

FOCUS ON IMMIGRATION HISTORY, CURRENT POLICIES, AND CALLS FOR ACTION

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A research report on the history of immigration, the current policies regarding immigration, and calls for action.

By the Future Justice Lawyers of Chicago

Introduction

Since its colonization in the late 15th century, America has been a nation of immigrants. From the nearly 100 English pilgrims who left for America seeking religious freedom to the Dutch colonies established to seek economic virtue, this nation's founding principles have rested upon people leaving their old life behind in search of a new and better one. Inscribed on the base of the Statue of Liberty are the words, "Give me your tired, your poor, your huddled masses yearning to breathe free." These words are a powerful symbol of the nation's ideals of freedom and opportunity. Yet, despite America's founding ideals as a haven for immigrants, the existing system no longer embodies or respects those foundational values.

The immigration system itself is governed primarily through the Immigration and Nationality Act of 1965 (INA), which allows the U.S. government to grant up to 675,000 permanent visas across various categories. In addition, the INA allows U.S. citizens to sponsor the immigration of their spouses, parents, and unmarried children under the age of 21. There are no caps on this type of admission. The President is also required to consult with Congress each year to set the number of refugees admitted into the U.S. under the Refugee Admissions Program. Finally, humanitarian programs such as the asylum and T-Visa programs allow for noncitizens to reside in the United States. These programs typically do not have numerical caps but are subject to other restrictions. Once a noncitizen is granted a visa, they are eligible to apply to become what is called a lawful permanent resident or green card holder. LPRs are eligible to apply for U.S. citizenship after 3-5 years.

This, however, is easier said than done. Systematic barriers and inefficiencies have made it nearly impossible for many to gain entry into the United States. According to the American Immigration Council, "U.S. immigration law is based on the following principles: the reunification of families, admitting immigrants with skills that are valuable to the U.S. economy, humanitarian protections, and promoting diversity." This is in name only, with the current system being based only on exclusion, restriction, and fear.

Much of this restriction began with the Naturalization Act of 1790, which granted citizenship to all white persons. This was the first of a wave of legislation that made "whiteness" a standard for belonging and sought to exclude certain classes of people from gaining status in the United States. Subsequent acts such as the Chinese Exclusion Act and the Immigration Act of 1924 established restrictions based on eugenics and national origins, significantly favoring Western European immigrants. For the first couple hundred years the immigration system was based almost entirely on upholding racial and ethnic superiority beliefs that existed within the country. Whispers of the early immigration system continue to live on with per-country limits that have led to backlogs in high-demand countries.

However, with the Cold War came an entirely new basis for restriction. Building upon existing fears about communism, the McCarran-Walter Act of 1952 preserved national origin quotas while also adding ideological screenings requiring anyone with communist ties to leave. This was the first sign of immigration policy being linked to political allegiance and national security being used as a justification for restriction. Just like the national origin quotas before it and current immigration policy today, existing fears were used as rationalization for needing to close our borders to certain groups of people. This trend was furthered with post 9/11 policies such as

the Muslim travel ban and the USA Patriot Act of 2001, which used existing fears about national security concerns to increase the criminalization and surveillance of certain groups of “dangerous” noncitizens.

The equation of immigrants with criminals only continued with a process known colloquially as “crimmigration,” which blurs the line between criminal law and immigration law.

Anti-immigrant groups fed upon existing concerns about rising crime rates to classify noncitizens of color as dangerous and criminal. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) eroded due process for thousands by making non-criminal offenses deportable and stripping away judicial review. IIRIRA laid the foundations for mass deportation and surveillance practices, which are now commonplace within the immigration system.

One of the biggest justifications for crimmigration is the long-held belief that there is a right and wrong way to gain entry into the US. Anti-immigrant groups often claim that individuals who enter the U.S. without authorization do so with harmful intent, arguing that the government must act to protect its citizens. This narrative underpins many of the current administration’s proposed policies, such as the Laken Riley Act of 2025 and efforts to revoke birthright citizenship. Unfortunately, with the rise of anti-immigrant sentiments comes the stripping of freedoms and resources from immigrant communities in the name of security and the encouragement of legal immigration. If the current administration truly intends to encourage legal immigration to the US, they would not be making it harder to do so. One example of this is the revocation of the CBP One app. The CBP One app allowed migrants seeking asylum in the United States to schedule appointments at the U.S.-Mexico border, streamlining part of the asylum process. However, the app was revoked on January 20th of this year, a move that left migrants at the border stranded. This move only sought to encourage illegal immigration, as it made legal entry more difficult.

The CBP One app is one example of the back and forth that exists in immigration reform due to the political influences that often hinder real progress. Immigration legislation enforcement is the responsibility of the federal government, meaning that, like most policy areas, it is subject to the current polarized political climate. Any real progress that is made regarding immigration reform can easily be undermined by a subsequent administration seeking to enact more conservative policies. This is not unique to immigration policy and is simply the reality of what the American policymaking landscape is.

What is unique about immigration policy is the politicization of the courts themselves. Unlike other special jurisdiction courts in the United States, immigration courts are particularly vulnerable to political influence from the executive branch. This is largely due to their placement within the Department of Justice—a federal agency led by a presidential appointee—rather than within an independent judicial body. Unlike other judges, immigration judges are employees of the Department of Justice and inferior officers. Consequently, immigration judges can be hired and fired at the will of the Attorney General and president. This stands in stark contrast to other courts, where judges enjoy substantial job protections and operate with minimal political interference. Since January 20th, over 70 immigration judges have been fired, only worsening the backlog that currently exists within the immigration courts due to large caseloads and insufficient support staff.

The lack of meaningful job protections for immigration judges creates a risk that decisions may be influenced more by the prevailing political agenda than by the objective merits of each case. Despite the exact same legal precedent, migrants whose cases are being decided in more immigrant-friendly administrations are at a significant advantage over those whose cases are being decided in more conservative administrations. This adds another level of uncertainty in a process that is already complicated by a lack of representation for migrants themselves. While everyone in immigration court is entitled to an attorney, they are not entitled to a free one, meaning that many migrants represent themselves in court. Unrepresented migrants include those who do not speak English or who are under the age of 18, making them even more vulnerable in an already unforgiving system.

The backlogs in the court system caused by the politicization of the courts and the difficulties faced by migrants representing themselves have led to thousands of people being stuck in what is known as “legal limbo.” These individuals lack a clear, permanent, and secure legal status, often due to no fault of their own, leaving them especially vulnerable to deportation. For example, backlogs and delays in the system have led to migrants having to wait years before hearing back about their asylum or green card status. Immigrants who fall into this category have no choice but to navigate a complex system entirely on their own. This confusion can result in otherwise law-abiding individuals violating the law such as working illegally which can lead to not having access to higher education or health care. Coupled with a lack of representation, they often find themselves one mistake away from deportation.

Unfortunately, this is the case for many beneficiaries of the Deferred Action for Childhood Arrivals (“DACA”) program in the U.S. Established by President Obama in 2012, the DACA or “Dreamers” program was created to provide protection from deportation for children brought to the U.S. by their parents illegally. While DACA was seen as a “win” for immigration reform, uncertainty regarding its future means that the “dreamers” themselves have no idea if they will wake up one day facing deportation proceedings due to mounting legal challenges against the program. This is exacerbated by court orders that have barred new applicants after 2021 and by backlogs in the system, which mean that renewals and applications from several years ago are yet to be processed. DACA recipients and others in temporary protection status are especially vulnerable to exploitation due to inadequate access to healthcare, higher education, and job opportunities.

Providing legal status to those in legal limbo is not only helpful to immigrants themselves but also to the American economy as a whole. Both documented and undocumented immigrants have played vital roles in driving economic growth and filling labor gaps in important industries like agriculture, construction, and restaurants. Furthermore, countries with larger working-age populations are more economically competitive than countries with lower working-age populations. The U.S. birth rate is not high enough to sustain economic growth, meaning that we need immigrants to keep our economy going. An influx of immigrants into a city means new businesses, industries, and increased spending, all of which are positive for the economy as a whole.

What is not positive for the American economy is the reduction of the working-age population through mass deportations. Mass deportations lead to an increase in inflation, defaulted mortgages, and worker shortages. This is because immigrants, both documented and

undocumented, make up a large portion of the American economy. The loss of this sector means fewer workers, less spending, a reduction in tax revenue, and a destabilized housing market due to the percentage of immigrants who own homes. Ultimately, the loss of immigrants also contributes to a loss of talent and productivity that the American economy depends on. With an economy already at risk for a recession, reducing one of the key factors of economic growth will only worsen the economy.

Immigrants are a vital part of America's past and present. We are a nation of immigrants, and we will always be a nation of immigrants. For generations, migrants have provided the U.S. with contributions in nearly every industry that exists today in our country, without immigration we would not be the global superpower that we are today. To protect such an integral part of U.S. society, it is clear that comprehensive reform needs to take place within the immigration system. We must look towards creating bipartisan legislation to reform the entire system, which rests upon international human rights principles of due process and equal protection for everyone. Only then will we finally uphold the founding principles of American democracy and the words "Give me your tired, your poor, your huddled masses yearning to breathe free."

The History and Background of the Immigration System

From its inception, the U.S. immigration system operated without political impartiality. The very inception of immigration law included reflections of societal values, together with political concerns and changing beliefs about belonging. Immigration regulations served beyond movement control because they operated as instruments to enforce exclusion while building national identity, managing workforce distribution, and maintaining racial superiority. This section analyzes major events in early U.S. immigration policy to demonstrate how political forces molded a system that affects present-day immigrant populations.¹

The Naturalization Act of 1790

Through the Naturalization Act of 1790, the U.S. government established free white persons as the sole category for naturalized citizenship, thereby blocking access to citizenship for Indigenous people and all non-white populations, including enslaved individuals.² This legislation established "whiteness" as a legal condition for belonging, which courts maintained and developed throughout the next one hundred years. The legal system failed to establish race definitions while maintaining white supremacy, according to landmark cases such as *Ozawa v. United States* (1922)³ and *Thind v. United States* (1923).⁴

¹ Migration Policy Institute. (n.d.). *Major U.S. immigration laws, 1790–present* [PDF]. <https://www.migrationpolicy.org/sites/default/files/publications/CIR-1790Timeline.pdf>; American Immigration Council. (2012, January). *Opportunity and exclusion: A brief history of U.S. immigration policy* [PDF]. https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/opportunity_exclusion_011312.pdf.

² Naturalization Act of 1790, ch. 3, 1 Stat. 103 (1790).

³ *Ozawa v. United States*, 260 U.S. 178 (1922).

⁴ *United States v. Bhagat Singh Thind*, 261 U.S. 204 (1923).

The Chinese Exclusion Act of 1882

The Chinese Exclusion Act of 1882 established itself as the initial national law that prohibited immigration based on national origin.⁵ The law targeted Chinese laborers during a period of growing Asian discrimination and labor disputes. The United States government banned all Chinese people from entering the country. Immigration policy developed national origin as a basis for exclusion while establishing a pattern to bar whole groups because of economic or cultural threats. The passage established immigration law as a racial and economic protection mechanism. The law implemented quotas based on national origins, which favored immigrants from Northern and Western European regions. The immigration restrictions based on eugenics and xenophobic ideologies significantly decreased European immigration from Eastern and Southern regions and significantly restricted Asian immigration.

The Immigration Act of 1924

The Immigration Act of 1924 built upon earlier restrictions and established a racialized system that directed immigration patterns for multiple decades.⁶ A strict quota system was established, which heavily favored Northern and Western Europeans and drastically curtailed immigration from Eastern and Southern Europe, while nearly eliminating it from Asia. The law incorporated deep societal worries about national identity alongside cultural purity concerns, along with beliefs about racial and ethnic group superiority.

The McCarran-Walter Act of 1952

During the Cold War, the McCarran-Walter Act added ideological screening procedures to existing legislation that preserved national origin quotas.⁷ Pursuant to this Act, the U.S. barred individuals who demonstrated communist ties or showed signs of "subversive" ideologies from entering the country or forced them to leave. The immigration law introduced a new approach to enforcement, which moved beyond racial screening to focus on ideological screening while linking immigration status to political allegiance and national security risks.

The Immigration and Nationality Act of 1965

The Immigration and Nationality Act of 1965 is often seen as a progressive milestone.⁸ It eliminated the national origins quota system and introduced new criteria based on family reunification and employment skills. However, the law also implemented per-country caps, which had unforeseen consequences. High-demand countries in Latin America and Asia quickly exceeded their limits, pushing many migrants into undocumented status. While the 1965 Act symbolized a turn toward civil rights, it also introduced a new system of scarcity that continues to disproportionately impact Global South migrants.

⁵ Chinese Exclusion Act of 1882, ch. 126, 22 Stat. 58 (1882).

⁶ Immigration Act of 1924, ch. 190, 43 Stat. 153 (1924).

⁷ Immigration and Nationality Act of 1952, ch. 477, 66 Stat. 163 (1952).

⁸ Immigration and Nationality Act of 1965, Pub. L. No. 89-236, 79 Stat. 911 (1965).

Criminalizing Immigration: IIRIRA (1996)

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) dramatically changed the landscape of immigration enforcement.⁹ It expanded the list of deportable offenses to include minor crimes, eliminated many forms of judicial review, and instituted mandatory detention for many noncitizens. This law blurred the line between criminal law and immigration law, a process now referred to as “crimmigration.”¹⁰ It disproportionately affected communities of color and laid the foundation for mass deportation practices that continue today.

Post-9/11 Shifts

Following the 9/11 attacks, immigration became further entangled with national security. The creation of the Department of Homeland Security and passage of the Patriot Act intensified surveillance, detention, and enforcement. Programs like Secure Communities and 287(g) agreements empowered local law enforcement to act as immigration agents, resulting in increased racial profiling and deportations. Arab, Muslim, and Latinx immigrants became particular targets of these policies, further cementing the link between immigration status and perceived threat.

DACA and the Muslim Ban

In 2012, the Obama administration introduced Deferred Action for Childhood Arrivals (DACA) to provide temporary deportation relief to undocumented youth.¹¹ As an executive action, however, it offered no path to citizenship and has faced repeated legal challenges, highlighting Congress’s failure to enact lasting reform. In contrast, the Trump administration’s “Muslim Ban,” which was initially enacted in 2017, was a set of executive orders that barred entry from several Muslim-majority countries, which represented a high-profile use of executive power to restrict immigration.¹²

This policy was upheld by the Supreme Court in *Trump v. Hawaii* (2018), which relied on 8 U.S.C. § 1182(f) to grant the president sweeping discretion over immigration matters.¹³ The Court followed established precedent to defer heavily to the executive branch, raising concerns about unchecked presidential power in shaping immigration policy. This case exemplifies how national security rhetoric can be used to justify racially and religiously discriminatory policies under the guise of legality.

⁹ Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, div. C, 110 Stat. 3009-546 (1996).

¹⁰ Nyborg-Burch, E. *The War on Immigrants*. UCLA Law Review (forthcoming 2026).

¹¹ U.S. Department of Homeland Security. (2012). *Deferred Action for Childhood Arrivals (DACA)*. <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca>.

¹² Trump, D. J. (2017, January 27). *Executive Order 13769: Protecting the nation from foreign terrorist entry into the United States*. The White House. <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/>.

¹³ *Trump v. Hawaii*, 585 U.S. 175 (2018).

Title 42 and the Politics of Health

During the COVID-19 pandemic, the Trump and Biden administrations invoked what is known as Title 42 to summarily exclude or expel migrants at the northern and southern borders of the U.S. without allowing them to apply for asylum. Title 42 refers to the President's executive authority under sections 362 and 365 of the Public Health Service Act to suspend the entry of immigrants in order to prevent the spread of communicable diseases.¹⁴ Though framed as a temporary emergency measure, it became an exclusionary tool which stayed in place for over three years. Title 42 exemplifies how perceived crises—whether economic, political, or public health—are routinely used to implement restrictive immigration policies that may otherwise be politically or legally untenable.

Conclusion

From the first naturalization laws to the modern use of executive orders and surveillance programs, immigration policy in the U.S. has always been shaped by power and prejudice—by decisions about who is wanted, who is feared, and who is seen as American. Race, politics, labor needs, and national security concerns have all served as justifications for exclusion, restriction, and criminalization. Contemporary immigration issues like limited legal pathways, mass detention, and racialized enforcement are not new. They are the logical outcomes of a system built over centuries to manage who belongs. Understanding this history is essential to any effort to create a more just and inclusive immigration policy.

¹⁴ Public Health Service Act of 1944, 42 U.S.C. §§ 262, 265; Centers for Disease Control and Prevention. (2020, March 20), *Order suspending the introduction of certain persons from countries where a communicable disease exists (Title 42)*. U.S. Department of Health & Human Services. <https://www.cdc.gov/coronavirus/2019-ncov/php/international-travel-restrictions.html>; Centers for Disease Control and Prevention. (2021, February 24). *CDC statement on Title 42 expulsion of migrants*. U.S. Department of Health & Human Services. <https://www.cdc.gov/media/releases/2021/s0224-title42.html>.

U.S. Immigration Policies

Those who come to the United States seeking a new life are often met with various unprecedented challenges. When an individual enters the United States from another country, the reasons cited are usually for economic prosperity or to escape persecution. Sometimes, an individual can be legally in the country but later lose their status due to the expiration of their visa. There are many ways to arrive in the United States, and with that come different titles that one can hold: you can be *a legal immigrant or an undocumented immigrant*. An undocumented person is typically defined as someone who is in the United States without legal status.¹⁵ Your status, or a lack of status, dictates how you will engage with your environment, and the United States, in particular, has created immigration policies that set out to criminalize immigration absent proper documentation.

Since the start, the ideal citizen has been someone who is white. For example, the 1790 Naturalization Act ‘excluded non-white people from eligibility to naturalize. Naturalization requirements included two years of residence in the country and “good moral character,” and an applicant must be a “free white person.”¹⁶ Having this precedent in our history of immigration policy makes it difficult for immigrants to feel wanted in this country, despite all the labor forces and communities they make up. While there have been strides to include the immigrant community, the current administration has begun to strip away basic rights and is using militarized tactics to deal with immigration. In the following section, we will be looking at the attempts made at immigration reform, which include notable legislation such as the Immigration Reform and Control Act (IRCA) of 1986,¹⁷ and other policies under the current administration. Being undocumented has become criminalized, and different states have taken action despite not being able to enforce actual immigration legislation. Without a unified immigration system, migrants are easily taken advantage of and not given the proper aid when coming to the United States.

State and Federal Clashes Over Immigration Policies

When it comes to the current state of immigration policies, one of the biggest issues is the disconnect between federal and state systems. The Constitution grants the federal government the authority to formulate immigration policies, encompassing legislative actions and presidential discretion through executive action.¹⁸ While the power to enact these laws is delegated to the federal government, a disconnect exists between federal policies and those enacted at the state level, particularly regarding migrants’ access to healthcare. For example, the Affordable Care Act excluded immigrants from receiving Medicaid expansions, which would allow them to receive essential medical care. However, at the state level, cities and towns enacted laws that allowed for these migrants to apply for state-issued government identification or health

¹⁵ Immigrants Rising. (2023, August). *Defining undocumented*. <https://immigrantsrising.org/resource/defining-undocumented/>.

¹⁶ Pew Research Center. (2015, September 28). *Chapter 1: The nation’s immigration laws, 1920 to today*. <https://www.pewresearch.org/race-and-ethnicity/2015/09/28/chapter-1-the-nations-immigration-laws-1920-to-today/>.

¹⁷ Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359 (1986).

¹⁸ Lebrón, A. M. W., Torres, I. R., Kline, N., Lopez, W. D., De Trinidad Young, M., & Novak, N. (2023). Immigration and immigrant policies, health, and health equity in the United States. *The Milbank Quarterly*, 101(S1), 119–152. <https://doi.org/10.1111/1468-0009.12636>.

insurance, essentially bypassing the exclusions set forth by the federal government.¹⁹ While this is a step in the right direction, it should not be left to the state's discretion to determine whether immigrants have access to the medical care they need. As undocumented immigrants, these individuals only have access to a few federal rights unless they are specifically granted them through legislation. Since the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 severely restricted the eligibility of non-citizens to receive many public benefits, including medical benefits, under the guise of “welfare reform,”²⁰ a number of states were able to pass specific legislation that granted these individuals the right to Medicaid-like benefits that they desperately needed.²¹ Not only do states aid in giving migrants access to rights not granted to them on a federal level, but they can also aid in providing refuge for immigrants entering the country. Recently, this can be seen in Chicago's actions to aid Venezuelan immigrants who were being transported here from states that did not want to provide them refuge.²²

In contrast to the foregoing efforts taken at the state level to incorporate immigrants into society, other states have proposed programs that would make life harder for immigrants, such as California's Proposition 187.²³ Many states and localities have also collaborated with the Department of Homeland Security (DHS) through the section 287(g) program, which authorizes state and local authorities to identify and arrest immigrants who are present in the country unlawfully.²⁴

The passage of California's Proposition 187 exemplifies state efforts to marginalize undocumented immigrants. Proposition 187 was a 1994 ballot initiative that was approved by voters but subsequently blocked by a federal court.²⁵ Also known as “Save our State,” the measure would have banned undocumented people's access to public services like school for children and welfare benefits for parents. This would have made life difficult for undocumented people and for their children—many of whom are citizens—by causing school-aged children to miss out on crucial years of learning and forcing their families to live in fear. This is a clear example that was meant to target individuals who looked “undocumented,” but it just meant that you could turn in anyone who looked foreign-born. Prop 187 was a “response to an increase in unauthorized immigration, arguing that taxpayers' money was wasted on those immigrants while U.S. citizens felt the pinch of a recession that hit California in the late 1980s.”²⁶ So, while this was not a form of federal immigration legislation, it shows how states can mandate how immigrants will live their lives, and the barriers that stand in their way due to their lack of status or proper documentation.

¹⁹ Ibid.

²⁰ Personal Responsibility and Work Opportunity Reconciliation Act of 1994, 8 U.S.C. §§ 1601-1646.

²¹ For example, Illinois in 2020 established Health Benefits for Immigrant Adults Program provided coverage similar to Medicaid for low-income immigrant adults aged 42 to 64. See 305 ILCS 5/12-4.35. Unfortunately, that program was discontinued in June 2025 due to budgetary concerns. A program for immigrant senior citizens (those aged 65 and over) remains in effect, although enrollment has been paused since November 2023.

²² Lebrón et al., *Immigration and immigrant policies*, 2023.

²³ California Proposition 187 (*Save Our State*), *Protection of California Workers and Taxpayers Act* (1994). <https://www.sos.ca.gov/elections/ballot-measures/archived-ballot-measures/proposition-187-1994>.

²⁴ Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g); U.S. Immigration and Customs Enforcement. (n.d.). *287(g) immigration enforcement program*. U.S. Department of Homeland Security. <https://www.ice.gov/287g>.

²⁵ *League of United Latin Am. Citizens v. Wilson*, 908 F. Supp. 755 (C.D. Cal. 1995).

²⁶ MALDEF. (2019, October 24). *Proposition 187: The granddaddy of anti-immigrant measures*. <https://www.maldef.org/2019/10/proposition-187-the-grand-daddy-of-anti-immigrant-measures/>.

“Nearly 44 percent of all immigrants in the United States in 2023 arrived before 2000.”²⁷ As of now, 11,809,900 are undocumented immigrants.²⁸ Even when an individual attempts to do things the *right way*, we have seen that there are groups of immigrants who should not be punished for something that their parents did. It allows individuals to be given different protections and resources that can be taken away just as instantly as they were given. Like Deferred Action for Childhood Arrivals (DACA), which allows young immigrants who grew up in the U.S. to seek temporary protection from deportation and to have the ability to work.”²⁹ There are also a multitude of statuses one can hold: undocumented, Temporary Legal Status (TPS), and Lawful Permanent Resident (LPR). Each distinction offers its challenges regarding policy application. The issue with each of these citizenship distinctions is that there are only certain citizenship rights that can be afforded to each classification. Even those rights are not always protected as they were in the past, which we have seen recently with the changes to the DACA program.

As we examine federal immigration policy enactment, they are often created to protect the country as a whole, but instead, these policies take advantage of migrants and often allow them to be targets of racial profiling. In Lebron et al.’s article, it states, “These examples highlight the concept of racialized legal statuses and are an important reminder that in the United States, citizenship has been created to grant and protect the rights of those classified as ‘white.’”³⁰ Having immigration policy be part of federal power makes it difficult for any immigration legislation that is passed to stand up to the tests of time. With the changing societal attitudes and views of the administration in power, immigration policies are changed to reflect the views of those in power. As anti-immigration sentiment rises, so do policies that aim to restrict the rights and resources of immigrants. When looking at many of the immigration policies that have been passed, there is an underlying goal to protect the public from immigrants. This can be seen in the passing of the Laken Riley Act,³¹ but most prominently in the implementation of Section 287(g) and the Secure Communities Programs.

Section 287(g) has changed drastically since its initial implementation, but it continues to be a way for local and federal law enforcement to target individuals who are believed to violate their immigration status or other laws of the United States. Though the original iteration of the program was stopped in 2012 after the program came under fire for racial profiling and civil rights violations, a new iteration of the policy was passed during the first Trump administration. This revised version of section 287(g) allowed for the continuation of the jail enforcement model between local law enforcement and U.S. Immigration and Customs Enforcement (ICE) officials,³² and allows for local law enforcement to execute ICE warrants within local jails and

²⁷ Batalova, J. (2025, March 12). *Frequently requested statistics on immigrants and immigration in the United States*. Migration Policy Institute. <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.

²⁸ American Immigration Council. (n.d.-a). *Immigrants in the United States*. <https://map.americanimmigrationcouncil.org/locations/national/>.

²⁹ National Immigrant Law Center. (2025, March 21). *DACA*. <https://www.nilc.org/work/daca/>.

³⁰ Lebrón et al., *Immigration and immigrant policies*, 2023.

³¹ Laken Riley Act, H.R. 7511, 118th Cong. (2024). <https://www.congress.gov/bill/118th-congress/house-bill/7511>.

³² ICE is the law enforcement agency within the Department of Homeland Security charged with enforcing U.S. immigration and customs laws. See U.S. Immigration and Customs Enforcement, “About Us” <https://www.ice.gov/mission>. Among other responsibilities, it identifies, arrests, detains, and removes individuals who are present in the U.S. illegally or who have otherwise violated U.S. immigration laws. See *id.*, “Immigration Enforcement.” <https://www.ice.gov/about-ice>.

correctional facilities.³³ The stated goal of this program was to lower crime rates by detaining immigrants who had committed a crime that violated their immigration status. But in reality, many of the immigrants who were detained during this program had never committed crimes in violation of their status. Instead, local law enforcement was using something as trivial as a traffic violation to detain immigrants and hold them in detention facilities. Baumer and Zie found that during the implementation of Section 287(g) “[...] 52% of deportees in the data had no criminal conviction at all; and those with criminal convictions, the most serious conviction was an immigration or traffic violation in 41% of the cases.”³⁴ In jurisdictions where 287(g) was implemented, officers were abusing their power by arresting any individual whom they believed violated their immigration status, because they knew that once that individual was arrested, their status would be immediately checked once they were in prison.³⁵ While these policies were supposedly intended to keep communities safe, it has caused more harm to migrant communities and has not delivered on the promise to reduce crime rates in cities where it was “rampant.” Instead, policies like 287(g) and Secure Communities have caused an increase in the violent victimization of Latinos.³⁶

The 287(g) program is currently in place in around 40 states throughout the country, and in practice the program is based on racial profiling and targets foreign-born individuals. An attempt to protect America results in this costly program, which harms relationships between civilians and law enforcement.³⁷ Currently, an issue that is on the rise is the compliance of the legal enforcement with a sector of the Department of Homeland Security known as U.S. Immigration and Customs Enforcement (I.C.E.).

There is a trend with immigration policies in which they are enacted as a way to “protect” communities where immigrants reside, and supposedly make these communities safer for citizens and immigrants, but ultimately, they allow for law enforcement to take advantage of immigrants who they deem “suspicious”. While 287(g) has been criticized and changed, the sentiment behind this program has allowed for other policies with anti-immigrant sentiment to be passed under the notion that it will improve our communities. This can be seen most blatantly in the passing of the Laken Riley Act in 2025. It was named after a 22 year-old nursing student who was murdered in 2024 by an undocumented immigrant who had previously been arrested for theft and other offenses but then released from custody. The Act requires the mandatory pre-trial detention, without the possibility of release on bond, of non-citizens who are arrested for specified offenses, which range from shoplifting to crimes resulting in death or serious bodily injury. While immigration policies have stated that there are “rules” migrants must follow when obtaining their citizenship, or there are grounds for deportation, the Laken Riley Act takes these rules to a new level. Before, an immigrant had to be convicted of a crime to be placed in detention for violating their immigration status, but the Laken Riley Act allows for an undocumented immigrant to be placed in detention, just on the suspicion that they have

³³ Baumer, E. P., & Xie, M. (2023). Federal–local partnerships on immigration law enforcement: Are the policies effective in reducing violent victimization? *Criminology & Public Policy*, 22(3), 417–455. <https://doi.org/10.1111/1745-9133.12619>.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ American Immigration Council. (2021, July 8). *The 287(g) program: An overview*. <https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/>.

committed a crime.³⁸ Additionally, under this act, a person placed in mandatory detention is not allowed to ask for release, a right that was allowed for those in mandatory detention before the passing of the Laken Riley Act. The biggest issue with this act is that “[i]f an undocumented immigrant is arrested for any of the crimes under the Act, they are at risk of remaining detained throughout their immigration case, even if the allegations against them are completely false.”³⁹ This is just a continuation of the trend of racial profiling that has been at the center of many immigration policies since their inception. While these policies are enacted seemingly to protect our communities, they ultimately end up exploiting people of color who are not violent criminals. With the enactment of the Laken Riley Act, federal enforcement of immigration policies is only growing, making it difficult for any state to continue offering aid to immigrants who live there. This ever-changing state of immigration policies has done nothing but cause more obstacles for immigrants trying to obtain their citizenship.

A Curb on Federal Immigration Reform

In this section, we will discuss legislation that has been enacted and the effects on the current immigration system. As we have seen, States have attempted to initiate propositions to make life more difficult for undocumented people. However, in 1986, under Ronald Reagan, the Immigration and Reform Control Act (IRCA) was passed and is one of the last major pieces of federal legislation that opened a pathway to legal status for undocumented immigrants in the U.S. It was a “legalization program for an estimated three million undocumented immigrants, including those who had been in the country since 1982 and other seasonal agricultural workers.”⁴⁰ This was meant to put an end to employers hiring unauthorized workers. However, what it failed to do was address the other millions of workers who failed to meet the requirements or provide proof of a life they had established in the United States. Thus, these workers faced the fear that they could be deported due to their status. IRCA also penalizes employers who willingly contract undocumented workers; however, it is often the workers who are further criminalized if they do not comply. An example would be a June 2025 ICE raid on a Nebraska meatpacking plant in Omaha, Nebraska, which resulted in the detention of over 70 undocumented workers, while the owner of the plant was deemed free from blame.⁴¹ This is not unusual; undocumented workers are penalized far more often than their employers. “In the 2006-07 fiscal year, ICE fined employers more than \$30 million for violating immigration laws and arrested 92 employers and 771 employees. Nevertheless, the sanctions have had little effect on hiring practices.”⁴² Employers are aware of the workers being hired, but in the end, they face no repercussions and go on to hire the same type of undocumented worker thus continuing the cycle.

³⁸ Laken Riley Act, H.R. 7511, 118th Cong., 2024.

³⁹ American Immigration Council, *Immigrants in the United States*, n.d.-a.

⁴⁰ Gleeson, S. (2016). The landscape and logics of worker protections. In *Precaire claims: The promise and failure of workplace protections in the United States* (pp. 73). University of California Press. <http://www.jstor.org/stable/10.1525/j.ctt1kc6k26.6>.

⁴¹ Lissette Aliaga Linares and Athena Ramos, *Omaha immigration raids are symptom of broken system*, Nebraska Examiner, July 17, 2025.

⁴² Nafzinger, J. A. R. (2009). Immigration and immigration after 9/11: Getting it straight. *Denver Journal of Law & Policy*, 37, 559.

Another significant shift would be after the September 11th attack on the World Trade Twin Towers, after which any legislative efforts towards the legalization of undocumented immigrants in the United States were effectively paused. Instead, the attack would go on to instill this idea of patriotism and the need to protect our country from outsiders. We would then see the creation of the Homeland Department of Security (DHS). In lieu of comprehensive immigration reform, DHS established “(1) stricter border enforcement, (2) more federal raids of workplaces, (3) local crackdowns on day laborers and a big debate about their rights, (4) restrictions on the civil liberties and due process of non-citizens, massive fingerprinting of non-citizen visitors (the database currently numbers 90 million new fingerprints, with 20-23 million added every year) and proposals for DNA testing of all noncitizens, (5) a pay-as-you-go maze for non-citizens seeking to enter the country, adjust their status, or become citizens, and (6) an alarming rise of anxiety about foreigners in this country and attacks on them. ‘For example, the FBI reports that anti-Latino hate crimes rose by almost 23% between 2003 and 2005.’”⁴³

Immigration Enforcement and Policies Under the Trump Administration

Some of the current policies in place that would grant an individual a pathway to citizenship include the following: family-based immigration, employment-related visas (which are subject to quotas), or being a refugee or asylum seeker. There is also temporary protected status (TPS) for nationals whose home countries are experiencing armed conflict, environmental disasters, or other extraordinary conditions which make their return unsafe, or programs like DACA; these programs do not fully grant citizenship but can offer individuals some protection from being deported. However, under the current administration, we see challenges to birthright citizenship, restrictions on seeking asylum, and individuals being detained at immigration hearings.⁴⁴ There is a belief that there is a “right” way to come to the United States; however, there are ongoing attacks and expedited removal of individuals undergoing these processes. Asylum is something that individuals can legally seek, and it entails individuals who are fleeing from their countries for fear of persecution.⁴⁵ The CBP One app was an application that allowed migrants to make an appointment at the border the “right way.” However, the app was suddenly shut down on January 20, 2025, when all future appointments for asylum seekers were cancelled.⁴⁶ Migrants at the border at the time were unsure of what to do next. Instead, the application has turned into a way for people illegally in the country to notify CBP that they intend to self-deport.

“While the Trump administration has continued to say its primary concern is “violent criminals,” it has continued to sweep up many who have no such history — people in Home Depot parking lots, at car washes, and in their neighborhoods. According to data released by ICE this month, about a third of people in its detention centers have no criminal history.”⁴⁷ In Boyle Heights, a Latino neighborhood in Los Angeles, “[o]ne local taqueria owner said workers who are

⁴³ Ibid., p. 562.

⁴⁴ American Immigration Council. (2024, June 24). *How the United States immigration system works*. <https://www.americanimmigrationcouncil.org/fact-sheet/how-united-states-immigration-system-works-fact-sheet/>.

⁴⁵ International Rescue Committee. (2022, July 11). *Is it legal to cross the U.S. border to seek asylum?* <https://www.rescue.org/article/it-legal-cross-us-border-seek-asylum>.

⁴⁶ Hamed Aleaziz and Paulina Villegas, *Trump Shuts Down Migrant Entry App, Signaling the Start of His Crackdown*, N.Y. Times, Jan. 20, 2025.

⁴⁷ Mehta, J., Chang, A., & Intagliata, C. (2025, June 20). *This beloved Mexican market in LA is losing business amid immigration raids*. NPR. <https://www.npr.org/2025/06/20/nx-s1-5434354/trump-immigration-ice-raids-los-angeles>.

undocumented are having to choose between earning a paycheck and risking encountering ICE agents.”⁴⁸ Immigrants are being picked up and detained by ICE agents, and sometimes by people impersonating officers. Although undocumented and documented immigrants alike have a right to due process, that right is being ignored as people are swept up indiscriminately by the authorities. Even individuals who have the proper documentation or were born in the U.S and thus are entitled to birthright citizenship, despite their parents' status, feel like they cannot walk out of the house without becoming targets. Such as José Morales, a U.S. citizen and resident of Los Angeles. "Even though I was born here and I mean I'm good and everything, I just feel safer with my birth certificate [with me at all times]," he told a reporter. "I don't want to be a mistake."⁴⁹

Conclusion

While there are currently pathways to citizenship, some individuals are stuck in a limbo and are having their rights stripped from them. We have a history of creating legislation that benefits some people while stripping away the rights of other individuals or criminalizing certain immigrants for not doing things “the right way.” However, even trying to do things *legally* is becoming criminalized. It has become a tactic now to preemptively deport people with little to no process at all, and at times to send them to places that they have no connection to. Most of the immigrants present in the United States have built community and work like everyone else. They are members of their communities, pay taxes, and contribute to the economy. They have children and deep roots in the United States. However, there is no clear path for them to attain citizenship, when immigration history has generally been unkind to them. Additionally, there needs to be unified legislation at both the state and federal levels so that migrants can obtain the rights they deserve when entering the country. Many of the policies enacted now must be reevaluated for their racist undertones that allow them to be used in targeting undocumented, and even documented, immigrants. We must look to changing the way in which the federal government mandates immigration, and perhaps move towards a future where some of these plans to integrate immigrants into the community can become a reality.

⁴⁸ Lopez, A. (2025, July 24). *Boyle Heights restaurants are on the brink in wake of ICE raids*. Boyle Heights Beat. <https://boyleheightsbeat.com/restaurants-ice-raids-economic-impact/>.

⁴⁹ Mehta, J., Chang, A., & Intagliata, C. (2025, June 20). *This beloved Mexican market in LA is losing business amid immigration raids*. NPR. <https://www.npr.org/2025/06/20/nx-s1-5434354/trump-immigration-ice-raids-los-angeles>

Legal Limbo and the Immigration System

Defining Legal Limbo

Uriel has lived in the United States since he was 2 years old. He pays taxes, recently graduated from college, and volunteers in his community. Yet, he can't get a job legally because his visa is stuck in a 12 year backlog, he can't leave the country in fear he might not be accepted back.

This is the harsh reality for many individuals who are stuck in this country's legal limbo. In the context of the United States immigration system, the term “legal limbo” refers to situations in which individuals have a tenuous, temporary claim to lawful presence in the United States while lacking a clear path to permanent and secure status akin to lawful permanent residence. This limbo creates profound uncertainty for immigrants, as they may remain in an unresolved state for years. Stuck in this legal gray area, they often lack a full set of rights and protections; consequently, they cannot rule out being deported, nor can they reasonably expect to achieve lawful permanent residence (let alone citizenship) at any definite point in the future. Many immigrants endure prolonged waiting periods awaiting decisions regarding their immigration applications. As a result of such chaos, millions of immigrants remain in a vulnerable position, regardless of their age, disability, or even their overall well-being. What causes otherwise law-abiding immigrants to find themselves in such a precarious legal state?

While the causes are complex, they stem from an immigration system that is overwhelmed and outdated. Often it is policy changes from administration to administration, bureaucratic delays, and overwhelming backlogs that are responsible for keeping an immigrant in legal limbo rather than any mistake on the part of the immigrant himself.

Without knowing whether and when they will be granted formal leave to remain in this country, immigrants in limbo often lack the ability to work legally, pursue an education, or obtain healthcare and other essential services. Many fear making wrong decisions that could potentially hinder their legal processes, but they may have no practical option but to evade the law and take a job without authorization to work in order to maintain and support themselves and their families. Their lack of legal status makes them vulnerable to exploitation in employment, housing, healthcare, and law enforcement. Their fear of deportation, language barriers and the lack of access to the justice system only increases their risks. This is why it is crucial for those who are in legal limbo to have access to legal representation and to fully understand their rights and options, in order to avoid unintentional violations of the law that could lead to their exploitation by others, detention or deportation.

In the United States, groups like DACA recipients, asylum seekers awaiting decisions, people in temporary protected status (TPS), mixed status families, and those waiting for green cards—specifically those from backlogged countries like India, Mexico or China—commonly get caught in legal limbo.

Examples of Legal Limbo

Deferred Action for Childhood Arrivals (DACA)

A perfect example of someone in legal limbo is a person who was brought to the U.S. as a child without documentation and with no say or knowledge of their own. Although the Deferred Action for Childhood Arrivals (DACA) program offers such individuals protection from deportation along with the right to study and work in the U.S., the program suffers from backlogs, delays, and constant revisions that leave its intended beneficiaries in perpetual doubt as to their long-term status. DACA recipients include all of those individuals who were brought to the United States as minors, some only a few months old, and who have remained in the United States ever since. For most DACA recipients it is not until they grow older that they face the harsh reality that they have no guarantee of remaining permanently in the only country they have ever known as home. They must navigate an uncertain path, constantly proving themselves ‘worthy’ of staying. In order to be eligible for the DACA program, individuals must meet specific criteria, including age and arrival dates. If accepted, they must continue to meet additional criteria. DACA recipients risk losing their status when they fail to meet certain requirements, such as providing evidence of being enrolled in school, attaining a high school diploma, and maintaining a clean criminal record (no felonies, misdemeanors, or even traffic violations). Unfortunately for thousands of recipients, if their application is denied they will be left without access to a higher education or the opportunity to engage in lawful employment. Such individuals may be left with no other option other than to leave the country.

Even for those who are accepted into and remain in the DACA program, there remains an unclear path to citizenship and a constant fear that the program will be cancelled due to various court challenges and administrative freezes. Unfortunately, this program also constrains its recipients’ ability to travel, limits their job opportunities, and leaves them in constant fear of deportation. Regardless of the fact that these individuals had no say in the decision that brought them to the U.S., they continue to bear the full weight of an immigration system that regards them as strangers to this country and offers them no certainty or permanent place to call home.

Asylum Seekers

Asylum seekers are those who request protected status in the United States; seeking refugee status stemming from violence, oppression, and crime in their home countries. Unlike DACA recipients, who as mentioned were brought to the U.S as minors without the ability to consent, asylum seekers voluntarily choose to leave their home countries and request protection upon arrival. Asylum cases are often misunderstood by Americans—the great majority of asylum seekers seek to escape war, political persecution, gang violence, and threats to their safety. They seek protection in seemingly safer countries like ours. Nearby countries like El Salvador, Honduras, or Venezuela, where corruption and violence are a threat to their most vulnerable citizens, lead many mothers and their children to flee for safety. They not only have to travel thousands of miles through all of Central America and Mexico by foot or by bus, but they must leave their whole lives behind in search of a safer place to survive. When they arrive at the U.S. border and apply for protection, their cases, if they are lucky, enter a complex legal process. If their claims are provisionally accepted, they may be able to stay in the country legally and subsequently seek authorization to work; if their claims for asylum are ultimately granted, they

win the right to a lawful permanent residence. The pressing matter is the extremely long wait time for asylum decisions due to backlogs in the immigration courts, which in turn causes asylum seekers to remain in prolonged legal limbo during which they may struggle to survive with limited resources. For example, a father with young children escaping gangs in El Salvador may have to wait years before a final decision on his asylum application while his family deals with the trauma of the long migration to the U.S., financial hardship, and the emotional stress of uncertainty while awaiting a response from the government. So long as their legal status is unclear, they will face further oppression, exploitation, and even poverty in this country.

By understanding who asylum seekers are and why they flee in the first place, the U.S. as a nation can make more informed decisions about immigration policies that ensure that we treat people fleeing danger with fairness and humanity as we all would wish someone would do for us if we were to ever be caught in these extenuating circumstances.

Temporary Protected Status

Imagine Rosa, a young mother of four and a full-time caregiver to her disabled son from a small town on the coast of Honduras. When a hurricane hit her region, it wiped out her only source of income and destroyed all surrounding neighborhoods. Rosa was forced to make a heartbreaking decision to seek urgent medical attention for her son in the U.S. while leaving her other three children behind in Honduras. She applied for Temporary Protected Status (TPS), which as noted above is a temporary form of humanitarian relief to anyone who undergoes natural disasters in their country. While this short-term relief accords her a limited legal status in the U.S., it also places her in a legal limbo, as TPS can be revoked at any time and it offers no clear path to lawful permanent residency or family reunification, something Rosa didn't fully understand when she left Honduras. Individuals like Rosa often don't plan on seeking a permanent status or a new life in America; they just need a temporary refuge to protect themselves. The uncertainty that they face as to their long-term status imposes the same hardships that other immigrants in legal limbo must endure.

Problems Faced by Those in Legal Limbo

Impacts on Families

Every case of legal limbo is different but they all matter. Behind every backlog, missing pathway or temporary status there is a real person with a real story. Far too often these stories are oppressed by judgment, silence or misinformation. Legal limbo doesn't just pause individuals paperwork it tragically suspends lives.

I have lived this reality firsthand. My family is one of the many mixed-status households which also fall under those in legal limbo. As some family members were born here in the US, others came here legally. Others like my father, came here years ago with no legal status because at the time there simply was no accessible legal path. He fled violence in his home country, at this time it was almost impossible to gain refugee protection. He came to live and survive his tragic past. He met my mother, built a life, worked full time for over 30 years, paid taxes without access to its benefits, and contributed to our community. Yet during an ICE raid he was deported. No

criminal record. No warning. Just gone. While the rest of us under the same household were left to pick the pieces in constant fear of what's next or who's next.

This is what limbo looks like, a man who gave everything to this country, a country who benefited from his contributions but he never received the one thing he pleaded for, protection. A father separated from his family, my family, forced to return to his violent situation.

Recent occurrences like the ICE raids have proved the immigration system to be even weaker and unjust more than we envisioned. Millions of people under DACA, TPS, asylum-seeking status, living in mixed-status families, and those facing green card backlogs have done everything in their power to follow the law in the hope of remaining in the U.S. legally, only to find themselves stuck indefinitely in a cruel state of uncertainty. Now they find themselves subject to seizure and deportation at the hands of ICE agents despite their efforts to comply with the law. Many have been taken while in their homes as they sleep, others taken at work, and some even at school or public areas. They deserve more than just silence from our government. They deserve legal clarity. It is more evident than ever before, legal limbo is not just an oversight, it is a failure of justice for millions. If this country just further punishes and exploits its migrants, notwithstanding their best efforts to follow the law, did we ever plan to help them to begin with?

Struggles in Gaining Employment & Living in fear

Even if those in limbo followed every rule instructed to them, many are still left with the biggest disadvantage, the ability to work legally. Making it harder for these individuals to find stable employment. The great majority have professional qualifications but are cornered to work under-the-table in the lowest paying jobs. Others manage to survive by working in positions that pay cash only, without the need to prove or hinder their legal status. These lower paying jobs often include hospitality, food services, construction, agriculture and or domestic work. Taking these jobs comes at a cost: the jobs offer lower pay, and workers have little access to legal protection and face immense exploitation.

Living in fear

The second biggest disadvantage for those in limbo are limited access to healthcare benefits. Immigrants lacking a secure legal status are unlikely to have jobs that provide them with health insurance, and many states offer limited or no public healthcare to immigrants who are not lawful permanent residents. Under the Emergency Medical Treatment and Labor Act (EMTALA),⁵⁰ they can seek treatment in a hospital emergency room for a true medical emergency, but for medical care short of an emergency, they may be on their own. For example, if anyone in limbo needs a wisdom tooth removed, they likely will need to pay a high out-of-pocket quote for the procedure if they are uninsured. As a practical matter, the medical needs of immigrants in limbo will go untreated as a result of their inability to pay for treatment, and they will suffer in silence. Yet, while stuck in limbo, they continue to pay taxes and contribute to America's economy without a return in the form of public healthcare benefits.

⁵⁰ 42 U.S.C. § 1395dd.

Rights of Those in Legal Limbo

The rights of individuals under legal limbo differ not only by state but also by legal classification. What many people don't know is precisely what concrete rights they actually have. For example, while it is impossible in some states for an undocumented immigrant or one in legal limbo to obtain a driver's license or basic healthcare, in other states such immigrants can do so. Larger cities like New York, Chicago, California, or Dallas have attempted to provide immigrants with greater access to legal representation, while those who live in smaller populated areas within the U.S. are left to confront a complicated justice system without the benefit of legal counsel or the necessary legal knowledge and skills to navigate the system successfully by themselves.

For the fortunate few who are eligible for relief under programs like DACA or TPS, their legal status in the U.S. may afford them a wider range of rights, if only temporarily and under a cloud of uncertainty. For all the rest there are a few, limited federal protections and a quilt of differing treatment under state and local law, leaving them in a vulnerable status at best. Current policies are not enough; they must be expanded and applied consistently across the board and clarified as much as possible. Clarification includes communicating the rights and obligations of immigrants in different languages, not just English.

Call to Action

Legal limbo is not a problem we can fix in one single step. It also isn't something we can prevent with just one strategy. There are nearly not enough immigration lawyers and judges to speed up the backlogs or to alleviate the uncertainty confronting those in limbo. We must work together and hold our government accountable and suggest effective changes. These are concrete steps we could take together:

Educate: communities on their rights and provide the needed resources, making it easy to access regardless of one's status, location or age.

Justice for all: by creating a fair and faster asylum process that offers protected status and access to basic rights to those stuck in multiyear backlogs first. Prioritize those who have already waited for several years.

Solidify: protection for those under DACA. These individuals had no say when entering the country and have constantly proven themselves to be Americans in all but legal status. Granting those who qualify a permanent status will finally resolve their legal limbo and accord them the legal rights they deserve, in the only country they know as home.

Limited Access: For those in limbo with a clean criminal background, granting them access to healthcare, work permits and driver's licenses until such time as their status is resolved will help them make a positive contribution to our communities.

Although recent bills threaten to expand legal limbo within the United States, we must continue to support those who are already stuck in limbo. As individuals with status, we can start by using our voices to help protect those who don't have status by helping inform them of their basic rights. Now, more people risk being pulled into this uncertainty. Even including those U.S. born children who are at risk of losing citizenship under a proposed legislation backed by President Trump. Legal limbo is growing and the need to act has never been more urgent.

No one regardless of where they were born, what paperwork they hold or how they arrived should be forced to live in legal limbo indefinitely. The constant policy changes are of no benefit to anyone; they just create more confusion and a larger never-ending issue to constantly try to solve. An uncertain, unclear, irregular system provides no legitimate advantage to any American or to the country as a whole. By helping minimize the limbo, we save resources that can be devoted to other, more pressing issues in our society. Justice has become a commodity available only to certain individuals, which contradicts the purpose of a fair and equal legal system we claim to live under. It is time to end limbo now, to take action, suggest real changes, and stick by them.

Immigration Courts

The underlying cause of much of today's uncertainty, criticism, and distrust regarding the immigration court is attributable to the court being centered in the Department of Justice. This is why it is imperative that we start drafting a series of comprehensive immigration reforms. In 1891, the creation of the office of superintendent of immigration marked the beginning of immigration administration in the United States. This office was originally centered in the Treasury Department but was later moved to the Department of Commerce and Labor and finally in 1913, the Department of Labor, where immigration officers handled both immigration and adjudication functions informally. However, the formal beginning of adjudication as a function of the Justice Department began in 1940, with the transfer of responsibility from the Department of Labor to the newly created Immigration and Naturalization Service (INS) which is located in the Department of Justice. This means that unlike other federal courts and court systems that exist outside of the federal government, immigration courts are not independent. During this period, the INS handled both enforcement/prosecution and adjudication. In 1983, the creation of the Executive Office of Immigration Review (EOIR) separated the prosecutorial and enforcement functions of the INS from the adjudication functions, with the latter being overseen by the EOIR. After 9/11, the INS was dissolved and its functions were transferred to the newly created Department of Homeland Security who is responsible for enforcement, border patrol and detention.⁵¹ The EOIR remains with the Department of Justice.

Within the EOIR there are three main components: the immigration court, the board of immigration appeals, and the Office of the Chief Administrative Hearing Officer. The immigration court, staffed by over 700 immigration judges, is the primary institution that adjudicates the removability of immigrants from the U.S. It is this court that resolves the claims of immigrants who entered the country without documentation, overstayed their visas, or who had legal status but committed a crime that renders them removable from the U.S. The immigration court provides immigrants subject to removal with a forum in which to contest their

⁵¹ U.S. Citizenship and Immigration Services. (2025). *Our history*. <https://www.uscis.gov/about-us/our-history>.

removability even if they are here without documentation. This can be done through asylum claims, withholding of removal on certain grounds, or other claims. The immigration court has over 70 different locations across the country. The court is staffed by immigration judges, who are employees of the Department of Justice. Immigration judges handle asylum cases, removals, bond hearings and offer other relief from removal. Traditionally, the head of the immigration court has been a non-political appointee who reports directly to the Deputy Attorney General. Despite the severity of the consequences for immigrants in removal proceedings, almost all of the proceedings in the immigration court are civil and not criminal.

Secondly, the board of immigration appeals (BIA) reviews the decisions made by immigration judges. The members of the BIA are appointed by the U.S. Attorney General. The BIA usually does not hold public hearings and instead makes most of its decisions based on the written record of the proceedings in the immigration court. While the U.S. Courts of Appeals can review all immigration court decisions, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA)⁵² placed significant limitations on this judicial review. Aside from the Supreme Court and the Courts of Appeals, the BIA is the highest body for interpreting and administering immigration law. Most decisions made by the BIA are binding unless they are overruled by the Attorney General or the federal court system.

The final component of the EOIR is the Office of the Chief Administrative Hearing Officer, who handles specific-employment related immigration matters such as employer sanctions for Form I-9 violations, immigration-related employee discrimination, and unfair immigration-related practices.⁵³ While there are significant reforms to be made in almost all aspects of this system, this article will focus specifically on immigration court and its judges.⁵⁴

We must first understand the role of immigration judges and the head of immigration courts in today's system. Immigration judges are employees of the Department of Justice, and they are inferior officers. This is largely due to the process in which they are appointed. An immigration judge first applies and is then appointed by the President or the Attorney General without confirmation by the U.S. Senate. In addition, according to *Free Enterprise Fund v. Public Company Accounting Oversight Board*, an inferior officer gets his classification from whether he has a superior.⁵⁵ An inferior officer's work is directed and supervised at some level by another officer who was appointed by the President with the advice and consent of the Senate. This results in little to no job protections for the judges themselves: they can be fired and hired at the will of the President and Attorney General. This is in direct contrast with Article III federal judges.⁵⁶ Article III judges nominated by the President and confirmed by the Senate are principal officers who have far greater job protections, including lifetime tenure.⁵⁷

⁵² Pub. L. 104-208 (enacted Sep. 30, 1996), 110 Stat. 3009 (effective April 1, 1997).

⁵³ Form I-9 is used to verify the identity and employment authorization of individuals hired to work in the United States. A U.S. employer must complete a Form I-9 for every person it hires to work in this country. U.S. Citizen and Immigration Services, Form I-9, Employment Eligibility Verification, available at <https://www.uscis.gov/i-9>.

⁵⁴ USCIS, *Our history*, 2025.

⁵⁵ *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477 (2010).

⁵⁶ “Article III” refers to Article III of the U.S. Constitution, which vests the judicial power of the United States in the Supreme Court and such inferior courts as established by the Congress.

⁵⁷ Interview with Immigration Judge Samuel Cole.

The Attorney General's office, which is at times a highly politicized entity, continues to play a significant role in the immigration court system. The Attorney General is a political appointee and member of the President's cabinet. The Attorney General can hire and fire both immigration judges and BIA members. They can also overrule most BIA decisions. Additionally, the director of the EOIR reports directly to the deputy Attorney General's office. The director of the EOIR as the head of the immigration court is supposed to be non-political appointees. However, both the Biden and Trump Administrations on their first days in office fired the previous EOIR directors and appointed their own, a move that politicized a formerly apolitical office. The overall management structure of the immigration system means that immigration judges themselves can be easily controlled by the president and the political party who is in control of the executive branch.⁵⁸

An immigration court system steeped in political control may not be enough for a president who considers himself a unitary executive. According to former immigration Judge Samuel Cole, President Trump believes that immigration judges themselves should be hired and fired at the will of the president. The President also believes that the Civil Service Reform Act,⁵⁹ which strengthens job protections for federal civil service employees, to be unconstitutional. Coupled with the judges' classification as inferior officers, this results in a system where there are little to no job protections for immigration judges.

The lack of job protections for immigration judges is one theory for why deportation was ordered for over 70.1% of immigration cases in April 2025 despite only 1.32% of cases being based on illegal or criminal activity.⁶⁰ Immigration judges are salaried employees who now more than ever are afraid of losing their jobs in an administration that values loyalty above all else. Ostensibly, immigration judges are civil servants who cannot be fired because of their politics. However, it is incredibly difficult to prove that a judge who was fired lost their job for political purposes. According to retired immigration Judge Paul Schmidt "The message [is], if you don't tow the party line, you may find yourself either out of government or at least sent to a less desirable assignment." This leads to a temptation to decide cases in line with the administration's goals rather than based on the merits of the case. The anti-immigrant values of the Trump administration and its political supporters are manifesting in more people than ever being deported. In a different administration with different priorities, political influence over the immigration court might lead to different trends in decision-making by immigration judges. But the end result is the same: a politicized immigration court rather than one that is neutral and independent.⁶¹

We can see this in the case of Judge Matthew O'Brien who has a record of denying asylum claims to the majority of cases that came before him. He was previously dismissed from his post as an immigration judge by the Biden Administration, a move that many Republicans criticized as politicizing the immigration system. Recently, however, he was brought back by the Trump administration, which promoted him to assistant chief Immigration judge. It can be inferred that

⁵⁸ Ibid.

⁵⁹ Civil Service Reform Act of 1978, Pub. L. 95-454 (Oct. 13, 1978), 92 Stat. 111.

⁶⁰ TRAC Immigration. (n.d.). *TRAC immigration*. <https://tracreports.org/immigration/>.

⁶¹ Bustillo, X. (2025, June 6). *He was fired under Biden. Under Trump, he's now leading an immigration court*. Ideastream Public Media. <https://www.ideastream.org/2025-06-06/he-was-fired-under-biden-under-trump-hes-now-leading-an-immigration-court>.

O'Brien was initially appointed, fired, and then reappointed all based on his ideological views. With both political parties using their time in office to appoint judges with perceived sympathies towards their own agenda, immigration judges are no longer neutral arbitrators but political pawns. This is especially concerning considering that immigration judges have wide discretion to decide cases. A migrant's fate directly rests with a judge who may be less concerned with the merits of the immigrant's case than with the priorities of the current administration's agenda.⁶²

The solution to this which is proposed by the Federal Bar Association, the American Bar Association, the American Immigration Lawyers Association, and the National Association of Immigration Judges is to make immigration judges Article I judges.⁶³ Article I courts handle specialized or specific types of cases such as bankruptcy and tax. Such courts are authorized by Article I, section 8 of the U.S constitution, which grants Congress the power "[t]o constitute Tribunals inferior to the [S]upreme Court." A new immigration court established pursuant to Article I would be independent from the Department of Justice. The independence of the court would lessen the potential political influence which exists in the current system. In addition to this, the Judges would be given fixed terms of fifteen years with protections against arbitrary removals, making them less susceptible to political agendas. These judges would be selected through a merit-based selection process which would require them to have the adequate training and experience necessary to do their jobs. Finally, this new court would have an appeals process with a separate appellate body within the Article I structure.⁶⁴

An alternative solution, according to Immigration Judge Samuel Cole, would be to make immigration judges Article III judges who are appointed for life. Senate confirmation, which is required by Article III, would arguably make it more difficult to appoint a judge who is biased towards a particular political party or viewpoint. It also would provide greater protection for the judges themselves, ensuring that they are no longer subject to the whims of a particular administration's political agenda. An Article III judge who is unable to be fired by the executive is less likely to make a decision solely to further that executive's agenda. In addition, providing immigration judges salaries for life would protect them from economic pressures that could potentially lead to a temptation to make decisions in line with the beliefs of the executive in power and his supporters.

Finally, a non-political appointee should be the head of the immigration court and should report to a neutral non-partisan official so that the entire power structure can be free from political biases. The executive in power, whether he is progressive or conservative, should not be able to fire the head of the immigration court for political purposes.⁶⁵

While both Article I and III courts are potential solutions, it is important to acknowledge that Article I courts are a more practical solution between the two. This is largely because of the precedent that exists with the creation of this kind of court. The U.S. already has several special jurisdiction courts that already exist, such as tax and bankruptcy courts. Similarly, it is a lot less

⁶² Ibid.

⁶³ "Article I" refers to Article I of the Constitution, which vests legislative powers in the U.S. Congress.

⁶⁴ American Immigration Lawyers Association. (n.d.). *An Article I Immigration court*. <https://www.aila.org/an-article-i-immigration-court>.

⁶⁵ Interview with Judge Cole.

costly and cumbersome to create Article I courts due to the lack of Senate confirmation process and lifetime salaries for Article I judges.

Regardless of whether a new immigration court were to be established under Article I or III, it is imperative that immigration judges be given the training necessary to properly adjudicate cases. In the current system, the judges themselves often come from various backgrounds such as private practice, non-governmental organizations, ICE, the military Judge Advocate General Corps, and other governmental agencies. In fact, since there is no requirement that immigration judges themselves be former immigration law practitioners, many judges have no experience with immigration law prior to starting on the bench. As a result, the judges themselves must be adequately trained in immigration statutes, regulations, and case law in addition to the fundamentals of judging and running a courtroom. However, due to the intense backlog in the court system there simply is no time to do this. Currently immigration judges receive two weeks of classroom training and another two weeks of courtroom training. The minimal training provided is premised on the assumption that the diversity of prior experiences that an immigration judge had before coming onto the bench makes them able to learn the important parts of the job quickly. While this may be true, four weeks of training for a specialized position is not sufficient if we consider the weight of responsibility held by the judges themselves and the complexity of immigration law. An immigration judge has wide discretion over the cases they decide, and such responsibility should not be given to someone who has not had the time to develop the necessary expertise to adjudicate cases fairly.⁶⁶

The political control which is built into the immigration court creates an extremely inefficient and biased system. The high turnover which is often experienced in the immigration court system due to the hiring and firing of immigration judges to further political agendas only exacerbates the backlog which is present in this court system. As of April 2025, there are more than 3.5 million active cases pending before the immigration court, yet only 700 immigration judges are available to handle them.⁶⁷ This massive backlog continues to grow, with 325,149 new cases filed in the first two months of 2025 alone, compared to 374,506 cases completed in the same period.⁶⁸ In response, the government has attempted to hire more immigration judges, but this strategy falls short, as the responsibility does not solely fall on the judges; the efficiency of the immigration court also depends on adequate support staff. Currently, immigration judges face an average caseload of 5,000 cases each.⁶⁹ The National Association of Immigration Judges has proposed doubling the number of judges to 1,400 by 2032 to manage the backlog.⁷⁰ This estimate does not address the insufficient number of clerks, legal assistants, and other support roles that are essential to court operations.⁷¹ Support staff assist with critical duties like legal research, intake, calendar management, and decision drafting. While detailed staffing data is not publicly available, a 2017 Government Accountability Office (GAO) report recommended a 3:1 ratio of support staff to judges.⁷² In reality, this ratio is often significantly lower, sometimes 2:1.⁷³

⁶⁶ Ibid.

⁶⁷ TRAC Immigration, *TRAC immigration*, n.d.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Boundless, 2025

⁷¹ Ibid.

⁷² GAO, 2017; NAIJ, 2019

⁷³ Ibid.

For instance, a judge who previously had 2,000 cases and one dedicated assistant may now face 5,000 cases while sharing a single clerk.⁷⁴ In contrast, the Social Security Administration operates with a 4.5:1 ratio, and the Board of Veterans' Appeals functions with 9 support staff per adjudicator.⁷⁵ Although these agencies function differently, the disparity highlights how under-resourced immigration courts are. Immigration judges themselves have confirmed that the lack of support staff significantly contributes to delays and burnout, ultimately compromising the quality of decisions.⁷⁶ While increasing the number of judges may appear sufficient to address the backlog, the system's focus on processing large quantities of cases without ensuring quality staff support continues to undermine the integrity of immigration proceedings.

A common criticism of the immigration court is that it does not provide due process to immigrants. Section one of the Fifth Amendment to the United States Constitution provides that no state shall "deprive any person of life, liberty, or property, without due process of law."⁷⁷ Under the due process clause, it is expected that the government must always give fair treatment to people in the United States accused of a crime. This "fair treatment" could mean many different things, such as a fair trial, equal protection under the law, and equal legal representation in court. However, proceedings in the immigration court, which also implicate a person's liberty, often deprive immigrants of rights one might think of as essential to due process, including in particular the right to appointed counsel when the immigrant cannot afford to hire her own lawyer. However, the Immigration court system follows a somewhat different precedent from the Constitution when it comes to due process. Removal proceedings must be conducted under Section 240 of the Immigration and Nationality Act (INA).⁷⁸ Under this section, the INA states that respondents "shall have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceeding"—meaning that a respondent may obtain counsel at their own expense or pro bono (free); however, the federal government has no obligation to provide legal counsel to an indigent immigrant.⁷⁹ Instead of providing legal support, the respondent will be provided with a list of affordable legal teams that may aid them during their court hearing. In this respect, section 240 does not provide immigrants with adequate pre-deprivation procedures, as it fails to ensure their access to legal counsel, relies on an overburdened and inconsistent adjudicative system, and allows for procedural shortcuts that undermine due process but may go unchallenged by an immigrant who has no lawyer. As a former immigration judge, Samuel Cole stated during an interview, "everyone has a right to a lawyer but not a free lawyer." This legal barrier makes it difficult for equal representation and due process of the law to be fully present in the courts. There is an estimated 70% of people who are held in immigration detention on deportation cases opened in the past three years that are unrepresented in their proceedings.⁸⁰ Apart from an immigrant's financial circumstances, their ability to find counsel may be affected by the limited availability of qualified attorneys. A case-by-case study done by Syracuse University's TRAC system revealed that, depending on the state one resides in, access to legal representation in immigration court fluctuates. In some places of the United States, the odds are 1 out of 100 of obtaining

⁷⁴ NAIJ, 2019

⁷⁵ Migration Policy Institute, 2023.

⁷⁶ GAO, 2017.

⁷⁷ U.S. Const. amend. V.

⁷⁸ Immigration and Nationality Act, 8 U.S.C. § 1229a (as amended 1965).

⁷⁹ Congressional Research Service, 2024.

⁸⁰ Vera, 2025.

representation in cases filed in the last 90 days, and rise to only 20 out of 100 for all pending cases. In other communities, one's chances rise to over 82 out of 100 of securing an attorney in recently filed cases, and climb to 98 out of 100 for all pending cases.⁸¹

If an immigrant is not represented by counsel, it diminishes their chances of adequately arguing their case and prevailing within the court. In a research study done by the Congressional Research Service in regards to access to counsel in U.S. Immigration Courts, it was found that 47% of represented respondents were granted relief and only 53% denied relief. In comparison, only 19% of unrepresented respondents were granted relief, and 81% of unrepresented respondents were denied relief.⁸² This data is important to understand that with representation available, the chances for a respondent to prevail in the court increase substantially. These disparities highlight how the current immigration court system undermines the principles of due process, reinforcing that legal representation is not just a privilege but a critical factor in determining the outcome of life-altering immigration cases.

It is also imperative that we recognize that individuals without an attorney to assist them before the Immigration Courts are confronted with the need to master the complexities of the U.S. immigration and asylum statutes, regulations, and court precedents, not to mention proper courtroom etiquette and procedural requirements, which will usually be spoken or written in English. The Fiscal Year 2025 has seen a drop in representation in Immigration Court generally, but speakers of some languages, including Russian, Portuguese, French, and Turkish, have experienced higher rates of representation in the last five months than in the previous four years.⁸³ In contrast, when comparing the previous four fiscal years (FY2021-FY2024), the last five months, representation for Arabic, Creole, and Spanish speaking noncitizens has decreased by 10% or more.⁸⁴ Non-citizens whose first languages are less common languages face even greater barriers in representation. On March 1, 2025, President Donald Trump signed an Executive Order "Designating English as the official language of the United States."⁸⁵ This is to be applied across all federal bodies, including the Department of Justice's immigration court. Linguistic barriers will continue to be a crucial factor in undermining due process within immigration courts if it is not resolved or alleviated.

Additionally, there are respondents as young as 3 years old who are forced to represent themselves in court without a translator or a lawyer. In 2023, only 56% of unaccompanied minors in immigration courts were represented by counsel, according to data from the Department of Justice, leaving the other 44% of minors to represent themselves before a judge.⁸⁶ Although the immigration court does have guidelines and adjustments in place for the minor who appears on their own, a majority of the time, these provisions are not enough to ensure that the child will fully understand what is happening. As *Kids in Need of Defense* President Wendy Young said, "Immigration courts were designed for adults and do not recognize the unique vulnerability of unaccompanied children".⁸⁷ These linguistic and developmental barriers not only expose the systemic inequities in immigration court, but also make clear that without reform, the

⁸¹ TRAC, 2017.

⁸² Congressional Research Service, 2024

⁸³ TRAC, 2025.

⁸⁴ Ibid.

⁸⁵ White House, 2025.

⁸⁶ ABC, 2024.

⁸⁷ KIND, 2024.

promise of due process will remain inaccessible for some of the most vulnerable populations navigating the U.S. legal system.

It is clear that the current immigration court system is one that needs top to bottom reform. From backlogs in the system to biases in the courtroom, we are looking at a system that is failing the very people it should protect.

The Economics of Immigration

Though immigrants in America have seen difficulty throughout the country's history, they have been a massive force in the American economy. Both documented and undocumented immigrants have played vital roles in driving economic growth and filling labor gaps in important industries like agriculture, construction, and restaurants. In fact, many immigrants also work in fields requiring high levels of educational achievement, like academia, as noted by attorney Steven H. Schulman, a leader in the pro bono practice at the Akin Gump law firm.⁸⁸ Despite this historical significance of immigrants impacting various industries in the American economy, the economic contributions of immigrants remain a point of political contention. This political contention has raised fear that has turned into political action. In an article published by Chicago Tribune earlier this year, Laura Rodriguez mentions how the ICE raids pushed by President Donald Trump, caused people in Chicago to skip work, school, religious activities, and more.⁸⁹ In fact, some business owners even closed their shops for the day.⁹⁰ Amidst this context of rising fear in immigrant communities around the country under the current federal administration and its policies, this chapter will focus on the economic aspect of immigration. The section will highlight the economic impact of immigrants, their contribution to businesses and developing cities, and how mass deportation will only hurt the country.

Economic Impact of Immigrants

In order to understand the significance of mass deportations and how they will hurt the American economy, it is necessary to understand the economic impact of immigrants. Immigrants include both documented immigrants who come to the country on work visas or acquire the proper documentation to legally stay and work in the country and undocumented immigrants who don't have the proper documentation to stay and work in America. According to the U.S. Bureau of Labor Statistics, foreign-born workers accounted for 18.6 percent of the U.S. labor force in 2023.⁹¹ Though this statistic includes documented workers, according to estimates from the Center for Migration Studies of New York (CMSNY), 8.3 million undocumented immigrants work in the American economy. The distribution of undocumented workers amongst industries they tend to work in is also noted: 1.5 million work in construction, 1 million work in restaurants, 320,000 work in agriculture and farming, 300,000 work in landscaping, and 200,000

⁸⁸ Schulman, S. H. (2025, June 2). Personal interview by author.

⁸⁹ Rodríguez Presa, L., Soglin, T., & Salzman, N. (2025, January 22). "People are hiding." *Chicago immigrants stay home from work to avoid potential ICE arrests*. Chicago Tribune. <https://www.chicagotribune.com/2025/01/21/immigrants-skip-work-amid-ice-fears/>.

⁹⁰ Ibid.

⁹¹ U.S. Bureau of Labor Statistics. (2024, August 29). *U.S. Bureau of Labor Statistics*. <https://www.bls.gov/>.

work in food processing and manufacturing.⁹² Undocumented workers tend to work in these fields because it is easier to get jobs where employers hire through workarounds, such as having their compensation reported on Form-1099 as opposed to Form W-2. Form 1099 is typically used in instances where the worker is considered an independent contractor rather than an employee, and a social security number (SSN) isn't needed for the 1099 because an individual tax identification number (ITIN) will suffice. Undocumented individuals can also work for cash or under another person's documents.

The tendency for undocumented workers to work under such risky circumstances also exposes such workers to exploitation from their employers. Exploitation can include being paid less, denied insurance, or being held to a job through the threat of having a worker's status leaked by the employer. This reflects the unfair situation undocumented workers often get involved in because undocumented workers tend to pay the penalty for working without legal status if caught, whereas employers rarely do.

Although foreign-born labor force participation is higher than that of their native-born counterparts, the economic impact of immigrants is not limited to just their labor force participation rate. According to a study done by New American Economy, immigrants in Chicago earned \$16.9 billion in 2016, of which \$4.4 billion went to federal taxes and \$1.6 billion to local taxes. This meant that immigrant households in Chicago held 22.4 percent of all spending power in the city. They also contributed \$1.6 billion in payroll taxes to Social Security and \$427.7 million to Medicare.⁹³ This is not only apparent in Chicago, as the American Community Survey shows that immigrants nationally paid \$382.9 billion in federal taxes, and undocumented immigrants that used ITINs paid \$59.4 billion in federal taxes in 2022. In fact, undocumented immigrants, who themselves are not eligible for Medicare, Social Security, or unemployment insurance benefits, paid \$6.4 billion, \$25.7 billion, \$1.8 billion in payroll taxes for these programs respectively.⁹⁴ This shows how, despite the immense risk undocumented employees take to work in low-paying, exploitative, and potentially unsafe jobs, they contribute so much to these programs and toward boosting the American economy, without being able to reap the benefits themselves. Therefore, there is a lot of economic support coming from the undocumented workers' end, but not much in return from America.

Furthermore, this economic impact isn't achieved at the expense of native-born U.S. workers either, as studies show that foreign-born workers don't necessarily take work opportunities from native-born workers. As noted above, immigrants tend to work in industries that involve manual labor and would be considered blue-collar jobs, as opposed to their native-born counterparts, who tend to work in more white-collar occupations.⁹⁵ Immigrants often work in physically demanding, seasonal, and lower-paying positions that are less attractive to U.S.-born workers. Therefore, immigrants make up for a labor shortage that would otherwise occur in blue-collar occupations rather than taking jobs from native-born workers. Additionally, immigrants spend the bulk of their wages on homes, food, and other goods and services which expands domestic

⁹² Center for Migration Studies. (2024, September 2). *The importance of immigrant labor to the U.S. economy*. The Center for Migration Studies of New York. <https://cmsny.org/importance-of-immigrant-labor-to-us-economy/>.

⁹³ Dalmia, A. (2016). *New Americans in Chicago: A snapshot of the demographic and economic contributions of immigrants in the city*. New Americans in Chicago. https://www.newamericaneconomy.org/wp-content/uploads/2018/11/G4G_Chicago.pdf.

⁹⁴ Center for Migration Studies, *The importance of immigrant labor*, 2024.

⁹⁵ Studies, "The Importance of Immigrant Labor to the U.S. Economy."

demand and stimulates the domestic economy. Thus, the positive economic impact of immigrants, which has existed throughout American history, lays a foundation for the idea that mass deportations will only harm the American economy rather than helping either the economy or native-born workers.

Immigrants and Entrepreneurship

Though much information has been mentioned regarding the labor and economic influence that immigrants have, it is also necessary to explore how immigrants develop cities in the U.S and impact entrepreneurship. In an interview with attorney Steven H. Schulman, Schulman recalls an argument from the book *One Billion Americans* by Mathew Yglesias, where in order for America to compete globally, it is better to have more Americans. He says New York City has more economic activity than Syracuse not because of “some magic” in New York City, but because there are more people in New York City.⁹⁶ A New York Times article by Lydia DePillis echoes this argument in her story about how once-failing cities used immigrants to save themselves.⁹⁷ For example, St. Louis is a large but diminished city that has been attempting to reverse its population decline through immigrants. In order for the city to attract and retain companies, it needs people and talent which immigrants brought. In 2023, the St. Louis region added 30,000 foreign-born residents which almost offset the loss of 34,000 native-born residents. A wave of Bosnian refugees that came to St. Louis in the 1990s grew to about 70,000 people, and through starting new businesses and building homes, they remade a whole neighborhood called Bevo Mill. The same immigrant-led revitalization seen in St. Louis has also had a positive impact on other cities, like Detroit and Philadelphia.⁹⁸

Repopulating shrinking cities is only one aspect of the economic development that immigrants bring to America, as there is much evidence that highlights their entrepreneurial efforts across the country as well. According to a study from the American Immigration Council, immigrant entrepreneurs accounted for 21.7 percent of all business owners in America in 2019.⁹⁹ The rate at which immigrants founded new businesses grew by 50 percent from 1996 to 2011, whereas there was a decline of 10 percent in business-formation by their native-born counterparts during the same time frame.¹⁰⁰ And in estimates of the contribution of immigrant business owners done by the U.S Small Business Administration, immigrant business owners generated a quarter of all business income in California and nearly one-fifth in New York, Florida, and New Jersey. Nearly 30 percent of all business owners in California are immigrants, as are over 20 percent in New York, New Jersey, Florida, and Hawaii.¹⁰¹

⁹⁶ Schulman, personal interview, June 2, 2025.

⁹⁷ DePillis, L. (2025, March 8). *They had an answer to their city's decline. Then came the immigration crackdown.* The New York Times. <https://www.nytimes.com/2025/03/08/business/economy/trump-immigration-st-louis.html>.

⁹⁸ Ibid.

⁹⁹ American Immigration Council. (n.d.). *Entrepreneurship*. <https://www.americanimmigrationcouncil.org/about-immigration/entrepreneurship/page/64/>.

¹⁰⁰ American Immigration Council. (2016, September 28). *Immigrants founded 28% of new businesses in 2011*. <https://www.americanimmigrationcouncil.org/in-the-news/immigrants-founded-28-of-new-businesses-in-2011-2/>.

¹⁰¹ Fairlie, R. W. (2008, November). *Estimating the contribution of immigrant business owners to the U.S. economy*. Small Business Administration, Office of Advocacy. <https://people.ucsc.edu/~rfairlie/papers/published/sba%20final%20report%20immigrant%20business.pdf>

The study done by New American Economy regarding immigrants in Chicago allows us to take a closer look at the impact of immigration on entrepreneurship. Immigrants represented 36.4 percent of the entrepreneurs in Chicago in 2016, they generated \$659.2 million in business income, started businesses in a variety of industries (8 different industries were noted), and immigrants were 67.4 percent more likely to be entrepreneurs than their native-born counterparts.¹⁰² Thus it cannot be denied that immigrants play a pivotal role in entrepreneurship across the country, where their firms range from small businesses to high-end Fortune 500 businesses, and they account for a significant portion of business income and job creation in the country. This in turn helps to rebuild smaller, shrinking cities like St. Louis, and it further develops big cities like Chicago.

Mass Deportations Hurt the American Economy

Mass deportations have become the popular solution to the immigration problem in the current federal administration. Evidence of this not only exists in the rhetoric of many modern politicians but it also presents itself in political action such as the ICE raids that were previously mentioned. With an understanding of how pivotal immigrants are to the American economy, the resounding conclusion is that mass deportations would only hurt the economy.

One important factor to look at is the impact mass deportations can have on labor. The Center for Migration Studies of New York notes that an increased number of U.S. citizen workers are retiring and birth rates are dropping, therefore immigrants can make up for labor shortages.¹⁰³ A study done by Giovanni Peri, an economics professor at the University of California, Davis, shows that the increased restrictions on immigration during the COVID-19 pandemic resulted in 2 million fewer working-age immigrants in the United States by the end of 2021 than there would have been if the pre-2020 immigration trend had continued. This drop in foreign labor has likely contributed to the worker shortages beginning in 2021, when the COVID shut-downs ended. In industries like hospitality and food-related services, the number of unfilled job openings relative to employment remained high despite increasing wages. The study shows that “an industry that had a 10% higher dependence on foreign workers than another industry in 2019 saw a 3% higher rate of unfilled jobs in 2021.” Peri concluded that the shortfall of immigrants harms the long-run prospects of the American economy and can prove detrimental to “productivity, innovation, and entrepreneurship.”¹⁰⁴ Despite the economic lessons that can be gleaned from the pause in immigration during the limited time-frame of the COVID pandemic, the current federal administration still seems intent on excluding immigrants on a larger scale. However, mass deportations will only hurt the American labor force and, in turn, the rest of the American economy.

Labor shortage is one concern that mass deportation raises, but inflation and other economic impacts raise concern as well. Sam Toia, president of the Illinois Restaurant Association said, “If you’re going to do mass deportations, you will see inflation go through the roof.” His claim is supported by Rebecca Shi, CEO of American Business Immigration Coalition, who said that

¹⁰² Dalmia, *New Americans in Chicago*, 2016.

¹⁰³ Center for Migration Studies, *The importance of immigrant labor*, 2024.

¹⁰⁴ Peri, G., & Peri, G. (2022, April 5). *Labor shortages and the immigration shortfall*. Econofact. <https://econofact.org/labor-shortages-and-the-immigration-shortfall>.

price increases in housing, food, and healthcare have contributed significantly to inflation in recent years, and mass deportations may only exacerbate the price surges in those industries. Furthermore, in the same Chicago Tribune article in which these experts were quoted, it is also stated that 1.5 million households with at least one undocumented person have mortgages. Therefore, mass deportations could lead to defaults on these mortgages and threaten the U.S. housing market.¹⁰⁵ Amongst the impact on inflation, the amount that immigrants, both documented and undocumented, give to federal and taxes should also be considered. Mass deportations would only result in less taxes being paid which would disrupt federal, state, and local budgets. According to the Congressional Budget Office, the immigration surge that began in 2021 is projected to increase the nation's nominal GDP by \$8.9 trillion from 2024 to 2034, and this is a key driver of projected increases in federal revenues and spending. The increase in immigration is also estimated to lower deficits by a net total of \$0.9 trillion in that same time period.¹⁰⁶

In the end, mass deportations will harm the American economy directly, as there will be a rise in inflation, increase in labor shortages, and many mortgage defaults. It will also indirectly hurt the economy, because America will only lose the potential that immigrant labor creates for increased productivity, talent, and entrepreneurship, and America will also lose much of what it might gain from immigrants through the taxes they pay and the wages they spend.

Conclusion

Immigrants, regardless of the hostility they face, are very important to the economy of the United States. Immigrants have a significant impact on the economy through how pivotal they are to industries like construction, food-related services, hospitality, and more. Their rates of entrepreneurship are high, and this has increased business income and created many jobs in America. However, the solution to the immigration problem that America has recently been leaning towards—mass deportations—will only harm the country's economy.

However, other solutions to the immigration problem exist, and in my interview with Steven Schulman, he discusses what these solutions could look like. Schulman recognizes that the biggest barrier for immigrants contributing to the economy effectively in America is the immigration system, in both its administrative and judicial components. Allocation of resources is ineffective and a long backlog of cases that aren't being resolved makes the situation worse. For example, Schulman has some clients that have been seeking asylum for 11 years. The current strategy, according to Schulman, seems to be to make the country inhospitable for immigrants in order to keep out the immigrants that the country doesn't value. This also creates animosity that discourages immigrants the country would want for development and a stronger workforce from coming to America as well.¹⁰⁷

Therefore, the stronger solution would be to reform the immigration system and be able to resolve immigration cases within a year, so as to expedite relief for immigrants in valid cases

¹⁰⁵ Presa, Soglin, & Salzman, "People are hiding," 2025.

¹⁰⁶ Congressional Budget Office. (n.d.). *Director's statement on the updated budget and economic outlook for 2024 to 2034*. <https://www.cbo.gov/publication/60359>.

¹⁰⁷ Schulman, personal interview, June 2, 2025.

while discouraging individuals with fraudulent or legally meritless claims from taking advantage of the long backlog in order to remain in America as long as possible. In addition, the U.S. should create a pathway to citizenship for undocumented immigrants that have been in the country their whole life, working and paying taxes and contributing to their community. At the end of the day, more Americans means more economic activity and a stronger America as a whole. Thus, the goal of economic strength should be achieved through reforming the immigration system and making immigrant involvement in the economy easier, as opposed to mass deportations and increased hostility toward a population of the U.S. that has contributed so much to its economy.

Recommendations and Reforms

Critical for our understanding of immigration in the United States, the U.S. Constitution protects all persons within the country, regardless of citizenship status. The Fifth Amendment and Fourteenth Amendment guarantees due process and equal protection under the law to “any person” on U.S. soil—not just to American citizens. This means that actions such as ICE raids, detaining immigrants without hearings, or separating families directly violate these constitutional protections.

Beyond State Borders: International Recommendations for U.S. Immigration Law and Policy

For many in the United States of America, fair and just immigration policy that follows these provisions feels like an unachievable aspiration. As seen in our historical overview of U.S. immigration policy, measures have been taken by all branches of the government to limit lawful and unlawful immigration into the US. Today, we are reminded on a daily basis that even having legal immigration status in the United States does not necessarily prevent the unlawful removal of these immigrants from the nation. To take just one example, in June 2025, the Supreme Court without explanation stayed an order from a lower court that required 15 days’ notice before an immigrant could be deported to a third country rather than their country of birth.¹⁰⁸ That order was intended to give immigrants a reasonable opportunity to show that they are in this country legally and should not be deported; now, they may have no realistic chance of preventing their expedited deportation to an unfamiliar country. In light of such drastic and arguably unconstitutional decisions, what do these immigration policies and decisions mean for millions of immigrants and citizens currently residing in the U.S.?

We want to end our report by reframing this question. Instead of asking what does today and tomorrow’s immigration policy mean for immigrants and citizens, we will ask what does today and tomorrow’s immigration policy mean *for all* who call this nation home?

To answer this question, we must look beyond the confines of outdated and harmful domestic immigration policy and enforcement. Here, we call on international human rights to guide our path towards a fair and just immigration policy. We must first begin by calling immigrants—documented and undocumented alike—a more fitting term, human beings. Moving beyond the use of dehumanizing language and perceptions, we must create U.S. immigration

¹⁰⁸ *Dep’t of Homeland Security v. D.V.D.*, No. 24A1153 (U.S. June 23, 2025).

policy on the foundation that all men are created equal. Additionally, international human rights will force the U.S. to establish that human rights protections transcend beyond state borders and nationalities.

Susan Gzesh, a U.S. Immigration lawyer and descendant of Holocaust survivors, reminds the U.S. why modern international human rights law protects all immigrants –especially in today’s United States. Gzesh urges the U.S. to acknowledge that before the horrific murder of millions of Jewish people by Nazi Germany, millions of these victims were forcibly deported from European nations–forcing Jewish victims into statelessness. The creation of a large stateless Jewish population and largescale global indifference allowed Nazi Germany to commit the horrible genocide of Jewish people during World War II.

Gzesh reminds the U.S. why the international human rights regime was created in the first place: to protect against a repetition of this horrific atrocity. Yet, the United States seems reluctant to acknowledge the universality of international human rights protections. In the failure of the United States government to commit to its international legal obligations, we must remember that “...we might realize a world that is just as a whole, in which accidents of birth and nationality do not warp people’s life chances pervasively and from the start.”¹⁰⁹ We must remember that a just and fair United States immigration policy puts human life before all else.

Acknowledging Urgent Need for Immediate Immigration Protections

Despite desires from the current government administration and its far-right allies to exclude noncitizens from due process rights protections, following U.S. constitutional precedent and believe that all persons on U.S. soil are guaranteed due process and equal protection under the law. As the current administration and Supreme Court move to deport millions of people from the United States through unlawful means, we recommend immediate action to address these alarming and unlawful actions by the United States government. That is why we recommend that the general public, advocates, legal experts, and local law enforcement agencies stand firm against stripping noncitizens and citizens alike of their fundamental due process rights.

We reaffirm the American Immigration Council’s long-term efforts and recommendations to protect due process rights for all and call for accessible and comprehensive legal representation for all those facing immigration proceedings or removal. An obstacle that has inhibited proper legal representation for immigrants throughout this nation is inaccessible and expensive legal representation. While all immigrants have a right to be represented by counsel in civil immigration court, they are not provided counsel if they are unable to afford it; for immigrants with limited financial resources, the right to legal representation is merely theoretical.

Accessible legal representation in immigration courts and thus, the full comprehensive due process of law will create a more fair and just legal immigration system. Importantly, those facing immigration proceedings without legal representation are less likely to seek and obtain crucial immigration relief. A University of Pennsylvania Law Review Article studied access to legal counsel in U.S. immigration and found that merely 37% percent of all immigrant deportation cases involved legal representation for immigrants. Of the 1.2 million deportation

¹⁰⁹ Nussbaum, M.C. 2006. *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge: The Belknap Press, Harvard University Press.

cases decided between 2007 and 2012, this number fell to 14% for detained immigrants. The low levels of legal representation for immigrants in the U.S. immigration court system proves grave for those seeking a better life for themselves and their loved ones. Research shows that legal representation helps immigrants apply for and obtain immigration relief, while those who are unable to afford legal representation are left to fend for themselves in a quickly changing and overburdened immigration system. Legal presentation, coupled with the due process protections that representation is crucial for a fair and just immigration system.

Exacerbating this issue, due process erosion in the immigration system has grown substantially under the current administration, with an increasingly politicized immigration court on the one hand, and on the other a series of administrative enforcement efforts prioritizing large-scale summary deportations over the careful identification of persons who are criminals or otherwise lack a reasonable claim to lawful presence. Immigrants are being given as few as three days' notice of their imminent deportation, without the opportunity to see an immigration judge; some of the immigrants being swept up are people who have a legal right to remain in the U.S. Additionally, the federal government has continued its reduction of due process rights by ending bond hearings for people detained in immigration detention centers. Without the possibility of bond, immigrants will be unable to escape starvation, abuse, and, in some cases, death within immigration detention centers.

We as a nation are not merely bound by our moral senses, which call the U.S. to halt the indiscriminate rounding up of innocent victims because of the color of their skin and denial of their fundamental rights. We are also bound by a constitution that prohibits such blatant violation of due process rights. We recommend that the general public, advocates, legal experts, and local law enforcement agencies stand firm in court rooms across the nation and fight against Constitutional violations. To guide this mission, the recent *Pedro Vasquez Perdomo, et al. v. Kristi Noem, et al.* case from the Central District of California sets the framework. Here, a class action lawsuit was filed against a federal government that used the National Guard to stop and demand proof of citizenship from individuals based on perceived race or ethnicity, raided homes without warrants, and abducted people from their workplaces. The California District Court stated plainly that “all individuals—regardless of immigration status—share in the rights guaranteed by the Fourth and Fifth Amendments Constitution,” and “[i]t is unlawful to prevent people from having access to lawyers who can help them in immigration court.”¹¹⁰ In response to a case with both citizen and noncitizen plaintiffs, the Court answered plainly, and without controversy, that both groups were guaranteed Fourth and Fifth Amendment protections. Additionally, the Court also reiterated what is already widely accepted in other areas of U.S. law, that all immigrants have a right to be represented by counsel in immigration court. Importantly, this case serves as a guide towards future legal pathways towards protecting due process rights for all those at most risk. Finally, this case also serves as a reminder that accessible legal representation is a basic requirement for a fair and just legal immigration system.

¹¹⁰ *Vasquez Perdomo v. Noem*, No. 2:25-cv-05605-MEMF-SP, 2025 WL 1915964, at *1 (C.D. Cal. July 11, 2025), stay pending appeal granted in part and denied in part, 148 F.4th 656 (9th Cir. Aug. 1, 2025). Regrettably, the Supreme Court stayed the district court's order as this report was in the final editing process. *Noem v. Vasquez Perdomo*, No. 25A169, 2025 WL 2585637 (U.S. Sept. 82025).

Past Efforts Guiding Future Immigration Policy

As explained in the preceding section, a just immigration system must start with a shift in how the people view immigrants: not as “illegals,” but as human beings with rights that transcend borders. Drawing from international human rights law and the painful lessons of statelessness in history, Professor Erika Lee calls on the United States to realign its immigration policy with its constitutional promise and global obligations.¹¹¹ That call is not abstract—it demands action. If we are to ensure dignity, due process, and inclusion, we must propose and pursue concrete legislative reforms that reflect these principles in practice.

Immigrants, documented and undocumented, fill vital roles in agriculture, construction, education, and small business sectors, contributing billions in taxes, Social Security, and Medicare, often without receiving any of the benefits. These two realities, the moral and the material, point to the same conclusion: our immigration system must be reformed to reflect the contributions and humanity of those it affects most. This section outlines future-focused immigration reforms rooted in historical precedent, legal expertise, and present-day economic realities.

Learning from the Gang of Eight: A Legislative Blueprint

In 2013, a bipartisan group of eight U.S. Senators—four Democrats (Chuck Schumer, Dick Durbin, Robert Mendez, and Micheal Bennet) and four Republicans (John McCain, Lindsey Graham, Marco Rubio, and Jeff Flake)—proposed one of the most ambitious immigration reforms in recent congressional sessions. Known as the Gang of Eight, they introduced the Border Security, Economic Opportunity, and Immigration Modernization Act (S.744). Key provisions included:

- A pathway to citizenship for undocumented immigrants;
- Balanced border security reform;
- Expansion and streamlining of employment and family-based visa categories
- Stronger worker protections through better verification systems.

Although the bill passed the Senate, it stalled in the House. Still, it offers a legislative blueprint for what comprehensive reform could look like. Revisiting this bill in the current political context is not only relevant, it is necessary. Systemic reform must place human life and dignity at the center of policy; the Gang of Eight’s proposal attempted to do just that.

A Modernized Registry Act: Legalization Through Residency

One promising legislative tool to promote legalization is the Registry Act, originally passed in 1929 and last updated in 1986.¹¹² It currently allows undocumented immigrants who have lived in the U.S. since before January 1, 1972, to apply for lawful permanent residency. However, this cutoff date excludes millions who have built lives, families, and careers in the U.S. In an

¹¹¹ Lee, E. 2019. *America for Americans: A History of Xenophobia in the United States*. Basic Books.

¹¹² Registry Act of 1929, 45 Stat. 1512, last updated by section 203 of the Immigration Reform and Control Act of 1986, Pub. L. 99-603, 100 Stat. 3405.

interview with Nichols, a staff attorney at Chicago Appleseed Center for Fair Courts, he recommended updating the Registry Act and incorporating it into a rolling system allowing immigrants who have resided in U.S. for a certain number of years (e.g., seven or ten) to apply, regardless of their date of entry. According to the Center for Migration Studies, over 6 million undocumented immigrants could be eligible under such a system. These individuals already contribute to the economy and community life while remaining vulnerable to deportation and abuse. Reforming the Registry Act would recognize the constitutional protections afforded to all persons under the Fifth and Fourteenth Amendments and fulfill our international obligation to avoid statelessness and systemic marginalization.

Big Picture Reforms for a Just Immigration System

If the U.S. is to craft a modern, just immigration system, we must think both boldly and pragmatically. Below are key structural reforms that respond to the flaws outlined in this report:

A Rolling Registry Act

Update the 1972 cutoff to a rolling system allowing undocumented immigrants who have lived in the U.S. for 7 - 10 years to apply for legal permanent residency. This would recognize community contributions, reduce fear, and significantly decrease the immigration court backlog, which currently exceeds 2.5 million cases (EOIR, 2024)

Pathway to Citizenship

Expand legalization programs for undocumented but long-settled immigrants, including essential workers, parents of U.S. citizens, and those with deep community ties. A well-structured legalization program could boost GDP, expand the tax base, and bring families out of the shadows.

Admission Policy Tied to Economic Needs

As shown in the previous sections, immigrants strengthen the labor force without displacing U.S. born workers. Admission policies should prioritize labor market needs across all industries (such as agriculture, healthcare, etc.) when shortages are most acute.

Visa Portability for Workers

End “tied visa” systems that restrict H-1B and H-2A workers to one employer. Allowing flexibility would protect workers from abuse, support labor mobility, and ensure that employers maintain fair conditions.

Asylum Reform

Ensure timely asylum screenings with fair legal access. Expanding humanitarian parole and reducing reliance on detention could relieve courts and offer dignity to those fleeing persecution. Reforms must balance efficiency and compassion, rejecting proposals that automatically deny claims without a hearing.

Targeted federal support to border communities

Border states and local governments should provide dedicated funding to border cities, establish immigrant shelters, and establish a healthcare system to deal with large-scale arrivals, ensuring that public services are not overwhelmed.

Practical, Grassroots Actions in a Difficult Political Climate

While large-scale reforms may be stalled at the federal level, advocates and communities can take smaller but powerful steps now:

Public Education Campaigns: Raise awareness of immigrant contributions to the economy, healthcare, education, and infrastructure.

Storytelling Initiatives: Humanize undocumented individuals by amplifying personal stories of resilience, family, and service.

Legal Aid and Know your Rights Campaigns: Provide immigrants with legal resources and support, especially in vulnerable communities.

Coalition Building: Partner with labor unions, faith groups, and business leaders to advocate for compassionate immigration reform.

Municipal Protections: Expand city-level sanctuary protections and local ID card programs to ensure basic services and reduce fear.

Final Recommendations

- Revise the Registry Act to establish a rolling system for long term undocumented immigrants.
- Pass targeted legalization pathway for essential workers, DREAMers, and families.
- Reform visa systems for labor flexibility and fairness.
- Expand asylum access with constitutional protections.
- Fund border and interior cities managing high migrant arrivals.
- Empower communities with tools to educate, protect, and humanize immigrant lives.

Conclusion

As Future Justice Lawyers student Erika Mora asserts, U.S. immigration policy must begin with the principle that “all men are created equal,” a promise enshrined in both our Constitution and global human rights law. The economic chapter revealed that immigrants not only belong in America, but are already contributing to its vitality. This section bridges those moral and economic truths with actionable proposals that honor our national values. Immigration reform is not a single event, it is an ongoing responsibility. Whether through legislative overhaul or grassroots advocacy, we have the tools to build a more inclusive, efficient, and human system. These reforms are not just politically possible, they are morally urgent.



Chicago Appleseed Center for Fair Courts is a collaborative 501(c)(3) non-profit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois.



The Chicago Council of Lawyers is Chicago's public interest bar association, advocating for the fair and effective administration of justice.

This report was researched and written collaboratively by the members of the Future Justice Lawyers of Chicago.



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