2019

Immigration Policy of the Trump Administration: The Ethical and Moral Implications of Restricting Entry into the United States

Amaan Huq
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I. Introduction

When Donald Trump announced his candidacy for the United States presidential election of 2016, he instantly made it clear that a strict immigration policy was one of the major themes of his platform. While his views and statements were polarizing, they resonated with many Americans as he secured the Republican nomination and eventually the presidency despite being a businessman and reality television star with no prior political experience. There were several high-profile moments that established immigration as a core aspect of Trump’s candidacy. In his announcement speech on June 16, 2015, he famously declared that “when Mexico sends its people, they’re not sending their best... they’re bringing drugs, they’re bringing crime, they’re rapists.”¹ He followed this sentiment by claiming that as president, he would have a wall built along the border of the United States and Mexico and have Mexico pay for it.² This led to one of the most popular catchphrases at his rallies: “Build that wall!”

Mexicans were not the only group Donald Trump targeted when demanded more secure borders. In response to the 2015 San Bernardino attack, he called for a "total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what the hell is going on.”³

President Trump took action to swiftly reform United States immigration policy upon his inauguration. Historically, immigration and diversity have been seen as hallmarks of American culture and a strength of the economy. President Trump’s campaign focused on the belief that both legal and illegal immigration have been crippling the economy and contributing to crime.

¹ James Cooper, The United States, Mexico, and the War on Drugs in the Trump Administration, 25 Willamette J. Int'l L. & Dispute Res. 234, 235
² Id.
In this paper I will explore how President Trump followed through on these campaign promises during his presidency as well as the legal and moral ramifications that followed.

II. Interior Enforcement Policy

President Trump increased the enforcement of illegal immigration already existing within the country in the early days of his administration. In 2017, the United States Immigration and Customs Enforcement’s (ICE) increased its rate of removing illegal immigrants by 37% from the prior year as well as increasing its rate of arrests by 42%. These increases can be attributed to ICE expanding its targets to people without prior criminal history. The Obama administration’s focal point for interior enforcement was on criminals. Targets for physical deportation had committed felonies or several misdemeanors, but President Trump broadened this criterion to people with minor infractions or accusations.

The Trump administration has made additional alterations to the enforcement of the interior. One major action was challenging “sanctuary” cities. These cities choose not to assist the federal government in tracking illegal immigrants. In response to these sanctuary cities, President Trump enacted Executive Order 13768, which would serve to limit the federal funding sanctuary cities, among other provisions. This order cites section 1373 of title 8 of the United States Code, which blocks government entities from withholding “information regarding the

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5 Alex Nowrasteh, Trump Administration Continues to Expand Interior Immigration Enforcement, Cato Institute (December 14, 2019), https://www.cato.org/blog/trump-administration-continues-expand-interior-immigration-enforcement
6 Id.
7 Id.
8 Rose C. Villazor and Pratheep Gulasekaram, Sanctuary Networks, 103 Minn. L. Rev. 1210, 1217-1219 (2019).
citizenship or immigration status, lawful or unlawful, of any individual," from the federal government. The new order imposes a consequence of severing sanctuary cities from federal grants if they do not comply with Executive Order 1373. This led to an issue regarding the separation of powers, because Congress controls the allocation of federal funds.

In City & Cnty. of S.F. v. Trump, San Francisco and several other counties of California challenged the constitutionality of this executive order as it lacked congressional approval. The United States District Court for the Northern District of California granted summary judgment to the City and County of San Francisco and the County of Santa Clara because the executive order violated the constitutional principle of the separation of powers. The spending clause exclusively gives Congress authority to determine the conditions of federal grants, and Congress did not act in accordance with this executive order. The Court explains that Congress has considered legislation for this issue on numerous occasions, and each attempt has resulted in rejection. This demonstrates the complexity and divisiveness of the issue. President Trump attempted to bypass Congress with this executive order and utilize its spending powers himself, which demonstrated an overreach in his effort to locate illegal immigrants. The 9th Circuit Court of appeals found that the counties were entitled to an injunction but vacated a nationwide injunction for remand and further consideration.

President Trump's efforts to remove illegal immigrants from the United States extended beyond this executive order. The Obama Administration implemented Deferred Action for

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10 Id. at 8801, 8 U.S.C.S. § 1373.
12 City & Cnty. of S.F. v. Trump, 897 F.3d 1225 (9th Cir. 2018).
13 Id. at 1231.
14 Id.
15 Id. at 1234.
16 Id. at 1245.
Childhood Arrivals (DACA) through an executive order that allowed roughly 800,000 children who were brought into the country illegally to be protected from deportation and granted work permits.\(^\text{17}\) President Trump vowed to repeal this policy, and Attorney General Jeff Sessions announced its rescission on September 5, 2017.\(^\text{18}\)

### III. First Travel Ban

Another campaign promise President Trump made relating to immigration is the travel ban that would limit Muslim immigrants from entering the United States. President Trump followed through on his promise with Executive Order 13769, which he signed quickly after his inauguration.\(^\text{19}\) The order suspended the U.S. Refugee Admissions Program for 120 days, restricted admission of citizens from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen for 90 days, and suspended admission of Syrian refugees indefinitely, among other actions.\(^\text{20}\) The states of Washington and Minnesota filed a legal challenge against this order as an unconstitutional violation of federal law.\(^\text{21}\) The United States District Court for the Western District of Washington issued a temporary restraining order that lifted the major restrictions of the travel ban, and the United States Court of Appeals for the Ninth Circuit denied the President’s request for a stay.\(^\text{22}\)

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\(^{19}\) Executive Order No. 13769, *Protecting the Nation From Foreign Terrorist Entry Into the United States*, 82 Fed. Reg. 8977.

\(^{20}\) Id. at 8978-8979.

\(^{21}\) *Washington v. Trump*, 847 F.3d 1151 (9th Cir. 2017)

\(^{22}\) Id. at 1157.
In *Washington v. Trump*, the Ninth Circuit Court of Appeals establishes the reasons why the order was unconstitutional. The legal standard consists of "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." The states demonstrated a likelihood of success because of the due process clause and religious discrimination. Due process requires notice and hearing before an individual's ability to travel is restricted. The due process clause applies to "all 'persons' within the United States, including aliens," regardless of "whether their presence here is lawful, unlawful, temporary, or permanent." Since the ban will deprive people from their due process rights, the states are likely to succeed on this issue over the federal government.

The court also established that the states were likely to succeed in challenging the unconstitutionality of the religious discrimination that this order presents. The First Amendment of the Constitution forbids laws concerning establishments of religion. Since the executive order is directed at only Muslim-majority countries and President Trump established his intention of banning Muslims from entering the United States, the constitutionality of the order as one that targets a specific religion is a legal question, and the federal government could not establish a likelihood of success in appealing the temporary restraining order.

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23 *Id.* at 1164 (quoting *Lair v. Bullock*, 697 F.3d 1200 (9th Cir. 2012)).
24 *Id.*
25 *Id.* at 1165 (quoting *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491 (2001))
26 *Id.* at 1167
27 *Id.*
28 *Id.*
29 *Id.*
The states successfully argue that they will be irreparably injured absent the temporary restraining order, and the government did not have a successful rebuttal. The irreparable injury is supported by several arguments. University workers and researchers would be prevented from returning to their positions, families would be separated, and residents would be prevented from returning home. Although the government argues that combating terrorism is an urgent need that takes precedence, it could not provide evidence that residents from these countries have committed terrorist attacks. The irreparable injury created by preventing the free flow of travel, stranding residents, and separating families lead to the court’s decision to uphold the temporary restraining order.

Another case that arose from this executive order was *International Refugee Assistance Project v. Trump*. This case was brought by several parties including the International Refugee Assistance Project, the National Immigration Law Center, and the American Civil Liberties Union. The United States Court of Appeals for the Fourth Circuit found that executive order 13769 violated the Establishment Clause of the constitution because it failed to show that this objective was not motivated by an anti-Muslim objective. The Court held that there was ongoing injury to individuals or entities within the United States who have bona fide relationships with foreign nationals barred from entry.

**IV. Second Travel Ban**

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30 *Id.* at 1168
31 *Id.* at 1169
32 *Id.*
33 *Id.*
34 *Int'l Refugee Assistance Project v. Trump*, 883 F.3d 233 (4th Cir. 2018)
35 *Id.*
36 *Id.* at 269.
37 *Id.* at 272.
As President Trump’s first travel ban was unsuccessful, he issued a redrafted version of the executive order on March 9, 2017. Executive Order 13780 revoked and replaced 13769.\(^{38}\) Some of the modifications between these orders included dropping Iraq from the list of countries that were restricted from travel and excluding green card holders and valid visa holders from the travel ban.\(^{39}\) The state of Hawaii challenged this order on the entry restrictions, while the President maintained that these countries do not share enough information to allow for informed entry.\(^{40}\) The District Court of Hawaii issued another temporary restraining order by establishing a strong likelihood of success that the travel ban was motivated by a bias towards Islam rather than a credible national security threat.\(^{41}\)

The President criticized this temporary restraining order as “an unprecedented judicial overreach.”\(^{42}\) Upon reviewing the rational basis, the Supreme Court upheld the executive order on the basis that it had a legitimate aim to prevent the entry of aliens who could not be properly vetted.\(^{43}\) The Supreme Court held that even though individuals had standing to challenge the restriction because their relatives were prevented from entering the country, the President has broad discretion when it comes to a national security matter related to vetting foreign nationals.\(^{44}\) Until the threats from these countries can be properly quantified, the travel ban can remain in effect.

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\(^{38}\) Executive Order No. 13780, Protecting the Nation From Foreign Terrorist Entry Into the United States, 82 Fed. Reg. 13209, 13218.

\(^{39}\) Id. at 13212


\(^{41}\) Id. at 1132.


\(^{44}\) Id. at 2400.
V. Refugee Suspension

The United States has been a leader in admitting displaced refugees from around the world since the end of World War II, and President Trump took action to reduce the number of refugees entering the country from years prior. The impact of the travel ban extended beyond immigrants and visitors, as it had significant ramifications for the U.S. refugee program. When the order was signed in March of 2017, the entire U.S. refugee admissions program was suspended for 120 days. This suspension expired in October 2017. President Trump’s reasoning was that the admission of refugees is detrimental to the country’s interests due to the potential of refugees committing terrorist attacks on U.S. soil. The President successfully reduced the ceiling of 100,000 refugees allowed per year under the Obama administration down to under 50,000 refugees.

VI. Enforcement at the Southern Border

Perhaps the most memorable theme of President Trump’s campaign was that he would build a wall at the southern border and have Mexico pay for it. While many were unsure of how he would follow through on this eccentric idea, President Trump pursued this policy to mostly unsatisfactory results. His first attempt at building a southern border wall was through Executive Order 13767, which was titled Border Security and Immigration Enforcement Improvements.

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47 Id.
This ordered a wall to be built along the southern border and sought federal funding without an estimate of cost. The order was vague regarding specific details on the wall’s construction, and the amount requested to fund it was a point of contention amongst lawmakers.

This executive order resulted in the longest government shutdown in United States history. The shutdown lasted from December 22, 2018 to January 25, 2019. The conflict revolved around President Trump’s demand for $5.7 billion in federal funding. When Democrats took control of the House of Representatives in January 2019, the House approved an appropriations bill that did not contain any funding for the wall. President Trump took the hard stance that he would veto any bill that did not fund the wall. This shutdown resulted in approximately 800,000 furloughed government employees, and the Congressional Budget Office estimated that the shutdown lost at least $11 billion for the U.S. economy.

The government reopened on January 25, 2019, when President Trump agreed to a bill that would reopen the government for three weeks. President Trump made clear that he would

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50 Id.
52 Id.
54 Id.
take measures to ensure funding for the wall if Congress could not agree on a bill to fund the wall within that period. On February 14, 2019, both houses passed a bill that would provide $1.375 billion for border barriers, but not a wall. On February 15, 2019, President Trump declared a national emergency, citing the condition of the border as a crisis for national security. The President declared this emergency so that he could go around congress and use military funding for the wall. The president intends to reallocate $8 billion in funding to the border wall. While the senate passed a bill to overturn the national emergency, the President would veto this bill. The house of representatives fell just short of the threshold to override the president’s veto.

VII. Family Separation at the Southern Border

Between May 5 and June 9, 2018, President Trump’s “family separation” policy was carried out, and more than 2,300 children were separated from their parents at the United States southern border. The Trump administration proposed family separation as a way to deter families from migrating to the United States. In an announcement on May 7, 2018, Attorney

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57 Id.
59 Id.
60 Id.
62 Id.
General Jeff Sessions elaborated on the Trump administration’s “zero-tolerance” policy and immigration enforcement. He remarked that all people who unlawfully cross the border will be prosecuted, and those who unlawfully cross with their children will have their children separated from them. He also noted that in order to carry out these new policies, he sent numerous prosecutors and immigration judges to the border.

President Trump’s “zero-tolerance” policy is not the sole factor leading to family separation. It is the result of the combination of numerous laws and policies—specifically, the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), the Flores Agreement, and the “zero-tolerance” policy. The TVPRA of 2008 requires all alien children who are unaccompanied to enter screening to determine if they are victims of human trafficking. The Flores Agreement establishes humane standards for the housing and treatment of children who are in the custody of the Immigration and Naturalization Service (INS). These standards include non-restrictive housing and acceptable facilities for food, medical care, and a detention period of no longer than twenty days. The Trump administration proposed a rule that would amend the Flores agreement by having the federal government take authority of these detention children.
centers from the states, as well as extending the period of time in which children can be
detained.\textsuperscript{72}

The Trump administration’s approach to detaining families at the border culminated in
the “zero tolerance” policy, which was meant to be a deterrent to illegal immigrants. While the
policy was officially in place between April and June 2018, separation had begun taking place
approximately one year prior to the announcement.\textsuperscript{73} This policy intentionally separated adult
aliens from their children, placing the adults in federal jail while the children were detained by
the U.S. Department of Health and Human Services.\textsuperscript{74} As the public learned that the policy did
not include methods to reunite families, President Trump signed an executive order ending
family separation on June 20, 2018.\textsuperscript{75} On June 26, 2018, the U.S. District Court for the Southern
District of California issued a preliminary injunction that ordered families nationwide to be
reunited within 30 days.\textsuperscript{76} Judge Dana Sabraw’s reasoned that the separations violated due

\textsuperscript{72} Id.
\textsuperscript{73} Alan Gomez, Democrats Grill Trump Administration Officials Over Family Separation Policy on Border, USA TODAY (February 7, 2019)
\textsuperscript{74} Sari Horwitz and Maria Sacchetti, Sessions Vows to Prosecute All Illegal Border Crossers and Separate Children From Their Parents, The Washington Post (May 7, 2018)
\textsuperscript{75} Executive Order No. 13841, Affording Congress an Opportunity to Address Family Separation, 83 Fed. Reg. 29435.
\textsuperscript{76} L. v. United States Immigration & Customs Enf’t (“ICE”), 310 F. Supp. 3d 1133 (S.D. Cal. 2018)
process, and created a chaotic scenario as a result.\textsuperscript{77} While the Trump administration took action to reunite families, a portion of children remain in government shelters.\textsuperscript{78}

\textbf{VIII. John Finnis's Natural Law and Natural Rights}

When looking at the law from a moralistic standpoint, John Finnis's \textit{Natural Law and Natural Rights} has been regarded as a critical piece of modern literature with regards to the ethics and morals of basic human rights. Finnis's philosophy outlines seven basic goods that influence human nature.\textsuperscript{79}

The first basic good is life.\textsuperscript{80} Everything of importance within the human experience requires the preservation of one's self. This starts with maintaining physical health of the body.\textsuperscript{81} A person cannot strive for self-determination if their body is not healthy and able.\textsuperscript{82}

The second basic good is knowledge.\textsuperscript{83} Finnis comments that knowledge is inherently desirable.\textsuperscript{84} Humans seek knowledge for its own sake. While knowledge can be sought as the means of achieving other goods, it is a basic human good on its own because knowledge is the accumulation of truth.\textsuperscript{85} The more knowledge one attains, the less ignorance they have.\textsuperscript{86} Finnis notes that not every truth has equal value to any given individual.\textsuperscript{87} Some truths are more valuable than others, but the value of each truth varies from person to person. These aspects of

\begin{footnotes}
\footnotetext{77}{\textit{Id.} at 1149.}
\footnotetext{79}{John Finnis, \textit{Natural Law & Natural Rights} (Oxford University Press, Second Edition 2011).}
\footnotetext{80}{\textit{Id.} at 86.}
\footnotetext{81}{\textit{Id.}}
\footnotetext{82}{\textit{Id.}}
\footnotetext{83}{\textit{Id.} at 87.}
\footnotetext{84}{\textit{Id.}}
\footnotetext{85}{\textit{Id.} at 60.}
\footnotetext{86}{\textit{Id.}}
\footnotetext{87}{\textit{Id.} at 62.}
\end{footnotes}
knowledge make it so that knowledge is not a good that must be pursued by everyone always.\textsuperscript{88} Each individual has different areas of knowledge to pursue for their own well-being, which makes knowledge a good that is not uniform to all.

The third basic good is play.\textsuperscript{89} Play is a good that some individuals overlook because play consists of acts which serve no purpose other than for the enjoyment of the act itself.\textsuperscript{90} The act of play can take many different forms: social or individual, mental or physical, energetic or relaxing, formal or informal, etc.\textsuperscript{91} As many different forms of human activity can be considered to be play, the distinguishing factor from activities that are not play is the lack of a serious context.\textsuperscript{92} Play is a basic good because enjoyment for its own sake is an essential part of one's well-being.

The fourth basic good is aesthetic experience.\textsuperscript{93} Aesthetic experience involves the appreciation of beauty within the human experience.\textsuperscript{94} Aesthetic experience has relation to the good of play, as many playful activities such as song and dance elicit such appreciation.\textsuperscript{95} Aesthetic experience is not dependent on the good of play because an individual does not need to engage in play to appreciate these beauties, and these beauties can be found outside of play as well.\textsuperscript{96} Nature is a big source of aesthetic experience.\textsuperscript{97} Finnis describes aesthetic experience as “the beautiful form ‘outside’ one, and the ‘inner experience of appreciation of its beauty.”\textsuperscript{98}

\textsuperscript{88} Id.  
\textsuperscript{89} Id. at 87.  
\textsuperscript{90} Id.  
\textsuperscript{91} Id.  
\textsuperscript{92} Id.  
\textsuperscript{93} Id.  
\textsuperscript{94} Id.  
\textsuperscript{95} Id.  
\textsuperscript{96} Id.  
\textsuperscript{97} Id.  
\textsuperscript{98} Id. at 88.
The fifth basic good is friendship and sociability. Humans are inherently social beings and seek each other for a common well-being. This variations of this good can range from weak to strong forms. At its weakest, friendship and sociability is a peaceful community, and at its strongest it is full friendship between the community’s members. In the strongest form of friendship, people act for the good of the other and not for themselves. Through such selfless actions, the basic good of friendship and sociability creates a form of well-being through care for others.

The sixth basic good is practical reasonableness. Finnis outlines practical reasonableness as “the basic good of being able to bring one’s own intelligence to bear effectively on the problems of choosing one’s actions and life-style and shaping of one’s own character.” Practical reasonableness has two major components. The first component is an internal aspect. An individual must use his knowledge, emotion, and disposition to strive for a peace of mind that is through individual achievement. The second component is an external aspect. This aspect involves the pursuit of performing actions that are authentic. In this case authenticity refers to acting with free will and self-determination. This is a complex good involving freedom, reason, integrity, and authenticity.
The final basic good is religion.\textsuperscript{111} This basic good regards the question of a higher power that transcends the interests of the individual.\textsuperscript{112} It asks how the orders of the human experience relate to the lasting order of the universe.\textsuperscript{113} It also asks if human freedom is made possible through something larger than any human.\textsuperscript{114} Finnis does not point to a specific religion for this good, but he underscores the importance of these questions that are asked by our various religions.

Finnis outlines these basic goods as goods that explain why we think and act in the ways that we do. These goods also provide guidance for self-determination and the pursuit of morality. With regards to President Trump's immigration policies that were discussed above, the goods of life, friendship and sociability, and practical reasonableness are the most relevant. Analysis of the morality of his laws through the lens of these goods will provoke questions that are just as important today as they were in the beginning of human culture. As the good of practical reasonableness is one of the more complex ones, it will be further broken down below.

The United States refugee policy has been a global leader with regards to promoting the basic good of life when it comes to refugee policy. Refugees seek asylum with the most basic goal being the preservation of life, as they are often displaced from their homes due to violent environments and ethnic or religious persecution. In 2017, the United States was not the global leader in refugee resettlement for the first time in over three decades.\textsuperscript{115} From the Obama administration in 2016 to the Trump administration in 2017 and 2018, the U.S. allowed 84,994,

\textsuperscript{111} Id. at 89.
\textsuperscript{112} Id.
\textsuperscript{113} Id.
\textsuperscript{114} Id.
53,716, and 22,491 refugees entry respectively.\textsuperscript{116} While President Trump argues that the United States is doing this to prevent the entry of terrorists, from a moralist standpoint the United States has significantly decreased its commitment to the basic good of life for displaced refugees under the current administration.

This moral effect of President Trump’s various immigration policies also ties into the basic good of friendship and sociability. Friendship and sociability require selflessness for the common well-being. President Trump’s isolationist stance is a shift from previous globalist attitudes that the United States employed to foster the well-being of itself and allies. President Trump’s election was fueled by acting upon the notion that caring for immigrants and refugees has been hurting U.S. citizens. The refugee policy is the strongest form of friendship, as it is a selfless cause to help others in need. The increase in deportations and the attempts to prevent certain immigrants from travelling into the United States have been policies that have shown little consideration for others. Families were split from each other and workers were prevented from returning to their jobs. Whether these policies have been beneficial to U.S. citizens or not, they have shown a lack of consideration for the well-being of outsiders.

**IX. The Nine Requirements of Practical Reasonableness**

Finnis emphasizes practical reasonableness as a good that can be used to achieve the other six goods.\textsuperscript{117} He explores the process of making rational and moral decisions, and how these decisions play into achieving the other basic goods. Moral decisions stem from reasonable

\textsuperscript{116}Admissions and Arrivals, Refugee Processing Center (April 30, 2019) http://www.wrapsnet.org/admissions-and-arrivals/
\textsuperscript{117}Finnis, supra at 100.
thinking, and this is true on an individual level as well as a societal level. Finnis identifies nine requirements to participate in practical reasonableness.

The first requirement of practical reasonableness is developing a coherent life plan. According to Finnis, a rational life plan has a “harmonious set of purposes and orientations... as effective commitments.” This means that a person must take actions to build towards an eventual goal. These actions and goals should tie into the realization of the seven basic goods as well. While life should not just be lived for single moments, it is also important to not devote too much to single goals.

While President Trump’s various immigration policies develop a plan to achieve a goal, it is a plan that harms several of the basic goods. With each policy it is clear that his goal is to significantly reduce the number of immigrants and refugees that enter the country and remove more undocumented aliens from the country.

The second requirement of practical reasonableness is having no arbitrary preferences amongst values. This means that it is necessary to prioritize certain basic goods over the others when necessary. Humans can only achieve so much on any given day, and it is necessary to set certain goals aside to pursue other ones. While none of the basic goods should be disregarded, each individual has goods that are more worthwhile to pursue.

The new immigration policies of the Trump administration seem to preference certain values over others. From his perspective he may be promoting the value of life for U.S. citizens,

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118 Id. at 101.
119 Id. at 103-104
120 Id.
121 Id.
122 Id. at 105.
123 Id.
as his policies are set out to aid them. However to promote this value for citizens, he has
distanced himself from the value of friendship and sociability.

The third requirement of practical reasonableness is having no arbitrary preferences
amongst persons.124 The forefathers of the United States famously instilled the notion that all
men are created equal, and this means that the basic goods are set for every human being. While
it is natural for human’s to be interested in their own well-being, Finnis notes that this can lead to
"selfishness, special pleading, double standards, hypocrisy, indifference to the good of others
whom one could easily help, and all the other manifold forms of egoistic and group bias."125 It is
reasonable to treat others the way you expect to be treated.126 Treating certain people differently
violates this requirement of practical reasonableness.

The President’s policies do not align with this third requirement because they inherently
preference certain people over others. On one level, these policies show preference towards
United States citizens over immigrants, refugees, and undocumented aliens. While it is natural
for governments to put the interests of its citizens before the interests of foreigners, President
Trump has demonstrated preferences between groups of foreigners as well. The two main groups
he targets with his immigration policies are Mexicans and the people from several Muslim-
majority countries. The concerns he presented are valid, but his methods to block these people
from entering the country have been immense in proportion to other methods of preventing crime
and promoting the economy.

124 Id. at 106.
125 Id. at 107.
126 Id. at 108.
The fourth requirement of practical reasonableness is detachment.\textsuperscript{127} To be detached is to avoid obsession with any given commitment\textsuperscript{128}. This allows a person to be open to pursuing all of the basic goods. No single project determines the meaning of life, and detachment prevents an individual from being consumed by one thing and suffering consequences for obsession.

The fifth requirement of practical reasonableness is commitment.\textsuperscript{129} This requirement ties in with the requirement of detachment as the middle ground for pursuing a project. Commitment requires an effort to improve, and cautions against giving up too easily.\textsuperscript{130} A constant desire to improve allows for society to continue to develop in positive ways.\textsuperscript{131}

Addressing the fourth and fifth requirements together, President Trump has not shown detachment to executing his vision for U.S. immigration policy. He was elected because he demonstrated his commitment, but since then he has demonstrated signs of obsession. Perhaps the greatest example of this is the U.S. government shutdown due to the lack of funding for the southern border wall. The government shutdown had many negative effects on the economy and its workers because congress did not approve the funding that the President wanted. As he declared an unprecedented national emergency, he demonstrated that he would go to any lengths that he could to fund this wall. The President’s lack of detachment and reasonable level of commitment led to many adverse consequences for the government.

The sixth requirement of practical reasonableness is efficiency within reason.\textsuperscript{132} An individual’s actions should be prioritized in a way where they can do the most good. By

\textsuperscript{127} Id. at 109-110.
\textsuperscript{128} Id.
\textsuperscript{129} Id.
\textsuperscript{130} Id.
\textsuperscript{131} Id.
\textsuperscript{132} Id. at 111.
choosing to pursue goals that have the most effectiveness, a person has a better chance of achieving their potential to do good in the world.\textsuperscript{133} Finnis mentions using a cost-benefit analysis to determine where an individual’s strengths and weaknesses lie, and through this analysis everyone can choose to pursue the projects that they can do best.\textsuperscript{134}

The seventh requirement of practical reasonableness is respect for every basic value in every act.\textsuperscript{135} This requirement means that a person should never act against any basic good, even in benefit of another good.\textsuperscript{136} Even if someone harms a basic good for the benefit of other goods, these other goods will be the result of a harmful act.\textsuperscript{137} Although acting reasonably would prevent harming the basic goods, acting intelligently may lead an individual to neglect certain goods for others. Finnis concludes that the rule for this requirement of practical reasonability is that individuals should not choose directly against a basic value.\textsuperscript{138}

As discussed earlier, these immigration policies have directly harmed the basic goods of life and friendship. Perhaps the greatest example of this has been the President’s zero-tolerance policy. This policy harmed families by splitting them up for the sake of deterring families from crossing the border. The public backlash made it clear that the good that would come from this policy would only be the result of severe harm to the families that were separated. This administration enacted this policy and others with the mindset that the end would justify the means. The means have violated basic goods, and Finnis would argue that these ends would not be justified.

\textsuperscript{133} Id.
\textsuperscript{134} Id. at 112.
\textsuperscript{135} Id. at 118-124.
\textsuperscript{136} Id.
\textsuperscript{137} Id.
\textsuperscript{138} Id.
The eighth requirement of practical reasonableness is favoring and fostering the common good.\textsuperscript{139} Finnis states that we derive “our concrete moral responsibilities, obligations, and duties,” from the common good.\textsuperscript{140} Our communities instill the basis for our sense of morals, and making sure that they continue to do so will allow future generations to build from the existing common good.

Through his isolationist philosophy, President Trump has sent a message of favoring one nation’s common good over the common good of all people. This message has resonated within the United States and around the world, as populist and nationalist movements have spiked in popularity worldwide.\textsuperscript{141} The meaning of the common good is now split between a nationwide view and a worldwide view, and the moral obligations that future generations will interpret will be shaped by how the world reacts to this philosophy going forward.

The ninth requirement of practical reasonableness is following one’s conscious.\textsuperscript{142} A person’s sense of moral and practical reasonableness comes directly from the conscience, and this may conflict with what other people or even entire societies dictate.\textsuperscript{143} Finnis looks to Thomas Aquinas’s teachings for this requirement. If a person chooses to do something that they feel is wrong or unreasonable in their heart, they are acting unreasonably.\textsuperscript{144} This applies whether the individual is correct or incorrect.\textsuperscript{145} Societies have evolved from many immoral laws and

\begin{itemize}
\item \textsuperscript{139} Id. at 125
\item \textsuperscript{140} Id.
\item \textsuperscript{142} Finnis, \textit{supra}
\item \textsuperscript{143} Id.
\item \textsuperscript{144} Id.
\item \textsuperscript{145} Id. at 126.
\end{itemize}
practices because people followed their consciences when they felt these laws and practices were wrong, and our societies continue to gradually progress as a result of this.

The divisiveness of President Trump and the United States political landscape stems from people following their consciences. The people who voted for President Trump voted for him because they thought that it was in the best interest for themselves, their families, and the country as a whole. Many people who oppose the President and his immigration policies do so because they believe the results are unconscionable for the way they treat others. Finding a way to bridge the gap between the two sides of this argument is a moral dilemma that will define this era of the history of the United States.

X. Conclusion

The immigration policies that President Trump has enforced since his inauguration present moral issues conflicting with several of the basic goods that John Finnis has outlined, including life, friendship and sociability, and practical reasonableness. As this agenda probably fails the requirements of practical reasonableness, the citizens and the leaders of the United States should work towards finding solutions to the nation’s immigration problems from a moralistic standpoint.