

CALIFORNIA STATE UNIVERSITY, NORTHRIDGE

Discretionary Authority: Prosecutorial Discretion, Power Abuse, and Immigration

A graduate project submitted in partial fulfillment of the requirements

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Abstract

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Public administrators are entitled to a certain extent of discretionary authority while implementing laws, but are limited by the expectation that they interpret them with good intentions, comply with the legislature, and exercise them ethically to avoid impacting the public negatively. The literature shows that failure to use discretionary authority fairly and implement immigration statutes equitably not only negatively impacts the affected immigrants, but may have major consequences on the lives of innocent immigrants/asylum seekers. This qualitative study seeks to answer the question, What effect does the abuse of power in public organizations have on immigrants? The independent variable examined will be the degree of power abuse, measured by the range of observable characteristics that will indicate any degree of abuse of power. The dependent variable examined is the impact the power abuse will have on the immigrants, measured by the range of observable traits that indicate how these immigrants are negatively affected by the abuse. The scope of this research is focused on the effect of the immigration policies/executive orders on immigrants within the Office of Information and Regulatory Affairs (OIRA). Characteristics such as the presence of Illegal/unconstitutional travel bans, existence of antidemocratic policies not having majority approval by Congress, evidence of discriminatory policies that violate international and federal laws, the scope of enforcement power, and evidence of fair and consistent treatment with the immigrants.

Twenty Sudanese Muslim participants from a U.S. detention center were selected for an interview, with data collected using non-probability convenience sampling as it is the most convenient method for this study. During the interviews, detainees were provided with a translator and asked to answer the study questionnaire used to collect data on the effects of power abuse, as well as the PCL-5 stress survey to assess their stress levels during detention. The expected findings based on the data collection will identify the causes of the power abuse stemming from discretionary authority granted through flawed U.S. immigration policies. This study seeks to prove that current discretionary authority inevitably leads to power abuse that causes negative emotional, psychological, physical, social, and financial effects on the lives of immigrant detainees. The data from the PCL-5 PTSD survey (Appendix C) will be analyzed, and may show that the detention process lead to the development of PTSD among immigrants due to the effects of power abuse.

Introduction

A crucial point of the debates on managerial discretion is how to keep balance between the authority given to those who are in power and the level of control needed to avoid abuse of power (Hill & Lynn, 2016). In other words, how to balance between discretionary authority and adherence to the rule of law by public administrators. Dealing with clear rules of law of which consequences are predictable and foreseen is different than making decisions when the rule of law is ambiguous, thus consequences are unpredictable. Ambiguity therefore, poses major challenges on both public administrators as well as monitoring and accounting institutions. The problem lies within the public policy guidelines that are meant to govern public administrators in authority positions, and hold them accountable for their actions (Kettl, 2015). These immigration policies give discretionary power to administrators, that when unchecked, could lead to abuse of power that have a negative impact on the lives of detainees and goes against American values (Flavin & Franko, 2017; Hill & Lynn, 2016).

The concept of “presidential administration” reflects the intensive control that American Presidents exercise over the executive branch (Merrill, 2015). While the White House’s control system over administrative agencies’ regulations is represented exclusively by the Office of Information and Regulatory Affairs (OIRA), the decisions of the latter are exempt from judicial review under the Administrative Procedure Act or APA (Cox & Rodriguez, 2015). Thus, the role of the (OIRA) is controversial given the fact that its orders lack judicial control and public accountability (Flavin & Franko, 2017). This leads to the problem this paper will address, that this discretionary authority with a lack of accountability leads to abuse of power with negative effects on the public.

Although public administrators are entitled to a certain extent of discretionary authority while implementing laws, they are still expected in terms of ethical duties, to implement and interpret them with good intentions and in compliance with the legislature (Hill & Lynn, 2016). Executive authorities on the other hand, are expected to use their discretion to reflect and promote the public's interest (Flavin & Franko, 2017). Poor immigration policymaking manifest how failing to use discretionary authority fairly can have a negative impact on the public (Soss, 2014). Therefore crafting and implementing immigration policies and statutes equitably is necessary, otherwise they may have major consequences on the lives of innocent immigrants/asylum seekers (Sohoni, 2017). There is a gap in studies on power abuse and the effect on immigrants in this country. This study seeks to fill this research gap and draw attention to these policies.

The main purpose of this qualitative study is to analyze the qualities and characteristics of power abuse resulting from discretionary authority, and the effects the abuse of power in public organizations have on immigrants detained by immigration authorities. Discretionary authority is an important issue in the public sector, and will be studied in this paper within the lens of immigration administration authority, while emphasizing the causal effects of the abuse of power on immigrant detainees.

Review of the Literature

There is much research on administrative discretion, Presidential administration and prosecutorial discretion, executive immigration policy making, judicial policy review, and their effect on current public policies and administrative behavior. However, there is a gap in the research on the effects of these policies. Very little research exists on how these policies affect the lives of immigrants. Hardly any research exists specifically on power abuse and the effects on immigrants in the United States. The purpose of this study is to address this gap in the literature by analyzing the qualities and characteristics of power abuse caused by, and the effects this abuse of power have on detained immigrants. The data collected will hopefully shed some light on how power abuse caused by unchecked executive discretionary authority negatively impacts the lives of immigrants.

Administrative Discretion

Discretionary authority isn't an exception to the rule of law, it is rather an essential aspect of it (Hill & Lynn, 2016). By identifying many factors that helped change perception of discretion into representative behavior, Gibran (2013) showed how administrator interactions could be significant enough to affect their beliefs about their authority to interpret and implement rules, moving them from passive to active representation. Gibran (2013) asserted that public administrators are responsible for protecting the integrity of democratic processes within institutions that are governed by the Constitution, and are held accountable to democratically elected representatives. Public administrators must serve the public's needs and complete their job duties in a way that meets the interests of individuals and groups they are serving (Gibran, 2013). Immigrants who come to the United States seeking a better life, free of religious or political persecution may be shocked at what awaits them. Today, the policy decisions in this

country do not reflect the needs or will of the lower socioeconomic class (Flavin & Franko, 2017). Our founding fathers promised liberty and freedom for the poor, yet our public policies have been weaved around the wealthy, corporate interests, and big government (Kettl, 2015). It is important to analyze how political forces not only influence administrative policy, but also how administrators and bureaucracies behave (Soss, 2014). The concept of immigrants in this study refers to undocumented people/asylum seekers who had fled their home countries and are not able or willing to return because of fear from persecution, torture, and oppression due to their political views, affiliation to specific social groups, race and religious beliefs. Therefore, these immigrants have no choice but to stay in detention centers when incarcerated. This is where public policy becomes important, as authority structures must be careful not to support ideologies that may be contrary to American ideals (Soss, 2014).

The theory of representative bureaucracy gives the administrative decision making, through legislative delegation of decision making authority to administrators with values of accountability to both elected representatives and public responsiveness (Gibran, 2013). The quality of the enforcement powers of the executive authority is crucial within this context. Throughout his discussion of the notion of repression, which he refers to using the term crackdown, Sohoni (2017) explains and evaluates the enforcement power that the executive branch has. To that end, Sohoni (2017) defines “the crackdown as an executive decision to intensify the severity of enforcement of existing regulations or laws towards a selected class of offenders or a selected set of offenses” (Sohoni, 2017). A significant relevant feature is that initiating a crackdown decision solely falls under the executive branch’s authority, and thus does not require any prior authorization by any other branch (Sohoni, 2017). However, more importantly are the standards based on which such decisions are being taken and thus,

implemented. Sohoni (2017) argues that the way through which the enforcement power is being addressed makes big difference. That being said, implementing the executive's enforcement decisions in a way that is in compliance with the verbatim content of the statute is not enough for the enforcement to be considered good. Rather, the enforcer's good intentions and values in terms of faithfulness and consistency with the public's interest, the spirit of law and the constitutional rules are the main criteria of the best enforcement (Sohoni, 2017). Consequently, good enforcement should be identified by the extent that public enforcers are faithfully reflecting and representing the public's interest. Sohoni (2017) points out to the correlation of the standard of faithfulness with the content of Article II's "Take Care Clause" of the American Constitution that binds the executive branch to faithfully execute the laws (Sohoni, 2017). Therefore, the obligation aspect of the faithfulness principle as Sohoni (2017) proposes, should be linked to Article II of the Constitutional Law as the main concept to frame and drive our perception of the executive authorities' power towards promoting the standards of its enforcement. However, the faithfulness notion in Article II of the Constitution still carries some ambiguity, especially in the absence of a clear definition of the characteristics and criteria of the concept.

Besides the authorities that Article II of the American Constitution explicitly grants to the executive branch, the administrative decisions of the latter are officially and conditionally bound by the authorities/powers of each of the legislative and the judicial branches (Hill & Lynn, 2016). Therefore, the policy implementation process should be consistent with the policy preferences of the legislature, or it will be considered as policy deviation (Hall and Sutton, 2003). Other sources are also fundamental in terms of legitimacy of administrative conduct. As such, shared community values, policy preferences of the superiors, and ethical inducements are

essential factors toward which administrative discretion is or may be oriented (Hill & Lynn, 2016).

Presidential Administration and the Prosecutorial Discretion

Administrative law has always been interested in controlling the executive actions and authorities of legislatures and courts. Merrill (2015) identified two well-established traditions of the American administrative law, the positivist and the process doctrines. The positivist grants special importance to rules of law by which administrative bodies are structured and with which they are required to act in total compliance (Merrill, 2015). On the other hand, the process doctrine focuses on logical decision making procedures through which agencies are expected to act reasonably; though administrative agencies are given the right to explain their perspectives, they are obligated to do so publicly and in an effective manner (Merrill, 2015). A remarkable composition of these two doctrines has been attained by American administrative law in the twentieth century. Flaws from the positivist doctrine, such as delegation of vast discretion to agencies, were agreed on so long as reasoned decision making processes are being strongly enforced (Merrill, 2015). However, according to Merrill (2015) many scholars recently argued that the process tradition can be functioning on its own as a complete replacement of the positivist tradition. Merrill (2015) refutes such argument by explaining that although there have been many concrete indicators about the administrative attempt in the twenty first century to shift towards the process tradition, no one can confirm a complete turn away from positivism. More importantly, Merrill (2015) links the inclination of the American administrative law towards the process tradition to the historical transfer of the government's power from the Congress to the President and the broadly expanded executive branch. Merrill (2015) indicates that American

Presidents' control over the executive branch and administrative agencies has been tremendously increased through what has been known as "Presidential administration" (p.1968).

The most remarkable evidence of the intensive control that the president has under the concept of presidential administration is the White House's check system over administrative agencies' regulations (Merrill, 2015). The Office of Information and Regulatory Affairs (OIRA), which is located within the Executive Office of the President (EOP), plays the main structural role within the White House review system (Merrill, 2015). Because of its location in the (EOP), the acts and decisions of the (OIRA) were presumably to be exempt from judicial review under the Administrative Procedure Act (Merrill, 2015). Therefore, rather than relying on delegated authorities by the legislature, the control process within the presidential administration exclusively relies on the executive orders and thus, lacks any public accountability or judicial review (Merrill, 2015). There is enough evidence provided by Merrill (2015) about the tremendous increase of the American presidential power over the classical administrative agencies' authorities. Consequently, Merrill (2015) concludes that "unilateral presidential policymaking is consistent with the process tradition, broadly conceived" (p. 1977).

Due to its recent reform by executive order, and under the presidential administration, the immigration law is generally exempt from judicial review (Merrill, 2015). Moreover, through various congressional and political partnerships, the immigration law has developed over time into a highly constructed statute that grants the President a vast discretionary authority to shape and enforce its code (Cox & Rodriguez, 2015). Therefore, based on what has recently known as prosecutorial discretion, executive branches and authorities have been exercising absolute discretion without any constitutional limits nor control or accountability from the judiciary.

Immigration prosecutorial discretion is an authority that the federal government has under which immigration officials would prioritize specific deportation cases in terms of holding off their removal proceedings on humanitarian grounds. This secret policy, which immigration officials had been using to exercise a sort of absolute discretion for years, came to the public's attention for the first time with John Lennon's deportation case in 1972 (Wadhia, 2015). Thanks to Lennon's case, it was revealed to the public that immigration agencies under federal law had for a long time been granting "nonpriority" status to protect certain non-citizens from deportation based on compassionate grounds (Wadhia, 2015).

Non-priority status was initially grounded on the defendant's humanitarian factors. In other words, discretionary decisions of immigration officials on whether to place a case in "nonpriority" or what is known today as "deferred action" status should be driven by humanitarian conditions of the respondent, based on which unfavorable action would be considered unreasonable (Wadhia, 2015). Moreover, "the gold standard" issued on November 7, 2000 by former INS commissioner Doris Meissner explained the humanitarian theory on which the role of prosecutorial discretion in immigration law is based (Wadhia, 2015). Not only was this guideline the first to set the structure for such discretion in terms of legal foundation, it also laid its cultural dimension by setting the obligatory aspect of fair and equitable exercise of discretionary decisions by immigration officers. As prosecutorial discretion remained strong after the creation of DHS, "deferred action" illustrates its most common and final form (Wadhia, 2015). The major role played by the U.S. Presidents in shaping and enforcing the immigration law is crucial for understanding the inconsistent exercise of prosecutorial discretion.

Presidential Immigration Policymaking

A prevailing debate about whether or not the executive authority in the immigration context is bound by constitutional limits induced Cox & Rodriguez's (2015) explanation of the President's power in the immigration enforcement from a "two-principal model of policymaking" perspective (p. 104). In one principal, the President regulates and enforces the immigration law according to his independent discretion, while the second refers to the institutionalization of the executive's discretion (Cox & Rodriguez, 2015). A brief comparison of the immigration policies of Presidents Trump and Obama is crucial in this context. In November 2014, major immigration reforms were declared by President Obama through which he wielded his discretion to protect millions of unauthorized immigrants from deportation (Cox & Rodriguez, 2015; Rosenblum, 2015). The target population of the relief program (DAPA) were undocumented parents who had lived in the United States for years and of which children are either U.S. citizens or permanent residents (Capps et al., 2016). Under the same measures of relief, parents beneficiaries also were eligible to work in the United States (Rosenblum, 2015). Integrated with a former immigration policy for undocumented immigrants who came to the United States as children (DACA), Obama's executive reforms had also set the grounds for immigration officials to use prosecutorial discretion to safeguard unauthorized immigrants from being deported.

Cox & Rodriguez (2015) asserts that President Obama's immigration reforms raise problematics further away than immigration law, reaching principles pertinent to the legal and theoretical foundation of the American public administration such as "centralization, transparency, and bureaucratic justice". However, despite the critics to Obama's immigration policies which argued that he used prosecutorial discretion in an impermissible absolute manner, his policy reliefs were remarkable (Cox & Rodriguez, 2015). The most significant about

Obama's executive reforms of immigration law was his innovative intention to correcting the path of the exercise of prosecutorial discretion toward its original right direction to be "more rule-like, centralized, and transparent" (Cox & Rodriguez, 2015). Nevertheless, immigration policies under Trump Administration have undergone dramatic shifts towards the opposite direction.

Throughout 2017, President Trump's Administration prohibited citizens of eight Muslim-majority countries from coming into the United States. He terminated Temporary Protected Status (TPS) for citizens of different countries, stopped the program of Deferred Action for Childhood Arrivals (DACA), and reduced the admission of refugees to a minimum, not seen since the adoption of the 1951 United Nations Convention Relating to the Status of Refugees by the United States in 1980 (Pierce & Selee, 2017; Nezer, 2006). Additionally, several modifications have been administered towards federal immigration agencies' role such as suspending minor children and spouses of refugees living in the United States from re-entering the Country, restricting the continuity of noncitizens' cases in immigration courts, and ordering detailed screening procedures to temporary visa applicants (Pierce & Selee, 2017). Seven executive orders on shaping and enforcing immigration law have been issued by the President, three of which were about the travel ban, the most controversial and challenged immigration policy (Pierce & Selee, 2017).

Despite the President's threats to cut off immigration grants for states and local authorities that do not cooperate with federal immigration enforcement, a number of the administration's orders were faced by tremendous resistance from political actors, human rights activists as well as the judicial system (Pierce & Selee, 2017). An increasing number of states and local authorities are refusing to collaborate with federal immigration enforcement policies.

The state of California for instance, has passed a legislation in 2017 banning any local jurisdiction from cooperating or complying with ICE (Pierce & Selee, 2017; Sarmiento, 2017).

The state of Texas on the other hand, imposingly ordering local agencies to collaborate with ICE detainers. Furthermore, according to the Texas law, local officials bear the criminal liability if they do not comply with the orders of the federal immigration enforcement in addition to dismissal from office (Pierce & Selee, 2017).

Grounded on various legal foundations, a number of court rulings have suspended or prohibited many of the administration's immigration policies. The most significant were the ones in regards to both executive orders 13769 and 13780 "Protecting the Nation from Foreign Terrorist Entry into the United States" which banned admissions of all citizens from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen (Pierce & Selee, 2017). In both rulings, the court found that the executive orders breached "the Constitution's prohibition on the government establishing or favoring a particular religion" (Pierce & Selee, p. 8). A limited implementation of the travel ban was eventually permitted by the Supreme Court (Pierce & Selee, 2017).

Organizational factors and role expectations are important to the role perception and responsibilities of the administrators, as beliefs shape the administrator's behavior (Gibran, 2013). The attitude of administrators regarding their personal discretion authority is related to their belief of what others expect of them, belief of the agency's mission, and its clients (Gibran, 2013). Ultimately, Trump's immigration policies are being directed towards the administration's main objectives about increasing detention and deportation of undocumented immigrants and decreasing admission of asylum seekers and refugees (Pierce & Selee, 2017). Clearly, all these objectives reflect the personal views and beliefs of the President regarding immigration into the United States. On the other hand, President Obama recognized the importance of strengthening

the diverse aspects of the American society, so his immigration reforms called for family reunification which constitutes the core concept of the 1965 Immigration and Nationality Act (Lee, 2015). Literature on organizational leadership acknowledges that agency leaders shape the behavior of administrators and performance of the agency. They do this by creating an organizational climate that form perceptions of the roles and decision-making authority of administrators. Passive representation becomes active when administrators behave based on their personal discretionary authority to perform their job duties that best serve the welfare of the agency's clients (Gibran, 2013).

As the cornerstone of the 1965 Act and a substantial element of the modern American immigration law, Lee (2015) asserts that the principle of family reunification substituted the “racially discriminatory national origins quota system”. Trump’s policymaking has also led and contributed to the transfer of the immigration prosecutorial discretion from its original humanitarian grounds to a new absolute discretion grounded on the arbitrary power driven by the political interests of the Executive, ignoring the consequences of the abuse of power on the immigrants’ lives. Even though the role of the judiciary in this context is crucial, the historic practice is not promising.

Judicial Review of Prosecutorial Decisions

Rubenstein & Gulasekaram (2017) state that “judicial review of federal immigration law under the plenary power doctrine is extremely lax and forgiving”. The historic lack of judicial review over immigration decisions had led to the acceptance of absolute discretion as a principle in the immigration law. The Supreme Court interpretation of several sections of the U.S. Constitution in 1889 had granted the “political branches” complete authority over immigration regulations without any review from the judiciary branch. On a parallel path, the administrative

law had also validated the principle of absolute immigration discretion through the doctrine of Chevron deference, which requires the courts to refer to the agency's reasonable interpretation of its own ambiguous administered statutes (Wadhia, 2015). In other words, federal courts do not have the authority to interpret an ambiguous statute administered by the immigration agency. Rather, the court has to defer to the agency's interpretation of the statute. However, the court's role would be to decide whether this interpretation was reasonable or not. A major deficiency of the administrative law in this matter would be related to the lack of definition of the reasonable interpretation. Thus, by not determining the criterion of reasonable interpretation of the agency, a wide margin of discretion is left to the latter.

For many years, the immigration agency had taken advantage of the ambiguity/defaults of the relevant provisions of the Administrative Procedure Act (APA) to support inconsistent application of prosecutorial discretionary decisions. Federal courts' practice was also an additional incentive in this context. Nevertheless, there are more than enough legal/statutory references for federal courts to exercise judicial review of the immigration agency's prosecutorial decisions in terms of compliance with the agency's own guidance (Wadhia, 2015). The Meissner's guidance that we mentioned earlier was an adequate legal basis for judicial accountability of the immigration decisions, especially with its explicit obligatory aspect grounded on humanitarian factors. Therefore, there is no reasonable cause for the agency's prosecutorial discretion to be immune from judicial review.

In recent years, there has been a great call to the legislature for a comprehensive reform of the APA. The American Bar Association (ABA) 2016 "consensus-driven" recommendations are tremendously essential in the APA reform plan. Additionally, the Regulatory Accountability Act of 2017 is very much considered in such a context, especially that it includes seven of the

nine ABA's recommendations in addition to other "common-sense" reform proposals (Walker, 2017). Therefore, even though the agency has enough guidance and rules toward which its discretionary decisions should be oriented, according to the proposed amendment in terms of judicial review, the content of such guidance as well as agency interpretations' must fulfill certain requirements. Subsequently, the new provision proposed by the legislation to be added to Section 706 of the APA states that "The weight that a reviewing court gives to an interpretation by an agency of a rule of that agency shall depend on the thoroughness evident in the consideration of the rule by the agency, the validity of the reasoning of the agency, and the consistency of the interpretation with earlier and later pronouncements" (Walker, 2017). This developed legislation amendments to the APA would definitely compel an efficient judicial review of the immigration discretionary decisions. These amendments would also serve as a complimentary regulation, thus providing greater effectiveness to the Meissner Guidance. Furthermore, Section 706 of the APA requires a reviewing court to "set aside agency actions found to be arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law" (Walker, 2017). But are there any legal and accurate definition of arbitrary actions? Is there any specific criterion that determines a capricious action? The rule of law in this sphere remains ambiguous.

In an effort to overcome this ambiguity, one of the new provisions in the Regulatory Accountability Act suggests "reasoned decision making" as a criterion for the court in reviewing the agency's actions (Walker, 2017). According to the proposal, the main factors for the court to consider are cases that are not consistent with the legislature's intended consideration, failure in considering a crucial aspect of the problem, and the agency's contradictory interpretation to the evidence before the agency (Walker, 2017). This proposed amendment is important because it

would also overcome the ambiguity in the Chevron deference regarding the undetermined reasonable interpretation.

The fear of power abuse and its consequences on the lives of immigrants seeking freedom had been the main stimulation for those opposing absolute immigration discretion. Carrington (2005) asserts that discretion is the main cause of power abuses, which manifest at all levels in the public sector involving the majority of public administrators/officials. With that being said, enhancing the role of the judiciary would be crucial in restraining the absolute immigration decisions.

Research Question

Immigration prosecutorial discretion is an authority that the federal government has based on which immigration officials hold off the removal proceedings of specific immigrants suffering of humanitarian conditions. Thus, grounded on humanitarian conditions, non-priority or what is known today as deferred action, should be considered as an immigration benefit or right for non-citizens suffering for humanitarian reasons. On the other hand, immigration officials, while crafting their decisions, are expected to use their discretionary authority wisely, reasonably, and fairly. Although many aliens may have benefited from prosecutorial discretion, nevertheless, federal and state agencies have been and continue to use deferred action as a particular discretionary authority in a double standard practice taking advantage of the deficiencies within the administrative law.

Subsequently, rather than functioning as review on administrative power abuse, there is some speculation that American administrative law under the presidential administration concept may be declining towards “logical” and “reasonable” justification of power abuse. This leads us to question if abuse of power exists because of current policies of discretionary authority, to what degree it exists, and how it affects immigrants who may be unfairly treated and targeted by this bureaucratic phenomenon.

Statement of the Question

What effect does the abuse of power in public organizations have on immigrants?

Independent variable: *degree of abuse of power*

Attributes: *range of observable characteristics that measure any degree of abuse of power*

Dependent variable: *the level of effect on immigrants*

Attributes: range of observable traits that measure the effect that abuse of power has on immigrants

Method

Research Design

The abuse of power by public administrators in an institution that serves the public can have a dramatic effect on the people they serve, as well as the society as a whole. For example, leaders in the various institutions that have to do with U.S. Immigration make decisions based on their scope of power and authority, and also are influenced by their personal, political, religious, moral, and cultural beliefs, as well as their perception of the law, and the limits of that law. Since the behavior of these administrators are subjective actions by nature, it becomes a worthy study to determine if there is an abuse of power and the level of extent of that abuse. Furthermore, an investigation of the ways through which the abuse of power is affecting various aspects of the lives of immigrants is also worthy. The purpose of this nomothetic explanatory research proposal is to reasonably identify the causal effect of power abuse on immigrants' lives.

Power abuse can be observed within the majority of public organizations, yet the scope of this research is focused on the effect of the immigration policies/executive orders on immigrants within the Office of Information and Regulatory Affairs (OIRA). The latter, being located within the Executive Office of the President (EOP) is presumably exempt from judicial review under the Administrative Procedure Act (APA). That being said, the control process over public agencies is solely reflected by the executive orders rather than the legislature. Consequently, analyzing the (OIRA) policies/executive orders i.e. the travel ban, is crucial to measure the effect of the power abuse reflected in such orders on immigrants.

For the purpose of this study, the degree of the abuse of power by the (OIRA) is determined based on existing qualities or conditions, which include Illegal/unconstitutional travel ban, violation of international laws, lack of majority approval by Congress/anti-

democratic, lack of control by the judiciary branch, policy is discriminatory (violates federal laws and the constitution regarding discrimination against race, culture, language, religion), the quality of enforcement power such as ICE actions regarding detention and deportation of undocumented immigrants and separation of families, detention of minor children, and the level of faithfulness and consistency of treatment with the immigrants' interests, constitutional values, and the spirit of law as guiding foundations.

This qualitative study is designed to be conducted to collect data during a face-to-face interview of detained Sudanese Muslim immigrants (not gender or age specific) using a survey type questionnaire consisting of open-ended questions (Appendix B), and a PCL-5 PTSD questionnaire using a Likert scale from the DSM-5 (Appendix C) measures stress qualities. The goal of this qualitative study is to use the data to fill the research gap mentioned previously in this paper, and determine how abuse of power through discretionary power practices affects these immigrants. The effects are based on qualitative data, which includes loss of freedoms or afforded human rights, socioeconomic harm caused by detention, levels of stress, availability and quality of medical treatment, access to education (schooling), access to family members and children, and respecting family cohesiveness.

A random sample of 20 Muslim Sudanese detainee participants from the U.S. Adelanto ICE Processing Center - West or the Theo Lacy Facility in Orange County will be chosen and interviewed verbally using the study questionnaire (Appendix B) and the PCL-5 questionnaire (Appendix C) with an interpreter provided to eliminate communication errors. These questions are designed to collect data on how they have been treated, the grounds on which they have been detained, whether or not they have been granted the right to be represented by an attorney, and other related questions in order to determine how power abuse, if any may affect various aspects

of their lives. Specifically, the PCL-5 survey is a twenty question closed-ended questionnaire designed to assess the intensity of various symptoms of stress that detained immigrants may be experiencing as a result of their detention experience. Participants' responses can range from 0 to 4 on 5-point Likert scale, where 0 = Not at all, 1 = A little bit, 2 = Moderately, 3 = Quite a bit, and 4 = Extremely (Weathers, et. al., 2013). Both the interview questions and PCL-5 questionnaire are designed to be introduced and completed between 30-40 minutes.

Choosing interview questions as a data collection method over other conventional research methods has numerous advantages. The response rates are higher compared to self-reported or mailed questionnaires, the answers to open-ended questions are more descriptive and clear compared to closed-ended surveys, the face-to-face interview are less likely to achieve ambiguous responses, and the presence of an interviewer decreases the chances of misunderstanding of the questions by the respondent. Thus, the validity of the responses is likely increased (Babbie, 2016). Additionally the visibility of the demographic characteristics of the respondents allow convenient questions to be addressed by the interviewer, while face-to-face meetings provide a warm and friendly environment which increases the chance of honesty, openness, and effectiveness (Babbie, 2016). The strength of the survey questionnaire as an additional method for collecting data lies in its flexibility. Different questions will be addressed in order to measure the stress levels among participants as an important effect of power abuse. The standardization of survey questions is an additional strength because it ensures an uncomplicated data analysis, but could be considered a limitation if it hampers original and creative responses (Babbie, 2016).

Reliability is an important part of any sound study. Questionnaires have proven to be reliable established measures in previous research. Becerra (2016) examined the impact of

immigration policies and immigration enforcement on Latino immigrants in Arizona. While data has been collected through questionnaires, Becerra (2016) asserted that the results of his study showed significant relationship between its variables.

Validity is another essential part of any sound study. Various types of validity must be considered in order to have confidence in the data collection as well as data interpretation. Criterion related validity of the questionnaires in this study are based on their ability to predict the hardships that the immigrants are facing and the effect of power abuse. Thus, the level of effect on immigrants is the criterion by which the interview and the survey is determined to be valid. In terms of content validity, by including a range of values and aspects such as loss of freedom, socioeconomic harm, stress, etc., the measure of the effect that power abuse has on immigrants is more likely to be valid.

Selection of Subjects

After gaining IRB (Institutional Review Board) approval from either the U.S. Adelanto ICE Processing Center-West or the Theo Lacy Facility in Orange County through California State University Northridge, a list of approximately 200 Muslim adult immigrant detainees from Sudan will be obtained. From that list, 20 participants will be selected for an interview using the aforementioned survey questions. Data will be collected by using a non-probability convenience sampling technique (Babbie, 2016). Though nonprobability sampling cannot ensure that a sample of Sudanese immigrants is representative of all immigrants as a population, it is the most convenient method for this study given that the individuals on the immigrant detainees' list provided by the detention center were all Muslims from Sudan. Thus, since it relies on the available adult immigrant detainees from Sudan who will be present at the detention facility at

the time of the interview, the non-probability strategy would be an easy and efficient sampling technique for this research.

Treatment of Data

Each participant's responses during the interview would be digitally recorded for accuracy and speed. The recordings of each participant's responses will be transcribed for accuracy of data. At the conclusion of all 20 interviews, the data will be collected, sorted, and analyzed. The data analysis will allow me to determine if there are any patterns, trends, correlations or evidence that can support or refute the original aim of this study, and determine if the evidence derived from the response data given supports any general effects of power abuse on immigrants. Since this is a cross-sectional study, the effects of power abuse can be analyzed by age and gender. All transcripts of this study would be included in the appendix in the event that further research in this area could be aided by this data.

Both English and/or Arabic will be used in the interview depending on the language preference of the participants. An Arabic interpreter will be provided for their convenience.

Sampling Errors

The issue of sampling errors was given great attention in this study. A sampling error is a limitation that needs to be addressed in the study as it is more likely to be increased due to the small size of the sample (20 Muslim adult immigrant detainees from Sudan) from which data will be collected. An error of reasoning may be possible too by assuming that all immigrants in the U.S. have the same level of effect of power abuse as the group of Sudanese immigrants. It is considered a reductional limitation (Babbie, 2016).

Ethical Considerations

Considering and addressing ethical issues is crucial to any research no matter what the topic is. When the subjects are human beings, high ethical consideration must be given to protect them from harm, maintain their privacy, and ensure that they are not adversely affected by their participation. Due to the vulnerable and critical situation of the participants in this study, an informed consent letter/script (Appendix A) that does not require any signature will be shared with them orally prior to the interview. Explanation about the purpose of the research will be explained thoroughly, along with an assurance that their privacy and safety will not be compromised by their participation. In addition, participants will be informed about their rights as voluntary respondents. Finally, my appreciation of their voluntary participation is clearly expressed.

Given the cultural, language, and dialect differences, a special consideration will be taken to provide an Arabic interpreter who's knowledgeable about the different dialects spoken within Sudan. In general, there are two main different forms of the Arabic language, the formal and spoken street language. The dialects within these forms are also different, depending on the area within this country. Accordingly, various dialects may apply to the Sudanese Arabic language (formal and spoken). Since the dialect of an immigrant from Darfur is different than the one of an immigrant from the northern area of Sudan, an interpreter with fluency in all Sudanese dialects will be employed to prevent miscommunication and data collection errors.

Communication is a major and crucial aspect in conducting an interview. One of my main ethical duties as a researcher is to guarantee an effective communication by transmitting the message in a clear and accurate way with the aim of reaching positive outcomes. Successfully overcoming the challenges underlying within this process adds credibility to data collection and

contributes to effective and accurate data analysis. Accuracy is one major challenge among several others that are involved within the communication process. It is the ethical responsibility of the researcher to overcome this challenge by providing the highest level of professionalism and competence. In order to achieve that level of professionalism, it requires the researcher to provide the correct meaning of a word/sentence clearly and accurately. This must be done in compliance with the semantics of the terms which go beyond the literal (Hale, 2015). In order to maintain accuracy and avoid misconception, a high consideration will be given to cross-cultural backgrounds during the interview/interpretation process. A better understanding of various cultural perceptions guarantees that the message will be delivered within its appropriate meaning. Valid interpretation must be performed beyond language proficiency levels by deeply perceiving the interdependence between linguist forms and cultures for effective communication (De Jongh 1991).

Despite all of the efforts that I have made in order to recruit a competent and high performing interpreter, participants will be clearly informed about their right to ask me to pause or to repeat myself at any time in the event that they encounter difficulty understanding any of the questions posed to them during the research interview. It is important to note that the interview questions were thoughtfully designed to elicit responses for data collection while avoiding unintentional leading words, miscommunication, misunderstanding, anxiety, embarrassment, stress, or fear of retribution. In addition, critical humanitarian conditions of the participants have been carefully considered in designing the questions. That being said, it is the intention of this researcher to keep the flow of the conversation within the context of obtaining research data that will improve and protect human rights, humane treatment of detainees, and end discrimination against specific immigrants because of their race, language, culture, religion, or

national origin. The same federal laws that protect human rights and equity of American citizens, such as Title VII, Title IX, ADA, 8th Amendment, and others should also protect the rights of human beings who are being detained.

In order to protect the privacy of the respondents' responses, and due to the sensitivity of their positions/situations, I will inform them that their names will not be recorded and their identity will remain anonymous. Each participant will be given a code number to protect their privacy. Participants will also be informed explicitly that their confidential responses will be used solely for the purpose of this research study, for potential improvement of detainee treatment, and the identification of harmful U.S. immigration policies and practices. Establishing a relationship of trust would provide a more open and secure environment that encourages more accurate, honest, and reliable answers by the respondents.

Expected Findings

This study is expected to collect the data that will address the main research question. Its goal is to both identify the necessary and sufficient causes of the abuse of power by the misguided exercise of discretionary authority due to poor U.S. immigration policy, as well as the identification of negative effects on the affected immigrants through the detention process. In other words, the findings are expected to show that current discretionary authority inevitably leads to power abuse that causes negative emotional, psychological, and physical effects on the lives of immigrant detainees. The data from the interview questionnaire (Appendix B) and the PCL-5 PTSD survey (Appendix C) will be analyzed to determine the expected aforementioned findings.

The PCL-5 survey contains a total of 20 questions, with a maximum value of 4 points per question. Therefore, the maximum total symptom severity score is 80. The total severity scores are found by adding the scores for each of the 20 items on the Likert Scale. A score of 33 or higher indicates that the subject can benefit from psychological treatment. The scores of these detainees is expected to be between 60-80, which would indicate a high level of PTSD. A high intensity of PTSD symptoms is more likely to be obtained as a major effect of the abuse of power by ICE while implementing the orders given by OIRA/executive orders.

The interview questions (Appendix B) consists of 28 open ended questions. The data that will be collected from the interview questions will be grouped in a manner in order to collect specific data that show the effects of power abuse on detainees. Questions 1-5 deal with legal rights, 6-9 with health and medical well-being, 10-12 with ethical treatment, 13-16 with socioeconomic effects, 17-23 with family and relationship trauma, and 24-28 with safety and physical/emotional abuse. The data are expected to show that these detainees not only suffered

psychologically and emotionally, but also physically, socially, and economically. Psychological effects in terms of anxiety are also expected to be observed among detained immigrants and are interrelated with other aspects such as access to medical treatment. Comparing the state of their health before and after detention, whether or not they were offered medical services, and the quality of medical treatment can be used to determine the effects caused by levels of stress, anxiety, family impact, socioeconomic damage, and abuse. Stress, trauma, and anxiety are interrelated factors and have a significant impact on other aspects of immigrants' lives such as socioeconomic conditions, family relationships, anxiety due to being deprived of their rights, and unethical treatment under harsh living environments.

Enforcement acts by ICE agents throughout the U.S. have made undocumented people anxious and fearing detention, especially when detention facilities are abusive. As supported by Pierce & Selee, (2017), an increase in depression, stress, and anxiety levels among unauthorized immigrants lead to a decrease in the number of undocumented immigrants accessing social and medical benefits leaving millions of refugees and their families without social and medical treatment. This could also be harmful to citizens, as these immigrants may not be receiving required vaccinations, which could increase the risk of new outbreaks of contagious diseases once thought to be eradicated (Strine, et al, 2018).

It is expected that the data will show that detainees are not being offered medical care when needed, are not allowed to see their family members, are kept for long periods of time without legal assistance, are experiencing fear and anxiety due to separation from their family members, and are not being treated humanely. If this is the case, the argument can be made that the power abuse created by the current discretionary authority policies is directly responsible for the negative effects on detainees, who are suffering irreparable social, physical, emotional and

economic harm. This could be avoided by changing current policies and governing discretionary authority freedom.

The negative impact of immigration enforcement strategies on the lives of detained immigrants is also predicted to be evident in the data as a major aspect of power abuse, especially since deportations and detentions have increased dramatically during the Trump Administration. Statistics show that 61,094 noncitizens have been deported by U.S. Immigration and Customs Enforcement (ICE) between January 20 and September 30, 2017. This is a 37 percent increase compared to the same period in 2016 during the Obama Administration (Pierce & Selee, 2017). During the same time frame, 110,568 undocumented immigrants who have no criminal charges, nor pose any threats to society have been detained by (ICE). This was a 42 percent increase compared to 2016 (Pierce & Selee, 2017).

The termination of the Deferred Action for Childhood Arrival (DACA) has a tremendous impact on the principle of family reunification, the initial legal basis of the Immigration and Nationality Act of 1965. The well-being of unaccompanied minor migrants would also be affected as they are losing their designated care and protection. The data is expected to show that detained families are being separated for long periods of time from their spouses and children causing fear and anxiety among the family unit. Not only are Trump's immigration policies contradictory to American democratic models of fairness, ethics and equality, they are also undermining the crucial role of family reunification and tearing families apart. An independent and unprecedented immigration vision, where the President is wielding his absolute discretion on federal immigration policies, gave immigration agencies the power to violate international human rights while placing millions of immigrant detainees in danger. These immigrants, who

came to this country seeking safety, security, work, and education are now finding that none of these characteristics are afforded to them.

Discussion

Since our sample for this study is designed to be a group of undocumented immigrant detainees from Sudan, it would be useful to have an overview of their background among other asylum seekers who had recently arrived to the United States. Given their dictatorial regime and its prevailing repression, the Sudanese immigrants had fled their country after a long suffering from torture, persecution, and oppression. Asylum seekers from Sudan are survivor victims of state sponsored violence, who had stood up for their rights peacefully by seeking freedom of speech and opinion as well as social justice and equality. Stories of these survivors tell how harshly they had been treated by the Sudanese regime after being kidnapped, detained in solitary confinement for months, tortured on a daily basis and deprived of food and drink. Although illegal under international law and a gross violation of basic human rights, the victims' country had sponsored torture in the last decades against anyone who would stand up for the minimum standard of civil rights. After being able to escape to the U.S., the country of freedom and democracy seeking protection and a second chance at a new life, they were detained by ICE agents and imprisoned among other undocumented asylees as if they committed crimes. According to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol, a refugee is a person who is outside his/her home country and is not able nor willing to go back to his country because of a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion." (Nezer, 2006). Accordingly, Sudanese immigrants are presumably eligible candidates for asylum in the U.S. Although the U.S. had adopted the Refugee definition in 1980, the travel bans recently

issued by the President denied the right for asylum to the citizens of eight Muslim-majority countries including Sudan.

Additionally, the travel bans are a violation of Article 13 of the Universal Declaration of Human Rights under which every individual has the right to freedom of movement and residency within his country or any other state (United Nations 1948).

Despite their violation to international treaties and conventions, at the national level, such immigration policies are also contributing to the revocation of the humanitarian conditions that had constituted the legal grounds for deferred action or non-priority status as an immigration right for non-citizens suffering for humanitarian reasons.

A reasonable question needs to be raised in this context: despite the legal justification of the courts in regards to the Constitution's violation, how reasonable, equitable, and non-discriminatory can such travel bans be considered while they are targeting a specific nationality or ethnicity, and a specific religion? On the other hand, how inclusive could such orders be seen while many other Muslim-majority countries' citizens were exempt, especially those who were directly involved in September 11, 2001 terrorist attacks? The Trump travel ban did not include states such as Saudi Arabia, which has been implicated in numerous terrorist activities and inhumane treatment (Sohoni, 2017).

In addition to its violation to the Constitution's principles and values, the travel ban is also a violation to the Code of Ethics for the American Society for Public Administration (ASPA). According to the latter, public administrators are expected to wield their discretionary powers towards promoting the public's interest. Public officials have an ethical duty not only to refraining from, but also to counter and challenge all discriminatory and harassment acts and to encourage positive actions (Babbie, 2016). Rather than promoting the public's interest, Trump

has used his presidential discretion to promote discrimination and harassment instead against a specific ethnicity and religion by issuing his discriminatory travel ban.

The control process is a major challenge in this context given the fact that the decisions and executive orders of the (OIRA) are exempt from judicial review under the (APA). A good question would be raised about the effectiveness of the Code of Ethics for the (APA) with such a major exempt.

Limitations

As an explanatory study, a limitation in terms of nomothetic causality may be present. Many assumptions are made about the existence of power abuse, as well as the effects they have on detainees. By assuming without knowing absolutely that difficult life conditions of immigrants are solely caused by the abuse of power, a non-spurious error may occur. Another important limitation of this research needs to be addressed in regards to generalization. The likelihood is that our expected findings on a group of undocumented immigrants from Sudan cannot be generalized across all immigrants living in the United States, that they are affected to the same degree by the abuse power on their lives. However, even though the sample of immigrant detainees from Sudan may not be representative of the entire population of immigrants in the United States, this group of immigrants are Muslim, the religion that was targeted by the travel ban issued by President Trump when he signed the executive order. Had the ban not been issued, this study would have been considered significantly biased as the specific target study participants only consisted of a specific group of Muslim Sudanese immigrants. Banning citizens of eight Muslim-majority countries from entering the U.S. had made the study's reliance on a specific group of Muslim immigrants more credible and valid.

Conclusion/Recommendations

One of the main reasons behind the failure of the executive and immigration agencies to use their discretionary authority fairly is linked to the ambiguous and unclear immigration policies and regulations. Current policies contain structure impurities and deficiencies that will only take discretionary authority down an unchecked path, one that will inevitably lead to power abuse. The Goal Ambiguity Theory explains how bureaucratic failure takes place when bureaucrats direct their focus toward applying the rules, but do not promote opportunities to promoting change and innovation (Hill & Lynn, 2016). On the other hand, this deficiency in structure has a negative impact on the personal traits and abilities of public officers in terms of motivation and encouragement. It can also have a negative influence on the ethical behavior of public officers/judges. This promotes the opportunity for power abuse, as officers and judges will likely attempt to justify their unethical discretionary decisions by referring to the ambiguous laws and policies. Ethical culture should be promoted within the implementation of Immigration laws that prevent bureaucratic failure. In order to accomplish this, ambiguous and unclear immigration policies and regulations must be changed, and policies that contain structure impurities and deficiencies must be amended. Discretionary authority will then be regulated by a system where ethical standards can govern how judges and public officers interact with immigrants on a daily basis.

Scott (2000) distinguishes among three different sets of questions in terms of who is accountable under efficient accountability in the public sector. To whom? And for what? Accordingly, how could the same agency (Immigration) or Executive possibly administer, enforce, and monitor its/his own regulations? To what extent can self-regulatory and accountability processes be unbiased in terms of conflict of interest? Consequently, as judicial

review would be the only guarantee against the potential arbitrariness of discretionary authority of executive authorities and immigration agencies, modifying the deficiencies in the administrative law would be a crucial tool toward resolving the dilemma of ambiguity and its consequences.

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Appendix A: Script Prior to Interview

Dear Sir/Madam,

I would like to thank you for being willing to participate in this interview aspect of my student research at CSUN. This study seeks to explain the effect of immigration policies on immigrants. As immigrants experiencing the impact of immigration executive orders on various aspects of your life, your input will be extremely important to the outcome of this study. As affected immigrants, this research would be significantly beneficial to you by contributing to paving the path towards adapting better immigration regulations that are consistent with immigrants' interests as well as constitutional and human rights' values. Your participation will be kept anonymous and all of the information provided will be used solely for the purposes of this study and will be kept strictly confidential.

My name is Lina, and I am a student researcher who is not affiliated with any government agency in any way. Your cooperation is much appreciated,

Sincerely,

Lina Safa, MPA student
California State University, Northridge
Mobile: (818) 254-5745

Appendix B: Open-ended Interview Questions

These questions are being asked with your permission for research purposes only, and to shed more light to the general American public on how U.S. policies affect the treatment of detainees in our country. I have informed you (Appendix A) that I am a student researcher at CSUN, and I am not affiliated nor employed by any government agency. You understand that both your identity and responses will be kept confidential, and your name is not being used or recorded. Please give your honest answer without any fear of repercussion, and to let the interpreter know if at any point you find difficulty understanding any of these questions. I would be happy to repeat myself at any time for your convenience, understanding, and comfort. Do you understand? Any question? If not, we will proceed with the questions:

1. Have you been informed about your rights as a detainee?
2. Have you been charged with a crime? If so, do you understand the charges?
3. Do you know how long are you going to be detained?
4. Have you been told on what grounds you've been detained?
5. Have you been offered an attorney?
6. What was the state of your health before your detention? Did you have any injury or illness?
7. Were you evaluated by a physician when you were detained?
8. Are you currently suffering from any illnesses, pain, or discomfort that occurred during detention?
9. Have you been offered any medical assistance?
10. How many meals are provided to you?
11. Were the meals clean and edible?
12. Do you have access to clean drinking water?
13. Were you employed prior to your detention? If yes, what was your employment?
14. How much money were you earning before being detained?
15. Are there any family members that depend on you for support who were not detained?
16. Do you feel that anyone in your family (not detained) has suffered financial harm since your detention? Explain
17. Are you married? If not, skip to question 20
18. If so, is your spouse also detained?
19. How often can you see your spouse?
20. Do you have any minor children? If not, skip to question 24.
21. Have they also been detained at this facility?
22. How often are you allowed to see your children?
23. Can your children request to see you or your spouse?
24. How long have you been detained?
25. Do you feel safe here?
26. Do you feel you are being treated humanely?
27. Have you been abused in any way, mentally, emotionally or physically? If so. explain
28. What top three emotions are you feeling now?
29. Before being detained, did you rent a home in California? If so, do you still possess the home or has it been forfeited due to your detention?
30. Do you know where your personal possessions, such as property, money, jewelry, vehicles, furniture, clothing etc are located now?

Appendix C: Survey Questionnaire for PTSD Assessment

Instructions: Below is a list of problems that people sometimes have in response to a very stressful experience. Please read each problem carefully and then circle one of the numbers to the right to indicate how much you have been bothered by that problem in the past month:

| | | Not at all | A little bit | Moderately | Quite a bit | Extremely |
|-----|---|------------|--------------|------------|-------------|-----------|
| 1. | Repeated, disturbing, and unwanted memories of the stressful experience? | 0 | 1 | 2 | 3 | 4 |
| 2. | Repeated, disturbing dreams of the stressful experience? | 0 | 1 | 2 | 3 | 4 |
| 3. | Suddenly feeling or acting as if the stressful experience were actually happening again (as if you were actually back there reliving it)? | 0 | 1 | 2 | 3 | 4 |
| 4. | Feeling very upset when something reminded you of the stressful experience? | 0 | 1 | 2 | 3 | 4 |
| 5. | Having strong physical reactions when something reminded you of the stressful experience (for example, heart pounding, trouble breathing, sweating)? | 0 | 1 | 2 | 3 | 4 |
| 6. | Avoiding memories, thoughts, or feelings related to the stressful experience? | 0 | 1 | 2 | 3 | 4 |
| 7. | Avoiding external reminders of the stressful experience (for example, people, places, conversations, activities, objects, or situations)? | 0 | 1 | 2 | 3 | 4 |
| 8. | Trouble remembering important parts of the stressful experience? | 0 | 1 | 2 | 3 | 4 |
| 9. | Having strong negative beliefs about yourself, other people, or the world (for example, having thoughts such as: I am bad, there is something seriously wrong with me, no one can be trusted, the world is completely dangerous)? | 0 | 1 | 2 | 3 | 4 |
| 10. | Blaming yourself or someone else for the stressful experience or what happened after it? | 0 | 1 | 2 | 3 | 4 |
| 11. | Having strong negative feelings such as fear, horror, anger, guilt, or shame? | 0 | 1 | 2 | 3 | 4 |
| 12. | Loss of interest in activities that you used to enjoy? | 0 | 1 | 2 | 3 | 4 |
| 13. | Feeling distant or cut off from other people? | 0 | 1 | 2 | 3 | 4 |
| 14. | Trouble experiencing positive feelings (for example, being unable to feel happiness or have loving feelings for people close to you)? | 0 | 1 | 2 | 3 | 4 |
| 15. | Irritable behavior, angry outbursts, or acting aggressively? | 0 | 1 | 2 | 3 | 4 |
| 16. | Taking too many risks or doing things that could cause you harm? | 0 | 1 | 2 | 3 | 4 |
| 17. | Being "superalert" or watchful or on guard? | 0 | 1 | 2 | 3 | 4 |
| 18. | Feeling jumpy or easily startled? | 0 | 1 | 2 | 3 | 4 |
| 19. | Having difficulty concentrating? | 0 | 1 | 2 | 3 | 4 |
| 20. | Trouble falling or staying asleep? | 0 | 1 | 2 | 3 | 4 |

Adapted from The PTSD Checklist for DSM-5 (PCL-5) <https://www.ptsd.va.gov/professional/assessment/adult-sr/ptsd-checklist.asp>