

CHAPTER I

INTRODUCTION

A. Background

According to Everett S. Lee, migration is the movement where a person travels from one place to the other for a short or long period of time. These people who partake in migration are called immigrants. Currently, there is no specific definition of what is immigration, yet is regarded as a human movement (Lee, 1966). Meanwhile, the United Nations High Commissioner of Refugees (UNHCR) considers immigrants and refugees are the same with the exception of their purpose, stating that migration is a movement from one country to another to improve welfare, whereas refugees are humans trying to find security in a new place (Edwards, 2016).

Within immigration, there are push and pull factors. Push factors are the reason people conduct migration, such as conditions that can force people to leave their homes and are related to the country of origin of a person to migrate. This includes absence of sufficient livelihood opportunities, poverty, rapid population growth that exceeds available resources, “poor” living conditions, desertification, hunger/ drought, fear of political persecution, poor health care, loss of wealth, and natural disasters. Whereas pull factors are the opposite of push factors. Pull factors attract people into a specific destination. Common examples that are an appeal to people who wants to migrate is the range of better job opportunities and better living conditions. This can include better land for settlement or agriculture, political and religious freedom, a better education and welfare system, a greater healthcare system, and many more (Zimmermann, 1996).

It is in the nature of every single human being to want to live without the fear that there’s an entity that will threaten their body and soul and immigration is one of the ways humans can achieve it. That is why in the Universal Declaration of Human Rights (UDHR) Article 3 states that *everyone has the*

right to life, liberty and security of person. In addition to that, the preamble of the International Covenant on Civil and Political Rights (ICCPR) expresses that being free from fear is a human right, and Article 1 states that *all humans have the right to determine self-determination in terms of politics, economy, and socio-culture, which means that humans do not need to be afraid of any threats in carrying out their lives.*

There are two ways an immigrant can enter a country; legally and illegally. An immigrant must go through applicable procedures that is required by the state immigrants choose as a destination: following the rules, regulations, and fulfilling the documents, only then immigrants can enter the state legally. Meanwhile, for immigrants that enter a state without going through a predetermined process, and not meeting the agreed requirement will be considered as illegal immigrants. Those who come illegally will face their own hardships since they are not equipped with documents. Illegal immigrants usually go through less stringent control routes such as sea or land routes. This is done to avoid immigration officers and legal procedures.

One of the destination countries for immigrants is the United States of America, mainly because the US has better outcomes. For instance, they have a higher level of security than the origin country, better economic conditions and opportunities, and a guaranteed respect towards human rights. Yet, over the last decade there has been a decrease in the numbers of immigrants in the United States. In spite of that, Mexicans remain as the largest group of immigrants in account to the 10.8 million foreign born residents within the year 2019. Between the years 2010 to 2019, the numbers declined roughly 780,000 individuals or 7 percent (Israel & Batalova, 2020). When Donald Trump became president on 20th January 2017, there began a decline in the number of legal immigrants coming to the United States, wherein in 2016 the numbers were 1,183,505 and 1,127,167 in 2017 (DHS, 2020). In addition, by 2020 the total numbers became 601,600, which was made possible due to the help of executive and administrative personnel (Anderson, 2020).

The Immigration and Nationality Act (INA) establishes civil penalties to those who enter the United States regardless whether they entered illegally or those who violated the terms of their admission, usually due to overstaying their visa. As a consequence, foreign nationals are more likely to become a subject of removal, also known as deportation (CRS Report, 2021). In his presidency, Donald Trump and his administration are considered adamant about their opinion towards Mexicans. This is seen from the lack of empathy to the families and unaccompanied children who cross the border, failing to consider the asylum seekers as human beings, not treating them with dignity (Karamouzian, 2018), and instead viewing them as horrible people. In his announcement speech in 2015, Donald stated that Mexico is sending people who has problems and bringing their problems with them to the United States, highlighting that they're bringing drugs, crimes, and calling them rapists, ending his statement with "*And some, I assume, are good people*" (Kopan, 2016).

On April 6, 2018, President Trump released an immigration policy aimed at detaining immigrants entering the US called the Zero Tolerance Policy (Department of Justice, 2018). In reality, this policy has been unofficially in the works at the border since late 2017. Their aim was to create a preventive outcome for undocumented immigrants and to reduce the burden of processing asylum seekers. This Zero Tolerance immigration policy works by detaining immigrants in the US federal custody and in addition, separating children from their parents who're being detained and is placed under the supervision of the Department of Health and Human Services or other facilities that are licensed (Narea, 2019).

There are various zero-tolerance policies by President Donald Trump regarding illegal immigrants, and refugees, such as:

- a) Strengthening border officers. Border officers are allowed to detain illegal immigrants without going through a court process,
- b) Prohibition of migrants from designated countries,

- c) Deportation without trial. A policy to return immigrants or refugees to their country of origin without going through a court process,
- d) Separation of children from parents of migrants or refugees,
- e) Construction of a giant wall in the border area (American Bar Association).

As a result, the Zero Tolerance policy has created a public outcry due to the controversy it attracted, nationally and internationally, because this act has been considered as a deviation to the values of human rights, especially in a democratic country such as the United States of America (Davis, 2018). Ever since the Zero Tolerance and the family separation policy was implemented, disregarding it being officially announced or not, the focal point of the effect of the policy is the immigrants who happen to be a parent and their child. As a consequence, because of this policy, immigrants will lose their families. It is a matter of concern because they will worry about their child's condition who are placed in shelters as they wait for their court sentences (Wiley, 2018).

From April 19 to May 31, 2018, just in the span of two month, it was reported by the government that on June 2018 that there have been nearly 2,000 cases of child separation at the US-Mexico border (Levinson & Rosenberg, 2018). President Donald Trump mentioned that he has signed an Executive Order (EO) that played a crucial role for keeping families together whilst certifying that the security at the border is maintained (Collinson, Westwood, Jarrett, & Kopan, 2018). Eventually, on February 2019, the Trump Administration stated that reuniting thousands of children's who were separated by their parents or guardians will be unlikely (Soboroff & Romero, 2019).

B. Research Question

From the background described above, then the formulation of the problem is obtained, specifically: How Did The Zero Tolerance Policy Impact Mexican Immigrant In The Donald Trump Era?

C. Theoretical Framework

I. Concept of National Security

National security as a concept that changes in line with the international political constellation. Within the framework of international law, national security as a concept left to each country of origin does not violate the conception of a democratic state.

The traditional view of national security is defined in military terms, with a primary focus on protecting the state from threats to the national interest. But the traditional notion of security as defined with reference to national continuity, physical protection of state territory, and military might, has expanded in scope in the second half of the 20th century, especially since the end of the Cold War.

After the Cold War, security risks such as organized crime, nuclear disarmament and terrorism moved to the center of discussion in national and international security. As security practices change, researchers see it becoming more widespread. In relation to human rights and human development, the concept of security emerges from a view of human security (Amaritasari, 2015).

II. Human Security Theory

Generally, international security is associated with Realism, however, every now and then using realism is too rigid and focuses on the state as an actor or state-centric. In security, the state is not the only thing that matters. The security of individuals as citizens is also important to consider because the security of the state itself can be a threat to the security of individuals or the citizens themselves. Therefore, a critical theory called Human Security theory was created by Ken Booth and Robert Cox, where they highlight that individual security is no less important than state security (Akhmady, 2020).

Human Security won't eradicate national security, in fact, the viewpoint is that it emphasizes on security for its

people. In this context, national security and human security are equal. A vital strategy for human security to work is that it promotes a democratic state that values its citizens and protect their minorities; simultaneously reinforcing legitimacy, stability, and the security of the state. Despite that, when states become aggressive, internally repressive, or unable to govern effectively, they will endanger the security of their citizens (Axworthy, 1999).

D. Research Argument

By using the concept of National security, the researcher will explain what problems can be encountered on the United States border with Mexico. These problems will become the reason why Donald Trump has the impetus to develop the Zero Tolerance Policy. However, in making this policy there is a side effect, namely the separation of parents from their children. The theory of Human Security is used so that the researcher can describe that this policy violates human security.

E. Research Methodology

The researcher will conduct the research using secondary data. This means that the researcher will collect data from various literature that has materials regarding the issue that is discussed in this research, such as journals, articles, documents, online news, electronic media, and the internet.

F. Research Purposes

- I. The purpose of this research is to give a new perspective on the impact of the Zero-Tolerance policy by focusing on the children's hardships.
- II. To create an academic paper that can help future researchers who are interested in this topic, whether it's for their reference or for them to add new insights to the shortcomings of this thesis.

G. Writing Systematics

In this research, there will be four chapters.

The first chapter will be the introductory section consisting of the background of the topic the researcher has chosen, the research question that will direct what will be discussed, a theoretical framework that will become the guide for the researcher to conduct the research, a research argument that will provide a temporary answer from the researcher, a research methodology that explains how the research is conducted, and a writing systematic that will provide a guide on the materials that will be discussed in future chapters.

The second chapter will explain the history of the emergence of immigrants in the US from Mexico, current issues at the U.S.-Mexican Border, and the fate of Mexican immigrants during the Donald Trump administration.

The third chapter will answer the problem in this case study: How Does The Zero Tolerance Policy Impact Mexican Immigrant In The Donald Trump Era?

The fourth chapter will conclude the research as the researcher will write the conclusions from all the chapters.