The Effects of Public Perception of Immigration on Bureaucratic Discretion

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When discussing the American immigration system, previous literature often focuses on a multitude of factors surrounding the process such as the history of immigration policy and its race-conscious roots - specifically in controversial policies such as the Diversity Visa Lottery. Additional studies focus on the effect public perception has on government, via vote switching based on a party's stance on immigration, and the divisiveness that comes with immigration rhetoric regarding Latinos. What many fail to correlate is the broad overview of how bureaucrats at many different levels of government are able to affect the interpretation of existing policies without congressional oversight, leading to implicit bias and political bias playing a role in policy execution. The objective of this study is to examine the link between public perception of immigration and the bureaucratic discretion of existing immigration policies. By conducting a qualitative analysis using the Migration Policy Institute's data detailing the number of immigrants admitted to the United States throughout different presidential administrations, green card analysis, cross-referenced with public opinion polling on immigration issues over time, one can examine the relationship of public opinion and execution of immigration policy. The findings of this study show that negative public perception of immigration may affect the number of visas issued by bureaucrats. Additionally, these findings show Republican presidential administrations elected on an anti-immigration platform do not administer fewer green cards than their Democratic counterparts. This research adds to the existing literature by widening the lens on the role of bureaucratic discretion in the field of immigration policy.

American immigration is seen as the gold standard across the globe, with many citizens priding themselves on hailing from a country with no national race. Labeled the "Great Melting Pot", Americans of all different origins come together to make America something truly admirable, a country of immigrants, built for immigrants. Despite this label, debates over immigration remain one of the most hostile aspects of American politics. For a nation that prides itself on it's history of immigration, there is significant debate on who should be allowed into the United States. This divide of immigration stances not only affects the immigration policy that makes it onto the floor of Congress, but the power of public opinion itself may be enough to influence the implementation of ex-

isting immigration policies. The aim of this study is to establish whether public perception of immigration has an effect on bureaucratic discretion of the immigration policies themselves. The findings of this research pose dramatic implications for not only the state of American politics, but the power that administrations, and by proxy the American people have on existing legislature, without the need for change through the traditional channels of government. I aim to show that the rhetoric used by administrations that are seen as "tough on immigration" and the public's willingness to vote for these candidates, ultimately shapes how bureaucrats execute their job.

Literature Review

Past literature regarding these topics primarily focuses on prior immigration policies and their impact on the racial makeup of the United States, theories and studies of public perception on immigration, namely how it is shaped and what its root causes are, and how bureaucratic discretion affects standing policies . Before delving into the literature, it must be stated that I will not be discussing any immigration policy prior to 1965 and will only briefly mention the country quota system in its form before that year, as the history of the current statute is all that pertains to the research question. I will also take note of not only the cause of public perception on immigration, but also on how it impacts voting habits, as each administration may severely impact how bureaucrats go about their decision-making process and the amount of discretion allocated.

A Brief History of Immigration Policy Regarding Ethnicity and Race

The first iteration of the United States' current immigration system was put into effect under the Immigration and Nationality Act of 1965, also known as the Hart-Celler Act (1965). This Act transformed U.S immigration and became the first immigration policy to be devoid of prejudice, meaning it was racially neutral, as the former system, the quota system, limited the amount of people coming from each country. This disproportionately affected those perceived to be minorities (Kim, 2007). Instead, the Hart-Celler Act focused primarily on two preference systems: familial and professional rather than country of origin. In addition to this, the law established a ceiling of 20,000 immigrants per country, and a cap on the Western Hemisphere entirely in order to encourage a more diverse immigrant pool. Some, however, argue that this Act was not as effective at being racially neutral as it seems. Nadia Kim (2007) argues that by focusing more on employment, the Act deliberately excludes unskilled Latinos that may be emigrating from the south. Additionally, Kim highlights that the cap of 120,000 on the Western Hemisphere does not simply promote diversity, but rather restricts Latinos and Hispanics almost exclusively (Kim 2007). This clause was later removed in 1976, but not on the grounds on discrimination. Despite its best efforts to be racially neutral, the Immigration Act of 1965 is not without its criticism. While the Act's successors, such as the Immigration Act of 1990, do address some of the main issues presented here, they also open up a whole new set of concerns in regard to race.

Although the shift in immigration attitudes from 1965 to 1990 was significant, prior to discussing the next major act it is worth mentioning one noteworthy piece of immigration policy that lies between the two. In 1982, President Ronald Reagan signed into law an immigration reform bill. While the bill focused on border security and other reforms, it also granted amnesty to any "illegal" immigrants living in the country, providing a path to citizenship. While this detail will have more substance when reviewing public perception and again in the methods section, it is mentioned here, as while it may seem bold for a Republican president to give any "illegal" immigrants a path to citizenship, the attention to border security frames the issue of immigration in a way that may shift public perception to be more hostile towards it (NPR, 2010).

The successor to the Hart-Celler Act, The Immigration Act of 1990, greatly reformed and refined the system that the Hart-Celler Act laid the groundwork for. This act not only increased the limit for immigration to the U.S worldwide, but

also allocated specific amounts for visas, depending on distinct categories (1990). The majority of these, 465,000 (480,000 after 1995), were for family- related immigration, while another 140,000 were employment based. The remainder were allocated for the controversially named Diversity Visa lottery.

Kim's main argument in her study is that the recategorization of employment visas in the Immigration Act of 1990 discriminates further on Hispanic and Latinos using coded language that sought out only "higher class immigrants". The categories for employment visas were redesigned to priority workers, those with advanced college degrees, skilled workers, professionals, special immigrants (religious workers) and those who come to create jobs. Kim argues that the fact that "skilled workers" intentionally excludes "seasonal workers" is a racially (or perhaps more appropriately termed "ethnically") coded way for promoting the idea that Mexican and Latin American immigrants add no value and are a burden on our country, despite evidence pointing to the contrary (Kim, 2007).

The Diversity Visa lottery was viewed by many to be an addition that went counter to the values of the U.S immigrations attempt at being race neutral. It is this aspect that again brings the discussion of immigration policy back to race. Anne O. Law (2002) conducts a historical retrospective analysis on the lottery's addition to the Immigration Act of 1990 and shows that, while the lottery ended up favoring immigrants from Eastern European and African nations, it was initially designed to benefit Irish and Italian immigrants, the constituents of the Congressmen who proposed the bill (Law, 2002). Law explains that while the Hart-Celler Act did much to eliminate racial bias, Irish and Italian immigrants were often unable to attain visas at the same rate as immigrants from other countries. She attributes this to two reasons. The first reason is that Irish and Italian immigrants often do not have brothers and sisters in the U.S, unlike other nationalities such as Mexicans, allowing the prioritization of family visas over employment visas to work against them. Second, a labor certification was required for all immigrants, meaning that if American workers were able and willing to work a specific type of job, then immigrants

seeking to pursue that line of work would not be granted entrance into the country. This negatively affected both groups, as they often worked similar jobs that were reserved for Americans. Though the lottery failed to pass for many years, it was finally introduced in 1990 as a way to randomly benefit countries that were not in the top ten countries of origin in U.S immigration. Despite being intended to benefit Western Europeans, the admission of Ireland and Italy into the EU and the end of significant financial troubles in the countries led to less immigration from these countries overall.

While Law exposes the history of the Diversity Lottery, other scholars are more willing to call it blatantly racist. Stephen Legomsky (1994) argues that at the heart of the Diversity Visa was an appeal to white Americans, and an attempt to make them more comfortable with the changing racial demographic of the United States. Legomsky also criticizes its origins, calling it "European Affirmative action." In his article, and others for which he is known (Legomsky, 1993), he argues that the American immigration system is based on individual merit and familial ties, and any focus on country of origin in policy goes against what the Immigration and Nationality Act stands for. Other scholars such as Fuchs (1988) argue in a similar way, claiming that Filipinos were facing the same difficulties as the Irish. The Diversity Lottery was initially met with similar criticism from Latino and Asian communities, as many saw it as a way for the immigration system to backslide to a racial based entity (Law, 2002).

Through the discussion of literature thus far, it has become evident that any discussion surrounding immigration is intrinsically tied to race. This is not only true today, but historically. Race has shaped our immigration policies in ways that show what seems to be a bias in favor of white immigrants. Next, however, this paper will shift away from talk of race and immigration policy and take a look at studies surrounding public perception on immigration and its effects.

Public Perception and Immigration

Prior to drawing any connection between public perception on immigration and actual execution

of standing immigration policy, it is important to highlight the existing literature on what shapes attitudes towards immigration. Past literature reflects that the topic of immigration is a contentious issue with many distinct perspectives. In fact, such contention skyrocketed in the early 2000's, being cited as the most important issue according to the American people, even more important than terrorism (Brader, et al., 2008). This is consistent with the fact that Senator John McCain faced backlash from his own party at the time for being viewed as "soft on immigration." It is first necessary to show that public perception of immigration is intrinsically tied to the concept of race. Brader, Valentino, and Suhay (2008) argue that at the heart of opposition to immigration is anxiety about one's economic status and culture. They also claim that the public's "elite discourse" paints immigration in a way that puts the American lifestyle at risk. In a national survey which tied an immigration related headline to a picture of immigrants of different races, results found that white opposition was typically strongest against immigrants when shown photos of Latinos. To further show that this opposition was mainly on a racial basis towards immigrants, one can simply look at the now overturned Prop 187, known as the "Save Our State" initiative, which aimed at prohibiting "illegal" immigrants in California from using basic services such as public education and health care (Kim, 2007).

The language used targeting Latinos is deeply race-based, if not simply prejudiced. There are many opponents to this line of thinking that argue that Latinos happen to be the group immigrating here due to Mexico's proximity to the United States, and that the main argument is purely economic. Despite this, overwhelming evidence shows that not only do "illegal" immigrants pay taxes through a Tax ID number and a multitude of sales taxes, but the majority give more than they take (Kim, 2007). Additionally, they are often willing to work jobs that most Americans typically wouldn't. Brader, Valentino, and Suhay's work shows that it is an emotional response triggered around the immigration debate that was shaped by public discourse. It also shows that despite any evidence to show the perceived severity of the issue, public perception seems to move policy in the direction it desires.

The discourse mentioned prior and the anxiety that many Americans feel towards immigration all seem to be shaped by the media, specifically how the media frames both immigrants as individuals and the immigration policies themselves. A study conducted in two separate series of national surveys in 2007 aimed to expose whether the American public was more receptive to changing their views on immigration with equivalency frames or issue frames (Merolla, et al., 2013). The first series of surveys asked basic questions on immigration and randomly labeled the word preceding "immigrant" as either "illegal" "undocumented" or "unauthorized". The interest in this was the assumption that people reacted more negatively towards individuals being referred to as "illegal" as it is dehumanizing and creates a sense of the "other". The results, however, showed that across all three words, participants seemingly had the same responses, meaning that this equivalency frame had no impact on individuals' views on immigrants. By contrast, the second series of surveys provides different results. In this survey, the researchers asked about issues as a whole, and randomly switched between "amnesty" and "opportunity", or "path to citizenship" and "those who came as children." The results showed that when faced with the word "amnesty", people reacted negatively and opposed the legislation proposed. Almost all of this opposition, however, disappeared when the word "amnesty" was replaced with words such as "opportunity to eventually become citizens." Similarly, when questioned about the DREAM Act, when the phrase "those who came as children" was used, support for the Act dramatically increased. Given these findings, it is clear that the kind of media one is influenced by has a vast impact on what their view on immigration policy is. More conservative news outlets, such as Fox News, tend to use the term "amnesty" more frequently and mention children less often in cases such as the DREAM Act. This, in turn, shapes Americans' opinions on policy and opinion on immigration as a whole. Additionally, the negative reaction that the word "amnesty" invokes is a clear case of immigration anxiety, whether individuals are conscious of it or not. The divisive nature of having separate news channels influence reactions to immigration policy has a direct reac-

tion on which candidate and party an individual supports or belongs to. This paper will not delve too deep into the subject of epistemic bubbles and echo chambers that allow for the creation of the "other" in regard to immigration and encourage, in some instances, extreme rhetoric. Despite that, it is worth giving a quick mention to the work of C. T. Nguyen as an explanation of how these opinions of immigration and this anxiety spreads among the American people (Nguyen, 2020).

While information can be obtained from many mediums, one focused on by Nguyen is an echo chamber, a web of knowledge sources that actively discourages participation from an outgroup and discredits them at the same time. Nguyen makes several links to cult indoctrination behavior and uses Rush Limbaugh's conservative talk show as an example of this. For purposes of making this concept relevant to this paper this example will be slightly adapted. Imagine a radio host has talking points on immigration, as many conservative hosts often do on their shows. He not only gives information about how immigrants are bad for the economy and nation, but he prefaces his example with how outside sources will react to people with views like his own. He may tell them that they will be called racist for their views or close minded on the issue. When facts are presented otherwise, not only is the outsider already discredited, but the source of initial information, in this case the radio host, is seen as more reliable (Nguyen, 2020). An important distinction that Nguyen makes is that echo chambers, as described above are not to be conflated to epistemic bubbles; the two terms are not interchangeable. Epistemic bubbles such as one's network of Facebook friends with like minded views and news networks such as Fox News that may reflect their views are also relevant to the rise of anti-immigration opinion in the U.S, but the defining feature here is that the other side is not discredited. A new fact will present an alternative view, such as how immigrants are the backbone of our economy and undocumented people often pay taxes might dispel some "stealing our jobs" rhetoric. That is all to explain where anti-immigration rhetoric may stem from and why it is becoming increasingly prevalent, as one can see when discussing the 2016 presidential election.

The 2016 election provided a significant flair up in the divisive nature of immigration debates. Both the rhetoric used and proposed legislation, such as the building of a border wall, seemingly drove American voters to vote solely on the issue of immigration and to a broader extent, race. A survey conducted in the aftermath of the election aimed to show just that (Reny, et al., 2019). This survey asked two sets of questions, the first pertaining to who participants voted for in the past 2 major elections, and the second asked about racial attitudes. The results found that white people in general were more likely to switch their vote to the opposite party, and this was especially apparent among working class white people. The study concludes that polarization in this country is tied to a shifting view of race. Again, the correlation between racial bias and immigration is apparent. This also helps establish the perceived nature of partisanship and perception on immigration. Without any concrete reason to have opposition towards immigrants, people seem susceptible to the anxiety that the argument causes; so much so that it led to an increase in support of the "anti-immigration" candidate on the ballot. This establishes the fact that public perception on immigration can directly affect an entire administration's policy stances. Though policy can be affected by outside forces such as public perception, it does not work alone, as other forces are at work in the execution of the already affected policies.

Bureaucratic Discretion

Understanding policy and public opinion are extremely important pieces to the puzzle that this paper is attempting to view, but another key piece is that of bureaucratic discretion. It is vital to focus on this as it allows one to understand that policy, regardless of how strict the wording is, allows for leniency in its enforcement which can lead to the discrepancies this paper is searching for. The literature on bureaucratic discretion is vast, so much so that I will only briefly cover the major aspects and show examples of its work in government. Despite the size of literature, there is little said thus far about bureaucratic discretion in relation to immigration. For the sake of this paper, I will

define bureaucratic discretion as the amount of authority a bureaucrat has in enforcing a standing policy regardless of oversight. In many policy areas, Congress will typically attempt to give as strict a set of rules as possible, in order to limit the amount of discretion any official or bureaucrat may have. Some prominent literature on this however proves that discretion shows up in all sorts of areas, even if attempts to curb it have been introduced.

The foundation of the topic of bureaucratic discretion was initiated by Michael Lipsky (1980) in his book Street Level Bureaucrats. Lipsky argues that despite policy being set in stone, the enforcement of it is often up to discretion. Lipsky focused primarily on what he calls "Street Level Bureaucrats" such as police officers, social workers and other health care workers. These types of workers, while being adherent to overarching policy, typically work in high-stress environments that require quick decisions. Police, for example, decide who to stop, who to engage with, and who to ultimately arrest. The policy exists, but it is the worker, in this case the bureaucrat, who has leeway in how it is applied (Lipsky, 1980). Discretion is not only allowed, but in many cases, it is encouraged. Gailmard and Patty (2007) argue that the merit-based system on which American bureaucracy rests, is designed in a way that promotes discretion. They posit that the system creates two types of bureaucrats, Slackers and Zealots. The Slackers, as defined by Gailmard and Patty (2007), become accustomed to their job security and feel no desire to climb ranks and establish themselves as an expert. The Zealots, on the other hand, are motivated not only by the merit-based system that grants powers and higher pay to those who become experts in policy, but also by the future career path that "bending policy" allows them to get attached to. In their own words "... the effects of personal management institutions and the "politics" of bureaucratic discretion are mutually dependent, and in this case, reinforcing" (Gailmard & Patty, 2007). This form of discretion can be incredibly dangerous and leads to the inequality of law. Additionally, the literature shows us that this is not an isolated instance of discretion.

A 2014 Harvard study attempted to show this discretion in action by conducting a survey of over 7,000 emails directed to local and municipal officials across the nation in charge of providing and distributing election information to voters (White, et al., 2015). What they found confirms what Lipsky had warned about in his book, albeit on a different scale, when there is room for discretion in policy, there is a possibility that racial, cultural, and partisan bias may seep into the result (Lipsky, 1980). The email survey concluded that not only were white sounding names more likely to get a response, but the quality of the responses were also statistically and significantly higher than that of emails sent with specifically Latino sounding names. Not only are these "street level bureaucrats" not in a stressful environment that requires immediate discretion, but they are, in some cases, elected officials choosing which group to apply the law to.

Throughout the course of this paper, the basis for a majority of bureaucratic discretion making will be referred to as "implicit bias." This is done, not only to further the idea that bias lies behind discretion, but as it is a term that many are familiar with due to the literature on implicit bias being ever expanding and applicable to much of political science and other fields, such as philosophy, cognitive science, and psychology. To be truly fair in this verbiage, it is important to lay out a brief understanding of implicit bias in order to properly articulate the nature of how it plays into bureaucratic discretion, and what the wording means to imply.

Rather famously, Harvard's Implicit Association Test (Nosek, et al., 2002) attempts to ascertain underlying associations that people subconsciously make by equating different subjects with either positive or negative characteristics in an attempt to see whether individuals implicitly associate a concept with a certain kind of trait. They do this by using an internet conducted test and assigning certain concepts such as "white" and "black" to different keys on the keyboard, and then interchanging them in rapid succession with "good" and "bad", asking that the participant respond to the on-screen prompt as fast as possible. Overwhelmingly, participants in Project Implicit associate certain concepts such as whiteness more frequently with "good" and blackness with "bad." A questionnaire is filled out prior with a person's beliefs about different topics. The term, implicit, is used as many

people are unaware of the biases they possess, and are even upset by them, as they most likely do not reflect the values one holds regarding the issue at hand. While there is no current immigration test underway, much can be learned from tests already occurring. Since time has been taken in this paper thus far to show the distinct social correlation between race and ethnicity to immigration, it is important to note that the IAT outlines "normative whiteness" in one's underlying assumptions of people. Other tests conducted using this process such as implicit religious preference also come into play here. Given the extensive research on the subject, it is not a stretch to see this concept being applied at a federal immigration level, leading to bureaucratic discretion. That is to say, discretion need not be a conscious choice made by a bureaucrat attempting to be biased in deciding who is allowed to immigrate, but rather an implicit association that leads to preferences of certain people, in this case in relation to current public opinion.

Implicit bias is often understood as unconscious beliefs manifesting as external attitudes. In fact, a paper published in the California Law Review discusses how, given the general consensus on implicit bias research, a new perspective can be taken on how this affects existing anti-discrimination laws, and what steps can be taken to address this (Jolls & Sunstein, 2006). The authors focus on "debiasing" within the law, and how oftentimes this need be enacted retrospectively. A similar line of reasoning might be used to stop discretion in many policy areas once it is apparent.

Bureaucratic discretion does not only happen in elections and on the street, it happens in many different sectors and across all levels of government. Furthermore, Congress, who is responsible for drafting laws in a way that allows discretion, seemingly does so on purpose in many cases. It is important to note too that presidential opposition can impact the direction and enforcement of the law, shaping discretion throughout the administration (Bawn, 1995). Additionally, presidential opposition may not be the only force shaping bureaucratic discretion but may in fact be a mechanism for public opinion to work its way into politics. It is not a stretch to wonder whether the kind of discretion discussed here could occur in the context of

immigration among bureaucrats working throughout different administrations.

Hypotheses

The literature explored thus far has indicated a few premises that will guide this study. First, perception on immigration is inherently tied to the race and perceived skill value of the potential immigrant, and this seems to have been true throughout the history of our modern immigration system. Second, one's immigration stance is becoming one of the main reasons that people switch political parties and vote choices, and yet framing the policy issue, rather than the individual, leads people to change their view more reliably. Finally, despite having set rules and guidelines, bureaucrats are often able to use their own biases and the biases of the general public and the electorate when administering already existing policy, shaping an outcome that is different throughout various administrations. The primary argument that I will make in this study is that public perception of immigration has a direct influence on bureaucratic discretion of immigration policy. Despite policy remaining largely untouched, it is my belief that one will see a difference between Republican administrations that typically rely on anti-immigration rhetoric to get elected, and Democratic administrations on the number of green cards issued during the time periods of their respective presidencies.

- *H1: Negative public perception on immigration has a decreased effect on the number of green cards issued by bureaucrats.*
- *H2: Republican presidential administrations elected on an anti-immigration platform administer fewer green cards than their Democratic counterparts, despite major immigration policy staying relatively stable.*

Additionally, the null hypothesis for H1 states that negative public perception on immigration has no effect on the number of green cards issued by bureaucrats. The null for H2 states that there is no difference between Republican and Democratic presidential administrations on the number of green cards issued.

Methodology

The methods for testing these two hypotheses are presented by two qualitative case studies using three variables overall. These come in the form of data gathered from the American National Election Survey, immigration data gathered by the Migration Policy Institute (MPI), and data gathered from mentions of immigration in a negative light in presidential addresses to a joint session of Congress. For the latter variable, I am mainly using the State of the Union Address, though exceptions are made after election years when that formality does not occur. Before shedding further light on each of my variables, the demographics, and methods of gathering the date, it is important to address some of the shortcomings of this methodology, and why the study takes the form of qualitative case studies.

Regarding the first hypothesis, using the ANES data is the most reliable snapshot of American public perception of immigration available, as no other opinion poll seems to mention the issues as far back as the ANES does. This positive aspect turns out to also be a negative one, as the data only goes back until about 1992. While this is a nonissue, it would ideally be preferable to have the data date back further, in order for a proper statistical test to be performed. This, however, does not only pertain to ANES data, but also plagues immigration statistics. The reason that data is not widely available is not an anomaly but rather a perfect representation of a fact stated prior; immigration was not seen as a major issue in the eyes of the American people until the early 1990's, with political knowledge of the subject hitting its peak in the 2000's. For this reason, not only were opinion polls on the issue not too common, but actual immigration statistics gathered by the government were not commonplace either. This has led to immigration data only being available from 1999 onwards. Despite being a county of immigrants, the United States has seemed to pay little mind to the fact of keeping track of immigration itself. This only provides about 20 reliable data points for the immigration variable. It is for this reason that I have decided to do a case study to analyze my first hypothesis. I believe that not only will a statistical analysis be unreliable with such a small n- value, but the nature of the data itself, both ANES and immigration statistics, tells us so much that a case study of the available information is entirely preferable. The term case study is used here in a loose way. The "case" I am looking at in this hypothesis is the snapshots of immigration opinion and available immigration data. Using the data gathered from the ANES, and using immigration data as a backup, I conducted a full analysis on whether public opinion affects bureaucratic discretion, among other interesting factors that the data tells us. The difference I am looking for is how instances of different levels of public approval of immigrants impacts immigration green card issuances, potentially highlighting bureaucratic discretion's role.

Since the dependent variable of immigration statistics is the same for my first hypothesis as my second, I have concluded that a case study is also appropriate in this instance. As was the case with H1, H2's independent variable, negative mentions of immigration in State of the Union addresses, tells us a fair bit by itself, and coupled with the immigration data, proves a stellar subject for a case study. In this instance, the "case" mentioned is the State of the Union address's mentions of immigration's impact on green card issuances, in an attempt to show evidence of bureaucratic discretion.

Being the dependent variable in both the hypotheses, it is only fair to discuss the methods of the gathered immigration statistics first. As mentioned, the immigration data used in this study was gathered and presented by MPI starting in 1999 through 2019. The data itself is a measurement of the annual number of green cards issued by bureaucrats in each given year broken down by geographic region and country. This data will drive the study, as the hope is to see effects on the patterns of numbers in countries, especially Mexico and China, that seemingly correlate with both public perception and presidential rhetoric. Due to the nature of the green card process, each year's numbers represent the start of the process as a whole at least 2-3 years earlier. As an example, if discussing public perception in 2000, I may look at immigration data from 2002 or 2003, as that would be when the corresponding change would occur.

The independent variable in my first hypothesis, ANES data, was taken from the American Na-

tional Election Survey Time Series Study, which compiles all frequently asked questions in each year's study from 1948 to 2016 together in order to further research on many subjects, immigration included, by giving the researcher a look at changing public opinion. Due to the fact that the data is taken from many different years, the average demographic of respondents may vary per year. That being said, looking at the data holistically, the average respondent was a 47-year-old White, non-Hispanic, average working-class woman with a high school degree (ANES Time Series, 2019). The two main variables focused on in this paper are essentially the same question, asking whether
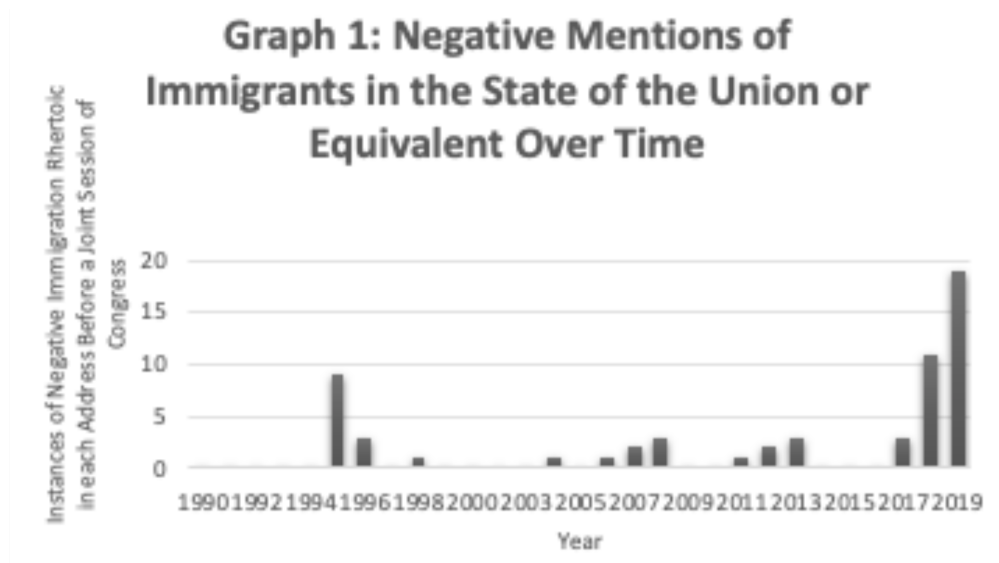
Table 1: Increase or decrease immigration by year (4-category)

Year of Study	1992	1994	1996	1998	2000	2004	2008	2012	2016	Total
Increased	7.8%	5.3%	5.2%	10.5%	9.5%	10%	14.4%	14.1%	16.1%	11.6%
Same as now	41.8%	28.7%	36.6%	38.7%	43.6%	42.4%	41.4%	42.4%	39.7%	40%
Decreased	47.1%	63.9%	56.8%	47.9%	43.6%	46.2%	42.5%	42.1%	43.9%	46.6%
Don't Know	3.3%	2.1%	1.4%	2.8%	3.3%	1.4%	1.7%	1.4%	0.4%	1.8%

Table 2: Increase or decrease immigration by year (6-category)

Year of Study	1992	1994	1996	1998	2004	2008	2012	2016	Total
Increased a lot	2.6%	1.7%	1.8%	2.7%	2.5%	5.2%	4.4%	5.6%	3.8%
Increased a little	5.2%	3.6%	3.4%	7.9%	7.4%	9.3%	9.7%	10.5%	8.0%
Same as now	41.8%	28.7%	36.6%	38.7%	42.4%	41.4%	42.4%	39.7%	39.7%
Decreased a little	24.6%	22.3%	29.5%	28.2%	26.7%	22.7%	20.2%	18.9%	22.6%
Decreased a lot	22.5%	41.6%	27.3%	19.8%	19.5%	19.8%	21.9%	24.9%	24.3%
Don't know	3.3%	2.1%	1.4%	2.8%	1.4%	1.7%	1.4%	0.4%	1.6%

Graph 1: Negative Mentions of Immigrants in the State of the Union or Equivalent Over Time

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or not we should increase or decrease U.S immigration in any given year. The first variable gives 4 categories, increase, decrease, same as now, or do not care. The second variable, which is also available for most years, expands the categories to 6, including the option to differentiate between a little and a lot for increased and decreased. In this paper, I have provided the crosstabs of the data converted to percentages by SPSS and formatted into tables for increased readability.

The final variable used in this study is negative mentions of immigration or immigrants in each presidential State of the Union speech or its equivalent from 1990-2019. This data was gathered by reading through each speech and counting each negative mention using a set of keywords or phrases. No phrase was counted twice unless divided by a comma. For example, if a sentence states that "We have a problem with criminal illegal immigrants in our country", this would only count as one, as criminal and illegal are used within the same phrase. Though overall tone can be difficult to measure, the phrases and words measured were "illegal", "alien", and "criminal", including its synonyms. Additionally, the term "legal" is counted in some instances due to the implication that other forms of immigration are in fact "illegal". Other words were considered, but ultimately made no appearance in any speech. Some other instances where implied tone is obviously negative were mentioned as well, though this will be further discussed towards the end of the analysis section. Graph 1 contains a histogram of the raw data.

Analysis

Each of the variables used here are rich with information that must be clearly analyzed in order to truly test the first hypothesis. I will first discuss the ANES data and its implications, and then proceed to explain what the immigration data actually says about immigration trends to the U.S since 1999. Once that analysis has been established, I will discuss these two variables' relationship to each other, and ultimately bureaucratic discretion's role between public perception of immigrants and actual reported immigration, all the while watching for any significant pieces of immigration legislation

that could affect any results.

The data gathered over the years by the ANES immediately has implications for H1 (For reference during this section, be sure to refer to Tables 1 and 2 in the methods section). As one can observe, since 1992, public opinion has overwhelmingly leaned towards decreasing immigrants, as in the four-category variable, that is the largest percentage with the exception of data collected in 2000 when it was tied with those who wanted to keep immigration at the same level. In fact, despite the positive aspects of immigration, such as diversity and economic growth, not once did public support for increased immigration surpass 20 percent of those surveyed. This trend appears to change when one analyzes the data from the 6-category variable, but as increased and decreased are split into two categories, (a little and a lot) this is not the case. The 6-category data actually gives us a better insight into American public opinion over the years, as we can see the severity of the public's views. The highest amount of support garnered for increased a lot was a measly 5.6 percent of respondents, notably in the year 2016. This is offset by over 40 percent of people in 1994 wanting immigration to decrease drastically. It is worth pointing out that 1994, the year with the most public animosity towards immigration, was a year during a Democratic administration, causing problems for my second hypothesis, and while that will not be discussed until the following section, it is an insight I will refer back to.

With decreasing immigration being the consensus in almost every year, it is important to adequately establish the main points I will be referring to when referencing this with immigration numbers. First and foremost, if my hypothesis is correct, that bureaucratic discretion plays a role in immigration and is ultimately influenced by public opinion, then theoretically 1994 and 1996 should have lower numbers of immigration than any of the other years. Another key piece of information that the ANES data gives us, is the implications gathered from its 2016 data. While the number of people who responded that they do not know whether immigration should be increased, decreased, or stay the same is low in every year, 2016 is the only year that less than one percent of people responded

that they don't know. What we can glean from this reflects part of the literature discussed earlier in the paper: the 2016 election was one heavily influenced by public perception on immigration, with almost all voters having an opinion on the matter. On the surface, public opinion looks standard for the year as it matches the other years around it, but this piece of information and the contentious nature of the election lead me to believe that public knowledge as well as opinion were much stronger than they initially appeared during this year. It is for this reason that bureaucratic discretion, which by its nature happens implicitly at times, has a chance to seep into administration of green cards due to increased awareness of immigration opinion by bureaucrats.

Evaluating the immigration data itself is, akin to the ANES data, extremely forthcoming and worth developing insights from before taking the two together to test the hypothesis. The first observation that is clear is the fact that, despite a few fluctuations, immigration has been trending upwards at a significant rate over the years. This is evident by the fact that in 1999, the number of green cards issued was 644,787, while 2017 saw that number climb to

1.1 million. This overall upward trend raises some issues as to the effectiveness of public perceptions impact as a whole. This however can also prove useful, as the years when the data diverts from this trend are years that have a likelihood of having increased bureaucratic discretion. By assessing Graph 2, one can observe that the dips here occur most significantly in 1999, 2003, and 2019. It is these specific years that I will attempt to compare with public perception data, while also being aware of any factors that I must control for.

Another aspect of this data worth noting is data gathered by specific countries. For this paper, I singled out both data from Mexico and China, as most of the literature on public perception focuses on Mexican immigration, and China seems like a good foil to any trend that may show up. Interestingly enough, Mexico under MPI data is listed as Central American, not North American, an observation made by Law (2002) in the first section of my literature review, and one I did not think would come up again. This has no relevance to my data, but as it has been mentioned once before in the literature, I feel it is worth noting the trend.

Overall, the data from both Mexico and China

Graph 2: Number of Green Cards Issued to All Countries by Year Over Time

Graph 2: Number of Green Cards Issued to All Countries by Year Over Time
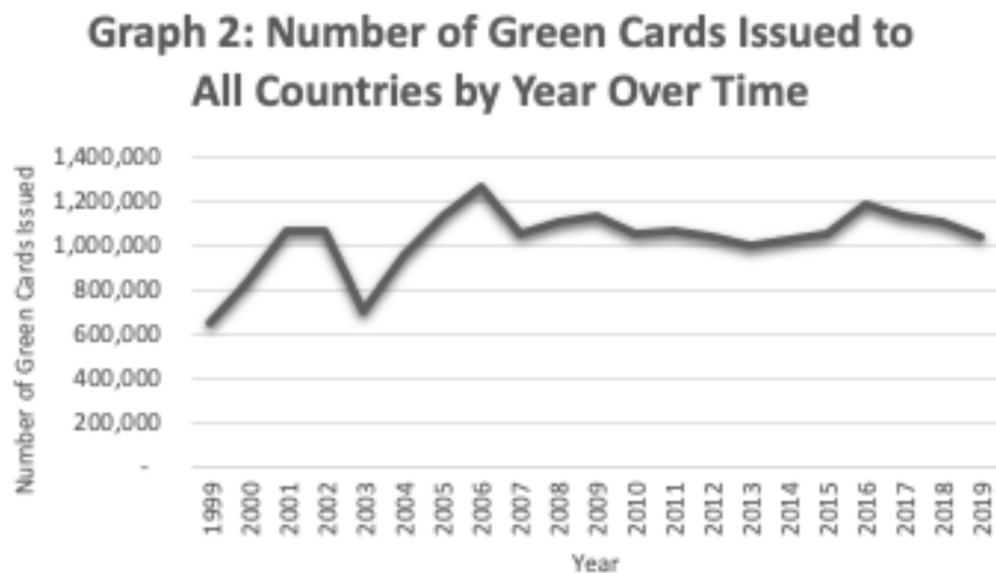
are fair representations of immigration numbers, as they have major dips in the same place as the full dataset, with a few fluctuations here and there. An aspect worth noting is the fact that Mexican immigration hit its apex in 2002, while in China that happened in 2006. Mexican immigration also seems to have been slightly trending downwards, while Chinese immigration was trending upwards until 2017. While the dips in the trends remain similar to immigration as a whole, these two countries' trajectories differ. All of this can be gathered by assessing Graphs 3 and 4.

As previously noted, the two main areas of contention regarding public perception on immigration appear to be 1994,1996, and 2016. Though it is hard to do any analysis on 1994 given the lack of available immigration data, the 2-3 year buffer in the administration of green cards allows us some, albeit limited, insight into what was going on in 1996. In fact, when you take into account a 3-year buffer, the points highlighted in immigration opinion line up fairly well with a decrease in green cards, as 1999 is the lowest given overall, and 2019 seems to indicate another trend downwards. That being said, it is important to highlight oth-

er factors that could potentially be attributed before jumping to any conclusions. The 1999 data is unique, as due to limitations, one cannot reliably know what the prior years of immigration actually looked like. As immigration is trending upwards there is a high chance that prior years were either lower, or the same level as the year itself. This cannot be certain, but since the jump in the next few years is so significant, it is a fair assumption to make that this dip could be correlated to external factors such as public opinion. 2019, at first glance could easily be explained away by limitations on visas from primarily Islamic countries stated in policies of the Trump administration, but closer inspection proves otherwise. If this were the case, immigration overall would shift downward while individual countries not affected would remain constant. The data taken from Mexico and China disproves this, as in both cases, immigration trends downwards following the contentious immigration years. The other major dip in immigration is in 2003, which can be explained by post-9/11 policies regarding immigration, slowing the process for a couple years.

With no apparent data to combat this theory, it appears that in years with the most animosity

**Graph 3: Number of Green Cards Issued to Mexico by Year Over Time**

regarding immigration in the public eye, there is a negative effect in the number of green cards administered. While I must admit that the 2016 data may be somewhat of an outlier, it is still probable to argue that due to the lack of people having no opinion in the matter I still count this year as contentious and negative. That being said, it may have been a better choice to reframe the hypothesis along the lines of "increased public opinion" or "increased knowledge of the immigration debate" and I encourage future literature to pursue this line of reasoning. Regardless, the data gathered here leads me to reject my first null hypothesis, as it appears that negative public perception on immigration does in fact lead to fewer green cards being administered. This is a dramatic insight for the possibility of bureaucratic discretion happening at a federal immigration level, but it must be stressed that this in no way guarantees the presence of discretion. Bureaucratic discretion by itself is extremely hard to isolate in a testing environment, and given the lack of data, a statistical test cannot yet be administered. The implications of this research does, however, narrow the possibilities, and has great potential for identifying bureaucratic discretion. More on this topic will be discussed after first doing an analysis of the second hypothesis.

The second hypothesis, while aiming at identifying a possibility of bureaucratic discretion, takes a slightly different perspective than the one of public opinions. First, I will focus on the implications of the State of the Union's negative tone towards immigration and identify which presidential administrations seem harsher in their rhetoric. I will then go over the immigration data once more, this time identifying which presidential administrations allocated more or less green cards in a given time period. After doing that, I will then dive into the true analysis and compare the two variables, to identify if my hypothesis that Republican administrations issue fewer green cards than Democratic administrations is correct, or if it needs revision.

Much like every variable thus far, the data gathered from State of The Union speeches is very telling, and provides interesting implications, some that create immediate problems for the hypothesis. First, it is important to go through individually and discuss how each president dealt with immigration rhetoric, and why that may be. During Bush Sr. 's term in office, he never once makes a negative mention of immigration, and barely comments on the process at all. This trend is echoed from prior pres-

Graph 4: Number of Green Cards Issued to Mainland China by Year Over Time

Graph 4: Number of Green cards Issued to Mainland China by Year Over Time
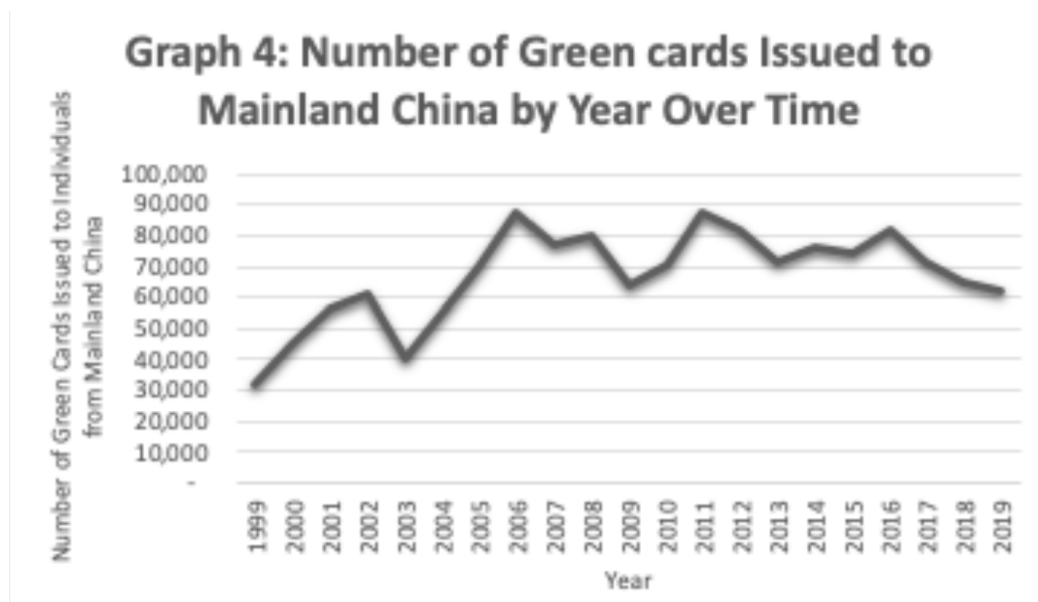
idents, who also had little to say about the topic. As described in the literature review; immigration was not seen as a major issue in the public eye for most of the past century. The next presidential administration, on the other hand, took a drastically different approach to the topic. Bill Clinton's State of the Union speeches rhetoric and tone towards immigrants is extremely harsh. In 1995 alone, he made 9 references in separate phrases that show immigrants or "illegal immigration" in a negative light. Though not directly related to this hypothesis, the ANES data can help explain this phenomenon, as 1994 was the year with the most negative public perception of immigration in recent history. With more Americans seemingly having negative feelings towards immigration, it makes sense why the State of the Union would reflect these ideals, especially as President Clinton was trying to show how much he was doing to combat the issues. That being said, the only Clinton years that show this kind of rhetoric are 1995 and 1996, with all the rest having little to no mentions of immigration in a negative way. Immigration rhetoric over the course of the Bush administration is quite interesting. President Bush tended to use terms such as "illegal" which accounts for a majority of his data, but his overall tone towards undocumented immigrants comes across as extremely compassionate. Though I did not have a measurement for instances such as this, it is worth mentioning here during the analysis. Similar to the Clinton administration, the Obama administration began with a harsh tone about the issue of immigration, but as time went on little to no negative rhetoric showed up. Though Obama is criticized at times for his immigration stances among Democrats, one may be able to attribute this to appeasement of the masses and his constituents, as this is a topic many care about. Finally, the Trump administration. By far the outlier among the data, one glance at the chart pertaining to State of the Union data in the methods section draws eyes to 2016 onwards. With 11 negative mentions in 2018 and 19 in 2019, Trump's immigration rhetoric was by far the most dehumanizing. Every mention of immigrants painted them as the "other", and out of the dozens of State of the Union speeches read through for this data, Trump was the only president to spend a large portion of his time

during the speech on, not so much immigration, but immigrants instead.

By discussing the findings of the gathered State of the Union data, one key insight becomes clear; 1995 and 2016 are the years with the worst immigration rhetoric, mirroring two of the main years analyzed in the first hypothesis. There is a difference here however, as my hypothesis predicts that Republican administrations altogether issue fewer green cards. While just taking a look at the rhetoric is not enough to answer the question, the hypothesis is already presented with a few problems. First, Bill Clinton, the administration with the second "worst" rhetoric, was a Democratic administration. In fact, by just using the data gathered here, Democratic administrations seem to mention immigrants negatively more often, as both Obama and Clinton do this, while both Bush administrations are more sympathetic and less harsh on the issue. As stated, the Trump administration can be viewed as an outlier here, and in no way can this be taken to prove that Republicans are harsher in their rhetoric.

Going back to the immigration data presented by MPI, the second hypothesis can finally be tested. As mentioned prior, immigration appears to be trending upwards, but does dip in some instances such as in 2003 and 2019. Since the most important findings of this dataset were discussed during the discussion of my second hypothesis, it is best to only present information in a new light. The lowest point in all of the available immigration data occurs in 1999, under the Democratic Clinton administration, and while it dips back down again in 2003, as discussed earlier, this is likely attributed to 9/11's effect on the immigration process. Other than that, green card administration seems to rise in the Bush administration, fall in the start of the Obama administration until it seems to jump back up, and then finally fall back during the Trump administration. The dip in the Obama administration is likely due to the stagnation of the global economy and subsequent rise back out of the recession, as immigration is heavily reliant on economic opportunity of the country one immigrated to. The Trump administration on the other hand sees another fall in green cards, and it has already been mentioned that this cannot be attributed solely to

policy changes, as glances at individual country immigration such as China and Mexico show similar trends to global immigration to the U.S. This leaves the Clinton administration and the Trump administration as the two seemingly unexplained low points in immigration.

The findings of this research ultimately inform me that I cannot reject my second null hypothesis and can conclude that Republican administrations do no not issue fewer green cards than their Democratic counterparts. For one, the green card distribution follows no clear pattern when compared to presidential administrations, with highs and lows in both Democratic and Republican administrations. Additionally, though it is tempting to just look at the decline in the Trump era and compare it to the rhetoric present in the State of the Union address, this simply does not account for the opposite effect happening in the Bush administration and the negative rhetoric and decreased green cards in Democratic administrations in the Clinton era. Similar to what was stated when rejecting the null in regard to H1, the outcome of this second set of hypotheses has no definite bearing as to whether bureaucratic discretion happens at a federal immigration level. In that regard, this analysis has been quite telling and begins to show an apparent trend, especially when coupled with the analysis of hypothesis one. Before doing that, it is important to highlight the aforementioned trend seen in this dataset and how that plays into, not only bureaucratic discretion, but the future of this line of research. While I cannot reject my second null hypothesis, this does not fully indicate that bureaucratic discretion is absent in immigration, nor was this second analysis of the data in vain. The data outlines a clear trend for this to potentially occur, albeit in a different way than was posited in the hypothesis. While Republican administrations were not less likely to issue green cards, the Clinton administration and the Trump administration were. When looking at this with the same lens as was used with the public perception data, an implication of the data is reinforced. Not only was negative public perception correlated with lower green card issuances but rhetoric in presidential administrations was too. It can easily be inferred that the State of the Union speeches are a reflection of public opinion, aimed solely at appeasing voters. In this regard, the inkling that public perception has an effect of green cards, and in turn bureaucratic discretion is reinforced. A more apt route for future research on this subject then, would do well to focus solely on the Clinton Administration and the Trump administration, as if discretion happened anywhere in the immigration process, it is here.

Bureaucratic discretion is hard to detect. It is directly linked to implicit bias and government officials own leeway in policy application. More than that, it is detected in scholarly literature in multiple sectors, such as municipal employees giving voter information, schools in communities of color being treated with inadequate funding compared to white counterparts, and various other levels of government. Couple that with the ever-expanding literature of implicit bias and bias in general, and the fact that it is not easy to know what the inner workings of one's work ethic may actually be. There is so much to control for that, without statistical tests to conduct, one cannot truly know if it is present. With that said, there is almost certainly a correlation between public opinion and green card issuances, while at least controlling for major immigration policy. The most apparent correlation occurred in 1996 and 2016, and further research, should it commit to finding what is more than probable to be there given human nature, would do well to focus on these two years and subsequent presidential administrations.

Conclusion

Overall, the main purpose of this paper is to pave the way for the application of bureaucratic discretion into a field in which little to no research has focused on. It is clear that a correlation exists between public perception of immigration and green card issuances controlling for major policy, though discretion itself is hard to isolate. Limitations appear in this study that have been discussed, but using the information gathered from this paper, future scholars can continue this line of research when more data is widely available and proper testing can be conducted. If a more concise test is to be conducted, namely using immigration data in the future, allowing for a bigger sample and provid-

ing more accurate results, one can be more certain about whether discretion does in fact play a role in this policy area. Future tests would ideally be quantitative statistical tests that take aim at what this paper was truly intended to do. Nevertheless, this paper has provided a qualitative interpretation and a basis for establishing public perception of immigrantion's effect on bureaucratic discretion. The implications of this study show that, while not guaranteed, implicit biases exist in our government in ways that echo throughout entire generations of Americans. It need not be stated that the apparent appearance of discretion at this level is concerning if not downright un-American. Should further testing solidify the role of discretion in immigration policy, a major overhaul of immigration may be needed, if not through the system, then in the acknowledgement of the bias via increased training for immigration officials. Given the role immigration plays in the American identity, Americans should be cognizant that the process be free from bias so that our country can become the "Great Melting Pot '' we all desire.

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