



# BAUMUN'24 TEXAS STATE SENATE Study Guide

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#WelcomeToBosphorus

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## **1. Letter from the Secretary-General**

Dear Participants,

On behalf of the Secretariat and the entire Organization Team, it is my honor to extend a warm welcome to you all for the BAUMUN'24. As Secretary-General, I am thrilled to see intelligent, driven people from diverse organizations come together to have fruitful discussions and diplomatic engagements.

You will have the chance to participate in inspiring debates, negotiation sessions, and social events during the conference. There is no doubt that the diverse range of experiences and perspectives that each delegate brings to the table will enhance the success and energy of this conference.

Our dedicated team has put in endless hours to make sure that every detail of the conference is well thought out to give every participant a fulfilling and unforgettable experience. Through our committees and social events, we hope to establish an atmosphere that promotes friendship, teamwork, and a profound understanding of the UN's principles.

I invite you to approach each session of this intellectual experience with an open mind, a cooperative spirit, and a dedication to finding common ground. Your enthusiastic and active participation is what will make this conference a success, and I do not doubt that your efforts will make it something remarkable.

Once again, welcome back to the BAUMUN'24 and Welcome Back to Bosphorus. May your time here be filled with meaningful discussions, lasting connections, and a sense of accomplishment as we work together to empower tomorrow.

Sincerely,

**İlgim Mina ABAT**

*Secretary-General of BAUMUN'24*

## **2. Letter from the Under-Secretaries General**

Dear Senators,

It is our most pleasant pleasure to welcome you all to the Texas State Senate committee at BAUMUN'24. We had the pleasure of serving as Under-Secretaries General of this amazing committee at this year's edition of BAUMUN. We would like to extend our kindest gratitude to each and every academic team member for their efforts.

We are Efe Babuşcu, a senior undergraduate student at Bilkent University majoring in International Relations and minoring in American History, and Kaan Akkaş, a junior undergraduate at Boğaziçi University majoring in Economics. We have worked really hard to put together this committee and will work even harder to ensure you will leave with the most unforgettable and academically satisfying experience. In the Texas State Senate, we will challenge ourselves to excellence and hopefully collaborate to provide a memorable experience. Your part, dear Senators, is to study the material carefully, learn about your assigned Senators' positions, political beliefs, and personal lives, and collaborate so that you can navigate through the intricate dynamics of party politics and the clashes between State governments and the Federal government. Surely, we can establish an environment of collaboration, respect, and great ideas. Please feel free to email us about anything, like if you have questions about the study guide or the committee in general, at [efebabuscu@gmail.com](mailto:efebabuscu@gmail.com) or [kaanakkas013@gmail.com](mailto:kaanakkas013@gmail.com).

We are proud to be part of an academic team of the most brilliant people of the Model United Nations community and to be able to create our own amongst a selection of excellent committees. The wait is almost over; see you May 3-5!

Kindest Regards,

Efe Babuşcu & Kaan Akkaş

### **3. Introduction to the Texas Senate**

#### **a. Brief Background and Information**

The Texas Senate convened on October 3rd, 1836, for the first time, near after the Battle of San Jacinto, with its victory over Mexico. At first, in 1876, the Senate had 20 male senators and reached its current organizational system in 1888; since then, the Senate has 31 senators, both men and women.

The United States Constitution is built upon two main principles: Separation of powers and federalism. Thus, the government is composed of three branches: legislative, executive, and judiciary. These three branches are also submitted to the Constitution, which has a famous checks and balances system. Moreover, federalism could be simplified as the idea that both national and state governments have governmental authority. Several governmental powers, such as but not limited to health safety and morals, are left to the states.

#### *Separation of Powers*

The US Constitution , Article 1 : Section 1, defines that all legislative powers are vested in a congress of the United States, which consists of a senate and a house of representatives. Nonetheless the bicameral legislature isn't built upon an equal system, where the upper house ( the Senate ) has equal representation, the lower house ( the House of Representatives ) has proportional representation. This system thus counters the dominance of the legislative branch, by giving them different modes of election as well as different principles of action, which is also known as an intra-branch check.

#### *Federalism*

Federalism can be defined as a concept where the national and the state government have a division -and sharing- of power over the same territory. Thus to use the example of our committee, both the national government and the state government have legislative power in Texas.

## **b. Powers and Jurisdiction**

The Texas Legislature is composed of the Texas Senate, and the Texas House of Representatives.

With authority given by the Tenth Amendment of the United States Constitution, the Texas legislature acts within the limits of the Texas and United States constitutions and valid federal laws.

A state legislature exercises its legitimate power in the areas of: public safety, welfare, morals, taxation, environment, education, agriculture and many other that concerns only, and only, the local issues concerning their constituents. Identical to the United State legislature, Texas also abides by the checks and balances system embedded in the US Constitution. Commonly known exemplifications are the courts power of judicial review, the governor's power to veto bills and impeach executive and judicial officers.

The Legislature meets every year for their regular session with the duration of 140 days. The Senate is chaired by the Lieutenant Governor of Texas (elected by constituents), where the House of Representatives is run by the Speaker of the House (elected by its members)

### *Lieutenant Governor of Texas*

In the Texas Senate, the Lieutenant Governor has significant presence, responsibility and authority. Unlike other states, the Lt. Governor acts as the President of the Senate, which highlights the -active- involvement of the Lt. Governor. The President of the Senate has core duties, such as appointing chairs, allocating bills, designating committee members, etc.

Most importantly, the Lt. Governor has the power to cast a vote in case of the result of a tie in voting. Also, the Lt. Governor has the right to assign a President Pro Tempore when they wish to act as a regular senate member. In addition, the President Pro Tempore acts as the chair when the Lt. Governor is absent in session.

## **i. Legislative Power**

Every two years Texas state representatives and state senators can be deemed for 140 days to consider creating new laws and changing existing ones

Ideas for new bills can come from anywhere, but only a State Representative or Senator can introduce a bill to the respective chamber. Once the bill has been written, it must be filed with the chief clerk of the house or the secretary of the senate. After a bill has been introduced, it gets sent to a committee formed at the beginning of the official session to deal with different areas of legislation, each led by a committee chair. This is called first reading. Afterward, referral committees can change bills drastically.

If a bill passes a House committee with a favorable report, it will be directed to the appropriate calendar committee to be scheduled for floor consideration. Committees are allowed significant discretion in scheduling a bill. It's not uncommon that bills are intentionally scheduled late in the session so that they never reach deliberation. The consideration of the bill begins with the second reading. The bill is then subject to open debate and its respective chamber.

After being debated, an amended bill may pass or be voted on for final passing. Then, the bill moves on to the opposite chamber, where it may be passed or amended further then it will go back to its originating chamber, where it may be signed and sent to the governor.

Finally, the bill reaches the governor's office, where he can choose to sign it, veto it, or allow to go into effect

On another note, the Texas Constitution is grand, with nearly 500 amendments, in comparison to the US Constitution which has only been amended 17 times since it was adopted. Texas's amendments cover everything, from who gets taxed for what, to whether or not a baseball team can sell raffle tickets.

## **ii. State Rights**

The Texas Senate plays a crucial role in the governance of Texas. Within the rights given by the Texas Constitution, the Senate has the authority to formulate, modify and revise legislation that essentially forms the states laws.

The Texas Senate and the House of Representatives have co-responsibilities when it comes to bills. Both the upper and the lower house must agree on drafts, amendments and the passing of any legislation. Accordingly, they must pass identical versions of a bill for it to be enacted.

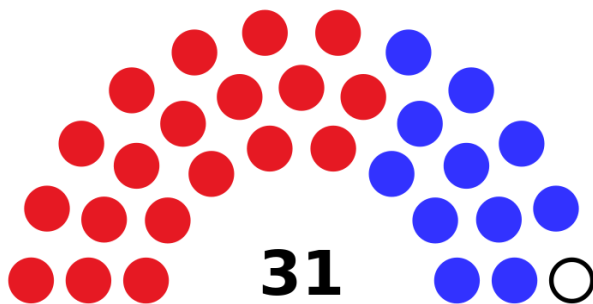
state legislatures and governors relations.

### *The Supremacy Clause*

Among the main difficulties of the federal system is ascertaining which one of them, if one must, has the power to legislate. This issue of differential laws between the states and the federal government is addressed in the Doctrine of Preemption and the Supremacy Clause ( within the Constitution of the United States). Which, to put it in layman's terms, addresses that if a state law conflicts with the federal law, the local legislation is rendered inactive.

#### **c. Current Composition**

The Senate is composed of 31 senators, with equal representational rights, which in turn creates an institution of cooperation. In BAUMUN'24, The Texas Senate will have 31 Senators (19 Republican and 12 Democrat)



#### **4. Agenda Item: Illegal Immigration at U.S. Mexico Border**

##### **a. History of Immigration at U.S.-Mexico Border**

In the 20th century, there were three significant increases in Mexican immigration. The 1900s saw the start of the first surge. The Mexican Revolution



and a robust U.S. economy led to a massive surge in immigration from Mexico. The U.S. census counted 600,000 Mexican immigrants between 1910 and 1930, which was a threefold increase from 200,000. The real figure was most likely much higher. El Paso, Texas, functioned as the Mexican Ellis Island, providing Mexican immigrants with a means of access to a new life and serving as a potent metaphor for transformation and perseverance for their offspring and descendants. For a large number of Mexican immigrants, coming to the United States wasn't always a temporary move. Given the short distance, Mexican nationals found it very easy to return home, and many did so for a variety of reasons, including better living circumstances back home, family obligations, or the desire to live a more comfortable life. It is estimated that over a million Mexican immigrants returned to their home country in the 1910s and 1920s.

Most of the Mexican American community was no longer rural by the time the Great Depression ended. Around the turn of the 20th century, immigrants and their families started moving from the countryside to the expanding industrial cities of America. The Great Depression and World War I hastened the process. Mexican American communities were quickly well-established and still expanding in cities like Los Angeles, San Antonio, Detroit, and Chicago. As a result of the reaction of members of more established ethnic groups to the entry of Mexican Americans, this transformation brought with it new social difficulties. These tensions culminated in the Zoot Suit Riot, a week-long race riot that occurred in Los Angeles in 1942. In the 1940s, young Mexican American and African American males were fond of wearing zoot suits. The majority of zoot outfits handcuffed, baggy pants, knee-length coats, and occasionally a porkpie cap on top. Following an altercation between teens dressed in zoot suits and sailors on leave in central Los Angeles, some sailors started prowling the streets in search of retribution. What began as a fight swiftly escalated into an invasion, with military gangs seizing control of areas of the city and abusing African American and Mexican American men and boys. The rioters searched streetcars, halted traffic, and even dragged their victims out of cinemas. Following five days of carnage, the attacks came to a stop when Los Angeles was closed to sailors. But the same racial tensions that sparked the riots also contributed to the organized activity wave that shot the Mexican American community to unprecedented heights in American public life very shortly after.

In the late 20th and early 21st centuries, there was a third significant wave of Mexican immigration. More than ever before, Mexican immigrants and their offspring play a vital role in American culture. Mexican Americans frequently hold positions of authority in local government, including mayors, sheriffs, and school board members. Well-known performers and artists like the boxer Oscar De La Hoya, the musician Carlos Santana, the writer Sandra Cisneros, and the actor and activist Edward James Olmos all contribute to the continued visibility of Mexican Americans in the general public. Mexican Americans now make up the majority of the workforce in most crafts and professions and reside throughout the nation.

### **b. Immigrants and Demographics across Texas**

Texas has a thriving and diverse immigrant community, which has a big impact on the state's economy and demography. Approximately 4.9 million people, or 17% of Texas's total population, are immigrants as of 2018. Mexico is the primary country of origin for immigrants in Texas; more than half come from there. In a distant second place are Vietnam, Honduras, El Salvador, and India. One in five workers in Texas are immigrants, who contribute significantly to the state's workforce in a variety of areas. With nearly one-third of its workforce being foreign-born, the construction industry, one of Texas's largest, is highly dependent on immigrant labor. Numerous Texans have ties to immigrants. The proportion of native-born people in the state with at least one immigrant parent is estimated to be 16%. In Texas, more than 1.4 million residents of the United States reside with family members who are not authorized. It is noteworthy that not every immigrant is an undocumented one. More than one-third of immigrants from Texas have already obtained US citizenship. On the other hand, around 1.6 million undocumented immigrants reside in Texas, accounting for approximately 6% of the state's total population. All things considered, immigration is a major factor in Texas's development and prosperity. They make a major contribution to the state's economy, workforce, and cultural fiber.

### **c. Timeline of Events**

Pre-20th Century:

There wasn't a formal concept of "illegal immigration" in the early years of the border. Movement across the border was more fluid.

Early 1900s:

1910-1920: The Mexican Revolution disrupts Mexico, pushing many northward for work. While not necessarily "illegal" yet, this marks a significant increase in undocumented migration.

1924: The U.S. Border Patrol is established in response to rising numbers of Mexicans entering the country, signifying a shift towards stricter border control.

1930s Depression: Mass deportations of Mexicans occur, including some U.S. citizens and long-term residents. This sparks conflict and social unrest in border communities.

World War II Era:

1942: The Bracero Program is implemented as a wartime agreement to bring in temporary Mexican workers. This reduces illegal immigration as a solution to labor shortages.

Post-War:

1965: The Immigration and Nationality Act abolishes quotas favoring European immigrants. This leads to a surge in migration from Mexico and Latin America, with many lacking proper documentation. This shift in demographics sparks debates about immigration reform.

1970s: The Bracero Program ends, leading to a sharp rise in illegal immigration as Mexicans seek work opportunities in the U.S. This coincides with growing concerns about border security and competition for jobs.

1986: The Immigration Reform and Control Act (IRCA) offers amnesty to a large number of undocumented immigrants but also imposes sanctions on employers who hire them. This act sparks controversy as some see it as rewarding past immigration violations, while others view it as a necessary step towards reform.

1990s-Present:

1990s: NAFTA's implementation and concerns after 9/11 heightened border security measures, leading to increased apprehensions and infrastructure projects

along the border. These measures raise questions about civil liberties and the effectiveness of deterrence-based approaches.

21st Century: Debates on border security, reform, and treatment of asylum seekers continue. There are fluctuations in apprehension numbers at the border due to various factors, including economic conditions in Mexico and Central America, enforcement policies, and political rhetoric. Several significant bills are proposed and debated, such as the DREAM Act (proposed pathway to citizenship for undocumented immigrants brought to the U.S. as children) and various border wall funding measures. These proposals highlight the ongoing struggle to find common ground on this complex issue.

The rise of illegal immigration at the U.S.-Mexico border is linked to the end of the Bracero program and subsequent economic and political conditions in Mexico and Central America. The issue remains a subject of ongoing debate, policy changes, and proposed bills that reflect the complexities of balancing security, economic needs, and humanitarian concerns.

#### **d. What is the Federal Government doing?**

##### **i. Immigration Legislation**

Immigration policies for the United States have been changing exponentially throughout history, even though it is possible to note that current politics are still being affected by past - almost unidentifiable- legislations. The US immigration legislation was/is minimally rational and outmoded. This part of the guide will elaborate on the history of legal decisions that still have an influence over modern immigration legislation.

During the Colonial Period -between the 16th and late 18th century- Europe was known for its nationalist economic systems that mainly prioritized using economic wealth to expand their state powers by making sure exports exceeded imports. Searching for more supply of labor, and a bigger market, meant the need for more workers. Which in turn assisted pro-immigration legislations in their colonies. In the Plantation Act of 1740, a system that granted immigrants settlement, was built on religious tests -Catholic-, a pledge of alliance, and a statement of Christian belief. In the course of this time period both voluntary and forced -slavery- migration took place. Forced migration was generally used as a

criminal punishment, to be displaced as servants, rather than to get executed. This number is estimated as a total of 50,000 convicts that were sent from Britain to the American colonies before the American Revolution. Alas, the biggest number in forced migration was from Africa, a total of 388,000 slaves. When it came to voluntary migration, there existed contracts that migrants and citizens exchanged, that gave passage of entry for servitude, and the bigger share of Europeans coming to America were thus contracted servants. On the contrary of the colonies, colonial cities had strict immigration regulation that included head taxes, banning the entry of the poor as well as banishment. Nonetheless these cities were granting more equal rights to immigrants, like voting rights for "aliens". By late 18th century with the surpassing of immigrant population over residents, came prohibitions, frustration visible in the Declaration of Independence.

During the American Revolution, citizenship was a focal point in legislative issues. Built on three pillars of being born on national land, being born with national blood and pledging allegiance. This changed in the aftermath during Pre-Ratification, as the pledge of allegiance had more influential consent over blood and land. What was interesting during the Post-Ratification period was the fact that the Constitution declared immigrants eligible for all federal offices other than presidency and vice presidency. Relatively, several documentations were made about protecting the new republic from foreign -immigrant- influence. Alas, when comparing the first Congress in 1789 and one in 2021, there is a stark statistical difference, with immigrant/foreign born legislators making 10% of the upper and lower house in 1789 compared to only 3% in 2021. With the Constitutional Convention's decision to grant the federal government the authority, States implemented migration policies as part of policing powers. The US 1790 Census, stated nearly 80% of citizens were white, compared to the remaining African slaves that made up 20%. Afterwards with the Naturalization Act (1790), the government granted citizenship to whites that lived in the US for two years - excluding slaves and non-whites-. Nevertheless, the Naturalization Act was a big step in inclusive migration legislation. Alas with a review version of the Act (1795) the duration was elongated to five years, as well as adding more religious subtext. In 1798, with a series of bills that expanded the federal government's authority, migrants were more subjected as threats, which

elongated the duration even more, by stating it as fourteen years. However, by 1820, the US implemented pro-migration policies with the worry of the economic depression, while also promoting economic welfare in migrants, with quotas to ships, that in turn excluded the poor to migrate.

During 1830-1910, the federal government was expanding, with new waves of immigrants arriving to the US, mainly affected by the Irish Potato Famine and European political revolutions. The new concern for residents was wage competition, and religious complications between the Catholics and the Protestants, as well as cultural opposition to slavery. During the late 18s nationalist sentiments grew as nearly half of the population grew to be foreign-born. With changing historical events, during the Civil War which began in 1861, the demand for workers were rising, accordingly immigration policies were loosened. Under Lincoln several acts like the Homestead Act and Act to Encourage Immigration passed, which allowed private entities to recruit foreign workers, protected under labor contracts. The Lincoln administration had pivotal points, like appointing a US Minister to China in 1861, where Minister Anson Burlingame negotiated treaties of Chinese immigration to the US. With the end of slavery, more inclusive immigration legislation came to surface that now included African nativity - while still excluding Asians and Indian Americans-. Afterwards there were restrictions to previous Chinese agreements made by the Government. With the most known being: the Chinese Exclusion Act of 1882, which imposed a ban of working for ten years. Consequently, the Supreme Court determined that Congress had an inequitable power when it came to immigration legislation that undermined judicial oversight.

Approaching the end of the 1800's, nearly 10 million immigrants arrived in the US, with a new trend arising, return migration. Thus, with a new wave of migrants, came new regulations. New acts were passed by the Congress, after investigations found several violations of immigration legislations. Accordingly, stricter ones were passed that excluded more immigrants, while also enabling deportation. During the early 1900s, anti immigration cultural waves were surrounding the United States, ideologies of maintaining social order, abuse of welfare by foreigners and crime disturbances were popularized. Theories of unsuccessful assimilation due to cultural differences, was an important one.

Within these new laws and restrictions, head tax on immigrants were also decreased. Several other restrictions were particularly popular for the Republican Party. There were also talks of distinction between different waves of migrants, as their demography differed from the previous ones by being of Western and Northern Europe. Concerns about “intelligence” among immigrants were also discussed, the government pushing education curriculums to assimilate them at the same time banning the German language from being spoken, which grew more popular during World War I. Notable instances, like Congress overruling Woodrow Wilson’s veto for the Immigration Act of 1917 were written in history. In the aftermath of WWI, the stress of post-war migration caused tightened immigration policies once again, with black American inferiority as mentally handicapped were in the talks. Before 1920’s only exclusion was considered when it came to legislation, but afterwards policies that included admission as well were made, which continue until today. Acts that decided on quotas, geographically based, were put in place, while also underlining family -immediate- relatives. However, the quotas decreased in the following years, and immigrants from the Western Hemisphere were not restricted. Moreover, as scientific xenophobia, also known as eugenics, became more popular, nationality was put in question. With the 1924 Immigration Act not placing numerical quotas, immigrants from Mexico peaked. Thus, Mexicans created a non-institutionalism in the legislative system, as they were “mixed-breed.” Which turns into accepting Mexican migrants while denying Europeans. Later on, the federal government classified Mexicans as white to solve these issues. Prescreening implementation of border systems was brought up with the modernization of the globe. The Congress’s solution was to find the US Border Patrol, who had arrest rights.

Afterward, the United States experienced a significant 90% drop in immigration between until 1940. The main explanation behind the fact is the Great Depression. The federal government deported more than a million Mexicans in order to create more jobs for the natives, known as “repatriation.” Nearly half of them were born American citizens. This strategic plan, however, did not give the planned outcome in the unemployment crisis. Before the Second World War, new implementations included registration for immigrants to the government while also looking for communists, fascists and nazis to deport.

After the beginning of WW2, Roosevelt issued Executive Order 9066, which created concentration camps for Japanese and Germans residing in the US. Also, the Mexican Labor Program was introduced, where nearly 70,000 Mexican laborers entered the US to combat labor scarcity during the war. The program had minimum wage benefits as well as housing and a plan of return. Even though, in the end, many American employers abused those rights given. The final count of Mexican workers in the US was 4.5 million by 1964. The program was in front of the illegal migration issue until the post-war period. Then the word "invasion" was brought to the scene as illegal migration peaked when the program ended.

The rise of Adolf Hitler, combined with the failure of the League of Nations, caused foreign policies to be turbulent, and the lack of diplomacy was problematic. An important example was the letting of 40,000 refugees by the Nazi government, which the global scene failed to respond to, as well as Congress, which could have migrated 20,000 children from Nazi Germany. Holocaust historians underlined United States tight migration policies that shamed pre-war anti-migrant legislation. The US loosened regulations after 1945 while also strategizing against the Soviet Union by lifting the ban on Chinese immigrants.

Going back to the Bracero Programs finish, new measures were being taken to expand it as well as introducing visa procedures. While also operations were made, that nearly deported a million of illegal Mexican immigrants. Between 1953 and 1954, that number reached two million. Alas, there were also facilitated visa measures that allowed Mexicans to return to the US by simply walking over the border, and coming back to apply for a work visa. This procedure was also strengthened by enforcing penalties to American employers that allowed illegal labor. The Congress canceled the program in 1964, with immense political pressure from American labor unions. This was not a solution however, as it once again opened the gates for illegal immigration. During that time new visa procedures were also put in place regarding Northern and Western Europe, like the student visa, the investor visa, the temporary worker visa, which is similar to today.



With WW2 ending and the rise of Civil Rights movements, more reforms were on the way. The Immigration and Nationality Act of 1965, had a more systematic approach to migration legislation, with professional qualities more upfront, green cards for family members and workers were also more common. The Act kept on being amended and limited immigration by quotas and hemispheres, annually. At the same time, amnesty was provided for illegal immigrants during WW2, an effort to remediate backlash. Still the lack of the Bracero Program was evident, with illegal worker numbers arising from Latin America. After 1967, a wave of immigrants fleeing the communist regime also arrived in the US, with United Nations Protocol Relating to the Status of Refugees. Statistics suggest there were nearly 28 million illegal immigrants that entered the US between 1965 and 1986 as well as departures and returns accounting at 23 million.

After 1980's bipartisan effort about migration legislation had risen, with the democrats working on amnesty for illegal immigrants and Republicans who wanted to end illegal immigration. The Immigration Reform and Control Act (IRCA) penalized employers that promoted illegal work, as well as granting amnesty to nearly 3 million immigrants. The black market of fake documentation was on the rise however. In the end IRCA couldn't pave the way for less skilled Mexican migrants. During 1990's the quotas for greencards and visas was augmented, and a diversity program was set -interestingly effective for the Irish rather than Asia or Africa-. From then forward to the 2000s nearly half of the diversity visas had gone to European countries. Just only changing by 2016, with the ratio now being in majority African and Asian. During 1996 Congress passed the Antiterrorism and the Illegal Immigration Reform as well as the Immigrant Responsibility Act, which increased penalties and provisions, advanced deportation procedures while also limiting health access to non-citizens.

In 2000, Bush promoted pro immigration legislation, particularly to gain Hispanic voters, the main aim of the administration being to create a worker program. After the tragic 9/11 attacks the political and legislative scene in America changed drastically. With antiterror aims, immigrant rights were reduced, and their legal procedures became blurry in the process. Afterwards The Patriot Act and the Homeland Security Act even further tightened provisions, strengthened border protections and customs and unified several departments under Homeland Security. The blurry legislation that questioned the law continued with the

Enhanced Border Security Act. After 2005 several bills to expand legal immigration were made, but couldn't pass the Senate vote. It is important to note the fact that immigration was becoming a worldwide phenomenon and global regulations were tricky to say the least, and in 2007 the USA experienced another peak of 12 million refugees. Obama's inauguration in 2008, followed several new legislations, like the DREAM Act in 2009 and DACA (Deferred Action for Childhood Arrivals Programme) in 2012. Interestingly, the Obama administration ended up being the top administration in the US with their numbers of deportations ranking first, with nearly 1 million illegal immigrants deported (more than the Trump administration when calculated on an annual basis). Legislations kept on arriving in both the upper and the lower house in the following years like the Gang of Eight Bill. The US Legislative system experienced a turnover with the Trump administration, with the proposition of "The Wall", Muslim travel bans, the termination of DACA, and many more.

Building a massive wall on the US-Mexico border and making Mexico pay for it were two of Donald Trump's campaign's main promises. Along with these "limits on legal immigration and guest-worker visas," Trump has also stated his support for a "pause" on the issuance of green cards, claiming this will "allow record immigration levels to subside to more moderate historical averages." Throughout his presidential campaign, Trump's positions on H-1B visas were subject to frequent revision; nonetheless, by the end of July 2016, he seemed to be against the program. While in office, Trump implemented a travel ban that forbade the issuance of visas to nationals of seven predominantly Muslim nations, which was extended to thirteen in 2020. He twice changed the prohibition in response to legal challenges, and the Supreme Court approved his third version in June 2018. He tried to terminate the Deferred Action for Childhood Arrivals program, but the policy has been kept in place while the case is being challenged in court thanks to an injunction. He enforced a "zero tolerance" policy that led to the separation of families and children from those who were caught crossing the border illegally. Trump's immigration policy is harming businesses, as warned by Tim Cook and 58 other CEOs of significant American corporations. In June 2018, the "zero tolerance" policy was lifted; nonetheless, throughout the first half of 2019, numerous media reports revealed that family separations had persisted. Trump announced his administration's four main immigration reform initiatives in his first State of the

Union speech on January 30, 2018, which included: (1) a path to citizenship for Dreamers; (2) more funding for border security; (3) the elimination of the diversity visa lottery; and (4) limitations on family-based immigration. The Atlantic's cover story from August 2022 stated that if the people who created family separation get back to power, they "will likely seek to reinstate it."

Reversing many of the immigration practices of the previous Trump administration is the cornerstone of Joe Biden's immigration strategy. On his first day in office, Biden undid many of Trump's immigration initiatives, including the wall being built along the Mexican border, the travel ban that barred him from leaving 14 countries, and the executive order that reinstated protections for DACA recipients. Under Alejandro Mayorkas' direction, the Biden administration and the Department of Homeland Security drastically curtailed the deportation policies of Immigration and Customs Enforcement (ICE), giving national security and violent criminal issues precedence over minor and nonviolent transgressions. Biden has also come under fire for renewing the use of expediting families in Central America, which can result in the return of families in weeks as opposed to years for a typical immigration case, and for extending Title 42, a border restriction imposed by the Trump administration in response to the COVID-19 pandemic. More than 1.6 million interactions with migrants were confirmed by the US Border Patrol along the US-Mexico border in the fiscal year 2021, more than quadrupling the amount from the previous fiscal year and setting a record for the highest annual total. In January 2023, Biden unveiled a proposal to fortify immigration from Venezuela, Haiti, Cuba, and Nicaragua while also enforcing stricter border security measures and taking legal action on individuals who do not follow the plan's legal path. After Title 42 expired in May 2023, the Biden Administration authorized the deployment of an additional 1,500 troops to the border between the United States and Mexico. The U.S. Supreme Court decided on June 23, 2023, that the Biden Administration's immigration policy, which entails deporting individuals who are picked up at the border or who are judged to be dangers to public safety, may be put into effect. The prosecution of those who support illegal immigration was also affirmed by the ruling.

## **ii. Border Control**

The United States federal government tackles border control through agencies and coordinated effort. The Department of Homeland Security (DHS) oversees all aspects of border security. The Department of Homeland Security was founded in 2002, and now has over \$50 billion annual budget. Protecting the United States' borders against the unlawful flow of arms, drugs, contraband, and people is crucial for maintaining national sovereignty, economic growth, and authorized entry and exit, is the main objective of DHS. The U.S. Customs and Border Protection agency is the primary enforcement agency within DHS. CBP agents and officers approach border security in multiple ways. Preventing terrorism is their main concern, and they do this by preventing dangerous people and weapons from entering the nation. They accomplish this by using a mix of air and sea patrols, land border monitoring, and screenings at ports of entry. Additionally, CBP is essential to the enforcement of immigration laws. They detain people who enter the country unlawfully. But they do more than just put an end to people. Additionally, they seek to guarantee the efficient flow of lawful trade and the easy admission of authorized travelers. This entails checking that individuals and products meet US standards at the ports of entry. By inspecting arriving goods, CBP protects US agriculture by avoiding the introduction of pests and illnesses. The CBP works relentlessly to maintain a balance between security and facilitating lawful travel and trade.

#### **e. What is Texas doing?**

Texas demands proof of lawful presence in order to award driver's licenses, in contrast to those states that do not. This implies that illegal immigrants are not permitted to drive in the state. Texas is not regarded as a safe haven state. Federal Immigration and Customs Enforcement (ICE) officers and local law enforcement agencies can work together. By working together, ICE is able to locate unauthorized immigrants who have been detained for various crimes and possibly start the deportation process. Texas limits undocumented immigrants' access to the majority of in-state benefits. This covers numerous welfare programs as well as financial aid for postsecondary education. The goal of the state is to restrict illegal inhabitants' access to public resources. There are no state laws in Texas that prohibit unauthorized immigrants from applying for business licenses. This implies that they could be able to start and run companies. It's crucial to remember, though, that many Texas local governments may have their own

policies on business licenses for unauthorized immigrants. To find out the policies of a certain county or city, you would need to contact them. The laws pertaining to immigration in Texas could alter. Senate Bill 4 (SB 4) is one recent example, which permits state police to detain individuals who enter Texas illegally from Mexico. There have been legal challenges to this controversial law in federal courts at the moment. The resolution of these legal issues may have a big influence on Texas's immigration enforcement practices.

#### **f. What are Other States Doing?**

States do have some influence over immigration in the US, even if the federal government has the majority of the authority. It's critical to realize that federal legislation usually has priority. States are therefore powerless to determine who is lawfully allowed to enter the nation. States do, nevertheless, have some impact in some areas. Driver's licenses are among the examples. Undocumented immigrants can lawfully drive in many states by obtaining licenses. Furthermore, rules in certain states restrict the amount of collaboration that federal immigration officials and local police can have. The deportation of unauthorized immigrants may be more challenging in states with these "sanctuary state" legislation. It's crucial to remember that these laws are occasionally contested in court. States may also choose to impose tuition on undocumented immigrants or provide welfare or other in-state benefits. While some states permit access to these benefits, others may restrict them. Immigration laws in some states may also have an impact on business licensing. Undocumented immigrants may not be able to obtain certain business licenses in several states. State laws pertaining to immigration are always changing. The federal government and the states are engaged in continuous legal disputes over the boundaries of state power. Furthermore, the political environment might alter state policy itself. The Arizona SB 1070 could be accepted as a major breakpoint in this matter since it was the strictest anti-illegal immigration law in the United States, and caused a chain of legal interactions between state of Arizona and federal government.

#### **i. Arizona SB 1070**

On April, 2010, *Support Our Law Enforcement and Safe Neighborhoods Act* (or Arizona Senate Bill 1070, Arizona SB 1070) is signed in Arizona State Legislature, as

a 2010 legislative Act in the state of Arizona, which is considered as the broadest and strictest anti-illegal immigration law in the United States at the time it was passed. The law requires police to determine the immigrant status of someone arrested or detained when there is “reasonable suspicion” they are not legally in the United States. Various civil rights groups and organizations, including the American Civil Liberties Union (ACLU), contested the law, arguing that it is a form of racial bias against immigrants. The federal government challenged the law on the theory that Arizona, through enactment of the law, was infringing upon the government’s superior power to enforce federal immigration law. In 2012, the Supreme Court of the United States heard *Arizona v. United States*, where the Court nullified three of the law’s four provisions, either because they operated in areas controlled by federal policy or because they interfered with federal immigration enforcement efforts. However, the Court left one contested provision intact—section 2(B), referred to as the “show your papers” provision, requires police to arrest anyone they believe has committed a crime and whom they think is in the country illegally, and hold the individual until their immigration status can be checked with federal officials.

Section 2(B) arguably lends itself to rampant racial profiling against Latinos, Asian-Americans, and others presumed to be illegal immigrants solely based on their appearances, by requiring police officers to demand the papers of the people they had “reasonable suspicion” to believe were in the country illegally. In September 2016, through a settlement with the National Immigration Law Center and other immigrants’ rights groups that sued six years ago after the enactment of S.B. 1070, Arizona announced an end to its practice of enforcing section 2(B). As part of the settlement, Arizona Attorney General Mark Brnovich issued an informal opinion in which he instructed police officers to ignore the “show your papers” provision of the law.

The United States is a federalist system. States have some freedom in how they write and pass laws. But they must remain within specific parameters to not violate the U.S. Constitution, as only Congress can enact federal laws. Local governments may have some latitude in the laws of their jurisdictions. But mandates and ordinances from any jurisdiction cannot contradict U.S. constitutional law. The Supremacy Clause of the U.S. The Constitution requires

that federal law "preempts" (or trumps) state law. Immigration laws and policies are federal. As a result, the Arizona immigration law was challenged as violating the Supremacy Clause. The U.S. 9th Circuit Court of Appeals upheld a lower federal court's injunction of the law, kicking the matter up to the U.S. Supreme Court.

In July 2010, the U.S. Department of Justice (DOJ) filed a lawsuit in a federal court against the state of Arizona. The DOJ argued that S.B. 1070 would interfere with federal enforcement of U.S. immigration law. The complaint indicated that S.B. 1070 could compromise efforts by Immigration and Customs Enforcement (ICE). This could distract ICE from prioritizing actual national security threats. Among the claims by the D.O.J. was that S.B. 1070 would take resources in Arizona away from bigger priorities, such as fighting terrorism. The DOJ also argued that it would cause the harassment and detention of those in the United States legally, including U.S. citizens. After the federal court granted a preliminary injunction against certain parts of S.B. 1070, many parts of the bill were repealed. After that, federal authorities could operate the way they once had in Arizona. In a 5-3 ruling in 2012, the Supreme Court overturned three of the provisions of S.B. 1070. But, the court allowed the provision requiring police to demand documentation of legal residency intact. SCOTUS justified this by citing the Supremacy Clause. In 2016, the state settled lawsuits with the National Immigration Law Center by dropping this provision. Other immigrant rights groups were involved in the lawsuit, as well. Along with the settlement, Arizona Attorney General Mark Brnovich issued the following statement: "Officers shall not prolong a stop, detention, or arrest solely to verify immigration status. Officers shall not contact, stop, detain or arrest an individual based on race, color, or national origin, except when it is part of a suspect description."

Racial profiling uses race or nationality to identify a person as a suspect or potential suspect. Opponents believe S.B. 1070 would unfairly lead to racial profiling among residents or visitors within the state. They believed this because the new law would allow police to arrest people they suspect of being in Arizona illegally. S.B. 1070 would have given local law enforcement officials in the state far

too many powers to violate the civil rights of U.S. citizens. By requiring that state law enforcement officers check the citizenship status of "suspicious" people, S.B. 1070 would encourage racial profiling. Many advocacy groups, like the ACLU, condemned the parts of S.B. 1070 that facilitated racial profiling. The ACLU once said it had filed its lawsuit, given that the bill encouraged "racial profiling of Latinos and others who may look or sound 'foreign,' including many U.S. citizens who have lived in America their entire lives." Similarly, it could impact US citizens who went through the naturalization process. Attorneys for the ACLU argued that these parts of the bill would violate citizens' rights to equal protection under the 14th Amendment to the U.S. Constitution.

Despite the decision to stop enforcing the "show your papers" provision of S.B. 1070, rampant racial profiling will likely still take place in Arizona and other border states. Section II will provide a background on S.B. 1070, including its legislative history, the challenges to the law offered in *Arizona v. United States*, and the settlement over section 2(B). Section III will consider the history of stop-and-frisk laws in New York City and how the various changes to the stop-and-frisk programs set forth to combat the problem of racial profiling in the city have not been as successful as intended. Section IV will compare the racial profiling surrounding stop-and-frisk laws with that stemming from S.B. 1070, and argue that despite the decision to no longer enforce section 2(B), racial profiling against immigrants in Arizona will continue at a high rate, just as it does against African Americans in New York City. Finally, Section V will offer possible remedies to deal with the racial profiling that occurs despite laws like S.B. 1070 and stop-and-frisk programs that are intended and designed to stop a problem, but do not always have that desired effect.

#### **g. Current Situation**

Texas's diverse immigrant population has a big influence on the state's personality. Roughly 17% of Texans are immigrants, with Mexico being the main nation of origin with millions of them. These people are an essential component of the Texas labor force, making contributions in a variety of industries. Over one-third of workers in the construction industry, a significant industry in Texas,



are immigrants. Beyond their effects on the economy, immigrants have a significant social impact on Texas. An estimated 16% of Texans who were born here have at least one immigrant parent, indicating the state's high immigrant population. In addition, the fact that more than 1.4 million Americans reside in Texas with relatives who lack legal status emphasizes how intertwined families are, irrespective of immigration status. Notable is also the legal composition of the immigrant population. Although more than one-third of immigrants to Texas have already obtained U.S. citizenship, the state still has a sizable undocumented community—approximately 1.6 million people—that makes up roughly 6% of the state's overall population. Immigration is a hotly debated topic in Texas due to the existence of unauthorized immigrants, which complicates the situation.

In conclusion, Texas has a large and diverse immigrant community that is essential to the state's social and economic development. Even though the report only includes information from 2018, it highlights the important contributions made by immigrants and the continuous discussion around immigration status in Texas.

#### **h. the Eagle Pass Stand-off**

On January 11, 2024, Texas Governor Gregg Abbot signed an emergency declaration to close the park and ordered the Texas National Guard to take control of Shelby Park, a 47.4 acre area of parkland in the Eagle Pass town along the Rio Grande River, the river is a key entry point for migrants between the U.S. and Mexico and separates the United States from Mexico. In the emergency declaration, the Governor referred to the Mexico-United States border crisis and stated the need to secure the border. Texas National Guard blocked the US Border Patrol agents -which is a federal law enforcement agency who are responsible for securing the borders of the United States, under the US Customs and Border Protection-, which caused a negative reaction by the Federal government, favoring a more balanced approach. When the Texas National Guard established a military base close to Eagle Pass to accommodate more National Guard troops—even from states that agreed with their position—the situation worsened. Many people believed that this action could lead to a constitutional crisis. It brought up important questions concerning the scope of state power and

federalism. The state constructed a base at Eagle Pass which can house up to 2300 soldiers.

The 5th U.S. Circuit Court of Appeals had ordered an injunction to stop Border Patrol agents from removing concertina wire, which the National Guard had been deploying to create a fence in Shelby Park. On January 22, the Supreme Court of the United States issued an order to revoke that injunction. The decision dealt with a previous disagreement and did not touch Texas's use of razor wire or its refusal to allow federal officials to enter the park. In response, Abbott said on January 24 that Texas will "protect the sovereignty of our state" by refusing to allow federal authorities to enter the park. Following the Supreme Court's ruling, U.S. House Speaker Mike Johnson and 25 other Republican (every Republican governor but Vermont Governor Phil Scott) state governors declared their support for Texas in the legal struggle. Additionally, Florida Governor Ron DeSantis pledged to provide additional resources, having already dispatched the Florida National Guard to support the government of Texas. In addition, Indiana Governor Eric Holcomb declared that fifty Indiana National Guard members will reach Texas by the middle of March. Oklahoma Governor Kevin Stitt promised to send the Oklahoma National Guard to assist Texas. Governor Mike Parson of Missouri issued an executive order directing the deployment of 22 state troopers and up to 200 members of the Missouri National Guard "on a voluntary basis" to Texas. Governor Sarah Huckabee Sanders of Arkansas said that from April 1 to May 30, about forty troops of the Arkansas National Guard would be stationed in Texas. Texas received support from other Republican state and federal politicians.

Attorney General Ken Paxton of Texas received an ultimatum from the Department of Homeland Security on January 23. It demanded that "obstructions" be removed from the border and that the Border Patrol be granted complete access to Shelby Park by January 26. Joaquin Castro and Greg Casar, two Democratic lawmakers from Texas, demanded on January 24 that U.S. President Joe Biden give the federal government authority over the Texas National Guard. The deadline established by the Department of Homeland Security expired on January 26. In a letter from DHS General Counsel Jonathan Meyer to Attorney General Paxton, it had instructed Texas to consent to the entire reopening of disputed portions of the Shelby Park area to federal Border Patrol

agents, stressing the necessity for confirmation and outlining the repercussions of partial refusal.

A letter supporting Texas' border security efforts was signed on January 29 by over two dozen Republican state attorneys general, as well as representatives from the Republican-controlled Arizona State Legislature. The letter addressed President Biden and DHS Secretary Alejandro Mayorkas, highlighting the need to uphold the country's laws and praising Abbott and Paxton's efforts to secure the border against what they described as the "invasion, encouraged by Biden's refusal to follow federal statutory law."

The legal impasse is still unsolved. There are lawsuits pending that contest the governor of Texas's conduct. There haven't been any significant updates on the scenario itself as of April, 2024. There is a conflict that is still going on and could get worse over time.

#### **i. Party Policies on Immigration**

Since it is detailly and historically explained in previous parts, we won't explain the immigration policies of parties in the United States, so the below paragraphs are for composing and concluding the matter. But it is important to note and further research about the major breakpoint events and important laws in the United States about immigration.

Democrats in the US support comprehensive immigration reform, which includes changing the immigration system in many ways. Creating a route to citizenship for undocumented immigrants who are already living in the nation is a crucial part of their strategy. Requirements for this road usually include paying taxes, clearing background checks, and proving English language competency. The protection of Dreamers, undocumented immigrants who were brought to the country as minors, is a key component of Democratic immigration policy. Democrats are in favor of laws like the DREAM Act, which seeks to give these people a path to citizenship in appreciation of their contributions to American culture. Family reunion is a top priority for Democrats when it comes to immigration policy. In order to maintain family unity and mutual support, they favor laws that facilitate legal immigrants' ability to sponsor family members for

immigration. Democrats also stress how critical it is to preserve and bolster protections for those who seek asylum and refuge. They support keeping America's promise to protect individuals who are escaping violence or persecution back home. This entails giving individuals in need humanitarian aid as well as guaranteeing access to a just and effective asylum procedure. Democrats stress the necessity for human rights-abiding and humanitarian policies, even as they support robust border security measures. Rather than concentrating just on building physical barriers like a border wall, they might place a higher priority on expenditures in infrastructure, staff, and technology at the border.

Republicans in the US place a high priority on border security and upholding the country's current immigration rules when it comes to immigration policy. The idea that protecting the country's borders is crucial to preventing illegal immigration and preserving national security is at the heart of their program. In order to do this, they support a number of strategies, like stepping up border patrols, utilizing cutting-edge surveillance tools, and building physical barriers like a wall along the border between the United States and Mexico. Republicans place a higher priority on domestic immigration law enforcement than border security. They are in favor of actions aimed at stopping illegal immigration, such as tougher fines for infractions and increased coordination between local, state, and federal law enforcement. Republicans frequently claim that upholding immigration laws is essential to preserving the rule of law and safeguarding American wages and employment. The advancement of a merit-based immigration system is a fundamental component of Republican immigration strategy. Republicans contend that changes should be made to the current immigration system in order to provide preference to immigrants who have the necessary training, education, and job offers to support the American economy. They argue that implementing a merit-based system would help American companies and workers by drawing in highly qualified immigrants who can foster innovation and economic expansion. Policies that offer undocumented immigrants already residing in the country a path to citizenship or amnesty are typically opposed by Republicans. They contend that these actions weaken the rule of law and encourage more illegal immigration. Rather, a lot of Republicans support a mix of

enforcement actions and programs for temporary workers in order to solve labor shortages in specific areas.

To conclude, Republican immigration policy is centered on border security, the enforcement of immigration laws, and the promotion of a merit-based system while opposing amnesty for undocumented immigrants. Democratic immigration policy, on the other hand, aims to strike a balance between border security and inclusive and humane policies that reflect America's history as a nation of immigrants.

#### **j. Possible Actions and Legislation**

Even though Senate Bill 4 (SB4) states that “SB4 looks to prohibit “sanctuary city” policies, that prohibited local law enforcement from inquiring about a person’s immigration status and complying with detained requests. These policies often also prohibit the sharing of information regarding a person’s immigration status with the federal government.

Opponents of such policies argue that the state should pass legislation that prohibits cities and other government entities from the creation and enforcement of policies and ordinances that prohibit or impede the enforcement of state and federal immigration law.

S.B. 4 amends current law relating to the enforcement of state and federal laws governing immigration by certain governmental entities.” but the immigration rules and policies are enforced by the federal government, thus it is accepted as federal responsibility. But it is important to understand the states’ freedom upon matter and how state-federal government relations work in the United States. One might argue for increased funding for border security, to allocate funds to assist Texas law enforcement in border regions, while not directly intervening in the federal government’s role upon the matter, while others might argue for a direct solution via federal government, through the United States House of Representatives and the United States Senate. Thus, there are a variety of possible actions and solutions for senators of the Texas State Senate, and you are expected to work on the matter.

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