.S. federal law pertaining to security, authentication, and issuance procedures standards for the state drivers' licenses and identification (ID) cards, as well as various immigration issues pertaining to terrorism

(Gaines & Kappeler, 2012). While the Bush Administration worked to establish and/or reinforce a physical barrier along the U.S.-Mexican border to keep unauthorized immigrants out, the administration actively sought to deport unauthorized immigrants living in the United States.

The Barack H. Obama Administration

To prevent unauthorized immigrants from entering the U.S. the Obama Administration initially enforced measures implemented by the Bush Administration. President Obama more than doubled the budgets to fund the Customs and Border Protection (CBP) and the U.S. Border Patrol, and increased the number of U.S. Border Patrol agents to 20,273 by 2015 (Argueta, 2016). President Obama's primary focus appeared to be more about comprehensive immigration reform; implementing such policies as the DREAM Act and the Deferred Action for Childhood Arrivals (DACA) policy (Skrentny & Lopez, 2013). The Obama Administration ordered unauthorized immigrants detained at the borders to be released as long as they claimed they had been in the U.S. prior to January 1, 2014 and were not found to be convicted felons – an effective compromise to the "catch and release" policy that the Bush Administration replaced (Skrentny & Lopez, 2013). A close examination of the Obama Administration's border-related policies reveals a pattern of continuity on enforcement-centered policies mirroring the policies of the previous administration. According to the White House (2015), the allocation of resources to combat unauthorized immigration and security in the Southwest border of the U.S. was "at an all-time high." The number of Border Patrol agents, border fencing and patrol aircrafts was doubled since 2008, and unauthorized border crossings were cut in half.

The Obama Administration's immigration reform efforts included two markers: employer sanctions and work verification (Aguirre, 2008). Whereas the Bush Administration's focus was

on apprehending undocumented immigrants, the Obama Administration implemented immigration reforms that focused on employer violations. The administration issued new guidelines to immigration agents to focus on employers who hired unauthorized immigrants rather than just to arrest workers. On July 1, 2009**,** in an effort to identify companies that hired undocumented workers, federal officials notified more than 600 businesses in the United States that their work records would be audited (Preston, 2009).

In August 2010, President Obama signed the Southwest Border Security Bill to bolster border security. This bill allocated $600 million to add more agents and equipment to the Mexican border. President Obama stated that this new law would also strengthen the partnership with Mexico targeting the gangs and criminal organizations that operated on both sides of U.S./Mexico border (Huey-Burns, 2010). This legislation mandated the hiring of 1,000 new U.S. Border Patrol Agents and increased the number of unmanned drones used for surveillance (Alfano, 2010). The Southwest Border Security Bill deployed enforcement personnel to the U.S./Mexico border and increased surveillance vehicles and intelligence along the border (Huey-Burns, 2010). The Department of Justice received $196 million for attorneys, federal imprisonment of unauthorized immigrant felons, legal expenses, and other security measures (Alfano, 2010). The White House claimed that the legislation was focused on protecting communities along the Southwest border and across the country (Huey-Burns, 2010).

In June 2014, the Obama Administration sought more than $2 billion from Congress to respond to the surge of unauthorized migrants from Central American countries crossing the U.S. Southwest border (Meckler, 2014). During this surge of unauthorized immigration, a record number of minors streamed across the Southwest border. U.S. law required that the apprehended children be turned over to the Department of Health and Human Services and placed with U.S.

sponsors until their cases are adjudicated. Immigration courts and an array of legal avenues can retain these young immigrants in the U.S. for years. In response, the Obama Administration asked for authority to return children to their home countries quicker. This request included tougher penalties for human smugglers and funds to detain and care for unauthorized immigrants until they could be processed (Meckler, 2014).

The Current Study

The purpose of this study was to analyze and compare the border security-related legislation implemented by the Bush and Obama Administrations, and the numerical data reflecting allocation of funds and personnel, apprehension rates, removals, and returns of unauthorized immigrants during the two administrations.

The current study was interested in testing two hypotheses:

Hypothesis 1—Border security legislation enacted during the Bush administration will be more closely aligned with Republican core ideology than the legislation enacted during the Obama administration, which will be more consistent with Democratic core ideology.

Hypothesis 2—Due to core ideological principles, the Bush administration will display higher numbers of deportations, removals, border-security expenditures, and allocation of personnel than the Obama administration.

Methods

A case study methodology was used to compare and contrast the border control legislations and numerical data of the Bush and Obama Administrations in order to find out patterns and estimates of border enforcement of both administrations, and test the two research hypotheses for

this study. A case study method is a logical and systematic attempt to investigate specifically one or more units of analysis with the purpose of having a better understanding, describing, and/or explaining a phenomenon related to the unit(s) of analysis (Berg, 2009). According to Yin (2003), case studies are the preferred strategy for a study seeking to answer "how" and "why" questions; researchers cannot manipulate the behavior of the unit(s) of analysis involved in the study, and when the focus of the investigation is on a "contemporary phenomenon within some real-life context" (p. 1). For the purpose of this study, the researchers used a comparative case study methodology (Jensen & Rodgers, 2001), in which the units of analysis chosen were laws, directives and U.S. Congress Acts, as well as numerical data on different aspects of immigration enforcement and border security from the Bush and Obama Administrations to be compared in order to have a clear understanding of the differences between the two administrations in regard to border security.

An important part of case study methodology is the use of different data sources to enhance the investigation of the phenomenon in question. Data sources may include direct observations, interviews, archival records, documents, physical artifacts, and participant-observation (Baxter & Jack, 2008). For this study, the researchers used online databases such as EBSCO, Proquest, and Academic Search Premier to find laws, directives, and U.S. Congress Acts corresponding to the Bush Administration and to the Obama Administration. Also, the researchers compared factual data obtained from governmental websites to draw conclusions about apprehension rates, monetary and personnel expending, among others, of each of the two administrations.

In order to analyze the data obtained and draw conclusions, the researchers used an explanation building technique for case studies. This technique analyzes the case study data by building an explanation about the case (Yin, 2003). That is, the border security policies, directives, laws, U.S. Congress Acts that were implemented by each administration were analyzed in-depth,

together with factual numeric data, in order to have a clear understanding of what each administration has accomplished in terms of border security. Furthermore, after exhaustive examinations of each of the data sources, the researchers were able to draw conclusions and answer the main research question of this study.

Analysis

Data of Border and Immigration Enforcement efforts of the Bush and Obama Administrations

During the Bush Administration, from 2001 to 2008, the U.S. Border Patrol apprehended 8,192,172 immigrants trying to unlawfully enter the U.S. During this period, the fiscal year 2001 showed the highest apprehension rate with 1,266,214 unauthorized immigrants trying to gain unauthorized access to the U.S., while fiscal year 2008 marked the lowest apprehension rate during this period with 723,825 unauthorized immigrant detentions (USCBP, 2016a). During the same period (2001-2008), 2,012,539 unauthorized immigrants were "removed," while 8,316,311 unauthorized immigrants were "returned" (Department of Homeland Security, 2014a). Removals are compulsory movements of deportable immigrants out of the U.S. A person who has been removed or deported, usually has to pay a fine and is banned five to twenty years from entering the U.S. again. When an unauthorized immigrant is returned, he or she voluntarily departs the United States after admitting his or her entry was unauthorized, waives his or her right to a hearing, and pays for the expense of their trip back to his or her country of origin (Department of Homeland Security, 2014a).

In regard to expenditures and personnel, the Bush Administration allocated a total of $42.3 billion for the U.S. Customs and Border Protection Agency from fiscal years 2002 to 2008. The

fiscal year 2008 marked their highest budget allocation for the CBP with $9.3 billion (Department of Homeland Security, 2016). During the same period of time, the Bush Administration allocated approximately $14 billion for funding the U.S. Border Patrol mission. When President Bush took office, there was a total of 9,212 U.S. Border Patrol agents; when he left office, the number of U.S. Border Patrol Agents was 17,499, a 90% increase on U.S. Border Patrol agents during his eight years in office (USCBP, 2017).

Table 1

Removals, Returns, and Border Patrol Apprehensions by Fiscal Year

	Removals	*Returns*	*Apprehensions*
2001	189,026	1,349,371	1,266,214
2002	165,168	1,012,116	955,310
2003	211,098	945,294	931,557
2004	240,665	1,166,576	1,160,395
2005	246,431	1,096,920	1,189,075
2006	280,974	1,043,381	1,089,092
2007	319,382	891,390	876,704
2008	359,795	811,263	723,825
2009	391,597	582,624	556,041
2010	382,265	474,233	463,382
2011	387,134	322,124	340,252
2012	418,397	230,386	364,768
2013	438,421	178,371	420,789
2014	414,481	162,814	486,651
2015	235,413	120,122	337,117
2016	344,354	106,600	415,816

Data of the U.S. Border Patrol apprehensions from 2009 to 2016, during the Obama Administration, show that 3,384,816 unauthorized immigrants were apprehended while trying to enter the U.S. unauthorizedly. During this period, the fiscal year 2009 showed the highest apprehension rate with 556,041 unauthorized immigrants trying to gain unauthorized access to the

U.S., while fiscal year 2015 marked the lowest apprehension rate during this period with 337,117 unauthorized immigrant detentions (USCBP, 2016b). During the period of 2009 to 2016, 3,012,062 unauthorized immigrants were removed, and 2,177,274 unauthorized were returned (Baker, 2017).

The Obama Administration, in terms of expenditures and personnel, allocated a total of $95.7 billion for the U.S. Customs and Border Protection Agency from fiscal years 2009 to 2016. During the fiscal year, 2016, the Obama Administration spent $13.5 billion funding the mission of the CBP (Department of Homeland Security, 2016), and between 2009 and 2016, $26.8 billion were allocated to the U.S. Border Patrol (USCBP, 2017). In regard to personnel, in between fiscal years 2009 and 2016, the Obama Administration increased the number of U.S. Border Patrol agents by 2,329 for a total of 19,828 agents (USCBP, 2016b).

Table 2

CBP Budget and U.S. Border Patrol Budget and Agents by Fiscal Year

	CBP Budget	*USBP Budget*	*USBP Agents*
2001		1,146,463,000	9,821
2002		1,416,251,000	10,045
2003	5,887,000,000	1,515,080,000	10,717
2004	5,942,000,000	1,409,480,000	10,819
2005	6,344,398,000	1,524,960,000	11,264
2006	7,113,495,000	2,115,268,000	12,349
2007	7,746,259,000	2,277,510,000	14,923
2008	9,285,001,000	2,245,261,000	17,499
2009	11,250,652,000	2,656,055,000	20,119
2010	11,449,283,000	2,958,108,000	20,558
2011	11,245,410,000	3,549,295,000	21,444
2012	11,781,438,000	3,530,994,000	21,394
2013	11,736,990,000	3,466,880,000	21,391
2014	12,463,893,000	3,634,855,000	20,863
2015	12,804,651,000	3,797,821,000	20,273
2016	13,565,294,000	3,642,820,000	19,828

Border Security-Related Legislation

    The Bush Administration.

From 2001 to 2008, 10 pieces of legislation were passed by both the House and the Senate

and signed by President George W. Bush relating to different aspects of border security (Bruno et

al., 2004). In the 107th Congress (January 3, 2001 to January 3, 2003), three pieces of legislation were enacted: USA PATRIOT Act (P.L. 107-56), the Enhanced Border Security and Visa Entry Reform Act of 2002 (P.L. 107-173), and the Homeland Security Act of 2002 (P.L. 107-296). The USA PATRIOT Act required the Attorney General and the Secretary of State to develop an integrated entry and exit data system to verify the identity of those individuals seeking entry into the U.S. In addition, this Act authorized appropriations to improve the security of the Northern Border of the U.S. with Canada (Seghetti, 2004). The Enhanced Border Security and Visa Entry Reform Act of 2002 required the Attorney General to install biometric identifier readers and scanners at all ports of entry by October 2004 (Seghetti, 2004). This Act also allocated funds for new border patrol agents and appropriated $150 million to make technological and infrastructure improvements in U.S. borders. Lastly, the USA PATRIOT Act required the implementation of a data sharing system for all federal law enforcement and intelligence agencies in order to have real-time information on the identity and admissibility of aliens. Finally, The Homeland Security Act of 2002 abolished the INS and transferred all immigration enforcement assets to the Bureau of Border Security (Seghetti, 2004). This Act also included a provision requiring the Secretary of the DHS to complete a fourteenth-mile fence project

In the 108th Congress, one piece of legislation was enacted related to border security: The Intelligence Reform and Terrorism Prevention Act (P.L. 108-458). This legislation required the Secretary of the DHS to initiate a pilot program to improve the security of the Northern border of the U.S. with Canada. In addition, the bill required the DHS Secretary to establish a program to use remote piloted aircrafts for border surveillance, and to increase the number of U.S. Border Patrol agents by 2,000 (Seghetti, 2004).

In the 109th Congress, three pieces of legislation were enacted by Congress and signed by President Bush that related to border security: the REAL ID Act (P.L. 109-13, Division B), the Department of Homeland Security Appropriations Act of 2007 (P. L. 109-295), and the Secure Fence Act of 2006 (P.L. 109-367). The REAL ID Act provided the Secretary of the DHS with the authority to build barriers and roads along the U.S. Borders, as well as a 14-mile fence near San Diego. In addition, this Act mandated the DHS to improve border infrastructure and technology (Bruno et al., 2006). The Department of Homeland Security Appropriations Act of 2007 allocated $1.2 billion to the construction of a fence and other barriers along the Southwest Border of the U.S. with Mexico and to improve technology to prevent unauthorized immigration (Bruno et al., 2006). The Secure Fence Act of 2006 directed the DHS to construct 850 miles of border fencing along the Southwest Border of the United States (Bruno et al., 2006).

The 110th Congress enacted two pieces of legislation related to border security: The Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) and the Consolidated Appropriations Act of 2008 (P.L. 110-161). The Implementing Recommendations of the 9/11 Commission Act authorized hiring 200 additional CBP agents to be assigned in the 20 busiest international airports in the U.S. (Bruno et al., 2008). The Consolidated Appropriations Act of 2008 modified the Secure Fence Act of 2006 by stating that the DHS should initiate construction of not less of 700 miles of fencing along the U.S. Southwest border with Mexico in locations where the installation of fencing is practical and effective. The DHS secretary was also directed to construct an additional 370 miles of fencing along the Southwest border to prevent unauthorized smuggling of persons or goods (Bruno et al., 2008).

Table 3

Border Security-Related Legislation Enacted During the George W. Bush Administration

Name	*Date Enacted*
The USA PATRIOT Act (P.L. 107-56)	October 26, 2001
The Enhanced Border Security and Visa Entry Reform Act of 2002 (P.L. 107-173)	May 14, 2002
The Homeland Security Act of 2002 (P.L. 107-296)	November 25, 2002
The Intelligence Reform and Terrorism Prevention Act (P.L. 108-458)	December 17, 2004
The REAL ID Act (P.L. 109-13, Division B)	May 11, 2005
The Secure Fence Act of 2006 (P.L. 109-367)	October 26, 2006
The Department of Homeland Security Appropriations Act of 2007 (P. L. 109-295)	Oct. 4, 2006
The Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53)	August 3, 2007
The Consolidated Appropriations Act of 2008 (P.L. 110-161)	December 26, 2007.

The Obama Administration.

From 2009 to 2016, six pieces of legislation were passed by Congress and signed by President Obama (Bruno, Ester, Lee, Siskin, and Wasem, 2011a; Bruno et al., 2011b; Bruno et al., 2014; Bruno et al., 2016). During the 111th Congress, the majority of the border-related legislation (five of the six legislations) was enacted. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) provided a supplemental allocation of $680 million for the Customs and Border Protection agency, including $60 million for improving technology and communications on the border, and $420 million to improve ports of entry (Bruno et al., 2011a). The Supplemental Appropriations Act of 2009 (P.L. 111-32) was enacted in response to the increase of drug-related

violence across the southwest border with Mexico. To this extent, $140 million was allocated to support activities of the U.S. Border Patrol (Bruno et al., 2011a). With Public Law 111-230, Congress appropriated $600 million emergency funds for border security: $176 million for additional border patrol agents, $14 million for tactical communications in the border (new radios, radio frequencies, and wireless communication technology), $32 million for the acquisition of an unmanned aerial vehicle, and $6 million for the construction of the new U.S. Border Patrol operating base (Bruno et al., 2011a). The Department of Homeland Security Appropriations Act (P.L. 111-83) funded 100 new border patrol agents and 22 support personnel. This legislation included $100 million for the installation of SBInet technology along the border (Bruno et al., 2011a). The Coast Guard Authorization Act of 2010 (P.L. 111-281) directed the Secretary of the DHS to update the biometric capabilities of the Coast Guard in order to identify individuals trying to gain access to the United States by sea (Bruno et al., 2011a).

No border security legislation was passed the two chambers during the 112th and 113th sessions of Congress. Although the DHS operations were funded by different House and Senate bills, partisan divisions over immigration and border security policies resulted in new border security legislation (Bruno et al., 2011b, Bruno et al., 2014). However, during the 114th Congress, the Border Jobs for Veterans Act of 2015 (P.L. 114-68) was enacted directing the Secretary of the DHS to consider hiring qualified veterans as CBP officers (Bruno et al., 2016).

Table 4

Border Security-Related Legislation Enacted During the Barack H. Obama Administration

Name	Date Enacted
The American Recovery and Reinvestment Act of 2009 (P.L. 111-5)	February 17, 2009
The Supplemental Appropriations Act of 2009 (P.L. 111-32)	June 24, 2009
The Department of Homeland Security Appropriations Act of 2010 (P.L. 111-83)	October 28, 2009
Public Law 111-230	August. 13, 2010
The Coast Guard Authorization Act of 2010 (P.L. 111-281)	October 15, 2010
The Border Jobs for Veterans Act of 2015 (P.L. 114-68)	October 16, 2015

Discussion

The findings of this study offer modest support for Hypothesis 1 as they suggest that the focus on policies implemented by the Bush Administration seem to heavily align with the core ideological positions of the Republican Party. The Bush Administration worked to secure America's borders and remove unauthorized immigrants living within the U.S. The Obama Administration placed a heavier emphasis on preventing new unauthorized immigrants from entering the U.S. and assisting those already living in the U.S. with finding pathways to becoming legal citizens (Beauprez, 2009; Ndege, 2012). In addition, during the Obama Administration, building a fence to secure the border was not a priority neither for Congress nor the Executive branch as the building of a wall seems to be a preferred method of the Republican Party.

The Obama Administration's continued support and increased enforcement of the policies initially implemented by the Bush Administration could supports several interpretations. First, it

could signify a similar ideological position about border security and unauthorized immigration from both parties. Second, it might be representative of politicians catering to the will of the American people as, regardless of Party affiliation, a desire and willingness to address concerns about national security. Third, it could have been another attempt by the Obama Administration to engage in bipartisanship, despite previous efforts that were unsuccessful. It is important to note that, during the first years of the Obama Presidency, the President focused on the medical care crisis and the need for an economic stimulus. By the time these issues were resolved, President Obama lost his majority in Congress and comprehensive immigration legislation could not be passed.

The Bush Administration was responsible for ten pieces of legislation signed into law by Congress and the Obama Administration was responsible for six pieces of similar legislation. It can be argued that President Obama had some difficulty in having his immigration reform policies considered by Congress as there was some unwillingness from the Republican Party to support the president's initiatives. President Obama also received criticism from some members of the Democratic Party regarding the "excessive" number of unauthorized immigrants that were deported and was accused of not caring about the effects that deportation has for immigrants and their families (Caplan-Bricker, 2014). Given the differences in philosophy between the two parties and the current oppositional political climate, it is easy to see the difficulty in implementing national policy for border security and unauthorized immigration.

The findings of this study do not support Hypothesis 2. The Obama Administration allocated more funds, more personnel, and removed more unauthorized immigrants than the Bush Administration. The Obama Administration removed 2,432,295 unauthorized immigrants, allocated $95.7 billion to fund the mission of the Customs and Border Protection agency, and

increased the number of U.S. Border Patrol agents to 19,828. The Bush Administration implemented the policies that were continued and expanded by the Obama Administration, which signifies a unified objective for the security of the U.S.

Regarding deportations and removals, some argued that the Bush Administration overused the so-called "catch-and-release" policy, despite his position that it was an unwise policy and should be eliminated (Meissner & Kerwin, 2009). Under this *de facto* immigration enforcement policy, Immigration and Customs Enforcement (ICE) released detainees and gave them a court date to appear before an immigration judge (Stumpf, 2013). According to the National Policy for Center Analysis (2005), 98 percent of the defendants never showed up for their court dates. Accordingly, the Bush Administration came under fire from Republicans and Democrats. This practice ended in 2006 (Stumpf, 2013). The Center for Immigration Studies (2014) reported that the "catch-and-release" policy was re-implemented by the Obama Administration. Citing ICE internal statistics, the Center for Immigration Studies (2014) indicated that "hundreds of thousands of deportable aliens were released instead of removed under the administration's sweeping 'prosecutorial discretion' guidelines" (p.1).

The Bush Administration increased the number of U.S. Border Patrol Agents annually until reaching 20,119 agents in 2009. The Obama Administration's reported fiscal years of 2014 and 2015, the number of Border Patrol agents decreased to the levels of 2009. Some have expressed concerns over the workload and work conditions of the U.S. Border Patrol agents in the last several years due to an unauthorized immigration wave of unaccompanied minors and family units to the Southwest border (Nicholson, 2017).

Policy Considerations

Despite all of the policies created and implemented by the Bush and Obama Administrations, concerns remain about U.S. border security and unauthorized immigration. Political debate has intensified between Democrats and Republicans after the Trump Administration announced its intentions to build a wall across the entire Southwest border, terminated the Deferred Action for Childhood Arrivals (DACA) program, eliminated the Temporary Protected Status (TPS), and significantly reduced the number of refugee admissions since the Refugee Act of 1980 (PL 96-212) was enacted (Pierce & Selee, 2017). Nevertheless, the security of the Southwest border is an on-going priority for national security experts and law enforcement officials (Martin, 2017). To this extent, I propose three policy considerations to improve the security of U.S. borders: (1) Modernization of U.S. ports of entry, (2) Improving the recruitment and retention of U.S. Border Patrol agents, and (3) Introducing a bipartisan comprehensive immigration reform legislation in Congress.

Deficient infrastructure at the U.S. borders facilitates unauthorized drug and human smuggling by transnational criminal organizations. The majority of the drugs smuggled into the United States by Mexican transnational criminal organizations are transported in vehicles through ports of entries. Drugs are usually concealed in hidden compartments in passenger vehicles or "commingled with legitimate goods on tractor trailers" (Drug Enforcement Agency, 2016, p. 7). In the Southwest border, the 47 ports of entry are mostly understaffed and overwhelmed with the amount of human and vehicular traffic they experience (Petraeus, Zoellick, O'Neill, & Tutle, 2014). For instance, the San Ysidro Port of Entry, located between San Diego and Tijuana, is the busiest port of entry in the Western Hemisphere with more than 70,000 northbound vehicles and 20,000 northbound pedestrians processed every day (Phelps, Dailey, & Koenigsberg, 2018). It has been estimated that there is a shortage of 3,800 CBP officers, with an actual vacancy rate of nearly

1,200 at ports of entry as of January, 2018 (Petraeus et al., 2014; The National Treasury Employees Union, 2018).

Due to the shortage of CBP officers in U.S. ports of entry, the DHS have conducted emergency deployments of CBP officers to Southwest border's ports of entry from other locations. It has also been reported that CBP officers in busy points of entry must work 16-hour shifts, and secondary inspection procedures of vehicles are often halted due to the lack of personnel (Miroff, 2018). To further prevent drug smuggling into the United States and improve security, efficiency, and the flux of people and goods is vital to properly staff ports of entry with the needed number of CBP officers.

The second way to better secure the U.S. borders is to increase the manpower of the U.S. Border Patrol. Although the U.S. Border Patrol has improved its technical capabilities by deploying cutting-edge surveillance technology in the Southwest and Northern borders, it has also faced serious challenges in achieving hiring goals for the last six years. Congress has set a minimum staffing level of 21,370 agents, but as of November of 2017, the U.S. Border Patrol had near 19,400 agents and it was losing an average of 904 agents per year (U. S. Government Accountability Office, 2018). U.S. Border Patrol recruitment and retention challenges include high competition with federal, state, and local law enforcement agencies, non-competitive compensation packages, working and living conditions in remote areas, and the use of a polygraph test as a condition of employment (U.S. Government Accountability Office, 2018).

To improve the recruitment and retention rates of U.S. Border Patrol agents, CBP could offer retention incentives, such as bi-annual salary increases; pay relocation and special salary rates for those officers deployed to more undesirable locations; design marketing campaigns aimed at recruiting military personnel who are leaving the service; and, provide feasible alternatives to

the polygraph test requirement as it has been reported that three in four candidates fail this test (Chapnick, 2018). Furthermore, to rapidly build up the manpower and capabilities of the U.S. Border Patrol, the DHS could consider giving local and state agencies the authority to investigate, detain, arrest, and deport unauthorized immigrants on civil and criminal grounds under the authority of Section 287(g) of the Immigration and Nationality Act (INA). State and local law enforcement agencies could be integrated in the Department of Homeland Security's Border Enforcement Security Task Forces (BEST). BEST acts as a fusion center for federal, state, tribal, local law enforcement, and intelligence entities in identifying and combating existing and emerging threats while still adhering to constitutional principles of federalism, protecting the rights of U.S. citizens, and combating threats to the nation (Carafano, Walsh, Muhlhausen, Keith, & Gentilli, 2006).

In 2013, Senators John McCain (R-AZ) and Charles Schumer (D-NY) led a group of U.S. Senators—four Republicans and four Democrats—known as the "Gang of Eight." They introduced a comprehensive immigration reform legislation to "create a pathway to citizenship for unauthorized immigrants already in the country, toughen border security, create a guest worker program and boost high-skilled immigration" (Cox, 2013, n.p). Although the Senate passed the Border Security, Economic Opportunity, and Immigration Modernization Act (S.744) with an ample margin, the bill was not considered by the House of Representatives (Bruno et al., 2014).

To improve U.S. border security while addressing some of the shortcomings of the U.S. immigration system, I suggest to actualize and revive key proposals of the S. 744 in a bipartisan bill to be introduced to Congress. In regard to border security, S. 744 proposed that DHS would be required to present to Congress an all-inclusive border security strategy for the Southwest border, which included fencing of 700 miles along the U.S.-Mexico border, technology-related

improvements, hiring 3,500 additional CBP officers at ports of entry, and the deployment of 19,200 additional border patrol agents (Rosenblum & Wassen, 2013). The new bill should concentrate on significantly enhancing the technological capabilities of CBP and the U.S. Border Patrol. Also, it should allocate the funds necessary to hire at least 4,000 new CBP officers to be placed at the ports of entry and 5,000 new U.S. Patrol Border officers.

S. 744 called for changing the provisions of the INA in regard to employment eligibility verification and worksite enforcement. Thus, S. 744 proposed for all employers in the U.S. to use an improved version of the existent E-verify system. Also, S. 744 sought to increase the civil and criminal penalties for employers that did not comply with the new system of verification (Rosenblum & Wassen, 2013). It is possible that by strictly enforcing these employment eligibility measures, unauthorized immigration may be deterred due to the lack of job possibilities in the U.S. without the proper work authorization.

Moreover, S. 744 addressed the legal status of unauthorized aliens in the U.S. S. 744 proposed a "new multi-step, multi-year process that would enable eligible unauthorized aliens to transition into a provisional legal status and ultimately to lawful permanent residence" (Rosenblum & Wassen, 2013, p.3). This process would give preference to children and agricultural workers that entered the country unauthorized. This plan should be revisited and included in the new bill.

By providing the necessary resources to control the flow of goods and persons through U.S. borders and creating a path to legalization to all those unauthorized immigrants already living in the U.S., the American society would achieve three goals: (1) Reach a level of consensus in regard to immigration between the Democratic and Republican parties; (2) Balance the strict enforcement of immigration law with American society's humanitarian and altruistic principles;

and, (3) Curve the human and drug smuggling activities of transnational criminal organizations along the U.S. Southwest border.

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