

suspend the entry of individuals from countries that failed to satisfy the U.S. immigration law adjudication standards for 90 days, albeit with the possibility of case-by-case exceptions. As the Department of Homeland Security identified, these countries included Iran, Libya, Somalia, Sudan, Syria, and Yemen (Trump, 2017b; de Vogue et al., 2017). In response to this order, nearly 60,000 visas were revoked (Rosenberg & Wroughton, 2017). While opposers of the ban blamed the Trump administration for being Islamophobic, discriminatory, and harming diversity, Trump defended the necessity of these restrictions mainly on Twitter and Facebook by contending that having strong borders was a national security priority for the country (Katzowitz, 2017b). The debate over the executive order sparked a controversy among various policy actors. As opposed to Democrat Senator Kamala Harris, who denounced the executive order as “Muslim ban” (Seipel, 2017), Republican Senator John Cornyn blamed those calling it “Muslim ban” for mischaracterizing the executive order (Wagner et al., 2018).

A good deal has been written in the scholarly literature about the travel ban, mostly in terms of how it has been discussed by politicians. Although scholars have attempted to analyze the rhetoric (Gomez, 2018), discourses (Khan et al., 2019), and indirect speech acts (Eroukhmanoff, 2018) of Trump and American politicians to have a better understanding of the travel ban, to date, no research has been done on the social construction of Muslim immigrants by policy actors and civil society entities to support or refute the travel ban. It is of significance to understand how political actors socially construct immigrants because their construction of immigrants provides insights into their policy positions about travel bans.

To that end, this article engages with the question: *How did different political actors socially construct immigrants to justify their policy positions on the travel ban?* Empirically, we draw evidence from four primary sources, including legal documents, relevant tweets of politicians, think tank reports, and news articles. We bring new perspectives into the debate on travel ban by using Schneider and Ingram's (1993) target populations framework.

Social Construction of Target Populations

Most of the current immigration research focuses on political and economic factors to understand the perception of immigrants (Cornelius, 2005; Freeman, 1995; Hollifield et al., 2014). However, symbolic politics in the immigration field provides a different perspective for analysis. Symbolic politics refers to political acts such as political actors' introduction of their policy proposals through which they aim to convey their political messages to a specific audience by using signs, terms, slogans, or ritual acts (Ovink et al., 2016). For example, focusing on immigration policy in Europe, a symbolic policy perspective reveals that European states were swamped by two competing approaches, ethnocultural and republican (Faist, 2007). This research showed that the influence of ethno-cultural perspective could determine how states identify themselves, whether they are immigration states or not, and their immigration policies accordingly.

In the case of the U.S. immigration policy, literature on symbolic politics reveals how prejudice regarding immigrants is constructed in the United States. For instance, Fussell (2014) reviews literature about how native labor perceives Latino unauthorized immigrants (Fussell, 2014). The author shows that labor market competition, limited interaction, and

venues such as Congress, courts, media, and state legislatures to reverse the negative social construction by arguing that “the Japanese Americans are better than any other groups in our society, including native-born whites” (DiAlto, 2005, p. 81).

Similarly, Flores and Schachter (2018) question whether illegality in immigration policy can be socially constructed. They explore the link between traits like occupation and national origin with the illegality stereotype, finding strong associations with national origin, social class, and criminal background. Their study emphasizes the significance of examining the social construction of illegality in shaping public opinion. However, focusing solely on perceptions of illegality, this study overlooks insights about immigrants' power positions in the policy arena and how this position might affect policy framing.

Newton (2005) is one of the few articles that employ the social construction of the target population framework to immigration policy, arguing that policymakers use positive or negative rhetoric and narratives to construct the identities of immigrant groups, depending upon whether or not an immigration policy is restrictive. Through the analysis of Congressional hearings, testimonies, and debates on immigration legalization and restriction, the author reveals how policymakers construct immigrant groups either positively as national assets or negatively as problematic people according to their policy objectives. For example, policymakers argued that immigrants with “special skills” eventually become “hard-working, freedom-loving, patriotic new Americans” (Newton, 2005, p. 150) when advocating for legalization policy, whereas they constructed immigrants negatively as burdens and deviants when

advocating for a restrictive migration policy (Newton, 2005, p. 150). Like Newton (2005), we employ a target population framework to analyze how policy actors utilized immigrants' social constructions to justify their policy positions during the Trump presidency.

Trump's Construction of Immigrants

Although there is a consensus about the centrality of the immigration debate during Trump's presidential campaign in 2016 (Martin, 2017; Pierce & Selee, 2017; Rudolph, 2019), opinions vary on how he framed his policy goals regarding immigrants. On the one side of the debate, some scholars argue that Trump constructed immigrants as an economic problem. According to Reny et al. (2019), Trump intertwined his anti-immigrant arguments with anti-trade and anti-globalization themes. He did so to gain the votes of the white working class by creating immigration anxiety that low-wage immigrants could replace American workers. Knowles and Tropp (2018) also view Trump as using economic framing to win white American votes by evoking fears of immigrant threat.

Heuman and González (2018) elaborate on Trump's border rhetoric to understand why he constructs immigrants as “dangerous, deviant, pollutants” (2018, p. 9). Through a detailed analysis of Trump's tweets and speeches, the authors reveal that his metaphor of “pollutants” portrays immigrants as socially deviant persons whose movements should be controlled to re-center whiteness in the U.S. So, the authors shed light on a broader purpose aimed by such an exclusionary approach.

Furthermore, scholars suggest that Trump's campaign heavily portrayed immigrants as a security problem. Analyzing Trump's and Hillary Clinton's rhetoric

For the Twitter analysis, we follow two strategies to determine which tweets to examine. Firstly, we analyze Trump's tweets that received substantial coverage in the media, along with the senators' responses to them. Secondly, we use Twitter's advanced search tool to identify Trump's relevant tweets that contain our keywords.

For the think tank part of the research, we select think tanks in a broad ideological spectrum for a neutral and inclusive analysis. To that end, we focus on the policy commentaries and briefs of The Brookings Institution, The Heritage Foundation, The American Enterprise Institute (AEI), The Heritage Foundation, The American-Arab Anti-Discrimination Committee (also known as Advocate Defend Connect, ADC), and Muslim Public Affairs Council (MPAC) from January 1, 2017 to April 30, 2017.

In order to assess how policy debates echoed in the judicial system, we draw evidence from two legal sources: Trump's executive orders and subsequent court documents that challenged those orders. Trump's Executive Orders 13769 and 13780 restricted immigrant and non-immigrant entries for citizens from seven Muslim-majority countries. When the legality of the orders was challenged in federal courts, we collected evidence of the opposing perspectives from five court filings. We extract legal documents from Justia.com, a website specializing in the retrieval of public legal information.

In our analysis, we first identify recurring themes, patterns, and variations in the construction of immigrants in our data sources. Second, we compare the themes within Schneider and Ingram's (1993) social construction framework. Specifically, we observe their four categories of social

constructions: advantaged, contenders, dependents, and deviants, to identify the social construction of immigrants by Trump and politicians, media, law (executive orders and court decisions), and think tank policy commentaries and briefs.

Results

Theme 1: Immigrants as Security Threats

The executive orders negatively characterized Muslim immigrants – who have little or no electoral power – as dangerous terrorists and justified the imposed travel restrictions as a means to “prevent infiltration by foreign terrorists or criminals” (Trump, 2017a, sec.3(c)). For example, the second executive order claims that hundreds of foreign nationals who entered the U.S. since 2001 have been convicted of terrorism-related crimes and that “the entry of foreign nationals who may commit, aid, or support acts of terrorism remains a matter of grave concern” (Trump, 2017b, sec.1(i)). In fact, words and phrases like “terrorism,” “threat to the security,” and “intent to cause harm” were used over 40 times in the first executive order (Trump, 2017a) and 75 times in the second (Trump, 2017b), embodying a “rhetoric of calamity” (Rochefort & Cobb, 1993, p. 21-22). The two executive orders make use of the rhetoric of calamity in order to characterize Muslim immigrants as deviants. Subsequently, when the legality of the two executive orders was challenged in the judicial branch of the government, the defendants (or the proponents of the travel restrictions) supplied the defense in a way that resonated with the original language of the executive orders, citing Presidential delegated authority over national security and immigration (*Aziz v. Trump*, 2017; *Hawaii v. Trump*, 2017; *Louhghalam v. Trump*, 2017;

Sarsour v. Trump, 2017; Washington v. Trump, 2017).

Similarly, Trump's tweets cast Muslims as a security issue. He addressed criticism of his refugee and visa ban policies on Twitter, stating the need for "strong borders and extreme vetting," citing terrorist attacks in Europe by the Islamic State (Katzowitz, 2017a, para. 7). Such tweets revealed differentiation of Muslim immigrants from others, constructing a target population (Schneider & Ingram, 1997). Trump further tweeted: "There is nothing nice about searching for terrorists before they can enter our country. This was a big part of my campaign. Study the world!" and "If the ban were announced with a one-week notice, the 'bad' would rush into our country during that week. A lot of bad 'dudes' out there!" (Tani, 2017). Through words like "terrorists" and "bad dudes," Trump negatively constructed Muslim immigrants as "deviants" deserving of "dominant tools" such as a travel ban, characterizing them as potential "criminals" and "terrorists" (Schneider & Ingram, 1993). In addition, after the travel ban was lifted in February 2017, Trump showed his reaction by posting, "Just cannot believe a judge would put our country in such peril [...] We must keep 'evil' out of our country!" (Kreis, 2017, p. 7). Insisting on words such as "evil" who might cause "peril" in the country, Trump viewed immigrants as deviants. These statements are consistent with the language of the executive orders, asserting immigrants' essential character as national security threats.

Furthermore, supporters of the travel ban in the media focused on national security and legal disputes ("Assistant to President," 2017; "Trump Defends," 2017; "Sherif Clark," 2017c; Fox News Insider, 2017; Hayward, 2017a, 2017b). Supporters argued that the

travel ban could keep "America safe from terrorists looking to infiltrate the U.S. from terror hotspots that often have inadequate vetting procedures" (Shaw, 2017). A widely shared Fox News Facebook post quoted the U.S. citizen, Sheriff David Clarke of Milwaukee County, Wisconsin, to support the ban, "I'm tired of all the crocodile tears about the kids, the poor kids coming ... we're talking about able-bodied, grown men, fighting age [who are] coming over to the U.S. to spread jihad" (Fox News insider, 2017). Famous commentator Sean Hannity described the travel ban as a tool "to keep America safe when it comes to taking in refugees—in other words, extreme vetting" (Fox News, 2017b). Breitbart's website also described that the seven banned countries had corruption, terrorism, and genocide (Hayward, 2017a). Media supporters argued for Trump's authority (Fox News, 2017a, 2017c; Hayward, 2017b), citing security issues (Hayward, 2017b). Therefore, an analysis of the two executive orders, court documents, and social media shows that Muslim immigrants are depicted as deviants who threaten U.S. security (Farokhi, 2021; Stone, 2017).

Finally, the influential conservative think tank Heritage Foundation also supported the travel ban, linking immigrants to terrorism. The foundation advocated for an indefinite ban on Syrian refugees, citing the country as a terrorist-ridden zone. It also labeled Yemen, Syria, Iran, and Libya as the "terrorist hotspots in the Middle East and North" (Carafano, 2017, para. 6), supporting the travel ban as a standard security policy. Referring to their database of known Islamist terrorist plots aimed at the U.S. since 9/11, the Heritage Foundation argues that the majority of attacks in Europe involved terrorists who had visas or refugee status (Carafano, 2017).

The foundation further asserted that non-citizens commit federal crimes at a triple rate compared to citizens, based on federal prison figures, claiming that illegal immigrants had an average of 8.3 arrests and around 12.7 criminal offenses per individual (von Spakovsky, 2017). Consequently, the foundation concluded that immigrants from terrorism-affected countries are deviants because of the higher crime rates than U.S. citizens.

Theme 2: Immigrants “Bad for US Economy”

An anti-immigration nonprofit, the Federation of American Immigration Reform, released a report showing how burdensome immigrants would be to American taxpayers if the government were to keep allowing undocumented immigrants to enter the U.S. (O’Brien et al., 2017). Their analysis portrays immigrants negatively as takers rather than givers to the U.S. economy, comparing the immigrants’ contributions to the federal and local government expenditures on social services. The federation (O’Brien et al., 2017) claims:

Illegal aliens are net consumers of taxpayer-funded services, and the limited taxes paid by some segments of the illegal alien population are, in no way, significant enough to offset the growing financial burdens imposed on U.S. taxpayers by massive numbers of uninvited guests. (p. 1)

To further strengthen their argument, the federation (O’Brien et al., 2017) chose a connotative term: illegal aliens. This term contrasts many progressive think tanks and advocacy groups that use “undocumented immigrants.” Furthermore, to argue against many analyses on the positive impacts of the presence of “illegal aliens,” the federation

(O’Brien et al., 2017) posits that such arguments have failed to examine the counterfactual. That is, “the same, or even more significant, benefits would be achieved by filling vacant jobs, at market wages, with American employees” (O’Brien et al., 2017, p. 2).

Theme 3: Immigrants as Politically Vulnerable Dependents

The opponents of the travel restrictions characterize Muslim immigrants as dependents. According to Schneider and Ingram, dependent populations are politically weak but positively constructed in the policy process with images such as “deserving,” “intelligent,” “honest,” etc. (Schneider & Ingram, 1993, p. 335). This is seen in the court cases challenging the travel ban’s legality. For instance, the plaintiffs of the major court cases (or the opponents of the executive orders) have argued that the travel restriction is discriminatory and infringes on the constitutional rights of immigrants. For example, in *Washington v. Trump* (2017), the plaintiffs argued that the first executive order violated the rights guaranteed by the First and the Fifth Amendments of the U.S. Constitution, which prohibits any law that 1) has a religious purpose and 2) deprives individuals of their life, liberty, or property, without due process of law. In addition, the state governments opposing the executive orders have also complained that the imposed travel restriction has caused harm to their universities by limiting the abilities of students, professors, and scholars to travel for studies and research (*Washington v. Trump*, 2017; *Hawaii v. Trump*, 2017; *Sarsour v. Trump*, 2017). In doing so, the plaintiffs argued that Muslim immigrants are intelligent people who contribute to American society but have little or no control over the design of the policies that govern them (Schneider & Ingram, 1993).

also added that legal and illegal immigrants are 44 percent and 69 percent less likely to be incarcerated than U.S. citizens, respectively (Landgrave & Nowrasteh, 2017).

Theme 4: Immigrants “Good for U.S. Economy”

The opponents of Trump’s travel ban, arguing in *Aziz v. Trump*, claimed it would financially impact Virginia’s 14 public universities and 23 community colleges, potentially resulting in a loss of \$20.8 million in tuition and fees and inhibiting research (*Aziz v. Trump*, 2017). Similarly, plaintiffs in *Hawaii v. Trump* and *Washington v. Trump* asserted that the second executive order would hinder state universities’ ability to recruit international faculty and students, causing financial injuries to public universities (*Hawaii v. Trump*, 2017; *Washington v. Trump*, 2017). These claims were used to justify support for more inclusive policies and construct a positive image of Muslim immigrants.

Similarly, people affected by the ban are portrayed by its opponents in the media as an essential part of the U.S. labor force and are not different from other people in the U.S. (da Costa, 2017; Khalife, 2017; Orlove, 2017; Rodriguez, 2017). The media, for example, *Business Insider*, argued that economic loss would be enormous if the U.S. stopped accepting immigrants (da Costa, 2017). This story quoted the testimony of Federal Reserve Chair Janet Yellen on February 15, 2017:

Labor-force growth has been slowing in the U.S. It’s one of several reasons, along with slow productivity growth, for the fact that our economy has been growing at a slow pace. Immigration has been an important source of labor-force growth. So, slowing the pace of immigration probably would slow the growth rate of the economy. (Para. 5)

News media further highlighted the significance of those affected by the travel ban to New York’s transportation industry (Orlove, 2017) and the necessity of immigrants to Silicon Valley, emphasizing that even if all Americans with high-tech skills were hired, there would still be thousands of unfilled jobs (Rodriguez, 2017). Furthermore, over 15,000 U.S. doctors were from the banned countries (Khalife, 2017), underscoring the importance of these individuals to the U.S. economy and thus portraying a positive image.

The American Enterprise Institute (AEI), a neoconservative think tank, argued that the U.S. economy needed an immigrant influx, especially those skilled in high technology, vital to medical research companies like Gilead Sciences Inc. and Amgen Inc. (Pethokoukis, 2017b). The AEI also warned that immigration policies affecting visas could disrupt research, such as cancer treatment. For example, *Apellis Pharmaceuticals*, where nearly half of the staff are on H-1B visas, expressed that Trump’s immigration policies are detrimental to their work (Pethokoukis, 2017b).

The AEI study also asserted that manual labor immigrants working on farms never steal low-skill jobs from Americans. The study was a natural experiment, analyzing the impact of manual labor (bracero) exclusion five years after its implementation. According to the AEI:

Bracero exclusion failed to substantially raise wages or employment for domestic workers in the sector. Employers appear to have instead adjusted to the foreign-worker exclusion by changing production techniques where that was possible and changing production levels where it was not. (Clemens et al., 2018, p. 32)

Other reports support the AEI study, arguing that immigration restrictions may have

unintended consequences and may fail to boost wages for native workers (Pethokoukis, 2017a). In other words, while low-skilled laborers do not take away low-skilled jobs from Americans, their existence will likely have distinctive benefits to the American farming industries.

Discussion

In this article, we have argued that studying how policy actors use social construction of the target populations adds value to the issue framing in immigration policy literature. Analyzing how Muslim immigrants are framed as target populations in the judiciary as well as in political and civil discourses, we have presented evidence in this article that policy actors use social constructions of immigrants to justify their policy positions (please refer to Table 1 for a summary matrix of our findings). Particularly, the supporters of Trump's travel ban view Muslim immigrants as criminals and terrorists who pose security threats to justify restrictive immigration policies, while the opponents consider Muslim immigrants as intelligent but powerless, vulnerable, and

poor dependents to justify more inclusive immigration policies.

Much of the literature on issue framing in the U.S. focuses on public opinions. We have argued in this article that using the target framework can provide nuanced insights into the issue-framing process. Schneider and Ingram (1993) categorize target populations into four categories in terms of their strong/weak political power and positive/negative images. Newton's (2005) article is one of the few that uses the target population framework to understand issue framing. The author argued that policymakers constructed immigrant target groups as both sources of national pride and as problematic and undesirable for policy purposes; in other words, they constructed immigrants' identities to justify their policy positions. Our findings are consistent with these conclusions, but we also find that in addition to policymakers, members of civil societies, particularly news media, members of the judicial system (lawyers), and think tanks also construct immigrant identities to justify their policy positions. Regarding Trump's

Table 1.
Social Constructions of Immigrants by Different Actors
Constructions

		Positive	Negative
Power	Strong	<i>Advantaged</i> NA	<i>Contenders</i> NA
	Weak	<i>Dependents</i> Constitutionally discriminated; poor people; miserable families; hard workers; politically vulnerable; innocent.	<i>Deviants</i> Security threats; economic burdens; terrorists; criminals; drug dealers; bad <i>hombres</i> .

Note. This table is adapted from Schneider and Ingram's (1993) article "Social Construction of Target Populations" to summarize qualitative data from executive orders, court documents, tweets, media outlets, and think tanks.

2017 travel ban, policy actors who supported it constructed Muslim immigrants as “deviants,” while those who opposed it constructed them as “dependents.”

We have shown from court documents that the defendants of the travel ban justify the policy by reverberating Trump's rhetoric. The defendants argued that the president is within his rights to ensure the domestic security of the United States by restricting Muslim nationals from entering the country, thereby implying that Muslim immigrants are security threats (deviant framing). We have shown similar rhetoric in the president's social media posts, where he has persistently framed Muslim immigrants as terrorists who present a danger to the security of the United States. Furthermore, we have shown how right-leaning media houses, particularly Fox News and Breitbart, have defended the president's executive orders by highlighting how terrorists can enter the U.S. without strict border control. Finally, we have also shown that conservative think tanks construct Muslim immigrants as 1) terrorists by arguing that their countries are terrorist-ridden and 2) criminals by highlighting the high proportion of immigrant detainees in federal prisons.

In order to frame the Muslim immigrants as dependents, the plaintiffs in court challenged the constitutionality of the president's two executive orders, arguing that the policy is discriminatory against Muslim immigrants (dependent framing). They also argued that Muslim immigrants are sources of revenue for colleges and universities in the U.S., thereby shedding a positive image of Muslim immigrants (i.e., dependent framing). Similarly, democratic congresspeople frame Muslim immigrants positively as innocent people and powerless as victims of discrimination.

Furthermore, left-leaning media houses like the New York Times and CNN highlight the plights of Muslim immigrants due to family separation in some cases and structural discrimination based on religion by the Trump administration in others. Finally, more progressive think tanks focus on refuting the pro-ban think tanks by highlighting the low proportion of immigrants who are terrorists.

More interestingly, supporters and opponents offer competing framing to justify their policy positions when discussing economic issues. For example, the Federation of American Immigration Reform (a conservative think tank) has argued that Muslim immigrants are detrimental to the U.S. economy because of billions of dollars in security expenditures. At the same time, the opposers of the travel ban have argued that Muslim immigrants are good for the U.S. economy because 1) they are students who bring revenues through tuition fees, and 2) they are scholars and technicians who improve the U.S. human capital.

In this article, we have argued that policy actors use the social construction of Muslim immigrants to justify their policy positions. However, similar to Newton's (2005) findings, our evidence shows how policy actors can choose both framing and information to justify their positions. This is evident in the case of “criminal” framing and economic issues, where different policy actors emphasize information that aligns with their target population construction, whether positive or negative, to justify their policy positions.

In acknowledging the limitations of this study, we recognize the potential for further research. Firstly, although using various sources has allowed us to construct a nuanced understanding of the Muslim ban, the total number of sources employed was restricted.

constructed Muslim immigrants as “deviants,” while those who opposed it constructed them as “dependents.”

In light of our analysis, we conclude that actors who support exclusionary immigration policies frame immigrants as deviants who are politically weak and generally perceived negatively, whereas actors who support inclusionary immigration policies frame immigrants as dependents who are politically weak but are generally perceived positively.

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