

Obama's Mixed Legacy on Immigration

Alex Nowrasteh

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Immigration was the biggest policy issue in the 2016 presidential campaign, and President Obama's actions during his eight years in office are what set the stage.

But Obama's immigration legacy is a complex one. On the one hand, he is the harshest enforcer of immigration laws in American history, deporting more illegal immigrants than any previous administration. On the other hand, his executive actions have also helped shield from deportation some 750,000 unauthorized immigrants who were brought here as children.

What lessons can we draw from Obama's mixed legacy on immigration?

The Obama administration deported about 3 million illegal immigrants, compared 2 million under Bush. This jump was made possible by Obama's expansion of a Bush-era program called Secure Communities (S-COMM). At first, this program allowed local police departments to cooperate voluntarily with the federal government on deportation. Obama made it mandatory for all states to cooperate.

S-COMM's purpose was to remove dangerous criminals. However, research published in the *Journal of Law and Economics* and the journal of *Criminology and Public Policy* found no evidence that it affects violent and property crime rates. In 2015, President Obama replaced S-COMM with the Priority Enforcement Program, whereby the federal government primarily targets serious offenders.

The Obama administration has not been more lenient on employers than previous administrations, either, issuing 15.5 times as many fines against employers and 8.3 times as many arrests for immigration-law violations as did George W. Bush by the end of 2014. President Obama's Immigration and Customs Enforcement agency has also been encouraging businesses to sign up for E-Verify — an expensive government program that is supposed to weed unlawful immigrants out of the workforce. Moreover, the Obama administration has expanded detention in jail-like conditions for many of the roughly 231,000 children asylum seekers since 2010.

As the final immigration act of his presidency, Obama ended the decades-old “wet feet, dry feet” policy that allowed Cubans fleeing the most tyrannical government in the western hemisphere to enter the United States easily. Many Cubans were already *en route* to the United States, with one exclaiming that “I got here too hours late,” as he was denied entry.

Cuban entrepreneurship has helped revive cities such as Miami, and the descendants of Cuban immigrants have become patriotic and productive Americans. Consigning more of them to life in Communist Cuba hurts everyone except that island's dictatorship. Obama's ending of "wet feet, dry feet" during the last week of his administration was a shocking and misguided policy decision.

There are just no two ways about it: President Obama created the harshest and largest immigration enforcement regime in American history.

However, there is another side to President Obama's immigration legacy. He issued a de facto temporary legalization of some illegal immigrants who were brought here as children. Known as the Deferred Action for Childhood Arrival (DACA) program, it has so far shielded 750,000 young people from deportation. Obama's 2014 executive actions on immigration would have shielded many more immigrants from deportation, had these actions not been blocked due to serious constitutional concerns.

Obama is the first president since Reagan who will leave office with about the same number of illegal immigrants living in the country as when he was initially sworn in — about 11.3 million. (President Reagan got there by dint of his blanket amnesty of 1986.) By contrast, the population of illegal immigrants grew by more than 2 million under the Bush administration with even larger growth under Clinton. Illegal immigrants aren't choosing to come to the United States as much as they used to due to increased American border enforcement, a lackluster economy here relative to Mexico, and demographic changes that have reduced the number of potential illegal immigrants.

So President Obama's immigration legacy is mixed. His executive actions shielded hundreds of thousands from deportation, but he was also the most stringent enforcer of immigration laws in American history — earning him the title "deporter-in-chief" from the National Council of La Raza.

There are two major lessons to be drawn from this legacy for the incoming administration. The first is that immigration enforcement, alone, cannot solve illegal immigration. Changes to immigration law are also necessary. The second is that executive actions are a temporary and partial solution that can be easily overturned by the next administration. Only Congress can put forward serious and permanent immigration reform that will expand legal immigration and legalize the current illegal immigrant population.

Alex Nowrasteh is immigration policy analyst at the Cato Institute.