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# **BIDEN'S IMMIGRATION POLICIES AND ITS IMPACT ON LATIN AMERICA**

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Immigration, particularly from the Latin American countries, and its disruptive impact on the economic and security structures, has been a problem that has plagued the American administration for several decades. Despite having the largest immigrant population and being a settler-colonial society, comprehensive immigration reform has eluded the United States Congress for years. There has been an impasse on how to address immigration challenges such as border security and undocumented individuals which have charged the judicial and executive branches to make such controversial policy decisions<sup>1</sup>. Former President Donald Trump took a harsh stance on the issue and contentiously restricted immigration on multiple fronts, which invited many legal challenges. When President Joe Biden assumed office, he outlined his ambitious vision for reforming the immigration system, most of which was centred around halting or reversing his predecessor's policies<sup>2</sup>. Intending to offer a staunch departure in rhetoric on the issue, Biden's campaign highlighted measures to abrogate former President Donald Trump's draconian immigration legacy. The contrasting factor is Biden's attempts to restore compassion and adopt a more humane approach towards the immigration system juxtaposed to the divisive, inhumane, and immoral policies instituted during Trump's administration. Reforming the immigration policy towards Latin American countries has been a part of a larger foreign policy agenda for President Biden.

## Contrasting Trump and Biden's approach towards immigration

While juggling competing priorities, including the pandemic response and economic recovery, Biden has prioritized enacting several changes to initiate immigration reform:

- Having categorized immigration as legal, illegal and those with refugee status, we observe that there is a continuity in approach between Trump and Biden's immigration policy towards illegal immigration. This is exemplified in the return of the illegal immigrants to

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<sup>1</sup> Cheatham, Amelia, Danielle Renwick, and Claire Felter. 2020. "The U.S. Immigration Debate". *Council On Foreign Relations*. <https://www.cfr.org/backgrounder/us-immigration-debate>

<sup>2</sup> Cheatham, Amelia. 2021. "Breaking Down Biden's Immigration Actions Through Abbreviations". *Council On Foreign Relations*. <https://www.cfr.org/in-brief/breaking-down-bidens-immigration-actions-through-abbreviations>

their country of origin upon being seized by the border patrol agency. The departure however lies in the approach towards those seeking refugee status within the United States.

- The individuals who had applied for refugee status were forced to stay in Mexico under Trump's '*Remain in Mexico*' while their cases were being adjudicated. This policy has formally ended under the Biden Administration. The renewed immigration policies permit such individuals to stay in the United States while their application for being assigned a refugee status is processed by the courts.
- Immigration from the Northern Triangle and Mexico is no longer branded as a threat to national security as was the case under Trump. This represents a major transformation not just in speech but also in policy.
- The United States exercises a quota for legal immigration from each country. This policy had been reneged by Trump who instituted a travel ban from fourteen Muslim majority countries. President Biden has reversed this measure and enforced the quota without any religious distinction for legal immigration.

Another measure of difference lies concerning children. On this issue, the Trump administration's actions have stoked controversy and inspired large-scale public scrutiny for the lack of moral qualms about separating children from their families at the border. However, under the Biden administration, unaccompanied children arriving at the border are allowed to enter the United States and measures to reunite them with their families in the US are taken.

- The *dreamers*, individuals who had illegally entered the United States, are proposed to be given a path to citizenship under the Biden administration upon the approval of the US Congress. This stands in contrast to Trump's policies which were directed at phasing out the longstanding policy directed at dreamers in the *Deferred Action for Childhood Arrivals* (DACA).
- Biden has signed several executive orders to stop further construction of the US-Mexico Border Wall that had been built under Trump to prevent immigration from Latin American countries.

To encapsulate these measures, Biden said- "*I'm not making new law. I'm eliminating bad policy*", hinting at his resolve to dismantle the Trump administration's nativist legacy on immigration.

Biden is tasked not only with undoing Trump's complex web of regulations and policy changes, but also improving and enhancing the Obama era approach to immigration enforcement. Gearing administrative focus to the matter, Biden has undertaken several measures within a short duration. Central to Biden's approach is to enforce US laws without targeting particular communities, violating due process, or tearing families apart. The following section delves deeper into Biden's immigration policies and what they entail.

## Biden's proposed immigration policies

In keeping with rescinding Trump's policies due to humanitarian concerns and high moral costs, there has been a transition towards a more welcoming era for immigrants in the United States. The Biden administration has made some swift policy changes and introduced the *US Citizenship Act of 2021*<sup>3</sup>, an immigration reform bill, marking a symbolic and substantive shift from the policies that have shaped the last four years under Trump. In setting the tone of Biden's approach, the bill details out a plan to create an eight-year path to citizenship for undocumented immigrants, strengthening border security with new screening technologies and delivering aid to Central America by addressing the root cause of immigration. It is a bill that surpasses the *Immigration Reform and Control Act of 1986* under President Ronald Reagan, in terms of legalizing the greatest number of undocumented immigrants. The bill also focuses on revamping the asylum system and handling the immigrant influx at the US-Mexico border. Measures to streamline the immigration system have been assessed, indicating the intention to promote immigrant integration and inclusion. The asylum eligibility for immigrants, which had been truncated under Trump, is being recalibrated and the provisions of the Migrant Protection Protocol (MPP) are being suspended. Further, the US Immigration and Customs Enforcement (ICE) is preparing to issue new guidelines

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<sup>3</sup> "Fact Sheet: President Biden Sends Immigration Bill To Congress As Part Of His Commitment To Modernize Our Immigration System | The White House". 2021. *The White House*. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/>.

that would sharply curb arrests and deportations<sup>4</sup>. This is an attempt by the Biden administration to reorient and exert more control over the ICE, a body whose functions had been extended under Trump to expel unauthorized immigrants without legal ratification. While these measures are a part of President Biden's immigration reform bill, they have not been implemented due to a lack of support within the current US Congress.

## Reasons for migration in Latin American countries

The Latin American countries, particularly the Northern Triangle comprising of El Salvador, Guatemala, and Honduras, are riddled with large-scale corruption, chronic violence driven by the illicit drug trade and organized crime along with political fragmentation, and a debilitating economic crisis that has been exacerbated by the ongoing pandemic. Decades of civil war, deep-rooted problems, political instability, and gender-based violence also prevail in these regions<sup>5</sup>. The reduction of democratic institutions to mere symbols, food insecurity, absence of social services, poverty, breakdown of the social contract, the lack of access to resources and opportunities, with virtually no room for upward mobility has compelled citizens, including unaccompanied children, to flee their countries. As a consequence of this, there has been a large influx of immigrants at the southern border of the United States. There are three major push factors experienced in Latin America that explain large-scale migration.

### Economics

The literature on the classical and neo-classical theories posits that when there is a wage differential between the home country and the host country, it invites extensive migration. This is

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<sup>4</sup> Miroff, Nick, and Maria Sacchetti. 2021. "New Biden Rules For ICE Point To Fewer Arrests And Deportations, And A More Restrained Agency". *MSN*. <https://www.msn.com/en-us/news/us/new-biden-rules-for-ice-point-to-fewer-arrests-and-deportations-and-a-more-restrained-agency/ar-BB1dtd9Z>.

<sup>5</sup> Cheatham, Amelia. 2021. "Central America's Turbulent Northern Triangle". *Council On Foreign Relations*. <https://www.cfr.org/backgrounder/central-americas-turbulent-northern-triangle>.

seen dominantly in the countries of the Northern Triangle: El Salvador, Guatemala, Honduras, and to a lesser extent in Nicaragua and Mexico.

## Security

Migration enables individuals to not only buy goods but also safety and security which is not offered to them in their home countries. Organized crime groups in Latin American countries, with unprecedented levels of power, recruit young citizens threatening their security. The reason to escape these gangs strengthens the motivation of inhabitants in these countries to migrate to the United States.

## Social capital theory

The third push factor is associated with the literature of the Social Capital Theory. Individuals in the Latin American countries have family members living in the United States and are sending remittances. These family members create new opportunities for those left behind, causing the migration flow to be reinforced over the years. Thus, we can say that it is not only the geographical proximity that drives them to the American border but also the perception of America as the '*land of the brave and home of the free*'. The possibility of growth, economic opportunity, safety, and freedom is viewed as a compelling reason for many to be drawn to the American lure. As the leader and protector of the liberal international order, it must abide by the rules it once had a direct hand in creating. Deviation from these policies can negatively impact America's position and influence on the global landscape. Thus, it could be said that American posturing has been costing it.

## Biden's immigration policy towards Latin America

As the vice-president under the Obama administration, Joe Biden had secured bipartisan consensus to initiate reform in the Northern Triangle region through a \$750 million aid program. This was intended to tackle the root causes that are ingrained structural and societal issues that have made it difficult for people to prosper in their communities over the long term. Factors driving immigration include corruption, violence, endemic poverty, poor governance and climate

adaptation and resilience. The underlying principle spearheading this principle was that improved safety, security, and conditions of living in their communities would decrease migration flows. As the President of the United States, Biden wishes to build on this initiative with a comprehensive four-year, \$4 billion regional strategy that would require countries to contribute their resources and undertake significant, concrete, verifiable reforms<sup>6</sup>. In other words, the Biden plan promises to promote *'the rule of law, security, and economic development in Central America to address the key factors'* contributing to immigration<sup>7</sup>.

Addressing the problem right at its source can prevent it from compounding and turning into a recurring pattern that leads to a crisis. This is the rationale guiding the efforts and policy recommendations of the Biden administration. As a part of this comprehensive regional strategy, US funding to the Latin American countries is conditional upon the contribution from these countries and, taking responsibility for these prevailing circumstances as well as implementing initiatives for reform. The external financial aid that is being provided to these countries is not to throw money at the problem but rather to use it as leverage to coerce the regional countries to fulfil certain conditions and create genuine domestic change. It is well acknowledged that to create a tangible impact, the aid from the United States needs to be coupled with a long-term commitment by regional governments, the private sector, and civil society to combat corruption, improve conditions, and rebuild political legitimacy. Thus, the foreign aid being pumped into these countries is used to catalyse and support developmental activities. In this manner, the U.S. government can play a fundamental role by informing the decisions of policymakers in Central America and prioritizing certain measures<sup>8</sup>. Though it appears that the program is well-designed to address the problem by targeting its genesis, under Obama's administration it failed to deliver effectively as it got stuck in implementation. The structural change being made was not impactful enough in answering the needs of the communities and this dissatisfaction, despair and insecurity

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<sup>6</sup> Biden, Joe. 2020. "Why America Must Lead Again". *Foreign Affairs*.

<https://www.foreignaffairs.com/articles/united-states/2020-01-23/why-america-must-lead-again>.

<sup>7</sup> Chomsky, Aviva. 2021. "Biden's Plan For Central America Is A Smokescreen". *The Nation*.

<https://www.thenation.com/article/world/biden-central-america-immigration/>.

<sup>8</sup> Welsh, Teresa. 2018. "Play The Long Game:' US Must Continue Aid In Central America, Analysts Say". *Devex*.

<https://www.devex.com/news/play-the-long-game-us-must-continue-aid-in-central-america-analysts-say-93081>.

continue to drive immigration today. After much haggling from the United States Congress, the previous post-aid and rebuilding projects undertaken by America has proven to be a money drain and economic liability. The lack of proper political and financial institutions in the recipient country allows these funds to be abused by funnelling them back into the cycles of corruption which further feeds into the problem. Thus, economic stimulus without state-building measures only derails the progress and exacerbate the problem. The creation of legitimate institutions and strengthening of the political infrastructure from its current state of disorder is necessary to make such a project viable. Instead of replicating the same approach, Biden can take lessons from it to improve and enhance its capabilities in an attempt to deliver a solution on the contentious issue of immigration.

## **Challenges faced by the Biden administration**

Biden's actions in some ways have surpassed the expectations set for the first hundred days of his presidency, and in others, have fallen short. The United States exercises less leverage over the Latin American countries now than it did during the Obama administration as countries like Brazil, Peru, Colombia, and Bolivia have taken a sharp authoritarian turn over the last few years. The decrease in the democratic essence and increase in diversification of its economy causes these countries to no longer be dependent on the aid provided by the United States. Thus, they are unwilling to cooperate with the measures of state reform being initiated by the United States. The Latin American countries are not subject to the inducement by the United States as they were during the Obama presidency. Having lost their competitive edge, the challenge faced by Biden will be far greater than Obama's was towards reforming immigration from Latin America. To add to these challenges, the lack of consensus within the United States Senate could impede the transition of immigration policies to enforceable laws. The internal politicization within the Senate and the absence of congressional support could limit many of Biden's agenda to mere rhetoric, causing them to never be realized. With the growing opposition, the upcoming midterm elections may cause Biden to lose his democratic majority in both, the House and the Senate, which further worsens the possibility of the achievement of immigration reform. Along with these caveats, the



elaborate agenda set forth by Biden appears to be a long-term plan that cannot be accomplished during the four-year term of his presidency.

The divide between the land-owning government figures and non-government supporting indigenous groups solidifies the partisan dimension in the Latin American countries. It proves to be a central challenge as it de-incentivizes the governments to reform economically and politically. Due to the lack of financial and political capabilities in the receiving country, Biden's economic model of development has been condemned for fuelling migration under the guise of deterring it. The model has been accused of protecting the investor's interests and export of profits – one that benefits local oligarchs and transnational cooperation, instead of addressing the corruption and violence. That is to say that it rewards the same entrenched elites who are currently benefitting from the status quo. Thus, the United States must provide development assistance to Latin American countries through a multilateral framework such as the International Development Bank (IDB). Routing assistance through key development institutions rather than bilaterally could help omit the lack of accountability, domestic incapability and corruption that lies at the level of the government in the Latin American countries. This will remain crucial not just to the US presence in Latin America but also to Biden's larger foreign policy agenda of revitalizing multilateral systems and international institutions.

The United States had shifted its focus from Latin America to the Middle East in 2001, creating a vacuum for other international forces to fill in the gap. This structural condition paved the way for the arrival of China in the region. Thus, another dimension of significance is the growing Chinese influence in the region. Along with China's flagship Belt and Road initiative, many telecommunication and mining projects are being carried out in Latin American countries. The Chinese funded infrastructural development is taking root in all of Latin America, which is directly threatening America's position and proposition of nation-building in these regions. The United States is losing its influence in the region and can no longer effectively coerce these countries to implement democratic reform by way of its conditional aid provision. China's myopic non-conditional aid provision robs the Latin American countries of any incentive to cooperate and make positive changes as demanded by the United States. With waning American presence in the region, these countries have established an increasing economic interdependence with China. The asymmetric economic relationship that they share with China has long term policy implications

for the United States. The Biden administration faces the challenge of recovering its traditional influence and accelerating an economic relationship with the countries in Latin America as the absence of it contributes to diluting America's dominance, the security of its interests in the region and its ability to exercise reform.

## Conclusion

In the present term, there has been an increased migration from Latin American countries due to the desiccating impact of the pandemic on the economic and political structures, along with the perception that Biden's more enlightened approach would make it easier to try and enter the United States. Thus, Biden finds himself threading the balance carefully between adopting a more humane approach and one that is more feasible in terms of implementation. The Biden administration has rolled back several elements of Trump's policies but continues to remain shackled by its lingering impacts in the region. Apart from the economic stimulus, a more nuanced approach needs to be taken to decode the grass-root level problems and consequently implement policies focused on anti-corruption measures, multilateralism, the climate crisis, and helping create prosperity, especially in light of menacing Chinese development assistance in the region which threatens America's position<sup>9</sup>. The American effort to combat the mounting issue of immigration must begin with the investment in its capacity to remake the nations at its borders, that is to fundamentally change its structure. The policy design must include the rebuilding of state infrastructure so that efforts can be channelled through legitimate bodies instead of predatory elites that further the cycles of corruption. Along with political reform, energization of the private sector and mobilization of the civil society is key. Attention must be directed to assistance provision through key multilateral structures which can improve transparency and accountability along with promoting economic growth and institution building. Through these measures, a credible solution can be implemented.

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<sup>9</sup> Osborn, Catherine. 2021. "Biden's First Steps On Latin America". *Foreign Policy*. <https://foreignpolicy.com/2021/01/22/biden-inauguration-latin-america-first-steps-immigration/>.

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# Bibliography

Biden, Joe. 2020. "Why America Must Lead Again". *Foreign Affairs*.

<https://www.foreignaffairs.com/articles/united-states/2020-01-23/why-america-must-lead-again>.

Cheatham, Amelia, Danielle Renwick, and Claire Felter. 2020. "The U.S. Immigration Debate". *Council On Foreign Relations*. <https://www.cfr.org/background/US-immigration-debate>.

Cheatham, Amelia. 2021. "Breaking Down Biden's Immigration Actions Through Abbreviations". *Council On Foreign Relations*. <https://www.cfr.org/in-brief/breaking-down-bidens-immigration-actions-through-abbreviations>.

Cheatham, Amelia. 2021. "Central America's Turbulent Northern Triangle". *Council On Foreign Relations*. <https://www.cfr.org/background/central-americas-turbulent-northern-triangle>.

Chomsky, Aviva. 2021. "Biden's Plan For Central America Is A Smokescreen". *The Nation*. <https://www.thenation.com/article/world/biden-central-america-immigration/>.

"Fact Sheet: President Biden Sends Immigration Bill to Congress as Part Of His Commitment To Modernize Our Immigration System | The White House". 2021. *The White House*.

"Fact Sheet: President Biden Sends Immigration Bill to Congress as Part of His Commitment to Modernize Our Immigration System | The White House". 2021. *The White House*. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/>.

Miroff, Nick, and Maria Sacchetti. 2021. "New Biden Rules For ICE Point To Fewer Arrests And Deportations, And A More Restrained Agency". *MSN*. <https://www.msn.com/en-us/news/us/new-biden-rules-for-ice-point-to-fewer-arrests-and-deportations-and-a-more-restrained-agency/ar-BB1dtd9Z>.

Osborn, Catherine. 2021. "Biden's First Steps On Latin America". *Foreign Policy*. <https://foreignpolicy.com/2021/01/22/biden-inauguration-latin-america-first-steps-immigration/>.

Welsh, Teresa. 2018. "'Play The Long Game:' US Must Continue Aid In Central America, Analysts Say". *Devex*. <https://www.devex.com/news/play-the-long-game-us-must-continue-aid-in-central-america-analysts-say-93081>.