A PLAIN-ENGLISH FACT CHECK

WHO GETS IN

American Immigration Law, the Border and the Numbers



THE LAW · THE BORDER · THE NUMBERS · CLAIMS

How Immigration Works, What the Numbers Show, and Which Claims Hold Up

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TRINFINITY Enterprises

Who Gets In

American Immigration Law, the Border and the Numbers

A Fact Check Series Book

Andrew Dominguez

Trinfinity Enterprises

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Who Gets In: American Immigration Law, the Border and the Numbers

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Not legal advice. This book gives general information about immigration law and policy. It is not legal advice, and it does not create an attorney-client relationship. Immigration law is complex and depends on each person's facts. If you have an immigration question about your own situation or someone else's, see a licensed immigration attorney or a representative accredited by the U.S. Department of Justice. Appendix D explains how to find one.

Sources. Quotations from laws, court opinions, government reports and other public documents are given with their sources in the footnotes. Every source is listed in the Bibliography. Dollar figures are nominal, meaning they are not adjusted for inflation, unless the text says otherwise.

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Introduction: How to Use This Book

Information in this book is current as of November 12, 2026.

Few subjects in American life produce more heat and less light than immigration. Turn on the news and you will hear that the border is open, or that it is closed. That immigrants commit more crime, or less. That they drain the budget, or keep Social Security afloat. That a president deported more people than anyone in history, or fewer than his predecessor. Often the person making the claim is sure of it, and often the person on the other side is just as sure of the opposite.

I wrote this book because I wanted to know what the records actually say. Not what one side or the other wants them to say, but what the laws, the court rulings, the government's own numbers and the best research show. Where the records settle a question, I say so. Where they do not, I say that too.

This is not a book that tells you what immigration policy should be. People of good faith disagree about how many immigrants the country should admit, who should get priority, how hard the government should work to remove people who are here illegally, and what to do about the millions who have lived here for years without legal status. Those are questions about values as much as facts. My goal is to make sure that when you answer them, you are working from the same facts as everyone else.

What this book covers

The book is organized in seven parts.

- **Part One: How We Got Here** (Chapters 1 to 5) tells the history of American immigration law, from the first naturalization law in 1790 to the policies in force in November 2026.
- **Part Two: How Legal Immigration and Asylum Work** (Chapters 6 to 10) explains the legal paths: green cards, temporary visas, refugees and asylum, the immigration courts and citizenship.
- **Part Three: The Border and the Numbers** (Chapters 11 to 13) explains how the government counts border crossings and how researchers estimate the number of people living here without legal status.
- **Part Four: What the Research Shows** (Chapters 14 to 16) covers the evidence on jobs and wages, taxes and benefits, and crime.
- **Part Five: Enforcement and Deportation** (Chapter 17) explains how deportations are counted and the other tools of enforcement.
- **Part Six: Claims and Theories** (Chapters 18 and 19) tests specific claims from both sides and gives each a verdict.
- **Part Seven: Where It Stands, What People Think and the Options** (Chapters 20 to 22) gives a snapshot of where things stand, what polls show and what the reform options are.

The appendices include a timeline, a glossary, a short guide to reading government immigration data, information on finding legal help, the exact text of the most-argued laws and a list of acronyms.

You do not have to read the book in order. If you want to check a claim you heard, go straight to Part Six. If you want to know how a green card works, go to Chapter 6. Each chapter points you to the others when it relies on them.

The cutoff date

Immigration policy changed more between January 2025 and November 2026 than in any comparable stretch in decades. New proclamations, new laws, new court rulings and new numbers came out nearly every week.

So every present-day fact in this book has a date. The information is current as of November 12, 2026. Chapters that describe the present say so in their first line. Tables with current figures say so in their titles. When a figure covers a period, such as a fiscal year, I give the period.

If you are reading this after the cutoff, assume that some things have changed. The footnotes tell you where each figure came from, so you can check for newer numbers.

How I label what I know

I separate three kinds of statements, and I label them, especially in the summary table at the end of each chapter.

Label	What it means
Confirmed fact	Stated in a law, court ruling, official record or data set that I opened and read
Interpretation	A reasonable reading of the facts, which people can and do dispute; I say whose interpretation it is
Unknown	The records do not answer the question, or I could not find a source that does

When I could not confirm something, I mark it in brackets as **[Not verified]** and say what I looked for. I would rather tell you I do not know than give you a confident answer that turns out to be wrong. You will see that label a number of times in this book. Each one is also listed, part by part, in my research records.

When I quote a person, the footnote gives a source where you can read the words yourself. I do not quote anonymous or unnamed sources.

Where the facts come from

Not all sources are equal. I sort them into five tiers and lean on the higher tiers first.

Tier	Type of source	Examples
1	Primary and official sources	The U.S. Code, public laws, Supreme Court opinions, presidential proclamations, the Federal Register, Senate roll call votes, and data from the Department of Homeland Security, Customs and Border Protection, Immigration and

Tier	Type of source	Examples
		Customs Enforcement and the Justice Department's immigration courts
2	Nonpartisan analysis	The Congressional Research Service and the Congressional Budget Office, which work for Congress as a whole
3	Scholarly and research sources	Peer-reviewed studies, the National Academies of Sciences, Engineering, and Medicine, and research centers such as Pew Research Center and TRAC at Syracuse University
4	Fact-checks and journalism	News reports and fact-checks, used mainly as pointers to primary sources or for events that only reporters recorded
5	Advocacy groups and think tanks	Groups that take a side, such as the Cato Institute, the American Immigration Council, the Center for Immigration Studies and the Institute on Taxation and Economic Policy

When I use a Tier 5 source, I say in the text that it is an advocacy group or that it takes a side, so you can weigh it. Some Tier 5 groups do careful work, and their numbers are often the only estimates available. But you should know who made a number before you trust it.

I do not use social media posts as evidence of anything except that someone posted them. I do not use websites that were generated or assembled by automated writing tools as sources.

The bibliography at the end of the book lists every source by tier.

How I give verdicts

In Part Six, I test specific claims. Each gets one of four verdicts, and only these four:

Verdict	What it means
True	The records support the claim as stated
Partly true	Part of the claim holds up, but it leaves out or overstates something important
False (debunked)	The records contradict the claim
Inconclusive	The records cannot settle it, or the claim is too vague to test

A verdict is about a claim, not about the people who make it. I tested claims from both sides. Some claims from each side hold up and some do not. If you finish Part Six and find that every

verdict went against the side you disagree with, I have not done my job, and I would want to know.

Words matter

The words people use for immigrants often signal which side they are on before they make a single argument. Here is how this book handles them.

"Unauthorized immigrant." In my own voice, I use "unauthorized immigrant" for a person living in the United States without legal permission. That is the term used by the Department of Homeland Security in its population estimates and by Pew Research Center.

"Alien." Federal law uses "alien" to mean "any person not a citizen or national of the United States."[1] It is a legal term, and it appears in many quotations in this book. It is not a slur in the statute, though some people find it cold. Some agencies have used "noncitizen" instead in recent years.

"Illegal alien" and "illegal immigrant." These are common in political speech, in some laws and in the 2024 Republican platform. Supporters of the terms say they are accurate, because entering without permission or staying past a visa is against the law. Critics say a person cannot be "illegal," only an act can.

"Undocumented immigrant." Common in political speech and in the 2024 Democratic platform. Supporters say it is more humane. Critics say it is inaccurate, because many such people have documents, just not valid ones for legal status.

When I quote someone, I keep their words. When I write in my own voice, I use "unauthorized immigrant." I do not do this to take a side; I do it to be consistent.

A few other terms come up again and again:

- **Lawful permanent resident (LPR)** is the legal name for a green card holder.
- **Nonimmigrant** is the legal name for a person here on a temporary visa, such as a student or tourist.
- **Removal** is the legal term for what most people call deportation. Chapter 17 explains why the government counts removals, returns and expulsions separately.
- **Encounter** is a border statistic that counts events, not people. Chapter 11 explains why that matters.

The glossary in Appendix B defines these and many more.

Numbers, years and dollars

Fiscal years. Most federal immigration statistics are kept by fiscal year, which runs from October 1 to September 30. Fiscal year 2026 ran from October 1, 2025 through September 30, 2026. When I compare presidents, I assign each fiscal year to the president who held office for most of it. Chapter 12 explains the rule.

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[1] U.S. Congress, "8 U.S.C. 1101 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1101(a)(3). https://www.law.cornell.edu/uscode/text/8/1101 (accessed November 12, 2026).

Dollars. Every dollar figure in this book is nominal, meaning the dollars of the year in question, not adjusted for inflation, unless I say otherwise. A dollar in 1986 bought much more than a dollar in 2026, so be careful comparing dollar amounts across decades.

Rounding. Some official tables round their numbers, for example to the nearest 10. When they do, I keep their rounding and say so.

My own arithmetic. Sometimes I add up monthly figures or compute a percentage from an official table. When I do, I say "my sum" or "my arithmetic," so you know the figure is mine and not the agency's.

Questions to ask about any immigration claim

Before you accept or reject an immigration claim, from me or anyone else, try asking these questions:

1. **What exactly is being counted?** People or events? Removals, or removals plus returns? Apprehensions, or all encounters?
2. **What period?** A month, a calendar year, a fiscal year? Is it "record" compared with all time, or since a certain year?
3. **Who made the number?** A government agency, a nonpartisan office, a researcher, or a group with a side?
4. **Compared with what?** A share of what total? A rate per how many people?
5. **What is left out?** Does the claim mention the cases that do not fit?

You will see these questions at work in nearly every chapter.

What this book is not

This book is not legal advice. It explains how the law works in general. Immigration cases turn on individual facts, and the rules change. If you or someone you know has an immigration question, see a licensed immigration attorney or a representative accredited by the U.S. Department of Justice. Appendix D explains how to find one, and how to avoid people who are not authorized to give immigration advice.

This book is also not the last word. New data will come out. Courts will rule. Congress may act. If you find an error, or a source I should have used, I want to know.

Let's start where the country started, with the first laws about who could become an American.

Part One: How We Got Here

Chapter 1: The Open Door and the First Exclusions, 1790-1920

You might ask, "Did America ever have open borders?" For about the first hundred years, the honest answer is "mostly, yes, for people coming in, but not for people becoming citizens." Those are two different questions, and keeping them apart is the first key to reading this whole history.

Coming into the country is called immigration or admission. Becoming a citizen is called naturalization. In the early republic, Congress set rules for the second long before it set many rules for the first.

Who could become a citizen in 1790

The Constitution gives Congress the power "to establish an uniform Rule of Naturalization." Congress used that power in its first years. The Naturalization Act of March 26, 1790, let "any alien, being a free white person," become a citizen after living in the United States for two years, including one year in the state where the person applied.[2]

Two things stand out. The waiting period was short. And the door to citizenship was limited by race from the very first law. The Supreme Court later listed the 1790 act as the start of the long line of naturalization laws that followed.[3]

Notice what the 1790 law did not do. It did not say who could land at a port, how many could come, or from where. That is why historians call this period the "open door" era for arrival, even though it was never an open door for citizenship.

The first national limits: the Chinese laborers

The first major federal law to shut out a group of people came in 1882, and it was aimed at Chinese workers.

Some background helps. Chinese laborers came to California in large numbers after gold was found there in 1848. The Supreme Court, writing in 1889, described both their usefulness as workers and the rising hostility against them on the West Coast, which the Court said led people there to petition "earnestly for protective legislation."[4]

The federal government had a treaty problem first. The 1868 Burlingame-Seward Treaty with China protected Chinese migration. In 1879 Congress passed a bill to limit Chinese passengers to 15 per ship, and President Rutherford B. Hayes vetoed it because it broke treaty promises. A

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[2] U.S. Congress, "An Act to establish an uniform Rule of Naturalization, 1 Stat. 103", Statutes at Large, via GovInfo (U.S. Government Publishing Office), March 26, 1790, 1 Stat. 103. https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg103.pdf (accessed November 12, 2026).

[3] U.S. Supreme Court, "United States v. Wong Kim Ark, 169 U.S. 649", Legal Information Institute, Cornell Law School, March 28, 1898, reviewing the naturalization acts beginning with 1 Stat. 103. https://www.law.cornell.edu/supremecourt/text/169/649 (accessed November 12, 2026).

[4] U.S. Supreme Court, "Chae Chan Ping v. United States, 130 U.S. 581", Legal Information Institute, Cornell Law School, May 13, 1889, opinion of Justice Field describing the background. https://www.law.cornell.edu/supremecourt/text/130/581 (accessed November 12, 2026).

new treaty in 1880, the Angell Treaty, let the United States "restrict, but not completely prohibit," Chinese immigration.[5]

Congress then passed the Chinese Exclusion Act, and President Chester A. Arthur signed it on May 6, 1882.[6] Its key words were plain:

> "the coming of Chinese laborers to the United States be, and the same is hereby, suspended."[7]

The ban was set for ten years. It covered "both skilled and unskilled laborers and Chinese employed in mining." It also said that "no State court or court of the United States shall admit Chinese to citizenship."[8] The National Archives calls it "the first significant law restricting immigration into the United States."[9]

The ban kept getting tighter. The Scott Act of 1888 made it impossible for Chinese laborers who left on a visit to China to come back. The Geary Act of 1892 renewed exclusion for ten more years.[10] The extension was made permanent in 1902, and Chinese residents had to carry a certificate of residence or face deportation.[11]

The Court says Congress holds the power

Chae Chan Ping was a Chinese laborer who had lived in San Francisco. He left for a visit to China holding a reentry certificate. While he was gone, Congress passed the Scott Act, and when he returned in 1888 he was refused entry.

He sued, and lost. On May 13, 1889, the Supreme Court held that Congress could exclude foreigners and could even override an earlier treaty to do it. Justice Stephen Field wrote that

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[5] Office of the Historian, U.S. Department of State, "Chinese Immigration and the Chinese Exclusion Acts (Milestones series, archived)", U.S. Department of State, no date, treaties of 1868 and 1880 and the 1879 veto. https://history.state.gov/milestones/1866-1898/chinese-immigration (accessed November 12, 2026).

[6] National Archives, "Chinese Exclusion Act (1882), Milestone Documents", National Archives and Records Administration, no date, approval date and signer. https://www.archives.gov/milestone-documents/chinese-exclusion-act (accessed November 12, 2026).

[7] U.S. Congress, "An Act to execute certain treaty stipulations relating to Chinese, 22 Stat. 58", Statutes at Large, via GovInfo, May 6, 1882, section 1. https://www.govinfo.gov/content/pkg/STATUTE-22/pdf/STATUTE-22-Pg58-4.pdf (accessed November 12, 2026).

[8] U.S. Congress, "An Act to execute certain treaty stipulations relating to Chinese, 22 Stat. 58", Statutes at Large, via GovInfo, May 6, 1882, sections 1, 14 and 15. https://www.govinfo.gov/content/pkg/STATUTE-22/pdf/STATUTE-22-Pg58-4.pdf (accessed November 12, 2026).

[9] National Archives, "Chinese Exclusion Act (1882), Milestone Documents", National Archives and Records Administration, no date, introduction. https://www.archives.gov/milestone-documents/chinese-exclusion-act (accessed November 12, 2026).

[10] Office of the Historian, U.S. Department of State, "Chinese Immigration and the Chinese Exclusion Acts (Milestones series, archived)", U.S. Department of State, no date, Scott Act and Geary Act. https://history.state.gov/milestones/1866-1898/chinese-immigration (accessed November 12, 2026).

[11] National Archives, "Chinese Exclusion Act (1882), Milestone Documents", National Archives and Records Administration, no date, Geary Act and 1902 extension. https://www.archives.gov/milestone-documents/chinese-exclusion-act (accessed November 12, 2026).

whether the government was right to set aside its promises to another nation "is not one for the determination of the courts."[12]

This case still matters today. It is one of the roots of what lawyers call the "plenary power" doctrine: the idea that Congress and the President have very broad power over who may enter, and that courts give them wide room. You will see that idea again in the 2018 travel ban case in Chapter 4.

Born here, so a citizen: Wong Kim Ark

The exclusion laws raised a hard question. What about children born in the United States to Chinese parents who could never become citizens?

Wong Kim Ark was born in San Francisco to Chinese parents. When he came back from a trip to China, officials said he was not a citizen and refused to let him in. On March 28, 1898, the Supreme Court ruled for him. The Court held that the Fourteenth Amendment made him a citizen at birth because he was born in the United States and subject to its laws.[13]

This case came back to center stage in 2025 and 2026. I cover that in Chapter 10. For now, the point is that in 1898 the Court said Congress could keep his parents out but could not take away citizenship from a child born here.

Federal control and Ellis Island

For most of the 1800s, states such as New York ran their own rules for arriving ships, including head taxes and bonds on passengers. In 1876 the Supreme Court struck down New York's passenger bond law, holding that this kind of rule belonged to Congress under its power over foreign commerce.[14]

Congress filled the gap. A law of August 3, 1882, passed three months after Chinese exclusion, charged fifty cents for each arriving passenger who was not a citizen. It told officials to refuse landing to any person "unable to take care of himself or herself without becoming a public charge."[15] "Public charge" means someone expected to depend on public support. That idea is still in the law today, as Chapter 15 explains.

The Immigration Act of March 3, 1891, went further. It created a federal "superintendent of immigration" and barred, among others, "paupers or persons likely to become a public charge," people with certain contagious diseases, people convicted of certain crimes, and polygamists.[16]

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[12] U.S. Supreme Court, "Chae Chan Ping v. United States, 130 U.S. 581", Legal Information Institute, Cornell Law School, May 13, 1889, opinion of the Court. https://www.law.cornell.edu/supremecourt/text/130/581 (accessed November 12, 2026).

[13] U.S. Supreme Court, "United States v. Wong Kim Ark, 169 U.S. 649", Legal Information Institute, Cornell Law School, March 28, 1898, opinion of Justice Gray. https://www.law.cornell.edu/supremecourt/text/169/649 (accessed November 12, 2026).

[14] U.S. Supreme Court, "Henderson v. Mayor of New York, 92 U.S. 259", Legal Information Institute, Cornell Law School, 1876, opinion of Justice Miller. https://www.law.cornell.edu/supremecourt/text/92/259 (accessed November 12, 2026).

[15] U.S. Congress, "An act to regulate Immigration, 22 Stat. 214", Statutes at Large, via GovInfo, August 3, 1882, sections 1 and 2. https://www.govinfo.gov/content/pkg/STATUTE-22/pdf/STATUTE-22-Pg214.pdf (accessed November 12, 2026).

[16] U.S. Congress, "Immigration Act of 1891, 26 Stat. 1084", Statutes at Large, via GovInfo, March 3, 1891, sections 1 and 7. https://www.govinfo.gov/link/statute/26/1084 (accessed November 12, 2026).

The federal government now ran the inspection system. Ellis Island in New York Harbor became its best-known station. It opened as a federal immigration station on January 1, 1892, and the National Park Service says it received "over 12 million future Americans between 1892 and 1954, when it was abandoned."[17] Most of that traffic came before 1924. From 1892 to 1924, the Park Service says, the typical inspection took about three to seven hours.[18]

You might picture Ellis Island as a place where anyone who showed up got in. Most people did. But by then federal law already listed the groups to be turned back, and inspectors checked each arrival against that list.

Calls for a tighter door, 1907-1917

By the early 1900s, arrivals from Southern and Eastern Europe were rising, and so was pressure to cut them back.

Three steps from this period set up the quota laws of the 1920s:

- **The Gentlemen's Agreement (1907).** An informal deal, not a treaty or a law. It began after the San Francisco school board moved in 1906 to send Japanese children to segregated schools. In the State Department historian's words, "In a series of notes exchanged between late 1907 and early 1908, known collectively as the Gentlemen's Agreement, the U.S. Government agreed to pressure the San Francisco authorities to withdraw the measure, and the Japanese Government promised to restrict the immigration of laborers to the United States."[19]
- **The Dillingham Commission (1907-1911).** A joint congressional commission led by Senator William Dillingham of Vermont that studied immigration and recommended limits. Dillingham later sponsored the 1921 quota law.[20] [Not verified: I did not open the commission's own reports, so the dates 1907-1911 and the summary of its recommendations come from general histories, not from a primary record.]
- **The Immigration Act of 1917.** It barred "All aliens over sixteen years of age, physically capable of reading, who can not read the English language, or some other language or dialect." It also drew a zone on the map, set by lines of latitude and longitude, and barred most natives of that zone, which covered much of Asia. People called it the "Asiatic Barred Zone." The law became effective on February 5, 1917, after the Senate passed it by a two-thirds vote over President Woodrow Wilson's veto.[21]

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[17] National Park Service, "Ellis Island Frequently Asked Questions", National Park Service, no date, history questions. https://www.nps.gov/elis/faqs.htm (accessed November 12, 2026).

[18] National Park Service, "Ellis Island History and Culture", National Park Service, no date, history. https://www.nps.gov/elis/learn/historyculture/index.htm (accessed November 12, 2026).

[19] U.S. Department of State, Office of the Historian, "Japanese-American Relations at the Turn of the Century, 1900-1922 (Milestones: 1899-1913)", U.S. Department of State, undated, Gentlemen's Agreement. https://history.state.gov/milestones/1899-1913/japanese-relations (accessed November 12, 2026).

[20] Office of the Historian, U.S. Department of State, "The Immigration Act of 1924 (The Johnson-Reed Act) (Milestones series, archived)", U.S. Department of State, no date, Dillingham's 1921 measure. https://history.state.gov/milestones/1921-1936/immigration-act (accessed November 12, 2026).

[21] U.S. Congress, "Immigration Act of 1917, 39 Stat. 874", Statutes at Large, via GovInfo, February 5, 1917, sections 3 and the Senate resolution printed at the end of the act. https://www.govinfo.gov/link/statute/39/874 (accessed November 12, 2026).

What this chapter shows

Here is the short version, with each point labeled.

Point	Label	Basis
The first naturalization law limited citizenship to "free white" persons	Confirmed fact	1790 statute
The 1882 Chinese Exclusion Act was the first major federal law to bar a group by nationality and class of worker	Confirmed fact	Statute and National Archives
The Supreme Court gave Congress very broad power over who may enter (Chae Chan Ping, 1889)	Confirmed fact	Court opinion
Children born in the United States to noncitizen parents were held to be citizens (Wong Kim Ark, 1898)	Confirmed fact	Court opinion
Calling the 1800s an "open borders" era	Interpretation	Accurate for arrival in most years, not for citizenship, and not for Chinese laborers after 1882

In the next chapter, the door narrows much further. Congress moves from barring a few groups to setting a number for every country.

Questions to think about

1. The 1790 law limited naturalization to "free white" persons. What does it tell you that the country's first rule on citizenship was about race rather than skills or numbers?
2. The Supreme Court in the 1880s and 1890s held that Congress has broad power over who may enter. Should that power have limits? If so, who should set them?
3. Wong Kim Ark was born in San Francisco to parents who could not become citizens. Why do you think his case still comes up in arguments today?

Chapter 2: Quotas, Braceros and the 1952 Code, 1921-1964

In the last chapter, Congress barred certain kinds of people. In this one, it does something new. It puts a number on every country.

The first quota law, 1921

The Emergency Quota Act was approved on May 19, 1921. It limited yearly immigration from each nationality to "3 per centum of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910."[22] The State Department's historians put the total at 350,000 visas a year.[23]

You might ask, "Why pick a census year at all?" Because the year chosen decides who gets the most slots. The earlier the census, the larger the share for countries that sent most of their immigrants early, which mainly meant Northern and Western Europe.

The Immigration Act of 1924

Three years later Congress made the formula tighter and moved the base year back. The Immigration Act of 1924 was approved on May 26, 1924.[24] It is also called the Johnson-Reed Act after its two main sponsors, Representative Albert Johnson and Senator David Reed.[25]

Here is what the law itself said:

- Each nationality's yearly quota was "2 per centum of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890," with a minimum of 100.[26]
- Starting with fiscal year 1927, the total was to be 150,000, split among countries by each one's share of the "national origin" of the 1920 population.[27] The national origins system actually took effect in 1929.[28]

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[22] U.S. Congress, "Emergency Quota Act, 42 Stat. 5", Statutes at Large, via GovInfo, May 19, 1921, section 2. https://www.govinfo.gov/link/statute/42/5 (accessed November 12, 2026).

[23] Office of the Historian, U.S. Department of State, "The Immigration Act of 1924 (The Johnson-Reed Act) (Milestones series, archived)", U.S. Department of State, no date, 1921 formula and total. https://history.state.gov/milestones/1921-1936/immigration-act (accessed November 12, 2026).

[24] U.S. Congress, "Immigration Act of 1924, 43 Stat. 153", Statutes at Large, via GovInfo, May 26, 1924, date of approval at the end of the act. https://www.govinfo.gov/content/pkg/STATUTE-43/pdf/STATUTE-43-Pg153-2.pdf (accessed November 12, 2026).

[25] Office of the Historian, U.S. Department of State, "The Immigration Act of 1924 (The Johnson-Reed Act) (Milestones series, archived)", U.S. Department of State, no date, title of the page. https://history.state.gov/milestones/1921-1936/immigration-act (accessed November 12, 2026).

[26] U.S. Congress, "Immigration Act of 1924, 43 Stat. 153", Statutes at Large, via GovInfo, May 26, 1924, section 11(a). https://www.govinfo.gov/content/pkg/STATUTE-43/pdf/STATUTE-43-Pg153-2.pdf (accessed November 12, 2026).

[27] U.S. Congress, "Immigration Act of 1924, 43 Stat. 153", Statutes at Large, via GovInfo, May 26, 1924, section 11(b). https://www.govinfo.gov/content/pkg/STATUTE-43/pdf/STATUTE-43-Pg153-2.pdf (accessed November 12, 2026).

[28] Harry S. Truman, "Veto of Bill To Revise the Laws Relating to Immigration, Naturalization, and Nationality", Harry S. Truman Library and Museum, June 25, 1952, describing the 1924 system as put into effect in 1929. https://www.trumanlibrary.gov/library/public-papers/182/veto-bill-revise-laws-relating-immigration-naturalization-and-nationality (accessed November 12, 2026).

- "No alien ineligible to citizenship shall be admitted to the United States," with narrow exceptions.[29] Because the naturalization laws then barred most Asians from citizenship, this clause shut out immigrants from Asia. The State Department's historians state it directly: the act "completely excluded immigrants from Asia."[30]
- People born in Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone or "an independent country of Central or South America" were "non-quota" immigrants, so the quotas did not apply to them.[31]

The effect was large and fast. According to the Migration Policy Institute, total immigration fell from nearly 707,000 in 1924 to 294,000 in 1925, and the share of slots for Southern and Eastern Europe fell from 41 percent under the 1921 quotas to 11 percent under the 1924 system. The same article notes that the 1924 law required immigrants to get a visa at a U.S. consulate abroad before they traveled, a rule still in place today.[32]

Law	Base	Yearly limit	Who was left out
1921 Emergency Quota Act	3 percent of each nationality in the 1910 census	about 350,000	Asian exclusions already in law stayed
1924 Immigration Act (first years)	2 percent of each nationality in the 1890 census	about 165,000 (Pew)	Nearly all Asian immigration
1924 Act, national origins (in effect 1929)	Share of 1920 population by national origin	150,000	Same; Western Hemisphere not under quotas

Sources: the statutes;[33,34] State Department Office of the Historian;[35] Pew Research Center.[36]

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[29] U.S. Congress, "Immigration Act of 1924, 43 Stat. 153", Statutes at Large, via GovInfo, May 26, 1924, section 13(c). https://www.govinfo.gov/content/pkg/STATUTE-43/pdf/STATUTE-43-Pg153-2.pdf (accessed November 12, 2026).

[30] Office of the Historian, U.S. Department of State, "The Immigration Act of 1924 (The Johnson-Reed Act) (Milestones series, archived)", U.S. Department of State, no date, effects of the act. https://history.state.gov/milestones/1921-1936/immigration-act (accessed November 12, 2026).

[31] U.S. Congress, "Immigration Act of 1924, 43 Stat. 153", Statutes at Large, via GovInfo, May 26, 1924, section 4(c). https://www.govinfo.gov/content/pkg/STATUTE-43/pdf/STATUTE-43-Pg153-2.pdf (accessed November 12, 2026).

[32] Migration Policy Institute, "A Century Later, Restrictive 1924 U.S. Immigration Law Has Reverberations in Immigration Debate", Migration Information Source, Migration Policy Institute, 2024, figures on admissions and quota shares; consular visa requirement. https://www.migrationpolicy.org/article/1924-us-immigration-act-history (accessed November 12, 2026).

[33] U.S. Congress, "Emergency Quota Act, 42 Stat. 5", Statutes at Large, via GovInfo, May 19, 1921, section 2. https://www.govinfo.gov/link/statute/42/5 (accessed November 12, 2026).

[34] U.S. Congress, "Immigration Act of 1924, 43 Stat. 153", Statutes at Large, via GovInfo, May 26, 1924, sections 4, 11 and 13. https://www.govinfo.gov/content/pkg/STATUTE-43/pdf/STATUTE-43-Pg153-2.pdf (accessed November 12, 2026).

[35] Office of the Historian, U.S. Department of State, "The Immigration Act of 1924 (The Johnson-Reed Act) (Milestones series, archived)", U.S. Department of State, no date, totals. https://history.state.gov/milestones/1921-1936/immigration-act (accessed November 12, 2026).

[36] Pew Research Center, "Chapter 1: The Nation's Immigration Laws, 1920 to Today", Pew Research Center, September 28, 2015, 1921 and 1924 entries. https://www.pewresearch.org/race-and-ethnicity/2015/09/28/chapter-1-the-nations-immigration-laws-1920-to-today/ (accessed November 12, 2026).

The Border Patrol, 1924

The same year, Congress funded a new force to patrol the land borders. The Migration Policy Institute dates this to the Labor Appropriations Act of 1924, passed two days after the Immigration Act.[37] CBP's own history page gives the date: Congress "authorized the hiring of Border Patrol personnel on May 28, 1924."[38]

The 1930s: repatriation to Mexico

During the Great Depression, local, state and federal officials pressed Mexicans and Mexican Americans to leave for Mexico. Some were formally deported. Many more left under pressure through what were called "repatriation" drives. Some of those who left were U.S. citizens, including children born here. How many people left, and how many were citizens, is disputed. Estimates I saw in secondary sources ranged widely, but I could not open the Library of Congress research guide or a primary count, so I give no number here. [Not verified: total departures and the share who were U.S. citizens.]

The Bracero Program, 1942-1964

World War II created a labor shortage on farms and railroads. The United States and Mexico made an agreement on August 4, 1942, to bring Mexican workers north on temporary contracts. These workers were called braceros, from the Spanish word for arm. Congress put the program into law in 1951 through Public Law 78.[39]

From 1942 to 1964, about 4.6 million contracts were signed. That is not the same as 4.6 million people, because many workers came back on more than one contract.[40] Pew Research Center confirms the 1942 agreement and the end of the program in 1964.[41]

Why does a guest worker program from the 1940s matter today? When the program ended in 1964, the demand for farm labor did not end with it. Some argue that this helped push workers into crossing illegally in the years that followed. That is an interpretation, and I did not open a scholarly source that tests it, so I label it [Not verified]. Chapter 12 gives the apprehension numbers from 1967 onward so you can see the timing for yourself.

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[37] Migration Policy Institute, "A Century Later, Restrictive 1924 U.S. Immigration Law Has Reverberations in Immigration Debate", Migration Information Source, Migration Policy Institute, 2024, Border Patrol. https://www.migrationpolicy.org/article/1924-us-immigration-act-history (accessed November 12, 2026).

[38] U.S. Customs and Border Protection, "History (About CBP)", U.S. Customs and Border Protection, undated, 1924 entry. https://www.cbp.gov/about/history (accessed November 12, 2026).

[39] Roy Rosenzweig Center for History and New Media, George Mason University, with the Smithsonian National Museum of American History and partners, "About the Bracero History Archive", Bracero History Archive, no date, program history. https://braceroarchive.org/about (accessed November 12, 2026).

[40] Roy Rosenzweig Center for History and New Media, George Mason University, with the Smithsonian National Museum of American History and partners, "About the Bracero History Archive", Bracero History Archive, no date, number of contracts. https://braceroarchive.org/about (accessed November 12, 2026).

[41] Pew Research Center, "Chapter 1: The Nation's Immigration Laws, 1920 to Today", Pew Research Center, September 28, 2015, Bracero entry. https://www.pewresearch.org/race-and-ethnicity/2015/09/28/chapter-1-the-nations-immigration-laws-1920-to-today/ (accessed November 12, 2026).

Small openings in the wall, 1943-1948

In 1943, with China an ally in World War II, Congress repealed the Chinese exclusion laws. China received a quota of 105 a year, and Chinese immigrants already here could now seek citizenship.[42]

After the war, Congress passed laws to admit refugees from Europe, starting with the Displaced Persons Act of 1948, Public Law 774 of the 80th Congress. President Harry Truman signed it on June 25, 1948, and said that under it "Two hundred thousand displaced persons may be admitted in the next 2 years, as well as 2,000 recent Czech refugees and 3,000 orphans."[43]

Truman signed it unhappily. "IT IS with very great reluctance that I have signed S. 2242," he said. He called the bill "flagrantly discriminatory" and said it "discriminates in callous fashion against displaced persons of the Jewish faith." He signed anyway, he said, "in order not to delay further the beginning of a resettlement program."[44] It was an early example of a pattern this book returns to: a president signing an immigration law he openly disliked because he judged it better than nothing.

The McCarran-Walter Act of 1952

In 1952 Congress pulled the scattered immigration laws together into one code, the Immigration and Nationality Act, or INA. The INA is still the main immigration law today, although it has been amended many times. Its sponsors were Senator Pat McCarran of Nevada and Representative Francis Walter of Pennsylvania.[45]

The 1952 law did three big things, according to the State Department's historians:

- It "upheld the national origins quota system established by the Immigration Act of 1924."
- It "ended Asian exclusion," but gave each Asian country a minimum quota of 100 visas a year.
- It "introduced a system of preferences based on skill sets and family reunification."[46]

The same source notes that 85 percent of the 154,277 quota visas available each year went to countries of Northern and Western European origin.[47]

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[42] National Archives, "Chinese Exclusion Act (1882), Milestone Documents", National Archives and Records Administration, no date, 1943 repeal. https://www.archives.gov/milestone-documents/chinese-exclusion-act (accessed November 12, 2026).

[43] Harry S. Truman, "Statement by the President Upon Signing the Displaced Persons Act", Harry S. Truman Library, Public Papers, June 25, 1948, statement and note. https://www.trumanlibrary.gov/library/public-papers/142/statement-president-upon-signing-displaced-persons-act (accessed November 12, 2026).

[44] Harry S. Truman, "Statement by the President Upon Signing the Displaced Persons Act", Harry S. Truman Library, Public Papers, June 25, 1948, statement. https://www.trumanlibrary.gov/library/public-papers/142/statement-president-upon-signing-displaced-persons-act (accessed November 12, 2026).

[45] Office of the Historian, U.S. Department of State, "The Immigration and Nationality Act of 1952 (The McCarran-Walter Act) (Milestones series, archived)", U.S. Department of State, no date, title and sponsors. https://history.state.gov/milestones/1945-1952/immigration-act (accessed November 12, 2026).

[46] Office of the Historian, U.S. Department of State, "The Immigration and Nationality Act of 1952 (The McCarran-Walter Act) (Milestones series, archived)", U.S. Department of State, no date, summary of the act. https://history.state.gov/milestones/1945-1952/immigration-act (accessed November 12, 2026).

Truman's veto

President Harry Truman vetoed the bill on June 25, 1952. His message said the bill would "continue, practically without change, the national origins quota system." He called the bill "a step backward and not a step forward," and wrote: "The price is too high, and in good conscience I cannot agree to pay it."[48]

Congress overrode him. The House voted 278 to 112 on June 26, 1952, and the Senate voted 57 to 26 on June 27, 1952.[49] Both totals were above the two-thirds needed.

Supporters of the bill had their own case. They argued that the national origins system preserved the country's makeup and that the new security screening protected against communist infiltration during the Cold War. [Not verified: a direct quote from Senator Pat McCarran or the committee report stating these reasons. I could not open a source with the original words, so I describe the arguments without quoting them. This gap is listed in the Part Reports.]

Operation Wetback, 1954

In 1954 the Immigration and Naturalization Service, or INS, under Commissioner Joseph Swing, ran a large enforcement campaign along the Mexican border. Its official name used the slur "wetback," and I use that name only because it is the historical record.

The numbers from this campaign are disputed. The figure most often repeated is about 1 million people. NBC News reported in 2015 that "The popular narrative, one accepted by many historical scholars, is that 1 million people of Mexican descent, including many U.S. citizens, were removed" during the operation. But it also reported that some scholars, including Luis Plascencia, say the 1 million figure covered the entire 1954 fiscal year, not the roughly seven weeks the operation lasted, and that it counted apprehensions, not deportations. Plascencia estimated that "perhaps 33,000 to 74,000 people" were deported. According to Plascencia, the 1 million figure came from INS Commissioner Joseph Swing himself.[50]

So which number is right? Plascencia told NBC that the difficulty is that the government reported the number of people apprehended, not the number deported.[51] If that is correct, no official record settles the question. The popular account, as NBC described it, includes U.S. citizens among those removed. What is in dispute is the scale. Be careful with anyone, on either

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[47] Office of the Historian, U.S. Department of State, "The Immigration and Nationality Act of 1952 (The McCarran-Walter Act) (Milestones series, archived)", U.S. Department of State, no date, visa shares. https://history.state.gov/milestones/1945-1952/immigration-act (accessed November 12, 2026).

[48] Harry S. Truman, "Veto of Bill To Revise the Laws Relating to Immigration, Naturalization, and Nationality", Harry S. Truman Library and Museum, June 25, 1952, veto message. https://www.trumanlibrary.gov/library/public-papers/182/veto-bill-revise-laws-relating-immigration-naturalization-and-nationality (accessed November 12, 2026).

[49] U.S. Senate, "Vetoes by President Harry S. Truman", U.S. Senate, no date, H.R. 5678 entry. https://www.senate.gov/legislative/vetoes/TrumanHS.htm (accessed November 12, 2026).

[50] Juan Castillo, "Eisenhower's Deportation Programs' 1 Million Figure Called Into Question", NBC News, November 12, 2015, figures and Plascencia. https://www.nbcnews.com/news/latino/eisenhowers-deportation-programs-1-million-figure-called-question-n462391 (accessed November 12, 2026).

[51] Juan Castillo, "Eisenhower's Deportation Programs' 1 Million Figure Called Into Question", NBC News, November 12, 2015, Plascencia. https://www.nbcnews.com/news/latino/eisenhowers-deportation-programs-1-million-figure-called-question-n462391 (accessed November 12, 2026).

side, who cites a precise figure as settled. Chapter 12 explains why apprehension counts and deportation counts are different things.

What this chapter shows

Point	Label	Basis
The 1921 and 1924 laws set yearly limits by nationality, weighted toward Northern and Western Europe	Confirmed fact	Statutes and State Department historians
The 1924 law barred almost all Asian immigration through the "ineligible to citizenship" clause	Confirmed fact	Statute section 13(c) and State Department historians
Western Hemisphere immigrants were outside the quotas	Confirmed fact	Statute section 4(c)
The Bracero Program signed about 4.6 million contracts, not 4.6 million separate people	Confirmed fact	Bracero History Archive
The 1952 INA kept national origins quotas and passed over Truman's veto	Confirmed fact	State Department historians, Truman's message, Senate veto record
The size of the 1954 removal campaign	Disputed	See the figures above and who reported them

Next, the 1965 law ends the national origins system, and the modern era of immigration begins.

Questions to think about

1. The 1924 quotas were based on the makeup of the population decades earlier. Was that a fair way to choose? What would a fair way look like to you?
2. The Bracero Program brought in millions of contracts for temporary farm workers. What happened when it ended, and what might a temporary worker program today learn from it?
3. President Truman signed the Displaced Persons Act while calling it discriminatory. When is it right to sign a law you think is flawed?

Chapter 3: From 1965 to the 1996 Laws

Most of the immigration system you hear about today was built in four bursts of lawmaking: 1965, 1980, 1986 to 1990, and 1996. This chapter walks through each one.

1965: the end of national origins quotas

On October 3, 1965, President Lyndon Johnson signed H.R. 2580 at the foot of the Statue of Liberty. It became Public Law 89-236.[52]

The law did four main things:

- It ended the national origins quota system. The law said no person "shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence," with some exceptions written into the act.[53]
- It set a yearly limit of 170,000 visas for the Eastern Hemisphere, with no more than 20,000 from any one country.[54]
- It left "immediate relatives" of U.S. citizens outside the yearly limit. In the law, immediate relatives meant children, spouses and the parents of citizens who were at least 21.[55]
- Unless Congress acted first, it put a limit of 120,000 a year on Western Hemisphere immigrants starting in the fiscal year that began July 1, 1968.[56]

The new system gave most visas to family members. Pew Research Center describes the original split as 74 percent for families, 10 percent for professionals, scientists and artists, and 6 percent for refugees.[57]

What President Johnson said, and what happened

Johnson's words at the signing are often quoted, because they turned out to be only partly right. He said:

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[52] Lyndon B. Johnson, "Remarks at the Signing of the Immigration Bill, Liberty Island, New York", LBJ Presidential Library, October 3, 1965, editorial note on the bill number. https://lbjlibrary.org/artifact/153 (accessed November 12, 2026).

[53] U.S. Congress, "Immigration and Nationality Act Amendments of 1965, Public Law 89-236, 79 Stat. 911", Statutes at Large, via GovInfo, October 3, 1965, section 2. https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg911.pdf (accessed November 12, 2026).

[54] U.S. Congress, "Immigration and Nationality Act Amendments of 1965, Public Law 89-236, 79 Stat. 911", Statutes at Large, via GovInfo, October 3, 1965, sections 1 and 2. https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg911.pdf (accessed November 12, 2026).

[55] U.S. Congress, "Immigration and Nationality Act Amendments of 1965, Public Law 89-236, 79 Stat. 911", Statutes at Large, via GovInfo, October 3, 1965, section 1, amending INA section 201(b). https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg911.pdf (accessed November 12, 2026).

[56] U.S. Congress, "Immigration and Nationality Act Amendments of 1965, Public Law 89-236, 79 Stat. 911", Statutes at Large, via GovInfo, October 3, 1965, section 21(e). https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg911.pdf (accessed November 12, 2026).

[57] Pew Research Center, "Chapter 1: The Nation's Immigration Laws, 1920 to Today", Pew Research Center, September 28, 2015, 1965 entry. https://www.pewresearch.org/race-and-ethnicity/2015/09/28/chapter-1-the-nations-immigration-laws-1920-to-today/ (accessed November 12, 2026).

> "This bill that we will sign today is not a revolutionary bill. It does not affect the lives of millions."[58]

He also explained what the law was replacing: "Under that system the ability of new immigrants to come to America depended upon the country of their birth. Only 3 countries were allowed to supply 70 percent of all the immigrants." And he said: "Today, with my signature, this system is abolished."[59]

You might ask, "Was he wrong about not affecting millions?" The countries that immigrants came from did change a great deal over the following decades. Pew Research Center reports that almost 90 percent of immigrants who arrived from 1890 to 1919 came from Europe. "Since 1965, about half of U.S. immigrants have come from Latin America, with about a quarter from Mexico alone. About another quarter have come from Asia."[60] By 2023, only 10 percent of the foreign-born population had been born in Europe.[61] Whether the authors foresaw that shift is a matter of interpretation. Critics who favor lower immigration have long argued that the 1965 law's sponsors did not intend the large increase and the shift in origins that followed. Defenders answer that ending a system based on national origin was the point, and that the later growth came mostly from later laws and from family members of earlier immigrants. [Not verified: I did not open a source from either side stating these positions in its own words, so I describe them without quoting. This gap is listed in the Part Reports.]

1980: a separate law for refugees

The Refugee Act of 1980 was approved on March 17, 1980.[62] It did three things that still shape the system:

- It wrote into U.S. law the definition of a refugee: a person outside his or her country who is unable or unwilling to return "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."[63]

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[58] Lyndon B. Johnson, "Remarks at the Signing of the Immigration Bill, Liberty Island, New York", LBJ Presidential Library, October 3, 1965, remarks. https://lbjlibrary.org/artifact/153 (accessed November 12, 2026).

[59] Lyndon B. Johnson, "Remarks at the Signing of the Immigration Bill, Liberty Island, New York", LBJ Presidential Library, October 3, 1965, remarks. https://lbjlibrary.org/artifact/153 (accessed November 12, 2026).

[60] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, history of origins. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[61] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, regions of birth. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[62] U.S. Congress, "Refugee Act of 1980, Public Law 96-212, 94 Stat. 102", Statutes at Large, via GovInfo, March 17, 1980, date of approval. https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf (accessed November 12, 2026).

[63] U.S. Congress, "Refugee Act of 1980, Public Law 96-212, 94 Stat. 102", Statutes at Large, via GovInfo, March 17, 1980, section 201, adding INA section 101(a)(42). https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf (accessed November 12, 2026).

- It set refugee admissions at up to 50,000 a year for 1980 through 1982, unless the President, after consulting Congress, decided more were justified. After that, the President sets the number each year after consulting Congress.[64]
- It created a formal asylum process for a person "physically present in the United States or at a land border or port of entry, irrespective of such alien's status."[65]

That last phrase matters. It is why a person can ask for asylum no matter how he or she arrived. I explain asylum in Chapter 8, including the limits Congress and presidents have added since.

The same year, a large boatlift from Mariel, Cuba, tested the new law. Between April and October 1980, about 125,000 Cubans came to the United States in what became known as the Mariel boatlift. It began after Fidel Castro announced on April 20, 1980 that Cubans who wanted to leave could go from the port of Mariel if they could arrange transportation. Cuban exiles in Florida organized a fleet of about 1,700 rented fishing and shrimp boats. In June, President Carter created the Cuban-Haitian Entrant Program, which gave the new arrivals a temporary status rather than formal refugee status.[66]

1982: children in public schools

In Plyler v. Doe, decided June 15, 1982, the Supreme Court struck down a Texas law that let schools deny free public education to children who were in the country unlawfully. Justice William Brennan wrote the opinion for a 5 to 4 Court.[67] This is why public schools today enroll children without asking about immigration status. Chapter 15 returns to it.

1986: amnesty and employer sanctions

By the 1980s, millions of people were living in the country without legal status. Congress tried a two-part deal: legalize many of those already here, and stop future unlawful hiring.

President Ronald Reagan signed the Immigration Reform and Control Act, or IRCA, on November 6, 1986. He called it "the most comprehensive reform of our immigration laws since 1952."[68]

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[64] U.S. Congress, "Refugee Act of 1980, Public Law 96-212, 94 Stat. 102", Statutes at Large, via GovInfo, March 17, 1980, section 201, adding INA section 207. https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf (accessed November 12, 2026).

[65] U.S. Congress, "Refugee Act of 1980, Public Law 96-212, 94 Stat. 102", Statutes at Large, via GovInfo, March 17, 1980, section 201, adding INA section 208. https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf (accessed November 12, 2026).

[66] Lynn Nashorn, National Archives at College Park, "Castro, Cuba, and a Fleet of Fishing Boats: The Causes and Effects of the Mariel Boatlift", The Text Message (blog of the Textual Records Division, National Archives), August 3, 2021, account of the boatlift. https://text-message.blogs.archives.gov/2021/08/03/the-causes-and-effects-of-the-mariel-boatlift (accessed November 12, 2026).

[67] U.S. Supreme Court, "Plyler v. Doe, 457 U.S. 202", Legal Information Institute, Cornell Law School, June 15, 1982, opinion of the Court. https://www.law.cornell.edu/supremecourt/text/457/202 (accessed November 12, 2026).

[68] Ronald Reagan, "Statement on Signing the Immigration Reform and Control Act of 1986", The American Presidency Project, University of California, Santa Barbara, November 6, 1986, statement. https://www.presidency.ucsb.edu/documents/statement-signing-the-immigration-reform-and-control-act-1986 (accessed November 12, 2026).

The two halves of the deal

Legalization. People who had lived here continuously since January 1, 1982, could apply for legal status. A separate program covered farmworkers who could show 60 days of qualifying seasonal farm work. In all, nearly 2.7 million people received green cards under the two programs. About 1.6 million were approved under the general program, and about 1.3 million applied under the farmworker program.[69] Reagan said the legalization would "improve the lives of a class of individuals who now must hide in the shadows."[70]

Employer sanctions. For the first time, it became a federal violation to knowingly hire a worker who was not allowed to work, and employers had to check papers for every new hire.[71] Reagan called these sanctions "the keystone and major element" of the law and said they would "remove the incentive for illegal immigration by eliminating the job opportunities."[72]

The Supreme Court later summed up the arrangement: IRCA "makes it illegal for employers to knowingly hire" unauthorized workers and puts criminal and civil penalties on employers, but only civil penalties on workers.[73]

Did the deal work?

This is one of the most argued-over questions in the subject. The legalization half happened as written. The enforcement half did not stop unauthorized immigration, because the unauthorized population kept growing after 1986 (see Chapter 13). Why is the dispute.

- One side says the employer sanctions were never seriously enforced, and that the paper Form I-9 check was easy to beat with fake or borrowed documents. On this view, legalization without real enforcement invited more illegal immigration. President Reagan himself had called employer sanctions "the keystone and major element" of the law.[74]

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[69] D'Vera Cohn, "How the 1986 immigration law compares with Obama's program", Pew Research Center, December 9, 2014, program rules and totals. https://www.pewresearch.org/short-reads/2014/12/09/how-the-1986-immigration-law-compares-with-obamas-program/ (accessed November 12, 2026).

[70] Ronald Reagan, "Statement on Signing the Immigration Reform and Control Act of 1986", The American Presidency Project, University of California, Santa Barbara, November 6, 1986, statement. https://www.presidency.ucsb.edu/documents/statement-signing-the-immigration-reform-and-control-act-1986 (accessed November 12, 2026).

[71] U.S. Congress, "8 U.S.C. 1324a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1324a(a) and (b). https://www.law.cornell.edu/uscode/text/8/1324a (accessed November 12, 2026).

[72] Ronald Reagan, "Statement on Signing the Immigration Reform and Control Act of 1986", The American Presidency Project, University of California, Santa Barbara, November 6, 1986, statement. https://www.presidency.ucsb.edu/documents/statement-signing-the-immigration-reform-and-control-act-1986 (accessed November 12, 2026).

[73] U.S. Supreme Court, "Arizona v. United States, 567 U.S. 387, No. 11-182", Legal Information Institute, Cornell Law School, June 25, 2012, syllabus discussing IRCA. https://www.law.cornell.edu/supremecourt/text/11-182 (accessed November 12, 2026).

[74] Ronald Reagan, "Statement on Signing the Immigration Reform and Control Act of 1986", The American Presidency Project (UC Santa Barbara), November 6, 1986, statement. https://www.presidency.ucsb.edu/documents/statement-signing-the-immigration-reform-and-control-act-1986 (accessed November 12, 2026).

- The other side says the 1986 law did not create enough legal ways to come and work, so demand for workers kept pulling people across the border. On this view, the lesson is that enforcement alone cannot work without legal channels.

Both are interpretations. [Not verified: I did not open a published study from each side making these arguments, so I state them in my own words.] Chapter 22 shows how this argument still shapes every reform debate.

1990: more visas and the lottery

The Immigration Act of 1990 was approved on November 29, 1990.[75] It raised and reorganized the yearly limits that still apply today:

- A family-sponsored limit of 480,000 a year (465,000 for 1992 to 1994), which can never fall below 226,000 for the preference categories.[76]
- An employment-based limit of 140,000 a year, plus some unused family numbers.[77]
- A new "diversity" category of 55,000 visas a year for people from countries that send few immigrants. This is the diversity visa lottery.[78]
- A new legal status called Temporary Protected Status, or TPS, for people from countries hit by war or disaster.[79]

Chapter 6 explains how these limits work in practice and why the waits are so long.

1996: three laws in one year

In 1996, Congress passed three laws that made immigration rules much stricter. Many of today's hardest rules come from this year.

The Antiterrorism and Effective Death Penalty Act (AEDPA), April 24, 1996, changed asylum and removal procedures for people with criminal records.[80]

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[75] U.S. Congress, "Immigration Act of 1990, Public Law 101-649, 104 Stat. 4978", Statutes at Large, via GovInfo, November 29, 1990, date of approval. https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg4978.pdf (accessed November 12, 2026).

[76] U.S. Congress, "Immigration Act of 1990, Public Law 101-649, 104 Stat. 4978", Statutes at Large, via GovInfo, November 29, 1990, section 101, amending INA section 201(c). https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg4978.pdf (accessed November 12, 2026).

[77] U.S. Congress, "Immigration Act of 1990, Public Law 101-649, 104 Stat. 4978", Statutes at Large, via GovInfo, November 29, 1990, section 101, amending INA section 201(d). https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg4978.pdf (accessed November 12, 2026).

[78] U.S. Congress, "Immigration Act of 1990, Public Law 101-649, 104 Stat. 4978", Statutes at Large, via GovInfo, November 29, 1990, section 101, amending INA section 201(e). https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg4978.pdf (accessed November 12, 2026).

[79] U.S. Congress, "Immigration Act of 1990, Public Law 101-649, 104 Stat. 4978", Statutes at Large, via GovInfo, November 29, 1990, title III, section 302. https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg4978.pdf (accessed November 12, 2026).

[80] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, amendment notes citing Public Law 104-132, April 24, 1996. https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

The welfare law (PRWORA), approved August 22, 1996, set new limits on which noncitizens can get federal public benefits, including legal immigrants.[81] Chapter 15 lays out those rules.

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), signed September 30, 1996, as Division C of Public Law 104-208.[82] Among many changes, it:

- Created **"expedited removal,"** which lets immigration officers order some people removed quickly without a hearing before a judge, unless they claim fear and pass a screening.[83]
- Created the **3-year and 10-year bars**. A person who was unlawfully present for more than 180 days but less than a year, and then leaves, cannot come back for 3 years. A person unlawfully present for a year or more cannot come back for 10 years.[84]
- Set a **one-year deadline** to apply for asylum after arriving, with some exceptions.[85]
- Allowed **"287(g)" agreements**, under which state and local officers can be trained and authorized to carry out some immigration enforcement.[86]

You might ask, "Why do the 3- and 10-year bars matter so much?" Because they mean that many people who are already here cannot simply leave, apply from abroad and come back legally. They would be locked out for years. This is one reason the idea of "getting in line" is more complicated than it sounds. Chapter 19 tests that claim.

What this chapter shows

Point	Label	Basis
The 1965 law ended national origins quotas and made family ties the main path	Confirmed fact	Statute and Pew
The 1980 Refugee Act defined "refugee" and let people ask for asylum regardless of status	Confirmed fact	Statute
IRCA legalized nearly 2.7	Confirmed fact	Pew; statute as codified

[81] U.S. Congress, "Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105", Statutes at Large, via GovInfo, August 22, 1996, title IV. https://www.govinfo.gov/content/pkg/STATUTE-110/pdf/STATUTE-110-Pg2105.pdf (accessed November 12, 2026).

[82] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, amendment notes citing Public Law 104-208, division C, September 30, 1996. https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[83] U.S. Congress, "8 U.S.C. 1225 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1225(b)(1) and 1996 amendment note. https://www.law.cornell.edu/uscode/text/8/1225 (accessed November 12, 2026).

[84] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(a)(9)(B). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

[85] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(a)(2)(B). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[86] U.S. Congress, "8 U.S.C. 1357 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1357(g); amendment notes show it was added by Public Law 104-208, division C, title I, section 133. https://www.law.cornell.edu/uscode/text/8/1357 (accessed November 12, 2026).

Point	Label	Basis
million people and created employer sanctions		
IRCA's enforcement half did not stop unauthorized immigration	Interpretation (widely shared)	Population estimates in Chapter 13
The 1990 law set today's family, employment and diversity limits	Confirmed fact	Statute
The 1996 laws created expedited removal, the 3- and 10-year bars and the asylum deadline	Confirmed fact	U.S. Code with amendment notes

The next chapter picks up after the September 11, 2001, attacks, when immigration became a homeland security issue.

Questions to think about

1. The 1965 law's supporters said it would not change the country's makeup much. What does that teach us about predictions made during a debate?
2. The 1986 law paired legal status for millions with penalties for employers. Which half worked better, based on what you read here, and why?
3. The 1996 laws created the 3- and 10-year bars. How do those bars change the choices of a person already here without status?

Chapter 4: After 2001: Bush, Obama and Trump's First Term

After the attacks of September 11, 2001, immigration was reorganized as part of homeland security. Over the next twenty years, Congress tried several times to pass a large reform bill and failed each time. Presidents filled the gap with executive actions, and the courts decided how far those actions could go. That pattern, more than any single law, defines this period.

A new department

The Homeland Security Act of 2002 broke up the old Immigration and Naturalization Service, which had been part of the Justice Department. Its work moved into the new Department of Homeland Security, or DHS, in three agencies that still exist. The Congressional Research Service sums it up in three words: the law "Abolished the INS."[87,88] The three agencies are:

- **U.S. Customs and Border Protection (CBP)**, which runs the ports of entry and the Border Patrol.
- **U.S. Immigration and Customs Enforcement (ICE)**, which handles arrests, detention and removal inside the country.
- **U.S. Citizenship and Immigration Services (USCIS)**, which decides applications for green cards, citizenship, asylum (in interviews outside court) and other benefits.

The immigration courts did not move. They stayed in the Justice Department, in the Executive Office for Immigration Review, or EOIR.[89] That split, with DHS bringing cases and Justice Department judges deciding them, still shapes the backlog discussed in Chapter 9.

Fences, IDs and failed bills, 2005-2007

Two laws from these years still matter.

The REAL ID Act of 2005 was attached to a war and tsunami relief spending bill signed on May 11, 2005. It did three things that come up later in this book. First, it set national standards for driver's licenses: after three years, federal agencies could not accept a state license for "any official purpose" unless the state met the standards.[90] Second, it tightened asylum law. An applicant must show that race, religion, nationality, membership in a particular social group or political opinion "was or will be at least one central reason" for the persecution.[91] Third, it let the

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[87] U.S. Congress, "Homeland Security Act of 2002, Public Law 107-296", GovInfo (U.S. Government Publishing Office), November 25, 2002, title IV. https://www.govinfo.gov/content/pkg/PLAW-107publ296/pdf/PLAW-107publ296.pdf (accessed November 12, 2026).

[88] Congressional Research Service, "HSA@20 Episode Companion: Immigration, IN12153", Congressional Research Service via EveryCRSReport, May 1, 2023, HSA and immigration. https://www.everycrsreport.com/reports/IN12153.html (accessed November 12, 2026).

[89] Executive Office for Immigration Review, U.S. Department of Justice, "Workload and Adjudication Statistics", U.S. Department of Justice, updated October 20, 2026, EOIR is a component of the U.S. Department of Justice. https://www.justice.gov/eoir/workload-and-adjudication-statistics (accessed November 12, 2026).

[90] U.S. Congress, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13, Division B: REAL ID Act of 2005", U.S. Government Publishing Office (govinfo), 2005-05-11, section 202. https://www.govinfo.gov/content/pkg/PLAW-109publ13/html/PLAW-109publ13.htm (accessed November 12, 2026).

[91] U.S. Congress, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13, Division B: REAL ID Act of 2005", U.S. Government Publishing Office (govinfo), 2005-05-11,

Secretary of Homeland Security "waive all legal requirements" the Secretary decides are needed for quick construction of border barriers, with only narrow court review.[92] [Not verified: how often the waiver has been used since 2005; I did not open the Federal Register notices.]

The Secure Fence Act of 2006, signed October 26, 2006, told DHS to take steps to achieve "operational control" of the borders. It defined that phrase as "the prevention of all unlawful entries into the United States."[93] It also required at least two layers of reinforced fencing along stretches of the southwest border.[94] Ask yourself as you read Chapter 12: has any year of border data come close to zero unlawful entries? That standard is worth keeping in mind whenever a politician says the border is "under control."

President George W. Bush backed a broad reform that paired more enforcement with a path to legal status and a temporary worker program. Senators Ted Kennedy and John McCain led the effort in the Senate. The Senate passed its 2006 bill, S. 2611, by 62 to 36 on May 25, 2006, but the House did not take it up.[95] In 2007, the Senate bill, S. 1639, died when a motion to end debate, called cloture, failed 46 to 53 on June 28, 2007. Cloture needed 60 votes.[96]

The DREAM Act and DACA

The DREAM Act was a bill, introduced in several versions starting in 2001, to give legal status to people brought to the United States as children. It has never become law. The Congressional Research Service (CRS) explains that a bill called the Development, Relief, and Education for Alien Minors (DREAM) Act "was first introduced in Congress in 2001," and that later bills with different details "came to be known generally as the 'Dream Act.'" Some passed one chamber. The most recent was the American Dream and Promise Act, H.R. 6, which passed the House in the 117th Congress (2021-2022) and did not pass the Senate.[97]

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section 101. https://www.govinfo.gov/content/pkg/PLAW-109publ13/html/PLAW-109publ13.htm (accessed November 12, 2026).

[92] U.S. Congress, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13, Division B: REAL ID Act of 2005", U.S. Government Publishing Office (govinfo), 2005-05-11, section 102. https://www.govinfo.gov/content/pkg/PLAW-109publ13/html/PLAW-109publ13.htm (accessed November 12, 2026).

[93] U.S. Congress, "Secure Fence Act of 2006, Public Law 109-367, 120 Stat. 2638", GovInfo (U.S. Government Publishing Office), October 26, 2006, section 2. https://www.govinfo.gov/content/pkg/PLAW-109publ367/pdf/PLAW-109publ367.pdf (accessed November 12, 2026).

[94] U.S. Congress, "Secure Fence Act of 2006, Public Law 109-367, 120 Stat. 2638", GovInfo (U.S. Government Publishing Office), October 26, 2006, section 3. https://www.govinfo.gov/content/pkg/PLAW-109publ367/pdf/PLAW-109publ367.pdf (accessed November 12, 2026).

[95] U.S. Senate, "Roll Call Vote 109th Congress, 2nd Session, Vote Number 157 (S. 2611)", U.S. Senate, May 25, 2006, vote 157. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1092/vote_109_2_00157.htm (accessed November 12, 2026).

[96] U.S. Senate, "Roll Call Vote 110th Congress, 1st Session, Vote Number 235 (cloture on S. 1639)", U.S. Senate, June 28, 2007, vote 235. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1101/vote_110_1_00235.htm (accessed November 12, 2026).

[97] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, Dream Act questions. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

On June 15, 2012, Homeland Security Secretary Janet Napolitano issued a memo that created Deferred Action for Childhood Arrivals, or DACA.[98] DACA did not give legal status or a path to citizenship. It offered "deferred action," which is a decision not to pursue removal for a period, along with permission to work. The memo covered people who "came to the United States under the age of sixteen," had lived here continuously for at least five years, were in school or had graduated or served in the military, had no felony or significant misdemeanor conviction, and were "not above the age of thirty."[99] CRS reports 533,280 active DACA recipients as of December 31, 2024.[100] Chapter 7 covers the court fight over DACA.

Two years later, the administration announced an expanded DACA and a similar program for parents, called DAPA. The Supreme Court later described DAPA as a program that would have made "4.3 million parents of U. S. citizens or lawful permanent residents eligible" for the same relief.[101] Texas and 25 other states sued and won a nationwide injunction. In United States v. Texas, decided June 23, 2016, the Supreme Court split 4 to 4, which left the injunction in place. The entire decision was one sentence: "The judgment is affirmed by an equally divided Court."[102]

The 2013 Senate bill

In 2013, a bipartisan group of eight senators wrote the Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744. The Senate passed it 68 to 32 on June 27, 2013.[103] It combined more border enforcement, required employment checks, new worker visas, a points-based green card track and a path to citizenship for most unauthorized immigrants. According to a summary of the Congressional Budget Office (CBO) estimates by the American Immigration Council, a pro-immigration advocacy group, CBO projected that the bill would reduce federal deficits by about $1 trillion over 20 years (nominal dollars) and cut the net yearly inflow of unauthorized residents "by between one-third and one-half."[104] [Not verified against

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[98] Janet Napolitano, Secretary of Homeland Security, "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children", U.S. Department of Homeland Security, June 15, 2012, memo. https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf (accessed November 12, 2026).

[99] Janet Napolitano, Secretary of Homeland Security, "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children", U.S. Department of Homeland Security, June 15, 2012, criteria. https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf (accessed November 12, 2026).

[100] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, summary. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[101] U.S. Supreme Court, "Department of Homeland Security v. Regents of the University of California, No. 18-587", Legal Information Institute, Cornell Law School, June 18, 2020, syllabus. https://www.law.cornell.edu/supremecourt/text/18-587 (accessed November 12, 2026).

[102] U.S. Supreme Court, "United States v. Texas, No. 15-674 (per curiam, equally divided Court)", Legal Information Institute, Cornell Law School, June 23, 2016, per curiam. https://www.law.cornell.edu/supremecourt/text/15-674 (accessed November 12, 2026).

[103] U.S. Senate, "Roll Call Vote 113th Congress, 1st Session, Vote Number 168 (S. 744)", U.S. Senate, June 27, 2013, vote 168. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1131/vote_113_1_00168.htm (accessed November 12, 2026).

[104] American Immigration Council, "The Power of Reform: CBO Report Quantifies Economic Benefits of Senate Immigration Bill", American Immigration Council, June 20, 2013, CBO summary. https://www.americanimmigrationcouncil.org/fact-sheet/power-reform-cbo-report-quantifies-economic-benefits-senate-immigration-bill/ (accessed November 12, 2026).

CBO's own reports, which blocked download. I also did not find a source I could open that lists the eight senators who wrote the bill, so I do not name them.] The House never voted on it.

This bill matters for Chapter 22, because it is still the most complete reform package with an official CBO cost estimate.

Arizona and the limits of state power

In 2010 Arizona passed a law, known as S.B. 1070, to have state police enforce immigration rules. In Arizona v. United States, decided June 25, 2012, the Supreme Court struck down three of the four provisions it reviewed, holding that federal law preempted them. The Court held that sections 3, 5(C) and 6 were preempted. Those made it a state crime to fail to carry federal registration papers, made it a state crime for an unauthorized immigrant to seek work, and let officers arrest without a warrant anyone they believed was removable. The Court declined to block section 2(B), which directs officers during a stop to try to check a person's status with the federal government. Justice Anthony Kennedy wrote for the Court.[105]

Trump's first term, 2017-2021

The travel ban

In January 2017, President Donald Trump suspended entry from several majority-Muslim countries. After two versions were blocked in court, a third version, a proclamation issued in September 2017, reached the Supreme Court. In Trump v. Hawaii, decided June 26, 2018, the Court upheld it 5 to 4. The proclamation, No. 9645, restricted entry for nationals of eight countries, later seven after Chad was removed. The law it relied on, 8 U.S.C. 1182(f), lets the President "suspend the entry of all aliens or any class of aliens" whenever he finds their entry "would be detrimental to the interests of the United States." The Court held that "The President has lawfully exercised the broad discretion granted to him under section 1182(f)." Chief Justice John Roberts wrote for the Court. Justices Stephen Breyer, Elena Kagan, Sonia Sotomayor and Ruth Bader Ginsburg dissented.[106]

In the same opinion, answering a dissent, the Court said that Korematsu v. United States, the 1944 decision upholding the internment of Japanese Americans, "was gravely wrong the day it was decided."[107]

Zero tolerance and family separation

On April 6, 2018, Attorney General Jeff Sessions announced a "zero tolerance" policy of prosecuting adults who crossed the border unlawfully. Because children cannot be held in federal criminal custody with their parents, children were separated from parents, mostly from

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[105] U.S. Supreme Court, "Arizona v. United States, 567 U.S. 387, No. 11-182", Legal Information Institute, Cornell Law School, June 25, 2012, syllabus, holdings 3 and 4. https://www.law.cornell.edu/supremecourt/text/11-182 (accessed November 12, 2026).

[106] U.S. Supreme Court, "Trump v. Hawaii, No. 17-965", Legal Information Institute, Cornell Law School, June 26, 2018, syllabus and lineup. https://www.law.cornell.edu/supremecourt/text/17-965 (accessed November 12, 2026).

[107] U.S. Supreme Court, "Trump v. Hawaii, No. 17-965", Legal Information Institute, Cornell Law School, June 26, 2018, opinion of the Court. https://www.law.cornell.edu/supremecourt/text/17-965 (accessed November 12, 2026).

May to June 2018. President Trump's executive order of June 20, 2018 "largely curtailed" the separations, in the words of the Justice Department's Inspector General.[108]

How many children? The Inspector General reported that the Homeland Security Inspector General "estimated that 3,014 children were separated from their families while the zero tolerance policy was in place," while warning that it "could not validate the total number of separations, or reunifications." As of October 20, 2020, a court filing in the case Ms. L v. ICE reported "545 children remain for whom" outreach had not yet reached the separated parent; that figure covers earlier 2017 and 2018 separations as well.[109]

The Justice Department's own watchdog was blunt. It found that "Department leadership ... failed to effectively prepare for, or manage, the implementation of the zero tolerance policy," and that "the Department's single-minded focus on increasing immigration prosecutions came at the expense of careful and appropriate consideration of the impact of family unit prosecutions and child separations."[110] Supporters of the policy argued that releasing families encouraged more families to cross; that is their argument about incentives, and the report did not test it.

Remain in Mexico

The Migrant Protection Protocols, or MPP, often called Remain in Mexico, began in January 2019. In DHS's words, "the United States returns to Mexico certain citizens and nationals of countries other than Mexico while their U.S. removal proceedings are pending."[111] The Biden administration issued a memo ending it on June 1, 2021. A federal court in Texas ordered it restarted on August 13, 2021, and the administration issued a new memo ending it on October 29, 2021.[112] [Not verified: the total number of people enrolled; DHS's archived page does not give it.] In Biden v. Texas, decided June 30, 2022, the Supreme Court held 5 to 4 that the Biden administration could end this program. Chief Justice Roberts wrote for the Court, joined by Justices Breyer, Sotomayor, Kagan and Brett Kavanaugh.[113] After the case went back to the lower

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[108] U.S. Department of Justice, Office of the Inspector General, "Review of the Department of Justice's Planning and Implementation of Its Zero Tolerance Policy and Its Coordination with the Departments of Homeland Security and Health and Human Services, Report 21-028", U.S. Department of Justice, January 14, 2021 (revised April 13, 2022), background. https://oig.justice.gov/sites/default/files/reports/21-028_0.pdf (accessed November 12, 2026).

[109] U.S. Department of Justice, Office of the Inspector General, "Review of the Department of Justice's Planning and Implementation of Its Zero Tolerance Policy and Its Coordination with the Departments of Homeland Security and Health and Human Services, Report 21-028", U.S. Department of Justice, January 14, 2021 (revised April 13, 2022), footnote 5. https://oig.justice.gov/sites/default/files/reports/21-028_0.pdf (accessed November 12, 2026).

[110] U.S. Department of Justice, Office of the Inspector General, "Review of the Department of Justice's Planning and Implementation of Its Zero Tolerance Policy and Its Coordination with the Departments of Homeland Security and Health and Human Services, Report 21-028", U.S. Department of Justice, January 14, 2021 (revised April 13, 2022), results in brief. https://oig.justice.gov/sites/default/files/reports/21-028_0.pdf (accessed November 12, 2026).

[111] U.S. Department of Homeland Security, "Court Ordered Reimplementation of the Migrant Protection Protocols (archived page)", U.S. Department of Homeland Security, updated August 8, 2022, program description. https://www.dhs.gov/archive/court-ordered-reimplementation-migrant-protection-protocols (accessed November 12, 2026).

[112] U.S. Department of Homeland Security, "Court Ordered Reimplementation of the Migrant Protection Protocols (archived page)", U.S. Department of Homeland Security, updated August 8, 2022, timeline. https://www.dhs.gov/archive/court-ordered-reimplementation-migrant-protection-protocols (accessed November 12, 2026).

[113] U.S. Supreme Court, "Biden v. Texas, No. 21-954", Legal Information Institute, Cornell Law School, June 30, 2022, opinion and lineup. https://www.law.cornell.edu/supremecourt/text/21-954 (accessed November 12, 2026).

court, that court lifted its order on August 8, 2022, and DHS said people were "no longer being newly enrolled in MPP."[114]

Title 42

In March 2020, at the start of the COVID-19 pandemic, the Centers for Disease Control and Prevention issued an order under a public health law, Title 42 of the U.S. Code, that let border officials quickly expel many migrants without asylum processing. CBP defines Title 42 expulsions as people "expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265 from March 21, 2020 to May 11, 2023."[115] Title 42 matters for counting, because expulsions under it were counted differently from removals and made repeat crossings more common. Chapter 11 explains why.

DACA survives a rescission attempt

In September 2017 the administration moved to end DACA. In Department of Homeland Security v. Regents of the University of California, decided June 18, 2020, the Supreme Court held that the way DHS ended DACA was "arbitrary and capricious" under the Administrative Procedure Act, so DACA stayed. Chief Justice Roberts wrote the main opinion, joined in full by Justices Ginsburg, Breyer and Kagan and in most parts by Justice Sotomayor. Justices Clarence Thomas, Samuel Alito, Neil Gorsuch and Brett Kavanaugh disagreed in whole or in part.[116] The ruling was about how DHS ended the program, not about whether DACA itself was lawful. The Court said DHS failed to consider, among other things, whether there was "legitimate reliance" on the program.[117]

What this chapter shows

Point	Label	Basis
Since 2002, immigration agencies sit in DHS, while immigration courts stay in the Justice Department	Confirmed fact	Statute; EOIR
Large reform bills failed in 2006, 2007 and 2013	Confirmed fact	Vote records
DACA was created by a DHS memo, not by Congress, and gives no legal status	Confirmed fact	DHS memo; CRS

[114] U.S. Department of Homeland Security, "Court Ordered Reimplementation of the Migrant Protection Protocols (archived page)", U.S. Department of Homeland Security, updated August 8, 2022, update of August 8, 2022. https://www.dhs.gov/archive/court-ordered-reimplementation-migrant-protection-protocols (accessed November 12, 2026).

[115] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, data notes. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

[116] U.S. Supreme Court, "Department of Homeland Security v. Regents of the University of California, No. 18-587", Legal Information Institute, Cornell Law School, June 18, 2020, syllabus and lineup. https://www.law.cornell.edu/supremecourt/text/18-587 (accessed November 12, 2026).

[117] U.S. Supreme Court, "Department of Homeland Security v. Regents of the University of California, No. 18-587", Legal Information Institute, Cornell Law School, June 18, 2020, syllabus, holding 2. https://www.law.cornell.edu/supremecourt/text/18-587 (accessed November 12, 2026).

Point	Label	Basis
The Supreme Court upheld the third travel ban 5 to 4	Confirmed fact	Court opinion
The Court blocked DAPA by a 4 to 4 split and kept DACA alive on procedural grounds	Confirmed fact	Court opinions
Whether presidents should use executive action this way	Disputed	Each side's arguments appear in Chapter 22

Questions to think about

1. Congress came close to large immigration bills in 2006, 2007 and 2013 and failed each time. What do you think made a deal so hard?
2. DACA was created by a memo, not a law. What are the strengths and weaknesses of making big policy that way?
3. The family separations of 2018 were criticized by the Justice Department's own watchdog. What should a government do when a policy's effects are not planned for?

Chapter 5: Since 2021: Biden and Trump's Second Term

Information in this chapter is current as of November 12, 2026.

No period in this book moved as fast as the six years since January 2021. Border crossings rose to the highest levels ever recorded and then fell to the lowest levels in more than half a century. Two presidents used the same legal powers to push in opposite directions. Courts decided more immigration cases than in any comparable stretch I could find in this research. And Congress, for most of that time, passed almost nothing on immigration, until a 2025 budget law poured more money into enforcement than any law before it.

This chapter tells that story in order. It sticks to what the records show: the dates, the documents, the votes and the court rulings. Where the two sides read the same facts differently, I say so and point to the chapter where each side makes its case.

Here is one thing to keep in mind as you read. Much of what happened in these years was done by presidents, not by Congress. An executive order, a proclamation or an agency rule can be changed by the next president, and often was. That is why the same program can appear in this chapter twice, once when it started and once when it ended.

Part one: The Biden years, 2021-2025

The first months

President Joe Biden took office on January 20, 2021. His administration set out to reverse several of the first Trump administration's border policies. Two examples matter for later chapters:

- **Remain in Mexico.** The Migrant Protection Protocols, which had required many asylum seekers to wait in Mexico for their U.S. court dates, were suspended and then ended. Texas and Missouri sued to keep the program. In Biden v. Texas, decided June 30, 2022, the Supreme Court held 5 to 4 that the administration could end it.[118]
- **Enforcement priorities.** DHS issued guidance telling officers to focus arrests on people who threatened national security, public safety or border security. Texas and Louisiana sued. In United States v. Texas, decided June 23, 2023, the Court held that the states lacked standing to bring the case, which left the guidance in place.[119]

Title 42, the pandemic-era public health order, stayed in force for most of Biden's first two years. Under it, border agents expelled people quickly without asylum processing. CBP counts Title 42 expulsions from March 21, 2020, to May 11, 2023.[120] Chapter 11 explains why the order also changed how crossings were counted, because a person expelled under Title 42 faced few penalties and often tried again.

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[118] U.S. Supreme Court, "Biden v. Texas, No. 21-954", Legal Information Institute, Cornell Law School, June 30, 2022, opinion and lineup. https://www.law.cornell.edu/supremecourt/text/21-954 (accessed November 12, 2026).

[119] U.S. Supreme Court, "United States v. Texas, No. 22-58", Legal Information Institute, Cornell Law School, June 23, 2023, syllabus. https://www.law.cornell.edu/supremecourt/text/22-58 (accessed November 12, 2026).

[120] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, definitions of Title 42 expulsions. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

The surge in crossings

Encounters at the southwest border climbed to levels never seen before. The Congressional Research Service, using CBP data, gives these yearly totals:[121]

Fiscal year	Southwest border encounters (CBP)
2021	1,734,686
2022	2,378,944
2023	2,475,669 (record)
2024	2,135,005

A fiscal year runs from October 1 to September 30, so fiscal year 2021 began under President Trump and fiscal year 2025 began under President Biden. Encounters count events, not people, and they include people stopped at ports of entry as well as Border Patrol apprehensions between ports. Chapter 11 explains each of those terms.

The single highest month for Border Patrol apprehensions at the southwest border was December 2023, at 249,740.[122]

You might ask, "Was the border open?" That is one of the claims tested in Chapter 19. The short version is that the law on the books did not change, but the number of people arriving, the share released into the country to wait for court dates, and the size of the court backlog all rose sharply. Each side points to different parts of that record.

Parole programs and CBP One

The Biden administration made heavy use of parole, the power described in Chapter 7 to let people in "on a case-by-case basis for urgent humanitarian reasons or significant public benefit."[123] Two uses drew the most attention:

- **CHNV.** A program for people from Cuba, Haiti, Nicaragua and Venezuela who had a U.S. sponsor and flew in rather than crossing the border. Pew Research Center put the number of CHNV parolees whose protection the Trump administration removed in 2025 at about 500,000.[124]

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[121] Congressional Research Service, "Southwest Border Encounters and Asylum Restrictions, IN12457", Congressional Research Service via EveryCRSReport, November 6, 2024, southwest border encounters by fiscal year. https://www.everycrsreport.com/reports/IN12457.html (accessed November 12, 2026).

[122] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2024", U.S. Customs and Border Protection, no date, monthly southwest border apprehensions, December 2023. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2024 (accessed November 12, 2026).

[123] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(d)(5)(A). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

[124] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, section on protections removed in 2025. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

- **CBP One.** A phone app that let migrants in Mexico schedule an appointment to present themselves at a port of entry. People with a CBP One appointment were exempt from the asylum limits described below.[125]

Supporters said these programs moved people away from dangerous crossings between ports and into an orderly process. Critics said they stretched a "case-by-case" power to cover whole groups and amounted to admitting people Congress had not authorized. That legal fight is covered in Chapter 7.

The 2023 Lawful Pathways rule

When Title 42 ended in May 2023, DHS and the Justice Department put a new rule in place. The "Circumvention of Lawful Pathways" rule, published in the Federal Register on May 16, 2023 and effective May 11, 2023, created a rebuttable presumption that a person was not eligible for asylum if the person came across the southwest land border without using a lawful pathway, such as a CBP One appointment, and without first seeking protection in a country the person passed through.[126] A rebuttable presumption is a starting rule that the person can overcome by showing an exception applies.

The 2024 bipartisan Senate border bill

In early 2024, Senators James Lankford, Chris Murphy and Kyrsten Sinema negotiated a border package that was attached to a larger national security spending bill, H.R. 815. On February 7, 2024, a motion to start debate on that bill failed 49 to 50, short of the 60 votes needed.[127] Four Republicans voted yes, and five Democrats and independents voted no, according to the Senate's floor log for that day.[128]

The border provisions came back as a separate bill, S. 4361. On May 23, 2024, a motion to start debate on it failed 43 to 50.[129]

The bill's supporters and opponents described it in very different terms. The 2024 Democratic Party platform called it "the toughest and fairest set of reforms to secure the border in decades."[130] Many Republicans said the bill would have accepted too many crossings before its

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[125] Congressional Research Service, "Presidential Proclamation and Rule Restricting Asylum at the Southern Border, LSB11178", Congressional Research Service via EveryCRSReport, June 12, 2024, exceptions. https://www.everycrsreport.com/reports/LSB11178.html (accessed November 12, 2026).

[126] Department of Homeland Security and Department of Justice, "Circumvention of Lawful Pathways, final rule, 88 FR 31314", Federal Register, May 16, 2023, summary. https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways (accessed November 12, 2026).

[127] U.S. Senate, "Roll Call Vote 118th Congress, 2nd Session, Vote Number 39 (cloture on the motion to proceed to H.R. 815)", U.S. Senate, February 7, 2024, vote counts. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1182/vote_118_2_00039.htm (accessed November 12, 2026).

[128] U.S. Senate Press Gallery, "Wednesday, February 7, 2024 (floor log)", U.S. Senate Daily Press, February 7, 2024, vote on H.R. 815. https://www.dailypress.senate.gov/wednesday-february-7-2024 (accessed November 12, 2026).

[129] U.S. Senate, "Roll Call Vote 118th Congress, 2nd Session, Vote Number 182 (cloture on the motion to proceed to S. 4361)", U.S. Senate, May 23, 2024, vote counts. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1182/vote_118_2_00182.htm (accessed November 12, 2026).

[130] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, immigration section. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

emergency powers took effect and that the President already had enough power to act. I have not found an official Republican document stating that objection in those words, so I report it here only as the general position and do not quote it. [Not verified: searched the 2024 Republican platform text for a reference to the bill; none found.] Chapter 22 describes the bill's main features as a reform option.

The June 2024 proclamation

On June 3, 2024, President Biden signed Proclamation 10773, which took effect June 5, 2024. It relied on the same power President Trump had used for the travel ban, 8 U.S.C. 1182(f), along with 8 U.S.C. 1185(a). A companion rule limited asylum for people who crossed between ports of entry while border crossings were high. People who were barred from asylum could still seek two narrower protections, withholding of removal and protection under the Convention Against Torture, but those required showing it was "more likely than not" they would be persecuted or tortured.[131]

The limits were tied to numbers. The Congressional Research Service reported that, as amended on September 27, 2024, the limits would lift only when the seven-day average of encounters stayed below 1,500 a day for 28 days, and would return if the average rose above 2,500.[132]

Crossings fell after the proclamation. The Democratic platform said, "Since President Biden announced new border restrictions in June 2024, the number of unlawful crossings has fallen by 40 percent."[133] That is the party's claim, not an independent measure, and I treat it that way. CBP's own monthly figures do show southwest border apprehensions dropping from 117,905 in May 2024 to 83,532 in June and 56,400 in July.[134] Some of that drop may also reflect enforcement by Mexico and other factors, so I label the cause as disputed.

Courts and the backlog

The immigration court backlog grew throughout these years. The Executive Office for Immigration Review, or EOIR, reports that pending cases rose from 1,694,256 at the end of fiscal year 2021 to 3,924,917 at the end of fiscal year 2024.[135] Chapter 9 explains why.

One EOIR report has drawn attention since 2025. EOIR now publishes a report it titles "EOIR Amnesty Cases, 2021 - 2025." It counts 985,748 cases that were terminated, dismissed or

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[131] Congressional Research Service, "Presidential Proclamation and Rule Restricting Asylum at the Southern Border, LSB11178", Congressional Research Service via EveryCRSReport, June 12, 2024, summary of Proclamation 10773 and the interim final rule. https://www.everycrsreport.com/reports/LSB11178.html (accessed November 12, 2026).

[132] Congressional Research Service, "Southwest Border Encounters and Asylum Restrictions, IN12457", Congressional Research Service via EveryCRSReport, November 6, 2024, thresholds. https://www.everycrsreport.com/reports/IN12457.html (accessed November 12, 2026).

[133] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, immigration section. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[134] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2024", U.S. Customs and Border Protection, no date, monthly southwest border apprehensions. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2024 (accessed November 12, 2026).

[135] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, pending cases by fiscal year. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

administratively closed between February 1, 2021 and January 19, 2025.[136] The label "amnesty" is the agency's own word. In legal terms, a terminated, dismissed or administratively closed case does not give a person legal status. It ends or pauses the court case. Some of those people may have other cases or applications; others are simply left without a court date. I report the numbers and flag the label, because the word "amnesty" usually means a grant of legal status, and these were not that.

DACA

DACA continued through the Biden years. DHS issued a final rule in 2022 to put DACA into regulation. In January 2025 the Fifth Circuit Court of Appeals held that "Because the Final Rule is materially identical to the 2012 Memorandum, the Final Rule substantively violates the INA."[137] The court let current recipients keep deferred action, and limited its order on work permits to Texas.[138] As of December 31, 2024, there were 533,280 active DACA recipients.[139]

Part two: Trump's second term, 2025 to November 2026

Day one

President Donald Trump took office for his second term on January 20, 2025. The Congressional Research Service listed the main immigration actions issued that day and soon after:[140]

- A proclamation, "Guaranteeing the States Protection Against Invasion," suspending entry at the southern border under 8 U.S.C. 1182(f) and 1185(a).
- An executive order, "Securing Our Borders," directing more detention, restarting Remain in Mexico, ending CBP One scheduling, and ending categorical parole programs such as CHNV.
- A proclamation declaring a national emergency at the southern border.
- An executive order suspending refugee admissions for at least 90 days.
- An executive order, "Protecting the American People Against Invasion," expanding expedited removal and agreements with local police under section 287(g).

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[136] Executive Office for Immigration Review, "Adjudication Statistics: EOIR Amnesty Cases, 2021 - 2025 (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, counts. https://www.justice.gov/eoir/media/1419876/dl?inline (accessed November 12, 2026).

[137] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, Fifth Circuit ruling. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[138] Congressional Research Service, "Fifth Circuit Ruling on DACA, LSB11369", Congressional Research Service via EveryCRSReport, September 16, 2025, scope of the ruling. https://www.everycrsreport.com/reports/LSB11369.html (accessed November 12, 2026).

[139] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, recipient count. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[140] Alejandra Aramayo, Hillel R. Smith and Kelsey Y. Santamaria, "Recent White House Actions on Immigration, LSB11265", Congressional Research Service, via EveryCRSReport.com, February 10, 2025, summary of January 20, 2025 actions. https://www.everycrsreport.com/files/2025-02-10_LSB11265_1d46bc022950da596c1108c814454e156c6926aa.html (accessed November 12, 2026).

- An executive order, "Protecting the Meaning and Value of American Citizenship," on birthright citizenship.

The Migration Policy Institute counted 38 immigration executive orders as of January 7, 2026.[141] The Migration Policy Institute is a research group usually cited by supporters of more open policies, so I label it that way.

The Laken Riley Act

The first bill President Trump signed in his second term was the Laken Riley Act, Public Law 119-1, signed January 29, 2025. It is named for Laken Riley, a nursing student killed in Georgia in 2024. An Associated Press report on the trial carried the headline "Venezuelan migrant convicted of murder in killing of Georgia nursing student Laken Riley."[142] The law requires DHS to detain a person who is in the country without being admitted and who "is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person." It also lets a state attorney general sue DHS over release or parole decisions that cause the state harm, "including financial harm in excess of $100."[143]

Supporters said the law closed a gap that let people with arrests walk free. Critics, including immigrant advocates, noted that it requires detention based on an arrest or charge alone, before any conviction.

The Alien Enemies Act

On March 15, 2025, the President invoked the Alien Enemies Act of 1798 against Venezuelans age 14 and older who were members of the Tren de Aragua gang.[144] The government flew a group of Venezuelan men to a prison in El Salvador. [Not verified: the El Salvador transfer details are widely reported but I did not open a primary source for them.]

On April 7, 2025, in Trump v. J.G.G., the Supreme Court vacated lower court orders that had blocked removals, holding that challenges had to be brought as habeas corpus cases in the district where a person is held. The Court also said the detainees must get notice "within a reasonable time and in such a manner as will allow them to actually seek habeas relief in the

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[141] Migration Policy Institute, "Unleashing Power in New Ways: Immigration in the First Year of Trump 2.0", Migration Policy Institute, 2026, executive orders count. https://www.migrationpolicy.org/article/trump-2-immigration-1st-year (accessed November 12, 2026).

[142] Associated Press, "Venezuelan migrant convicted of murder in killing of Georgia nursing student Laken Riley", Associated Press, as republished by East Idaho News, November 20, 2024, headline. https://www.eastidahonews.com/?p=711119 (accessed November 12, 2026).

[143] U.S. Congress, "Laken Riley Act, Public Law 119-1, 139 Stat. 3", GovInfo, January 29, 2025, sections 2 and 3. https://www.govinfo.gov/content/pkg/PLAW-119publ1/html/PLAW-119publ1.htm (accessed November 12, 2026).

[144] Congressional Research Service, "Recent Executive Branch Actions on Immigration (Part 2), LSB11300", Congressional Research Service, via EveryCRSReport.com, May 1, 2025, Alien Enemies Act proclamation. https://www.everycrsreport.com/reports/LSB11300.html (accessed November 12, 2026).

proper venue before such removal occurs."[145] A federal court in Texas later held, on May 1, 2025, that the Act could not be relied on in the way the government had used it.[146]

Birthright citizenship

The birthright citizenship order said children born in the United States to mothers who were here unlawfully or temporarily, and fathers who were not citizens or green card holders, would not be recognized as citizens. Lower courts blocked it nationwide. In Trump v. CASA, decided June 27, 2025, the Supreme Court held that federal courts generally may not issue "universal" injunctions, but it did not rule on whether the order was lawful.[147]

The Court reached that question a year later. In Trump v. Barbara, decided June 30, 2026, the Court held that children born in the United States to parents who are here unlawfully or temporarily are "subject to the jurisdiction" of the United States and are citizens at birth under the Fourteenth Amendment. Chief Justice Roberts wrote the opinion. Justices Thomas, Alito and Gorsuch dissented.[148] Chapter 10 covers the reasoning.

The travel ban returns

On June 4, 2025, President Trump signed Proclamation 10949, fully restricting entry from 12 countries and partly restricting entry from 7 more.[149] The fully restricted countries were Afghanistan, Burma, Chad, the Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan and Yemen. The partly restricted countries were Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan and Venezuela. The Migration Policy Institute reports that the list later grew to 39 countries.[150] [Not verified: I did not open the later proclamation itself.]

Refugees

Refugee admissions were suspended on January 20, 2025. For fiscal year 2026, the President set the refugee ceiling at "up to 7,500 refugees," to be "primarily ... allocated among Afrikaners from South Africa ... and other victims of illegal or unjust discrimination in their respective

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[145] Supreme Court of the United States, "Trump v. J.G.G., No. 24A931 (order on application to vacate)", Supreme Court of the United States, April 7, 2025, per curiam. https://www.supremecourt.gov/opinions/24pdf/604us2r25_7648.pdf (accessed November 12, 2026).

[146] Congressional Research Service, "Recent Executive Branch Actions on Immigration (Part 2), LSB11300", Congressional Research Service, via EveryCRSReport.com, May 1, 2025, S.D. Tex. ruling. https://www.everycrsreport.com/reports/LSB11300.html (accessed November 12, 2026).

[147] U.S. Supreme Court, "Trump v. CASA, Inc., No. 24A884", Legal Information Institute, Cornell Law School, June 27, 2025, syllabus. https://www.law.cornell.edu/supremecourt/text/24A884 (accessed November 12, 2026).

[148] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, syllabus and lineup. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[149] The White House, "Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats (Proclamation 10949)", The White House, June 4, 2025, sections 2 and 3. https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/ (accessed November 12, 2026).

[150] Migration Policy Institute, "Unleashing Power in New Ways: Immigration in the First Year of Trump 2.0", Migration Policy Institute, 2026, travel ban expansion. https://www.migrationpolicy.org/article/trump-2-immigration-1st-year (accessed November 12, 2026).

homelands."[151] That was the lowest ceiling since the Refugee Act of 1980 created the system. On May 21, 2026, an emergency determination raised the fiscal year 2026 ceiling from 7,500 to 17,500, with the added places for Afrikaners.[152] Chapter 8 compares these ceilings with earlier years.

H-1B fee

On September 19, 2025, the President signed a proclamation restricting entry of new H-1B workers unless the employer paid $100,000, effective September 21, 2025.[153] A federal court in Massachusetts vacated the agency policy carrying out the fee on June 8, 2026, and the First Circuit refused to pause that ruling on July 24, 2026. On September 18, 2026, the President extended the fee policy through September 21, 2027, even though the fee was not being collected because of the court order.[154] The dollar figures in this paragraph are nominal, meaning not adjusted for inflation.

Temporary Protected Status

The administration ended TPS for most countries that had it. As of USCIS's page last reviewed October 20, 2026, only four countries remained designated: El Salvador, Lebanon, Sudan and Ukraine.[155] Terminations listed there include Venezuela, Honduras, Nicaragua, Nepal, Syria, Haiti, Yemen, South Sudan, Burma, Somalia and Ethiopia, each with its own Federal Register notice and effective date.[156]

In Mullin v. Doe, decided June 25, 2026, the Supreme Court held that the TPS law's statement that "There is no judicial review of any determination of the [Secretary] with respect to the designation, or termination or extension of a designation, of a foreign state" bars all challenges to terminations except constitutional ones. It also held that the challengers' equal protection claim about Haiti was unlikely to succeed. Justice Alito wrote for the Court. Justice Kagan dissented, joined by Justices Sotomayor and Jackson.[157]

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[151] The President, "Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2025-13", Daily Compilation of Presidential Documents, GovInfo, September 30, 2025, determination text. https://www.govinfo.gov/content/pkg/DCPD-202500975/html/DCPD-202500975.htm (accessed November 12, 2026).

[152] The President, "Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2026-14, 91 FR 31645", Federal Register, GovInfo, May 27, 2026, determination text. https://www.govinfo.gov/content/pkg/FR-2026-05-27/html/2026-10598.htm (accessed November 12, 2026).

[153] The White House, "Restriction on Entry of Certain Nonimmigrant Workers", The White House, September 19, 2025, sections 1 and 3. https://www.whitehouse.gov/presidential-actions/2025/09/restriction-on-entry-of-certain-nonimmigrant-workers/ (accessed November 12, 2026).

[154] Yale Office of International Students and Scholars, "Presidential Proclamation Extends H-1B $100,000 Fee Policy; Fee Remains Blocked by Court Order", Yale University, September 23, 2026, summary. https://oiss.yale.edu/news/presidential-proclamation-extends-h-1b-100000-fee-policy-fee-remains-blocked-by-court-order (accessed November 12, 2026).

[155] U.S. Citizenship and Immigration Services, "Temporary Protected Status", USCIS (page last reviewed October 20, 2026), no date, designated countries. https://www.uscis.gov/humanitarian/temporary-protected-status (accessed November 12, 2026).

[156] U.S. Citizenship and Immigration Services, "Temporary Protected Status", USCIS (page last reviewed October 20, 2026), no date, termination notices. https://www.uscis.gov/humanitarian/temporary-protected-status (accessed November 12, 2026).

[157] Supreme Court of the United States, "Mullin v. Doe, No. 25-1083, 609 U.S. 324", Supreme Court of the United States, June 25, 2026, syllabus and lineup. https://www.supremecourt.gov/opinions/25pdf/609us1r60_7mip.pdf (accessed November 12, 2026).

The Court's own summary noted, "Although designed to afford temporary relief, TPS designations in practice have often lasted for decades."[158]

Asylum at the border

In Mullin v. Al Otro Lado, decided the same day, the Court held that "An alien 'arrives in the United States' only when he crosses the border." That meant a person standing on the Mexican side of a port of entry, turned back before crossing, had no right under the asylum law to apply. Justice Alito wrote for a 6 to 3 Court.[159] Chapter 8 explains why the words "arrives in" matter.

The 2025 budget law

On July 4, 2025, the President signed Public Law 119-21, a budget reconciliation bill passed as H.R. 1. It is widely called the "One Big Beautiful Bill Act." The law itself does not give that name; I checked its text and found no short title for the whole Act.[160]

Its immigration and border sections include these amounts. All are nominal dollars, made available for fiscal year 2025 and mostly available to spend through September 30, 2029:[161]

Purpose	Amount	Section
Border wall and barrier system (CBP)	$46.55 billion	90001
ICE detention capacity, including family detention	$45.0 billion	90003
ICE hiring, training, bonuses and operations	$29.85 billion	100052
CBP border technology and screening	$6.168 billion	90004
CBP facilities	$5.0 billion	90002
CBP hiring	$4.1 billion	90002
Grants to states and localities ("BIDEN Reimbursement Fund")	$3.5 billion	100055

My own sum of the seven rows in this table is about $140.2 billion. Reporting by PolitiFact put the law's total immigration enforcement funding at about $170 billion when all sections are

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[158] Supreme Court of the United States, "Mullin v. Doe, No. 25-1083, 609 U.S. 324", Supreme Court of the United States, June 25, 2026, syllabus. https://www.supremecourt.gov/opinions/25pdf/609us1r60_7mip.pdf (accessed November 12, 2026).

[159] Supreme Court of the United States, "Mullin v. Al Otro Lado, No. 25-5, 609 U.S. 258", Supreme Court of the United States, June 25, 2026, syllabus and lineup. https://www.supremecourt.gov/opinions/25pdf/609us1r59_kjfl.pdf (accessed November 12, 2026).

[160] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, title page and section 1. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[161] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, sections 90001 to 90004, 100052 and 100055. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

counted.[162] I have not added every section myself, so I treat the $170 billion figure as PolitiFact's, not mine.

The law also created new fees, all minimums that rise with inflation and that generally cannot be waived. They include a $100 asylum application fee, a $100 yearly fee for each year an asylum case is pending, a $1,000 parole fee, a $500 TPS application fee and a $250 "visa integrity fee."[163] And it narrowed which noncitizens can get SNAP food benefits and federally funded Medicaid, as Chapter 15 explains.[164]

A second budget law: the Secure America Act

Congress used the budget reconciliation process again in 2026. Reconciliation is a fast-track process for tax and spending bills that cannot be filibustered in the Senate, so it needs only a simple majority there. The Secure America Act passed the Senate 51 to 48 (the Senate's vote list dates the vote June 5, 2026; the law's legislative history lists Senate action on June 3 and 4) and the House on June 9. President Trump signed it on June 10, 2026.[165,166]

Immigration enforcement funding in the Secure America Act (nominal dollars, available through September 30, 2029)

Section	Purpose	Amount
202	ICE immigration enforcement, including hiring, removal transportation, 287(g) agreements and agency attorneys	$31.075 billion
201	CBP immigration enforcement staff and operations	$13.02 billion
101	Border Patrol agents and support staff	$9.55 billion
102	ICE Homeland Security Investigations	$7.45 billion
103	Border security, technology	$3.45 billion

[162] Maria Ramirez Uribe, "Trump's mass deportations, one year in", PolitiFact, January 20, 2026, funding section. https://www.politifact.com/article/2026/jan/20/trump-mass-deportations-1-year-immigration-ICE/ (accessed November 12, 2026).

[163] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, sections 100002 to 100009. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[164] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, sections 10108 and 71109. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[165] U.S. Senate, "Roll Call Vote 119th Congress, 2nd Session, Vote Number 162 (passage of S. 2, as amended)", U.S. Senate, 2026-06-05, vote 162. https://www.senate.gov/legislative/LIS/roll_call_lists/vote_menu_119_2.htm (accessed November 12, 2026).

[166] U.S. Congress, "Secure America Act, Public Law 119-98, 140 Stat. 837 (S. 2)", U.S. Government Publishing Office (govinfo), 2026-06-10, legislative history. https://www.govinfo.gov/content/pkg/PLAW-119publ98/html/PLAW-119publ98.htm (accessed November 12, 2026).

Section	Purpose	Amount
	and screening	
104 and 203	Additional DHS funds	$2.5 billion each

Source: Public Law 119-98.[167] The total of these sections is about $69.5 billion, my sum. The law sets aside at least $350 million for ICE to arrest people in places the law calls jurisdictions that are not "qualified cooperating jurisdictions," which in practice means places that limit cooperation with ICE.[168] It also lists body-worn cameras among the information technology costs ICE may pay for.[169]

During the Senate debate, senators offered many amendments, including Democratic amendments on DACA renewals and on rescinding funds from the 2025 law. The Senate rejected them, mostly by votes of 46 to 53 or close to it.[170] [Not verified: the House vote total on S. 2, which I did not open.]

Enforcement numbers

Border crossings dropped to the lowest levels in decades. Border Patrol apprehensions at the southwest border in fiscal year 2026 totaled 98,705 by my sum of CBP's monthly figures.[171] That compares with 1,530,523 in fiscal year 2024, also my sum of CBP's monthly figures.[172]

Deportations went the other way. ICE reported 483,200 deportations in fiscal year 2026, the most in the agency's history, and more than 491,000 arrests.[173] Those are agency figures, released on November 12, 2026, the cutoff date for this book. Chapter 17 explains how "deportations" are counted and why different sources give different totals.

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[167] U.S. Congress, "Secure America Act, Public Law 119-98, 140 Stat. 837 (S. 2)", U.S. Government Publishing Office (govinfo), 2026-06-10, sections 101 to 203. https://www.govinfo.gov/content/pkg/PLAW-119publ98/html/PLAW-119publ98.htm (accessed November 12, 2026).

[168] U.S. Congress, "Secure America Act, Public Law 119-98, 140 Stat. 837 (S. 2)", U.S. Government Publishing Office (govinfo), 2026-06-10, section 202(9). https://www.govinfo.gov/content/pkg/PLAW-119publ98/html/PLAW-119publ98.htm (accessed November 12, 2026).

[169] U.S. Congress, "Secure America Act, Public Law 119-98, 140 Stat. 837 (S. 2)", U.S. Government Publishing Office (govinfo), 2026-06-10, section 202(3). https://www.govinfo.gov/content/pkg/PLAW-119publ98/html/PLAW-119publ98.htm (accessed November 12, 2026).

[170] U.S. Senate, "Roll Call Vote 119th Congress, 2nd Session, Vote Number 162 (passage of S. 2, as amended)", U.S. Senate, 2026-06-05, votes 151 to 161. https://www.senate.gov/legislative/LIS/roll_call_lists/vote_menu_119_2.htm (accessed November 12, 2026).

[171] U.S. Customs and Border Protection, "Nationwide Encounters", U.S. Department of Homeland Security, no date, monthly U.S. Border Patrol apprehensions, fiscal year 2026. https://www.cbp.gov/newsroom/stats/nationwide-encounters (accessed November 12, 2026).

[172] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2024", U.S. Customs and Border Protection, no date, monthly southwest border apprehensions. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2024 (accessed November 12, 2026).

[173] U.S. Immigration and Customs Enforcement, "ICE Breaks Records in Fiscal Year 2026, Most Arrests and Deportations in Agency's History", ICE news release, November 12, 2026, fiscal year 2026 totals. https://www.ice.gov/news/releases/ice-breaks-records-fiscal-year-2026-most-arrests-and-deportations-agencys-history (accessed November 12, 2026).

Detention also grew. TRAC, a research center at Syracuse University, counted 65,765 people in ICE detention as of July 11, 2026, and reported that 70.6 percent had no criminal conviction.[174] Some of those without a conviction had pending criminal charges, so "no conviction" does not mean "no criminal record of any kind."

Minneapolis and the change at DHS

In January 2026, during an enforcement operation in the Twin Cities that DHS called Operation Metro Surge, two people, Renee Good and Alex Pretti, were killed in shootings involving federal agents.[175,176] In a separate January 14 shooting, an ICE agent shot and wounded a Venezuelan man, Julio Cesar Sosa-Celis. In May 2026, Hennepin County Attorney Mary Moriarty charged the agent with assault and filing a false report. Moriarty said, "There is no such thing as absolute immunity for federal officers who commit crimes in this state or any other." DHS called the charges "unlawful and nothing more than a political stunt."[177]

On March 5, 2026, President Trump announced that Homeland Security Secretary Kristi Noem would leave the department to become "Special Envoy for The Shield of the Americas."[178] The Senate confirmed Senator Markwayne Mullin as Secretary 54 to 45 on March 23, 2026, and he was sworn in the next day.[179]

At the same time, DHS was in a funding lapse. Its funding ran out in February 2026 after Democrats refused to fund it without changes to how enforcement agencies operate. By the time of Mullin's confirmation, about 100,000 DHS employees were working without pay.[180,181] [Not verified: the date the lapse ended and what conditions, if any, were attached. The news report I tried to open for this was blocked; this gap is listed in the Part Reports.]

Elections and citizenship checks

Two 2026 Supreme Court orders touched both immigration and voting. In Trump v. California, on August 24, 2026, the Court paused a lower court order that had blocked parts of Executive

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[174] Transactional Records Access Clearinghouse (TRAC), Syracuse University, "Immigration Quick Facts (data as of July 11, 2026)", TRAC, no date, detention. https://tracreports.org/immigration/quickfacts/ (accessed November 12, 2026).

[175] Scripps News, "Secretary Kristi Noem to leave DHS after facing bipartisan questioning", Scripps News, March 5, 2026, background. https://www.scrippsnews.com/politics/the-president/secretary-kristi-noem-to-leave-dhs-after-facing-bipartisan-questioning (accessed November 12, 2026).

[176] Whitney Wild and Ashley Killough, "ICE agent charged in Minneapolis shooting", CNN, May 18, 2026, background. https://www.cnn.com/2026/05/18/us/ice-agent-charged-minneapolis-shooting (accessed November 12, 2026).

[177] Whitney Wild and Ashley Killough, "ICE agent charged in Minneapolis shooting", CNN, May 18, 2026, charges and statements. https://www.cnn.com/2026/05/18/us/ice-agent-charged-minneapolis-shooting (accessed November 12, 2026).

[178] Scripps News, "Secretary Kristi Noem to leave DHS after facing bipartisan questioning", Scripps News, March 5, 2026, announcement. https://www.scrippsnews.com/politics/the-president/secretary-kristi-noem-to-leave-dhs-after-facing-bipartisan-questioning (accessed November 12, 2026).

[179] CBS News, "Markwayne Mullin confirmed as Homeland Security secretary", CBS News, March 24, 2026, confirmation. https://www.cbsnews.com/news/markwayne-mullin-confirmed-dhs-secretary-senate/ (accessed November 12, 2026).

[180] Eric Katz, "Mullin confirmed to lead DHS as shutdown drags and 100,000 employees remain unpaid", Government Executive, March 23, 2026, shutdown. https://www.govexec.com/management/2026/03/mullin-confirmed-lead-dhs-shutdown-drags-and-100000-employees-remain-unpaid/412314/ (accessed November 12, 2026).

[181] CBS News, "Markwayne Mullin confirmed as Homeland Security secretary", CBS News, March 24, 2026, shutdown. https://www.cbsnews.com/news/markwayne-mullin-confirmed-dhs-secretary-senate/ (accessed November 12, 2026).

Order 14399, which directed DHS to build "State Citizenship List[s]" for election officials.[182] In DHS v. League of Women Voters, on September 25, 2026, it paused an order that had blocked a modified SAVE program using Social Security records to check voters' citizenship.[183] Both were stay orders, meaning the Court let the government proceed while the cases continue. They are not final rulings on the merits.

The 2026 midterms

On November 3, 2026, Democrats won control of the House of Representatives. The new Congress will be sworn in on January 3, 2027.[184] [Not verified: which party will control the Senate. The reports I could open did not state the final Senate result clearly.] How much immigration drove the result is not something I could confirm; Chapter 21 explains what the polls do show.

The pattern

Look back over these six years and one pattern stands out. Almost every major change came from the executive branch, and almost every one ended up in court. Congress passed three immigration laws in this period that I could find: the Laken Riley Act, the immigration sections of the 2025 budget law and the 2026 Secure America Act. None of them changed who can immigrate legally or created any path to status.

What this chapter shows

Point	Label	Basis
Southwest border encounters hit a record 2,475,669 in fiscal year 2023	Confirmed fact	CBP data via CRS
Border Patrol apprehensions at the southwest border fell to about 98,700 in fiscal year 2026	Confirmed fact	CBP monthly data, my sum
The 2024 bipartisan Senate border bill failed to get 60 votes twice	Confirmed fact	Senate roll call votes
The 2025 budget law gave about $46.6 billion for barriers and $45 billion for detention	Confirmed fact	Public Law 119-21
ICE reported a record	Confirmed fact (agency figure)	ICE release, November 12,

[182] Supreme Court of the United States, "Trump v. California, No. 26A124 (order on application for stay)", Supreme Court of the United States, August 24, 2026, per curiam order. https://www.supremecourt.gov/opinions/25pdf/609us2r69_1102.pdf (accessed November 12, 2026).

[183] Supreme Court of the United States, "Department of Homeland Security v. League of Women Voters, No. 26A308 (order on application for stay)", Supreme Court of the United States, September 25, 2026, per curiam order. https://www.supremecourt.gov/opinions/25pdf/26a308_poko.pdf (accessed November 12, 2026).

[184] Al Jazeera, "Democratic Party gains US House majority in 2026 midterm elections", Al Jazeera, November 4, 2026, results. https://www.aljazeera.com/news/2026/11/4/democratic-party-gains-us-house-majority-in-2026-midterm-elections (accessed November 12, 2026).

Point	Label	Basis
483,200 deportations in fiscal year 2026		2026
The Supreme Court upheld birthright citizenship for children of unauthorized and temporary residents	Confirmed fact	Trump v. Barbara (2026)
How much of the drop in crossings came from each policy	Disputed	Each side credits different causes
Whether "amnesty" describes cases EOIR closed in 2021-2025	Interpretation	EOIR's label; no legal status was granted

Questions to think about

1. Encounters rose sharply in 2021 to 2023 and fell sharply in 2025. How much of each change do you think came from policy, and how much from conditions abroad?
2. Three budget laws in 2025 and 2026 put tens of billions of dollars into enforcement. What results would you want to see to judge whether that money was well spent?
3. Which actions in this chapter were taken by Congress, and which by a president alone? Does that difference matter to you?

Part Two: How Legal Immigration and Asylum Work

Chapter 6: The Legal Paths and the Lines

Information in this chapter is current as of November 12, 2026.

You might ask, "Why can't people just come here the legal way?" Here is what that way actually looks like. Most of this chapter is the law itself, put in plain words, because the rules are the answer to that question.

First, the map of statuses

Every person in the United States falls into one of a few legal groups. The words matter, because the rules for work, benefits and removal depend on them.

Status	What it means	Can it lead to citizenship?
U.S. citizen	Born here, born abroad to a citizen parent, or naturalized	Already a citizen
Lawful permanent resident (green card holder)	Allowed to live and work here permanently	Yes, usually after 5 years (3 if married to a citizen)
Nonimmigrant (temporary visa holder)	Here for a set purpose and time, such as study, tourism or a temporary job	Not by itself; some can later apply for a green card
Refugee or asylee	Protected because of persecution	Yes, after getting a green card
Temporary Protected Status, parole, deferred action (such as DACA)	Temporary permission to stay and often to work, without lawful permanent status	Not by itself
Unauthorized	Entered without inspection, or stayed past a visa, with no current permission	Generally no, except through narrow paths

Sources: 8 U.S.C. 1101 (definitions), 1427 and 1430 (naturalization), 1254a (TPS) and 1182(d)(5) (parole).[185,186,187,188,189]

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[185] U.S. Congress, "8 U.S.C. 1101 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, definitions. https://www.law.cornell.edu/uscode/text/8/1101 (accessed November 12, 2026).

[186] U.S. Congress, "8 U.S.C. 1427 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, residence requirement. https://www.law.cornell.edu/uscode/text/8/1427 (accessed November 12, 2026).

[187] U.S. Congress, "8 U.S.C. 1430 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, spouses of citizens. https://www.law.cornell.edu/uscode/text/8/1430 (accessed November 12, 2026).

[188] U.S. Congress, "8 U.S.C. 1254a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, TPS. https://www.law.cornell.edu/uscode/text/8/1254a (accessed November 12, 2026).

[189] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(d)(5) parole. https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

A green card is the common name for lawful permanent residence. Getting one is what most people mean by "immigrating legally."

The yearly limits

Congress sets how many green cards can be given each year in most categories. Here are the main numbers in the law today:

Category	Yearly limit in the law	Notes
Immediate relatives of U.S. citizens (spouses, unmarried children under 21, and parents of citizens 21 or older)	No limit	Not counted against the caps[190]
Family preference categories	480,000 minus immediate relatives, but never below 226,000	In practice the 226,000 floor applies (see note below)[191]
Employment-based	140,000 plus unused family numbers	[192]
Diversity lottery	55,000	[193]
Refugees	Set by the President each year	See Chapter 8

There is one more limit that causes many of the longest waits. In the family and employment preference categories, no single country can receive more than 7 percent of the total visas in a year.[194] A country with many applicants, such as Mexico, India, China or the Philippines, gets the same 7 percent cap as a small country. That is why the Visa Bulletin lists separate cutoff dates for China, India, Mexico and the Philippines, and one shared set of dates for every other country, often called "rest of world."[195]

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[190] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151(b)(2). https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

[191] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151(c). https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

[192] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151(d). https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

[193] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151(e). https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

[194] U.S. Congress, "8 U.S.C. 1152 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1152(a)(2). https://www.law.cornell.edu/uscode/text/8/1152 (accessed November 12, 2026).

[195] WR Immigration (Wolfsdorf Rosenthal LLP), "November 2026 Visa Bulletin: Selected Employment Categories Make Gains, Family Categories Advance", WR Immigration, October 22, 2026, chargeability note. https://wolfsdorf.com/november-2026-visa-bulletin-selected-employment-categories-make-gains-family-categories-advance/ (accessed November 12, 2026).

Family-based immigration

Family sponsorship has two tiers.

Immediate relatives of U.S. citizens have no yearly cap. A citizen's spouse, a citizen's unmarried child under 21, or the parent of a citizen who is at least 21 can get a green card without waiting for a visa number. They still go through paperwork, background checks and interviews.[196]

Family preference categories have caps. The law sets them this way:[197]

Category	Who	Yearly limit
F1	Unmarried sons and daughters (21 or older) of citizens	23,400 plus unused F4 numbers
F2A	Spouses and children of green card holders	Most of F2 (at least 77 percent)
F2B	Unmarried sons and daughters (21 or older) of green card holders	The rest of F2
F2 total		114,200 plus any amount by which the family limit exceeds 226,000, plus unused F1 numbers
F3	Married sons and daughters of citizens	23,400 plus unused numbers from above
F4	Brothers and sisters of adult citizens	65,000 plus unused numbers from above

Notice who is not on this list. A green card holder cannot sponsor a brother or sister. A citizen cannot sponsor a cousin, an aunt, an uncle or a grandparent. Those relationships do not qualify at all.

Employment-based immigration

Work-based green cards are split into five categories. Each gets a share of the 140,000:[198]

Category	Who	Share
EB-1	Priority workers: people of	28.6 percent

[196] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151(b)(2)(A)(i). https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

[197] U.S. Congress, "8 U.S.C. 1153 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1153(a). https://www.law.cornell.edu/uscode/text/8/1153 (accessed November 12, 2026).

[198] U.S. Congress, "8 U.S.C. 1153 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1153(b). https://www.law.cornell.edu/uscode/text/8/1153 (accessed November 12, 2026).

Category	Who	Share
	extraordinary ability, outstanding professors and researchers, certain multinational managers	
EB-2	Professionals with advanced degrees, or people of exceptional ability	28.6 percent
EB-3	Skilled workers, professionals, and other workers (no more than 10,000 for "other workers" in jobs needing less than two years of training)	28.6 percent
EB-4	Special immigrants, such as certain religious workers	7.1 percent
EB-5	Investors who put money into a new U.S. business that creates jobs	7.1 percent

A worker's spouse and minor children get "the same status, and the same order of consideration" as the worker when they come along, which means they use visas from the same category.[199] So the number of workers who get green cards each year is well below 140,000.

For most EB-2 and EB-3 cases, an employer must first get a labor certification from the Department of Labor showing there are not enough able and willing U.S. workers for the job and that hiring the immigrant will not hurt wages of U.S. workers. The law's words are that there must be "not sufficient workers who are able, willing, qualified ... and available."[200]

The diversity visa lottery

The diversity program offers up to 55,000 visas a year to people from countries with low immigration to the United States in the past five years.[201,202] Winners are picked at random from online entries. Winning does not guarantee a visa. Winners must have "at least a high school education or its equivalent," or at least two years of work experience in a job that requires two

[199] U.S. Congress, "8 U.S.C. 1153 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1153(d). https://www.law.cornell.edu/uscode/text/8/1153 (accessed November 12, 2026).

[200] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(a)(5)(A). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

[201] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151(e). https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

[202] U.S. Congress, "8 U.S.C. 1153 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1153(c). https://www.law.cornell.edu/uscode/text/8/1153 (accessed November 12, 2026).

years of training or experience, and they must pass the same checks as other immigrants.[203] [Not verified: the number of entries and winners in recent years, and whether the program was paused or changed in 2025 or 2026. The State Department's instructions blocked download.] DHS counted 49,890 new green cards in the diversity category in fiscal 2024.[204]

How long is the line?

Each month the State Department publishes the Visa Bulletin. It lists a "final action date" for each category and country. Only people whose application was filed before that date can get a visa that month. The gap between the bulletin date and today is a rough measure of the wait.

Selected final action dates, November 2026 Visa Bulletin (current as of November 12, 2026)

Category	Rest of world	Mexico	Other listed countries
F1: unmarried adult sons and daughters of citizens	January 22, 2021	September 22, 2008	China and India same as rest of world
F2A: spouses and children of green card holders	October 22, 2026	April 22, 2026	China, India and the Philippines same as rest of world
F2B: unmarried adult sons and daughters of green card holders	August 22, 2020	not shown	China and India same as rest of world
F3: married sons and daughters of citizens	October 22, 2015	July 15, 2001	China and India same as rest of world
F4: brothers and sisters of adult citizens	October 22, 2012	not shown	China same as rest of world
EB-1: priority workers	Current	Current	China August 1, 2023; India February 1, 2023
EB-2: advanced degree professionals	April 1, 2025	April 1, 2025	China October 1, 2021; India November 1, 2013
EB-3: skilled workers and professionals	June 15, 2024	June 15, 2024	China January 22, 2022; India January 22, 2014; Philippines August 15, 2023

[203] U.S. Congress, "8 U.S.C. 1153 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1153(c)(2). https://www.law.cornell.edu/uscode/text/8/1153 (accessed November 12, 2026).

[204] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 6: Persons Obtaining Lawful Permanent Resident Status by Type and Major Class of Admission, Fiscal Years 2015 to 2024", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table6 (accessed November 12, 2026).

Source: WR Immigration's summary of the November 2026 Visa Bulletin.[205] "Current" means there is no waiting list for that category that month. "Not shown" means the summary did not list that date because it did not change. [Not verified against the State Department's own bulletin, which blocked automated download.]

Read the Mexico F3 line again. A U.S. citizen's married son or daughter born in Mexico, whose petition was filed in the summer of 2001, could only now reach the front of the line. And for the Philippines family categories, the summary did not list dates.

These waits are not the whole time a person spends. Before the bulletin wait starts, the sponsor's petition must be approved, and after it ends there are interviews and background checks. For many people, the full process takes longer than the bulletin date suggests.

Who cannot use these paths at all

Here is the part people often miss. Most people who want to immigrate do not fit any category. There is no general line for a person who has no qualifying family member, no employer sponsor willing to go through labor certification, no lottery win, and no persecution claim.

There is also a trap for people already here without status. Under the 1996 law described in Chapter 3, a person unlawfully present for a year or more who leaves the country cannot return for 10 years.[206] And most people who entered without inspection cannot switch to a green card from inside the country, even if they have a qualifying relative.[207] Some can apply for a waiver of the bar for "extreme hardship" to a citizen or green card holder spouse or parent.[208]

That is why the claim "they should just get in line" deserves a careful test. Chapter 19 gives it a verdict.

How many people get green cards?

DHS counts every new green card holder each fiscal year. That includes people arriving from abroad and people already here who "adjust" their status.

New lawful permanent residents by class, fiscal years 2023 and 2024 (DHS, rounded to the nearest 10)

Class	Fiscal 2023	Fiscal 2024
Immediate relatives of	551,590	672,240

[205] WR Immigration (Wolfsdorf Rosenthal LLP), "November 2026 Visa Bulletin: Selected Employment Categories Make Gains, Family Categories Advance", WR Immigration, October 22, 2026, tables. https://wolfsdorf.com/november-2026-visa-bulletin-selected-employment-categories-make-gains-family-categories-advance/ (accessed November 12, 2026).

[206] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(a)(9)(B)(i)(II). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

[207] U.S. Congress, "8 U.S.C. 1255 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1255(a), requiring inspection and admission or parole. https://www.law.cornell.edu/uscode/text/8/1255 (accessed November 12, 2026).

[208] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(a)(9)(B)(v). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

Class	Fiscal 2023	Fiscal 2024
U.S. citizens		
Family preference	204,240	188,190
Employment-based	196,760	171,120
Diversity	67,350	49,890
Refugees	59,030	178,200
Asylees	40,330	41,650
Total, all classes	1,172,910	1,364,090

Source: DHS 2024 Yearbook of Immigration Statistics, Tables 1 and 6.[209,210] The total includes classes not shown in this table, such as Iraqi and Afghan special immigrants (43,260 in fiscal 2024). Refugees here are people who arrived as refugees in earlier years and became green card holders in this year.

Why the 226,000 floor applies. The family preference limit is 480,000 minus the number of immediate relatives in the year before, but never less than 226,000.[211] With 672,240 immediate relatives in fiscal 2024, 480,000 minus that number is far below zero, so the floor of 226,000 is what applies. That is my arithmetic from the statute and the DHS count.

Notice that immediate relatives, who have no cap, are about half of all new green cards. Family preference and employment together, the capped categories, are about a quarter.

What this chapter shows

Point	Label	Basis
Spouses, minor children and parents of adult citizens have no yearly cap	Confirmed fact	8 U.S.C. 1151(b)
Family preference, employment and diversity categories have fixed caps set by Congress in 1990	Confirmed fact	8 U.S.C. 1151 and 1153
No country can get more than 7 percent of preference visas a year	Confirmed fact	8 U.S.C. 1152
Many people who want to immigrate have no category to	Confirmed fact	The categories above are the full list

[209] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 1: Persons Obtaining Lawful Permanent Resident Status, Fiscal Years 1820 to 2024", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table1 (accessed November 12, 2026).

[210] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 6: Persons Obtaining Lawful Permanent Resident Status by Type and Major Class of Admission, Fiscal Years 2015 to 2024", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table6 (accessed November 12, 2026).

[211] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151(c). https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

Point	Label	Basis
apply under		
How long a given person waits	Varies	Depends on category, country, and processing; see Visa Bulletin

Questions to think about

1. Most people who want to immigrate do not fit any legal category. Should there be a general line for them? What would it look like?
2. By my arithmetic from the table above, about 63 percent of new green cards in fiscal 2024 went to relatives of citizens and green card holders, and about 13 percent went through employment. Is that the right balance between family and work skills?
3. Before you read this chapter, how long did you think the wait for a green card was? What surprised you?

Chapter 7: Temporary Visas, TPS and Parole

Information in this chapter is current as of November 12, 2026.

Not everyone who is here legally is an immigrant in the green card sense. Millions of people are here on temporary terms. Some came on a visa for school, tourism or a job. Others have a temporary protection that a president or agency can grant and take away. This chapter explains the main ones, because many of the biggest policy fights of 2025 and 2026 were about these temporary statuses.

Temporary visas

The law calls temporary visitors "nonimmigrants." There are dozens of nonimmigrant visa types, each named by a letter in the law. A few cover most of the debate:[212]

Visa	Purpose	Yearly cap in law
B-1 and B-2	Business visits and tourism	None
F-1	Academic students	None
H-1B	Workers in "specialty occupations," usually needing a college degree	65,000, plus 20,000 more for people with a U.S. master's degree or higher; some employers, such as universities, are exempt[213]
H-2A	Temporary or seasonal farm work	None
H-2B	Temporary or seasonal non-farm work	66,000, split into two halves of 33,000 for each part of the fiscal year[214]

Most visa applicants start with a hurdle many people do not know about. The law says every applicant, with a few exceptions such as H-1B and L workers, "shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer" that he or she qualifies for a temporary visa.[215] In plain words, a tourist or student must convince the officer that he or she plans to go home. This is one reason the claim that "anyone can get a tourist visa and just stay" is too simple: many applicants are turned down under this rule. [Not verified: State Department refusal counts under this section, on a site that blocked download.]

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[212] U.S. Congress, "8 U.S.C. 1101 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1101(a)(15). https://www.law.cornell.edu/uscode/text/8/1101 (accessed November 12, 2026).

[213] U.S. Congress, "8 U.S.C. 1184 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1184(g)(1)(A) and (g)(5). https://www.law.cornell.edu/uscode/text/8/1184 (accessed November 12, 2026).

[214] U.S. Congress, "8 U.S.C. 1184 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1184(g)(1)(B) and (g)(10). https://www.law.cornell.edu/uscode/text/8/1184 (accessed November 12, 2026).

[215] U.S. Congress, "8 U.S.C. 1184 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1184(b). https://www.law.cornell.edu/uscode/text/8/1184 (accessed November 12, 2026).

When an employer sponsors an H-1B worker and there are more applications than visas, the visas are given out by lottery. [Not verified: recent lottery registration counts, which USCIS publishes on a site that blocked download.]

Because workers can enter more than once a year, DHS admission counts are much larger than the caps. In fiscal 2024, DHS recorded 890,310 H-1B admissions, 724,900 H-2A admissions and 186,600 H-2B admissions. These count entries at the border and airports, not individual people, and the H-1B count includes workers at cap-exempt employers and renewals.[216]

The H-1B program changed sharply in 2025. On September 19, 2025, the President signed a proclamation restricting entry of new H-1B workers unless the employer paid $100,000, effective September 21, 2025.[217] Supporters said the program had been used to replace American workers with cheaper foreign labor. Critics, including many universities and tech employers, said the fee would drive away skilled workers. A federal court in Massachusetts vacated the agency policy carrying out the fee on June 8, 2026, the First Circuit refused to pause that ruling, and the President extended the policy through September 21, 2027. As of the most recent report I found, the fee was not being collected.[218] Chapter 5 gives the full timeline.

A person who stays past the end date of a temporary visa becomes "unauthorized" even though he or she entered legally. These are called visa overstays. Chapter 13 explains how many of the unauthorized population are overstays rather than border crossers.

Visiting without a visa

Visitors from some countries do not need a visa at all for short trips. Under the Visa Waiver Program, a national of a designated country may come "as a nonimmigrant visitor ... for a period not exceeding 90 days" without a visa.[219] The country must offer "reciprocal privileges" to Americans, and its visitor visa refusal rate must be low, generally "less than 3.0 percent" in the previous year, or under 2 percent on average over two years.[220]

There is a trade-off for the traveler. A visitor who uses the program gives up the right to appeal an officer's decision at the airport and the right "to contest, other than on the basis of an application for asylum, any action for removal."[221] In other words, a visa waiver visitor who

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[216] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 33: I-94 Nonimmigrant Temporary Worker Admissions, Fiscal Year 2024", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table33 (accessed November 12, 2026).

[217] The White House, "Restriction on Entry of Certain Nonimmigrant Workers", The White House, September 19, 2025, sections 1 and 3. https://www.whitehouse.gov/presidential-actions/2025/09/restriction-on-entry-of-certain-nonimmigrant-workers/ (accessed November 12, 2026).

[218] Yale Office of International Students and Scholars, "Presidential Proclamation Extends H-1B $100,000 Fee Policy; Fee Remains Blocked by Court Order", Yale University, September 23, 2026, summary. https://oiss.yale.edu/news/presidential-proclamation-extends-h-1b-100000-fee-policy-fee-remains-blocked-by-court-order (accessed November 12, 2026).

[219] U.S. Congress, "8 U.S.C. 1187, Visa waiver program for certain visitors", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1187(a)(1). https://www.law.cornell.edu/uscode/text/8/1187 (accessed November 12, 2026).

[220] U.S. Congress, "8 U.S.C. 1187, Visa waiver program for certain visitors", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1187(a)(2) and (c)(2)(A). https://www.law.cornell.edu/uscode/text/8/1187 (accessed November 12, 2026).

[221] U.S. Congress, "8 U.S.C. 1187, Visa waiver program for certain visitors", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1187(b). https://www.law.cornell.edu/uscode/text/8/1187 (accessed November 12, 2026).

overstays can be removed without a hearing before an immigration judge, unless he or she asks for asylum.

Why does this matter to the debate? The refusal-rate rule ties a country's eligibility to how often its citizens are turned down for regular visas, so the program rewards countries whose travelers tend to follow the rules. [Not verified: the current list of program countries, which DHS and the State Department publish on sites that blocked download.]

Visas for victims of crime and trafficking

Two smaller visa types get less attention but come up often in court and in the numbers.

- **The U visa** is for a person who "has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity," has information about the crime, and "has been helpful, is being helpful, or is likely to be helpful" to police, prosecutors or other officials investigating it.[222] The law caps it at 10,000 a year for the main applicants.[223]
- **The T visa** is for victims of "a severe form of trafficking in persons." Its cap is 5,000 a year.[224]

The idea behind both is practical as well as humane: a victim without status may be afraid to talk to police, and these visas give the victim a reason to come forward. Pew counted about 700,000 "victims of crime and violence" among the unauthorized immigrants it said had some protection from deportation in 2023.[225] [Not verified: USCIS counts of pending U visa petitions and wait times, on a site that blocked download.]

Temporary Protected Status (TPS)

Congress created TPS in 1990, as described in Chapter 3. The law lets the government designate a country for TPS when, for example:[226]

- there is "an ongoing armed conflict" that would make return a "serious threat" to personal safety;
- there has been "an earthquake, flood, drought, epidemic, or other environmental disaster" causing a "substantial, but temporary, disruption of living conditions"; or

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[222] U.S. Congress, "8 U.S.C. 1101 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1101(a)(15)(U)(i). https://www.law.cornell.edu/uscode/text/8/1101 (accessed November 12, 2026).

[223] U.S. Congress, "8 U.S.C. 1184 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1184(p)(2)(A). https://www.law.cornell.edu/uscode/text/8/1184 (accessed November 12, 2026).

[224] U.S. Congress, "8 U.S.C. 1184 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1184(o)(2). https://www.law.cornell.edu/uscode/text/8/1184 (accessed November 12, 2026).

[225] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, unauthorized immigrants. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[226] U.S. Congress, "8 U.S.C. 1254a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1254a(b)(1). https://www.law.cornell.edu/uscode/text/8/1254a (accessed November 12, 2026).

- "extraordinary and temporary conditions" prevent people from returning safely.

A designation lasts from 6 to 18 months and can be extended.[227] People from the designated country who were already here by a set date can apply. TPS gives protection from removal and permission to work. It does not, by itself, lead to a green card or citizenship. And the law says it does not let anyone come to the United States in order to apply.[228]

You might ask, "If it is temporary, why have some people had TPS for decades?" Because the government kept extending designations for some countries for many years. That is why ending TPS for a country can affect people who have lived here a long time.

In 2025, the administration moved to end TPS for several countries, including Venezuela and Haiti. The Migration Policy Institute counted terminations affecting "almost 1 million Venezuelans and Haitians."[229] Pew put the numbers at about 350,000 Venezuelans and 350,000 Haitians with TPS whose protections were allowed to expire.[230]

USCIS's own TPS page tells the story country by country:[231]

- **Venezuela.** DHS terminated the 2023 designation in a notice published February 5, 2025. The page says, "On Oct. 3, 2025, the Supreme Court allowed the termination to take immediate effect." The 2021 designation was also terminated.
- **Haiti.** Terminated, effective July 27, 2026.
- **Ethiopia, Somalia, South Sudan and Burma (Myanmar).** Each terminated by notices published in late 2025 or January 2026, with effective dates in August 2026 or later.

On June 25, 2026, in Mullin v. Doe, the Supreme Court held that courts cannot review the merits of TPS terminations, except for constitutional claims.[232] After that ruling, USCIS listed

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[227] U.S. Congress, "8 U.S.C. 1254a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1254a(b)(2) and (b)(3). https://www.law.cornell.edu/uscode/text/8/1254a (accessed November 12, 2026).

[228] U.S. Congress, "8 U.S.C. 1254a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1254a(a)(5). https://www.law.cornell.edu/uscode/text/8/1254a (accessed November 12, 2026).

[229] Migration Policy Institute, "Unleashing Power in New Ways: Immigration in the First Year of Trump 2.0", Migration Policy Institute, 2026, TPS section. https://www.migrationpolicy.org/article/trump-2-immigration-1st-year (accessed November 12, 2026).

[230] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, protections section. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[231] U.S. Citizenship and Immigration Services, "Temporary Protected Status", USCIS (page last reviewed October 20, 2026), no date, country alerts. https://www.uscis.gov/humanitarian/temporary-protected-status (accessed November 12, 2026).

[232] Supreme Court of the United States, "Mullin v. Doe, No. 25-1083, 609 U.S. 324", Supreme Court of the United States, June 25, 2026, holding. https://www.supremecourt.gov/opinions/25pdf/609us1r60_7mip.pdf (accessed November 12, 2026).

only four countries as designated for TPS as of October 20, 2026: El Salvador, Lebanon, Sudan and Ukraine.[233]

Supporters of the terminations say TPS was always meant to be temporary, and that conditions in some of these countries had been used to extend it for decades. Critics say conditions in Haiti and Venezuela remain dangerous and that sending people back puts them at risk. Both sides agree on one fact: Congress wrote the law to make TPS temporary, and left it to the executive branch to decide when a crisis is over.

Humanitarian parole

Parole is a way to let someone into the country without a visa. The law allows it "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." Parole "shall not be regarded as an admission," and when its purpose is served, the person is expected to leave.[234]

That "case-by-case" wording was added by the 1996 law. Before 1996, the standard was looser: "for emergent reasons or for reasons deemed strictly in the public interest."[235]

Presidents of both parties have used parole for large groups, such as people fleeing Vietnam, Cuba, Afghanistan and Ukraine. Whether group programs fit the "case-by-case" standard is one of the main legal fights over parole. The Biden administration's parole program for people from Cuba, Haiti, Nicaragua and Venezuela, known as CHNV, was ended by the Trump administration in 2025.[236] Pew reports that in 2025 the administration "rescinded work permits for about 500,000 parolees from Cuba, Haiti, Nicaragua and Venezuela."[237] [Not verified: the Federal Register notice ending CHNV, the Supreme Court's 2025 order allowing the termination, and the number of people paroled through the Afghan and Ukrainian programs. I did not open primary sources for these.] Chapter 19 tests the claim that CHNV flights were secret.

Deferred action and DACA

Deferred action is a decision by DHS not to pursue a person's removal for a period. It is not a legal status. DACA, covered in Chapter 4, is the best-known example.

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[233] U.S. Citizenship and Immigration Services, "Temporary Protected Status", USCIS (page last reviewed October 20, 2026), no date, designated countries. https://www.uscis.gov/humanitarian/temporary-protected-status (accessed November 12, 2026).

[234] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(d)(5)(A). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

[235] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, amendment note for Public Law 104-208, section 602(a). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

[236] Alejandra Aramayo, Hillel R. Smith and Kelsey Y. Santamaria, "Recent White House Actions on Immigration, LSB11265", Congressional Research Service, via EveryCRSReport.com, February 10, 2025, Securing Our Borders executive order, terminating categorical parole programs. https://www.everycrsreport.com/files/2025-02-10_LSB11265_1d46bc022950da596c1108c814454e156c6926aa.html (accessed November 12, 2026).

[237] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, protections section. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

DACA has spent most of its life in court. In 2020, the Supreme Court held in DHS v. Regents of the University of California that the first Trump administration's attempt to end DACA was "arbitrary and capricious" because it did not consider important factors.[238] That ruling was about how the program was ended, not whether it was legal in the first place.

The legality question went to Texas. DHS issued DACA as a formal regulation in August 2022. In January 2025, the Fifth Circuit held, "Because the Final Rule is materially identical to the 2012 Memorandum, the Final Rule substantively violates the INA," meaning the Immigration and Nationality Act.[239] Under the court orders, people who already have DACA can renew it, and new applications can be filed but are not being approved.[240]

CRS reported 533,280 active DACA recipients as of December 31, 2024, the latest official count I found.[241] DACA recipients have aged. The program required continuous residence since June 15, 2007, so anyone who qualified was born before mid-2007, and every recipient is now an adult.[242] [Not verified: any 2026 change in DHS policy on DACA. A news headline suggested one, but I could not confirm it with a primary source, so I do not rely on it.]

Why these temporary statuses matter in the numbers

People with TPS, parole or deferred action are often counted differently by different sources. Some population estimates put them with the unauthorized population, because they lack permanent status. Others count them separately. When you see an estimate of "illegal immigrants" or "unauthorized immigrants," check which way the source counted these groups. Chapter 13 shows how much this changes the totals. Pew, for example, counts them as unauthorized "because their deportation protections are temporary and can quickly change." By Pew's count, about 6 million of the 14 million unauthorized immigrants in 2023 had some protection from deportation, including about 2.6 million asylum applicants, 700,000 parolees, 650,000 people with TPS and 600,000 DACA recipients.[243]

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[238] U.S. Supreme Court, "Department of Homeland Security v. Regents of the University of California, No. 18-587", Legal Information Institute, Cornell Law School, June 18, 2020, syllabus. https://www.law.cornell.edu/supremecourt/text/18-587 (accessed November 12, 2026).

[239] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, litigation section. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[240] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, summary. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[241] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, summary. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[242] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, eligibility. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[243] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, protections section. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

What this chapter shows

Point	Label	Basis
H-1B has a yearly cap of 65,000 plus 20,000 for U.S. advanced degrees; H-2B has 66,000; H-2A has none	Confirmed fact	8 U.S.C. 1184(g)
TPS is temporary protection that does not by itself lead to a green card	Confirmed fact	8 U.S.C. 1254a
Parole is allowed only case by case for urgent humanitarian reasons or significant public benefit, and is not an admission	Confirmed fact	8 U.S.C. 1182(d)(5)(A)
Whether large group parole programs fit the law	Disputed	Litigation and arguments on both sides

Questions to think about

1. TPS is "temporary," yet some people have held it for decades. When does temporary stop being temporary?
2. Parole is supposed to be granted "case-by-case." Can a program for hundreds of thousands of people still be case-by-case?
3. How should the country balance the needs of employers who want H-1B and H-2A workers against the concerns of American workers?

Chapter 8: Refugees and Asylum

Information in this chapter is current as of November 12, 2026.

Refugees and asylum seekers meet the same legal test. The difference is where they are when they ask. A refugee applies from outside the United States and is screened before arriving. An asylum seeker asks for protection after reaching the United States, either at the border or inside the country.

The legal test

U.S. law defines a refugee as a person who cannot or will not return home "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."[244] Those five grounds are the heart of every case.

Notice what is not on that list. Poverty is not a ground. Neither is general crime or violence that threatens everyone in a country equally. A person fleeing a gang that threatens the whole neighborhood may face real danger and still not qualify, unless the person can tie the harm to one of the five grounds.

The applicant has to prove the case. The law says the applicant must show that one of the five grounds "was or will be at least one central reason for persecuting the applicant."[245]

Refugees: the overseas program

Each year the President, after consulting Congress, sets a ceiling on refugee admissions.[246] Refugees are interviewed and screened abroad before they travel.

How many actually arrive? DHS publishes the count of refugee arrivals each year. The numbers swing widely with world events and with each president's choices.

Refugee arrivals, selected fiscal years (DHS, rounded to the nearest 10)

Fiscal year	Refugee arrivals
1980	207,120
1990	122,070
2000	72,170
2002	26,790
2016	84,990

[244] U.S. Congress, "8 U.S.C. 1101 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1101(a)(42). https://www.law.cornell.edu/uscode/text/8/1101 (accessed November 12, 2026).

[245] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(b)(1)(B)(i). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[246] U.S. Congress, "Refugee Act of 1980, Public Law 96-212, 94 Stat. 102", Statutes at Large, via GovInfo, March 17, 1980, section 201, adding INA section 207. https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf (accessed November 12, 2026).

Fiscal year	Refugee arrivals
2017	53,690
2018	22,410
2019	29,920
2020	11,840
2021	11,450
2022	25,520
2023	60,050
2024	100,060

Source: DHS 2024 Yearbook of Immigration Statistics, Table 13.[247] Notice the drop in 2002, after the September 11 attacks, the low years of 2018 to 2021, and the rebound to about 100,000 in 2024. [Not verified: the yearly ceilings for each of these years, which come from State Department data that I could not download. I give arrivals only.]

For fiscal year 2026, the ceiling was set at 7,500, which the Migration Policy Institute describes as a record low.[248] The presidential determination, signed September 30, 2025, set the ceiling at "up to 7,500 refugees," to "primarily be allocated among Afrikaners from South Africa ... and other victims of illegal or unjust discrimination in their respective homelands."[249] On May 21, 2026, an emergency determination raised the fiscal 2026 ceiling to 17,500, with the added numbers for Afrikaners.[250]

Critics say the program has been turned from a worldwide humanitarian effort into one aimed at a single group. Supporters say the President has broad power to set refugee priorities, and that the law gives the President that choice each year. Both statements can be true at the same time: the law does give the President wide discretion, and the 2026 priorities are a sharp break from past practice.

Asylum: asking from inside the country or at the border

The law says: "Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival ...), irrespective of such alien's status, may apply for asylum in accordance with this section."[251] That right to apply is subject to

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[247] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 13: Refugee Arrivals, Fiscal Years 1980 to 2024", U.S. Department of Homeland Security, August 20, 2025, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table13 (accessed November 12, 2026).

[248] Migration Policy Institute, "Unleashing Power in New Ways: Immigration in the First Year of Trump 2.0", Migration Policy Institute, 2026, refugee section. https://www.migrationpolicy.org/article/trump-2-immigration-1st-year (accessed November 12, 2026).

[249] The President, "Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2025-13", Daily Compilation of Presidential Documents, GovInfo, September 30, 2025, text. https://www.govinfo.gov/content/pkg/DCPD-202500975/html/DCPD-202500975.htm (accessed November 12, 2026).

[250] The President, "Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2026-14, 91 FR 31645", Federal Register, GovInfo, May 27, 2026, text. https://www.govinfo.gov/content/pkg/FR-2026-05-27/html/2026-10598.htm (accessed November 12, 2026).

[251] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(a)(1). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

the limits below, and presidents have also tried to restrict it at the border, as described later in this chapter.

There are two routes:

- **Affirmative asylum.** A person who is not in removal proceedings files an application with USCIS and is interviewed by an asylum officer.
- **Defensive asylum.** A person who is already in removal proceedings asks an immigration judge for asylum as a defense against removal.

Limits Congress has written into the law

- **One-year deadline.** The application generally must be filed "within 1 year after the date of the alien's arrival," with exceptions for changed or extraordinary circumstances.[252]
- **Safe third country.** A person can be barred if he or she can be sent to a country that has an agreement with the United States and offers a full and fair asylum process.[253]
- **Bars to asylum.** A person cannot get asylum if he or she took part in persecuting others, was convicted of a "particularly serious crime," committed a "serious nonpolitical crime" abroad, is a security danger, or was "firmly resettled" in another country first. Any aggravated felony counts as a particularly serious crime.[254]
- **Work permits.** An asylum applicant is "not entitled to employment authorization" and cannot get it until at least 180 days after filing.[255]

Lesser protections

A person who does not qualify for asylum may still qualify for two narrower protections:

- **Withholding of removal.** The government "may not remove" a person to a country where the person's "life or freedom would be threatened" because of one of the five grounds.[256] The standard of proof is higher than for asylum, and it does not by itself lead to a green card or let a person bring family. The Supreme Court held in 1984 that a person seeking this protection "must establish a clear probability of persecution,"[257] and

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[252] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(a)(2)(B) and (D). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[253] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(a)(2)(A). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[254] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(b)(2). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[255] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(d)(2). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[256] U.S. Congress, "8 U.S.C. 1231 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1231(b)(3)(A). https://www.law.cornell.edu/uscode/text/8/1231 (accessed November 12, 2026).

[257] Supreme Court of the United States, "INS v. Stevic, 467 U.S. 407 (1984)", Legal Information Institute, Cornell Law School, 1984-06-05, syllabus. https://www.law.cornell.edu/supremecourt/text/467/407 (accessed November 12, 2026).

in 1987 explained that this means "it is more likely than not" the person would be persecuted. The Court held that asylum's "well-founded fear" test is a different and easier standard to meet.[258] [Not verified against a single source: the rule that withholding gives no family benefit and no green card path. It follows from the fact that the asylum statute, not the withholding statute, provides for family members and adjustment of status, but I did not find one source that states it in plain words.]

- **Protection under the Convention Against Torture (CAT).** A person who shows "it is more likely than not that he or she would be tortured if removed" cannot be sent to that country.[259] Unlike asylum, there are no bars for crimes. A person barred from regular withholding still gets "deferral of removal" to the country where torture is likely, which is a weaker protection that can be ended more easily.[260]

At the border: expedited removal and credible fear

Under expedited removal (Chapter 3), a person caught at or near the border can be removed quickly without a hearing. If the person says he or she fears persecution, an asylum officer conducts a "credible fear" interview. Credible fear means "a significant possibility" that the person "could establish eligibility for asylum."[261] If the person passes, the case goes to an immigration judge for a full hearing.

This is a screening standard. Passing it does not mean the person will win asylum. Many who pass a credible fear screening later lose their full cases, and many miss hearings, as the court data later in this chapter show. A person who fails the screening can ask an immigration judge to review it. In the first three quarters of fiscal 2026, judges affirmed 2,773 negative findings and vacated 758, meaning they found credible fear after all.[262] [Not verified: the overall credible fear pass rate from USCIS, which publishes those numbers on a site that blocked download.]

Children who arrive alone

Children who reach the border without a parent follow a different path, set by a 2008 law, the William Wilberforce Trafficking Victims Protection Reauthorization Act, Public Law 110-457. The law defines an "unaccompanied alien child" as a child who "has no lawful immigration

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[258] Supreme Court of the United States, "INS v. Cardoza-Fonseca, 480 U.S. 421 (1987)", Legal Information Institute, Cornell Law School, 1987-03-09, syllabus. https://www.law.cornell.edu/supremecourt/text/480/421 (accessed November 12, 2026).

[259] Code of Federal Regulations, "8 CFR 208.16, Withholding of removal under the INA and under the Convention Against Torture", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 208.16(c)(2). https://www.law.cornell.edu/cfr/text/8/208.16 (accessed November 12, 2026).

[260] Code of Federal Regulations, "8 CFR 208.17, Deferral of removal under the Convention Against Torture", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 208.17(a). https://www.law.cornell.edu/cfr/text/8/208.17 (accessed November 12, 2026).

[261] U.S. Congress, "8 U.S.C. 1225 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1225(b)(1)(B)(v). https://www.law.cornell.edu/uscode/text/8/1225 (accessed November 12, 2026).

[262] Executive Office for Immigration Review, "Adjudication Statistics: FY 2026 Decision Outcomes (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, credible fear reviews. https://www.justice.gov/eoir/media/1344811/dl?inline (accessed November 12, 2026).

status in the United States," "has not attained 18 years of age," and has no parent or legal guardian in the United States, or none "available to provide care and physical custody."[263]

Here is what the law requires:[264]

- **Children from Mexico and Canada** can be returned quickly, but only if an officer decides, "on a case-by-case basis," that the child is not a trafficking victim, does not have a credible fear of persecution, and "is able to make an independent decision to withdraw" the request to enter.[265]
- **Children from every other country** cannot be sent back that way. They must be "placed in removal proceedings" before an immigration judge, with access to voluntary departure "at no cost to the child."[266]
- **Custody goes to a different department.** The Department of Health and Human Services, not DHS, is responsible for "the care and custody of all unaccompanied alien children." An agency holding such a child must transfer the child "not later than 72 hours" after determining the child's status, "Except in the case of exceptional circumstances."[267]
- **The least restrictive setting.** HHS must place the child "promptly" in "the least restrictive setting that is in the best interest of the child," usually with a parent or other sponsor in the United States while the case goes on.[268]
- **Lawyers, if possible.** HHS must make sure, "to the greatest extent practicable," that these children have counsel, using free lawyers where it can.[269]

Why does this matter in the debate? Supporters of the law say it protects children who may be trafficking victims or fleeing real danger. Critics say the different treatment for children from Central America and other countries farther away gave families a reason to send children alone, because those children could not be quickly returned. Both are arguments about effects, and I did not find a study that settles how much the law changed who came. [Not verified: the vote

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[263] U.S. Congress, "6 U.S.C. 279, Children's affairs", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 279(g)(2). https://www.law.cornell.edu/uscode/text/6/279 (accessed November 12, 2026).

[264] U.S. Congress, "8 U.S.C. 1232, Enhancing efforts to combat the trafficking of children", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1232. https://www.law.cornell.edu/uscode/text/8/1232 (accessed November 12, 2026).

[265] U.S. Congress, "8 U.S.C. 1232, Enhancing efforts to combat the trafficking of children", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1232(a)(2). https://www.law.cornell.edu/uscode/text/8/1232 (accessed November 12, 2026).

[266] U.S. Congress, "8 U.S.C. 1232, Enhancing efforts to combat the trafficking of children", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1232(a)(5)(D). https://www.law.cornell.edu/uscode/text/8/1232 (accessed November 12, 2026).

[267] U.S. Congress, "8 U.S.C. 1232, Enhancing efforts to combat the trafficking of children", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1232(b)(1) and (3). https://www.law.cornell.edu/uscode/text/8/1232 (accessed November 12, 2026).

[268] U.S. Congress, "8 U.S.C. 1232, Enhancing efforts to combat the trafficking of children", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1232(c)(2)(A). https://www.law.cornell.edu/uscode/text/8/1232 (accessed November 12, 2026).

[269] U.S. Congress, "8 U.S.C. 1232, Enhancing efforts to combat the trafficking of children", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1232(c)(5). https://www.law.cornell.edu/uscode/text/8/1232 (accessed November 12, 2026).

totals for the 2008 law, and current counts of unaccompanied children referred to HHS, which HHS publishes on a site I did not open.]

A separate line of rules covers children held with their families. In Reno v. Flores (1993), the Supreme Court upheld a regulation that allowed the release of detained children only to parents, close relatives or legal guardians in most cases, holding that the regulation "on its face, does not violate the Due Process Clause."[270] The case later produced a 1997 settlement, usually called the Flores settlement, that sets standards for holding children. [Not verified: the text of the 1997 settlement and its current status in court, which I did not open.]

Presidential limits on asylum at the border

Since 2018, presidents of both parties have issued proclamations and rules that limit asylum for people who cross between ports of entry. They rely on the President's power to suspend entry under 8 U.S.C. 1182(f), described in Chapter 4.[271]

- The Biden administration's 2023 "Circumvention of Lawful Pathways" rule presumed people ineligible for asylum if they crossed without using a lawful pathway, such as a CBP One appointment, or without first seeking protection in a country they passed through. The rule was published May 16, 2023, took effect May 11, 2023, and applied to people who entered during a two-year window.[272] [Not verified: the final outcome of court challenges to the rule.]
- The June 2024 proclamation, "Securing the Border," limited asylum when border crossings were above a set level. President Biden signed it on June 3, 2024, and it took effect June 5. The limits stayed on until encounters fell to a seven-day average below 1,500 a day, and would come back on if they reached a seven-day average of 2,500 or more.[273] The Democratic platform later claimed unlawful crossings fell "by 40 percent" after this action (Chapter 21).[274] [Not verified: the final court status of the 2024 rule.]
- The January 20, 2025 proclamation, "Guaranteeing the States Protection Against Invasion," suspended entry of people "engaged in the invasion across the southern border," relying on 8 U.S.C. 1182(f) and 1185(a).[275] [Not verified: the court rulings on this

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[270] U.S. Supreme Court, "Reno v. Flores, 507 U.S. 292 (1993)", Legal Information Institute, Cornell Law School, March 23, 1993, syllabus. https://www.law.cornell.edu/supremecourt/text/507/292 (accessed November 12, 2026).

[271] U.S. Supreme Court, "Trump v. Hawaii, No. 17-965", Legal Information Institute, Cornell Law School, June 26, 2018, syllabus describing section 1182(f). https://www.law.cornell.edu/supremecourt/text/17-965 (accessed November 12, 2026).

[272] Department of Homeland Security and Department of Justice, "Circumvention of Lawful Pathways, final rule, 88 FR 31314", Federal Register, May 16, 2023, summary and effective date. https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways (accessed November 12, 2026).

[273] Congressional Research Service, "Presidential Proclamation and Rule Restricting Asylum at the Southern Border, LSB11178", Congressional Research Service via EveryCRSReport, June 12, 2024, summary and triggers. https://www.everycrsreport.com/reports/LSB11178.html (accessed November 12, 2026).

[274] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, immigration section. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[275] Alejandra Aramayo, Hillel R. Smith and Kelsey Y. Santamaria, "Recent White House Actions on Immigration, LSB11265", Congressional Research Service, via EveryCRSReport.com, February 10, 2025, section on the invasion proclamation. https://www.everycrsreport.com/files/2025-02-10_LSB11265_1d46bc022950da596c1108c814454e156c6926aa.html (accessed November 12, 2026).

proclamation and its status as of November 12, 2026. I did not open a 2026 ruling. This gap is listed in the Part Reports.]

Who wins asylum?

There are two ways to get asylum, and two sets of numbers.

USCIS and the courts together. DHS counts everyone granted asylum each year. In fiscal 2024, 68,170 people were granted asylum: 35,840 affirmatively by USCIS asylum officers and 32,330 defensively by immigration judges.[276] These counts include family members who got asylum through the main applicant.

Immigration court outcomes. EOIR's asylum decision table shows how cases in court ended.[277] Chapter 18 gives the full table. Here are the key points:

- In fiscal 2024, judges granted 32,436 asylum cases and denied 38,529. Another 145,741 were "not adjudicated," for example because the person got another form of relief or the case was closed.
- In the first three quarters of fiscal 2026, judges granted 7,231 and denied 89,740, and 92,081 cases were counted as abandoned.

This is where people talk past each other. A "grant rate" can mean grants divided by grants plus denials, which is about 46 percent for fiscal 2024. Or it can mean grants divided by all decisions, which is about 12 percent for the same year. Both are my arithmetic from EOIR's table. Whenever you see an asylum grant rate, ask: out of what?

Applications rose to record levels before falling. Total asylum applications in immigration court were 912,717 in fiscal 2024, compared with 217,505 in fiscal 2019.[278]

What this chapter shows

Point	Label	Basis
Asylum requires a well-founded fear of persecution tied to one of five grounds	Confirmed fact	8 U.S.C. 1101(a)(42) and 1158
A person can apply whether or not he or she entered legally, subject to bars and deadlines	Confirmed fact	8 U.S.C. 1158(a)
Passing a credible fear screening is not the same as winning asylum	Confirmed fact	8 U.S.C. 1225(b)(1)(B)(v)

[276] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 16: Individuals Granted Asylum Affirmatively or Defensively, Fiscal Years 1990 to 2024", U.S. Department of Homeland Security, August 11, 2026, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table16 (accessed November 12, 2026).

[277] Executive Office for Immigration Review, "Adjudication Statistics: Asylum Decisions (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344851/dl?inline (accessed November 12, 2026).

[278] Executive Office for Immigration Review, "Adjudication Statistics: Total Asylum Applications (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344871/dl?inline (accessed November 12, 2026).

Point	Label	Basis
Presidents of both parties have limited asylum at the border by proclamation	Confirmed fact	Proclamations; CRS
Whether those limits are lawful	Being decided in court	See Chapter 20

Questions to think about

1. The refugee definition leaves out poverty, crime and natural disasters. Should it? What would change if it did not?
2. Refugee admissions went from 100,060 in fiscal 2024 to a ceiling of 17,500 in fiscal 2026. What should decide how many refugees the country takes?
3. Why might a person with a real fear of harm still lose an asylum case?

Chapter 9: Immigration Courts and the Backlog

Information in this chapter is current as of November 12, 2026. Court figures are from data the Justice Department generated on October 22, 2026.

Who decides immigration cases

Immigration courts are not part of the federal court system you may know, with judges appointed for life. They are offices of the Justice Department, inside the Executive Office for Immigration Review, or EOIR. Immigration judges are Justice Department employees. Appeals go to the Board of Immigration Appeals, also part of EOIR, and from there some cases can go to a federal court of appeals.[279]

In most removal cases, DHS lawyers bring the case, and the person in proceedings has no right to a lawyer paid for by the government. The law says the person "shall have the privilege of being represented, at no expense to the Government, by counsel" of the person's choosing.[280] In practice, that means a person can hire a lawyer or find a free one, but the court will not appoint one. This differs from criminal court, where a person who cannot afford a lawyer gets one. EOIR reports that 55 percent of all cases completed in fiscal 2025 had representation, and 77 percent of completed asylum cases did.[281]

How a removal case works, step by step

What actually happens when a person is placed in immigration court? Here is the path the law sets out, in plain terms.

1. **The Notice to Appear.** A case starts when the government serves a "notice to appear." The law says it must state, among other things, "The nature of the proceedings against the alien," "The acts or conduct alleged to be in violation of law," and "The charges against the alien and the statutory provisions alleged to have been violated." It must also tell the person that he or she "may be represented by counsel" and must keep the government told of a current address and phone number.[282] That address rule matters later: a person who moves and does not report it may never receive a hearing notice, and may be ordered removed in absentia (Chapter 17).
2. **The first hearings.** The person appears before an immigration judge, usually first at a short group hearing, where the judge checks whether the person has a lawyer and what the person plans to ask for. [Not verified: the exact steps of these preliminary "master calendar" hearings, which are set out in EOIR's practice manual; I did not open it.]

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[279] Executive Office for Immigration Review, U.S. Department of Justice, "Workload and Adjudication Statistics", U.S. Department of Justice, updated October 20, 2026, agency description. https://www.justice.gov/eoir/workload-and-adjudication-statistics (accessed November 12, 2026).

[280] U.S. Code, "8 U.S.C. 1229a (current text)", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 1229a(b)(4)(A). https://www.law.cornell.edu/uscode/text/8/1229a (accessed November 12, 2026).

[281] Executive Office for Immigration Review, "Adjudication Statistics: Current Representation Rates (data generated November 18, 2025)", U.S. Department of Justice, November 18, 2025, table. https://www.justice.gov/eoir/media/1344931/dl?inline (accessed November 12, 2026).

[282] U.S. Congress, "8 U.S.C. 1229, Initiation of removal proceedings", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1229(a)(1). https://www.law.cornell.edu/uscode/text/8/1229 (accessed November 12, 2026).

3. **Who has to prove what.** The burden of proof depends on the situation. For a person who was lawfully admitted, the government "has the burden of establishing by clear and convincing evidence" that the person is deportable.[283] A person asking for relief, such as asylum or cancellation of removal, "has the burden of proof to establish" that he or she meets the requirements and, where the relief is discretionary, "merits a favorable exercise of discretion."[284]
4. **The decision.** The judge either orders the person removed, grants some form of relief, allows voluntary departure, or ends the case. Voluntary departure lets a person leave "at the alien's own expense" instead of under a removal order, and before the end of the case it cannot be granted "for a period exceeding 120 days."[285]
5. **Appeals.** Either side can appeal to the Board of Immigration Appeals. After that, the person can ask a federal court of appeals to review a final removal order. The petition "must be filed not later than 30 days after the date of the final order of removal," in the circuit where the immigration judge completed the case.[286]

Notice what is missing from this list: a jury, a government-paid lawyer and, in many cases, any deadline for the government to finish. Supporters of the current system say these are civil cases about whether a person may stay, not criminal trials, so criminal-court protections do not apply. Critics say the stakes, being sent to a country where a person may face danger, are as high as in many criminal cases. Both statements describe the system accurately. Which one should weigh more is a values question.

How big is the backlog?

The table below shows pending cases at the end of each fiscal year, new cases filed (EOIR calls them "initial receipts"), and cases completed.[287]

Fiscal year	Pending at year end	New cases	Completions
2017	975,999	295,259	163,074
2018	1,108,323	316,130	195,145
2019	1,391,389	547,237	277,076
2020	1,551,999	369,578	232,310
2021	1,694,256	244,264	115,968

[283] U.S. Code, "8 U.S.C. 1229a (current text)", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 1229a(c)(3)(A). https://www.law.cornell.edu/uscode/text/8/1229a (accessed November 12, 2026).

[284] U.S. Code, "8 U.S.C. 1229a (current text)", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 1229a(c)(4)(A). https://www.law.cornell.edu/uscode/text/8/1229a (accessed November 12, 2026).

[285] U.S. Congress, "8 U.S.C. 1229c (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1229c(a). https://www.law.cornell.edu/uscode/text/8/1229c (accessed November 12, 2026).

[286] U.S. Congress, "8 U.S.C. 1252, Judicial review of orders of removal", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1252(b)(1) and (2). https://www.law.cornell.edu/uscode/text/8/1252 (accessed November 12, 2026).

[287] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table for fiscal years 2017 to 2026. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

Fiscal year	Pending at year end	New cases	Completions
2022	2,105,300	707,530	314,848
2023	2,811,569	1,206,105	526,834
2024	3,924,917	1,783,908	705,295
2025	3,722,534	562,376	798,975
2026	3,300,793	528,889	973,669

Table title: Immigration court caseload, fiscal years 2017-2026, as of October 22, 2026. Source: EOIR, "Pending Cases, New Cases, and Total Completions."[288] EOIR counts as pending "removal, deportation, exclusion, asylum-only, and withholding only" cases.[289]

Here is what the numbers show, in plain words:

- The backlog roughly quadrupled from 2017 to 2024, peaking at about 3.9 million.
- New cases rose sharply in 2022 through 2024, when border encounters were at record levels and many people were released with notices to appear in court (see Chapters 11 and 12).
- Since 2024 the backlog has come down, to about 3.3 million at the end of fiscal year 2026. Two things drove that: far fewer new cases, and the highest number of completions in this ten-year table.

You might ask, "Are more completions the same as more decisions on the merits?" Not always. A completion can be a grant, a denial, a removal order for someone who did not show up, or a case closed for other reasons. EOIR's breakdown for the first three quarters of fiscal 2026 shows how lopsided the outcomes were:[290]

Immigration court outcomes, first three quarters of fiscal 2026 (data generated July 24, 2026)

Outcome	Number
Removal orders	476,650
... of which in absentia (person did not appear)	278,724
Voluntary departure or withdrawal	72,761
Terminated or dismissed	76,706
Relief granted	13,899

[288] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, full table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[289] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, footnote to table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[290] Executive Office for Immigration Review, "Adjudication Statistics: FY 2026 Decision Outcomes (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344811/dl?inline (accessed November 12, 2026).

More than half of all removal orders were issued in absentia. Chapter 17 discusses why that number rose so fast.

A 2026 court ruling also affected the count. On June 22, 2026, a federal district court in Texas vacated a 2024 rule on "administrative closure," which had let judges set aside cases without deciding them. The Supreme Court declined to pause that ruling on October 27, 2026. News reports citing EOIR data put the number of administratively closed cases at 361,614 as of July 31, 2025.[291] [Not verified against the court order itself, which I did not open.] EOIR's own data put the number of administratively closed cases at 309,677 as of June 30, 2026. EOIR now labels these closures, along with terminations and dismissals, "amnesty" cases in its statistics.[292] That is the agency's word, not a legal term: an administratively closed case gives the person no legal status, and the case can be put back on the calendar.

Appeals are piling up

While the trial-level backlog fell, the appeals backlog rose. At the Board of Immigration Appeals, pending appeals grew from 202,819 at the end of fiscal year 2025 to 325,774 at the end of fiscal year 2026. In fiscal year 2026 the Board received 169,538 appeals and completed 46,374.[293]

How many judges?

The number of immigration judges matters because each judge can only hear so many cases. According to the Congressional Research Service, the judge corps peaked at 735 at the end of fiscal year 2024, fell to 634 at the end of fiscal year 2025, and stood at 557 at the end of the first quarter of fiscal year 2026, after 88 judges departed in that quarter.[294] Hiring picked up later in the year. EOIR reports 753 immigration judges on board in fiscal 2026, with 312 hired during the year, plus 36 temporary judges as of September 30, 2026.[295] [Not verified: why the CRS and EOIR figures for the middle of fiscal 2026 differ. They may count at different dates.]

How long do cases take?

It depends on the case. Cases of people in detention move in weeks or months. Cases of people who are not detained can take years.

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[291] Eric Chen, "Supreme Court declines to pause ruling affecting more than 361,000 administratively closed immigration cases", Latin Times, October 28, 2026, ruling dates and EOIR figure. https://www.latintimes.com/supreme-court-immigration-administrative-closure-cases-600655 (accessed November 12, 2026).

[292] Executive Office for Immigration Review, "Adjudication Statistics: Amnesty Cases by Presidential Term (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1419891/dl?inline (accessed November 12, 2026).

[293] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: All Appeals Filed, Completed, and Pending (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, fiscal years 2025 and 2026. https://www.justice.gov/eoir/media/1344986/dl?inline (accessed November 12, 2026).

[294] Congressional Research Service, "Executive Office for Immigration Review Immigration Judge Staffing Issues, IN12664", Congressional Research Service, via EveryCRSReport.com, March 2, 2026, figures citing EOIR hiring data, January 2026. https://www.everycrsreport.com/reports/IN12664.html (accessed November 12, 2026).

[295] Executive Office for Immigration Review, "Adjudication Statistics: Immigration Judge (IJ) Hiring (data generated October 2026)", U.S. Department of Justice, October 2026, table. https://www.justice.gov/eoir/media/1344911/dl?inline (accessed November 12, 2026).

A simple way to see the scale: at the end of fiscal 2026 there were 3,300,793 pending cases, and the courts completed 973,669 cases that year.[296] If no new cases were filed at all, it would take more than three years to clear the backlog at that pace. That is my arithmetic, not an official wait time. [Not verified: an official average or median wait time. I did not open a TRAC or EOIR source that reports one.]

Why both sides point to the backlog

People on different sides read the same backlog differently.

- Those who favor tougher enforcement often argue that long waits encourage weak claims, because a person can live and work here for years while the case is pending. The 2024 Republican platform called for policies that "halt all releases of Illegal Aliens into the interior," which would put more cases on the faster detained docket.[297]
- Those who favor more protection often argue that long waits hurt people with strong claims and that the courts need more judges and lawyers. The 2024 Democratic platform said, "Congress must also finally fund a sufficient number of asylum officers and immigration judges to facilitate timely decisions," and that asylum seekers, "especially the most vulnerable," should have "access to legal counsel."[298]

Both of these are interpretations. The confirmed facts are the numbers above.

What this chapter shows

Point	Label	Basis
Immigration courts are part of the Justice Department, not the federal judiciary	Confirmed fact	EOIR
The court backlog peaked at about 3.9 million in fiscal year 2024 and was about 3.3 million at the end of fiscal year 2026	Confirmed fact	EOIR data generated October 22, 2026
Appeals pending rose by about 61 percent in fiscal year 2026	Confirmed fact	EOIR appeals data
Whether long waits encourage weak claims	Interpretation	Argued by restriction supporters

[296] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[297] Republican National Committee, "2024 Republican Party Platform", The American Presidency Project (UC Santa Barbara), July 8, 2024, chapter two. https://www.presidency.ucsb.edu/documents/2024-republican-party-platform (accessed November 12, 2026).

[298] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, Reform the Asylum System. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

Questions to think about

1. Should people in immigration court who cannot afford a lawyer get one paid for by the government? What would it cost, and what might it save?
2. Immigration judges work for the Justice Department, not an independent court. Does that matter? Why?
3. The backlog fell in fiscal 2026 partly because many cases ended with in absentia orders. Is a faster court a better court?

Chapter 10: Becoming a Citizen

Information in this chapter is current as of November 12, 2026.

There are two ways to be a U.S. citizen: by birth, or by naturalization later in life. Both were back in the news in 2025 and 2026.

Citizenship by birth

The Fourteenth Amendment says: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."[299] Federal law repeats the same words, making a citizen of "a person born in the United States, and subject to the jurisdiction thereof."[300]

As Chapter 1 explained, the Supreme Court held in 1898 that Wong Kim Ark, born in San Francisco to Chinese parents who could not become citizens, was a citizen at birth.[301]

The 2025 executive order

On January 20, 2025, President Trump issued Executive Order 14160, "Protecting the Meaning and Value of American Citizenship." It said that children born in the United States to mothers who were unlawfully or temporarily present, and whose fathers were not citizens or green card holders, are not "subject to the jurisdiction" of the United States and so are not citizens.[302,303] The order was to apply to children born more than 30 days after it was issued.[304]

Courts blocked the order. In Trump v. CASA, decided June 27, 2025, the Supreme Court did not rule on whether the order was constitutional. It ruled that federal courts generally should not issue "universal" injunctions that protect people who are not parties to the case. Justice Amy Coney Barrett wrote for a 6 to 3 Court.[305] Challengers then pursued class actions.

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[299] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, syllabus quoting the Citizenship Clause. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[300] U.S. Congress, "8 U.S.C. 1401 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1401(a). https://www.law.cornell.edu/uscode/text/8/1401 (accessed November 12, 2026).

[301] U.S. Supreme Court, "United States v. Wong Kim Ark, 169 U.S. 649", Legal Information Institute, Cornell Law School, March 28, 1898, opinion of the Court. https://www.law.cornell.edu/supremecourt/text/169/649 (accessed November 12, 2026).

[302] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, syllabus describing the order, 90 Fed. Reg. 8449. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[303] Executive Office of the President, "Executive Order 14160, Protecting the Meaning and Value of American Citizenship, 90 FR 8449", Federal Register (govinfo), 2025-01-29, section 1(a). https://www.govinfo.gov/content/pkg/FR-2025-01-29/html/2025-02007.htm (accessed November 12, 2026).

[304] Alejandra Aramayo, Hillel R. Smith and Kelsey Y. Santamaria, "Recent White House Actions on Immigration, LSB11265", Congressional Research Service, via EveryCRSReport.com, February 10, 2025, birthright citizenship section. https://www.everycrsreport.com/files/2025-02-10_LSB11265_1d46bc022950da596c1108c814454e156c6926aa.html (accessed November 12, 2026).

[305] U.S. Supreme Court, "Trump v. CASA, Inc., No. 24A884", Legal Information Institute, Cornell Law School, June 27, 2025, syllabus and lineup. https://www.law.cornell.edu/supremecourt/text/24A884 (accessed November 12, 2026).

Trump v. Barbara (2026)

The Court took up the main question in Trump v. Barbara, argued April 1, 2026, and decided June 30, 2026. The Court held that "Children born in the United States to parents unlawfully or temporarily present are 'subject to the jurisdiction' of the United States and are citizens at birth under the Fourteenth Amendment's Citizenship Clause."[306]

- Chief Justice John Roberts wrote the opinion of the Court, joined by Justices Sotomayor, Kagan, Barrett and Jackson.
- Justice Kavanaugh agreed with the result but wrote separately and dissented in part.
- Justice Thomas dissented, joined by Justice Gorsuch, and Justices Alito and Gorsuch also wrote dissents.[307]

So the judgment had six votes and the dissent had three. The Court affirmed the lower court's ruling blocking the order.[308]

The majority traced the rule back to English common law and to the reaction against the Dred Scott decision, and it treated Wong Kim Ark as controlling.[309] Justice Thomas, in dissent, argued that the Civil Rights Act of 1866 and the Citizenship Clause "guaranteed citizenship to persons born and domiciled in the United States regardless of their race," but that "Neither guaranteed citizenship to persons who were not domiciled in the United States." In his view, the key was domicile, meaning a person's legal home.[310]

How each side argued, in the Justices' own words

This case is worth slowing down for, because the opinions lay out both sides of a real argument.

The majority. Chief Justice Roberts's opinion leaned on history. As the Court's official summary, called the syllabus, describes it: under English common law, children born in the king's lands were subjects "regardless of how 'momentary and uncertain'" their parents' presence was, a rule called jus soli, or "right of the soil." The summary says the Dred Scott decision of 1857 "departed from the common law and adopted the view that blood, not soil, determined citizenship," and that the Fourteenth Amendment was written to undo it.[311] On the

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[306] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, syllabus, holding. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[307] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, lineup. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[308] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, conclusion of the opinion. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[309] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, syllabus parts (a) and (b). https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[310] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, Thomas, J., dissenting, at 1-2. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[311] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, syllabus parts (a) and (b). https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

text, the summary notes that words "appearing frequently in the Executive Order" such as "'mother,' 'father,' 'lawful,' 'temporary'" are "absent from the Clause."[312]

Justice Kavanaugh. He agreed the order could not stand, but for a narrower reason. In his view, "the Executive Order does not violate the Fourteenth Amendment. But the Order does contravene a federal statute, 8 U. S. C. section 1401(a)." He added that Congress "could ... amend section 1401(a) or otherwise enact new legislation establishing exceptions to birthright citizenship," but "has not yet done so."[313] His view did not win, but it matters: one Justice believes Congress, not only a constitutional amendment, could change the rule.

Justice Alito. He called it "one of the most important decisions in the history of the Court" and said "the Court has made a serious mistake." He argued that the Amendment covers "only those children who, at birth, owe allegiance solely to this country," and he raised the case of "birth tourists," women who come "solely for the purpose of giving birth to a child and then promptly return home." He also wrote that his reading "would not require uprooting the millions of children who were born here to mothers who entered or remained in this country illegally."[314]

Justice Gorsuch. He framed the case as a choice between the old English rule and "a distinctly American settler's view of citizenship," one that promises citizenship "to any child born in this country to parents who have made this Nation their permanent home." He preferred the second view and joined Justice Thomas.[315]

Ask yourself: is citizenship about where you are born, or about whether your family has made this country its home? The Court's answer, for now, is the first. Five Justices joined that reasoning, a sixth agreed with the result on other grounds, and three disagreed.

Naturalization

A green card holder can apply to become a citizen. The main rules are in the law:[316]

- Five years of continuous residence as a green card holder, and physical presence in the United States for at least half of that time.
- At least three months living in the state or USCIS district where the person applies.
- "Good moral character," being "attached to the principles of the Constitution," and being "well disposed to the good order and happiness of the United States."

A person married to and living with a U.S. citizen can apply after three years instead of five.[317]

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[312] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, syllabus part (d). https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[313] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, Kavanaugh, J., at 1. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[314] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, Alito, J., dissenting, at 1. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[315] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, Gorsuch, J., dissenting, at 1. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[316] U.S. Congress, "8 U.S.C. 1427 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1427(a). https://www.law.cornell.edu/uscode/text/8/1427 (accessed November 12, 2026).

Applicants must also show "an understanding of the English language, including an ability to read, write, and speak words in ordinary usage," and "a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States."[318] That second part is the civics test.

The law gives some older applicants a break. The English requirement does not apply to a person who is "over fifty years of age" with at least 20 years as a green card holder, or "over fifty-five years of age" with at least 15 years. People over 65 with at least 20 years as a green card holder get "special consideration" on the civics test. And neither requirement applies to a person who cannot meet it because of a disability.[319] [Not verified: the details of the current civics test, such as how many questions are asked and how many must be answered correctly. USCIS revised the test in 2025, but its website blocked download, so I do not give the numbers.]

How many people naturalize each year? The 2024 Democratic platform said USCIS "administered the oath of allegiance to more than 878,500 new U.S. citizens" in fiscal 2023.[320] That is a party document making a claim about its own administration. Pew Research Center reported 818,500 naturalizations in fiscal 2024.[321] Pew also noted that "Millions of lawful permanent residents are currently eligible to become U.S. citizens but have not applied for naturalization."[322] [Not verified: the DHS yearbook count of naturalizations for fiscal 2023 through 2025, and current USCIS processing times. Both are on DHS and USCIS websites that blocked download.]

Good moral character

The law does not define "good moral character" in a single sentence. Instead, it lists people who cannot be found to have it during the required period. The list includes "a habitual drunkard," a person whose "income is derived principally from illegal gambling activities," a person "who has given false testimony for the purpose of obtaining any benefits under this chapter," and a person who has been jailed, after a conviction, "for an aggregate period of one hundred and eighty days or more." A person "convicted of an aggravated felony" at any time is barred permanently.[323]

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[317] U.S. Congress, "8 U.S.C. 1430 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1430(a). https://www.law.cornell.edu/uscode/text/8/1430 (accessed November 12, 2026).

[318] U.S. Congress, "8 U.S.C. 1423 (current text)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1423(a). https://www.law.cornell.edu/uscode/text/8/1423 (accessed November 12, 2026).

[319] U.S. Congress, "8 U.S.C. 1423 (current text)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1423(b). https://www.law.cornell.edu/uscode/text/8/1423 (accessed November 12, 2026).

[320] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, Fast, Efficient Immigration Decisions. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[321] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, naturalization. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[322] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, naturalization. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[323] U.S. Congress, "8 U.S.C. 1101 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1101(f). https://www.law.cornell.edu/uscode/text/8/1101 (accessed November 12, 2026).

Beyond the list, officers can weigh other conduct. [Not verified: how USCIS applies the catch-all part of the standard in current practice, which is in its Policy Manual on a site that blocked download.]

The oath

The last step is a public oath. The law requires a new citizen to swear "to support the Constitution of the United States"; "to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty"; "to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic"; "to bear true faith and allegiance to the same"; and to bear arms, perform noncombatant service or perform "work of national importance under civilian direction when required by the law."[324] A person who shows a religious objection to bearing arms can take an oath without that part.[325]

Losing citizenship

A naturalized citizen can lose citizenship through "denaturalization" if the government proves in court that citizenship was "illegally procured" or "procured by concealment of a material fact or by willful misrepresentation."[326] This is a court case, not an administrative decision, and the person gets notice and a chance to answer. [Not verified: the number of denaturalization cases filed in 2025 and 2026, and the text of any 2025 Justice Department memo making them a priority. The Justice Department website blocked download.]

What this chapter shows

Point	Label	Basis
A child born in the United States is a citizen, regardless of the parents' immigration status	Confirmed fact	Fourteenth Amendment; Wong Kim Ark (1898); Trump v. Barbara (2026)
The 2025 executive order limiting birthright citizenship was held unconstitutional	Confirmed fact	Trump v. Barbara
Naturalization usually requires 5 years as a green card holder (3 if married to a citizen), good moral character, English and civics	Confirmed fact	8 U.S.C. 1423, 1427, 1430

[324] U.S. Congress, "8 U.S.C. 1448, Oath of renunciation and allegiance", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1448(a). https://www.law.cornell.edu/uscode/text/8/1448 (accessed November 12, 2026).

[325] U.S. Congress, "8 U.S.C. 1448, Oath of renunciation and allegiance", Legal Information Institute, Cornell Law School, current as of November 12, 2026, section 1448(a). https://www.law.cornell.edu/uscode/text/8/1448 (accessed November 12, 2026).

[326] U.S. Code, "8 U.S.C. 1451 (current text)", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 1451(a). https://www.law.cornell.edu/uscode/text/8/1451 (accessed November 12, 2026).

Questions to think about

1. The Supreme Court decided in Trump v. Barbara what the words "subject to the jurisdiction thereof" mean. Before reading this chapter, what did you think they meant?
2. The naturalization oath asks new citizens to renounce "all allegiance" to other nations. What does that promise mean to you?
3. Should the English and civics requirements be easier, harder or stay as they are?

Part Three: The Border and the Numbers

Chapter 11: How the Border Is Counted

Information in this chapter is current as of November 12, 2026.

Before you can judge any claim about "record crossings" or "the most secure border ever," you need to know what was counted. Border numbers look simple. They are not. Two people can quote two true numbers for the same year and still mislead you, because they are counting different things.

This chapter is the key to Chapter 12, which lays out the numbers by year and by president, and to several verdicts in Chapter 19.

The two agencies that count

Most border numbers come from U.S. Customs and Border Protection, or CBP, a part of the Department of Homeland Security. Inside CBP, two offices do the counting:

- **U.S. Border Patrol** works the land between official crossing points. When agents stop someone who crossed between those points, it is an **apprehension**.
- **The Office of Field Operations** staffs the official crossing points, called **ports of entry**, such as the bridges at El Paso or the San Ysidro crossing near San Diego. When officers there find that a person cannot lawfully enter, that is counted as an **inadmissible**.

CBP defines apprehensions as "the physical control or temporary detainment of a person by USBP between POEs who is not lawfully in the U.S. which may or may not result in an arrest." It defines inadmissibles as people at ports of entry "seeking lawful admission into the United States (U.S.) but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe."[327]

Notice something in that second definition. A person who walks up to a port of entry and asks for asylum is counted as an inadmissible. So is a traveler with a paperwork problem who turns around and goes home. Both go into the same total.

Encounters: the umbrella number

Since about 2020, CBP's headline figure has been **encounters**. CBP says encounter data "includes U.S. Border Patrol (USBP) Title 8 Apprehensions, Office of Field Operations (OFO) Title 8 Inadmissibles, and Title 42 Expulsions."[328]

So:

Term	Who counts it	Where	What it includes

[327] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, definitions. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

[328] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, definitions. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

Term	Who counts it	Where	What it includes
Apprehension	Border Patrol	Between ports of entry	People stopped after crossing unlawfully
Inadmissible	Office of Field Operations	At ports of entry	People found not admissible, including asylum seekers who present themselves and travelers who withdraw
Title 42 expulsion	Both	Both	People expelled under the public health order, March 21, 2020 to May 11, 2023
Encounter	CBP overall	Both	All of the above added together

Here is why this matters. Older numbers, going back to the 1920s, are mostly Border Patrol apprehensions only. Newer headlines usually use encounters, which are bigger because they add in people at ports of entry. If someone compares a 1990s apprehension number with a 2023 encounter number, the comparison is unfair to the more recent year. If someone compares a 2023 apprehension number with a 2026 encounter number, it is unfair to the earlier year. In this book I say which one I am using every time.

Title 8 and Title 42

Title 8 of the U.S. Code is the immigration law. Most border actions happen under it. A person caught under Title 8 can be put into removal proceedings, removed through expedited removal, or allowed to withdraw and go back. Each of those can carry consequences, such as a bar on coming back.

Title 42 is the public health law. From March 21, 2020 to May 11, 2023, border officials used an order under it to expel many people quickly, without the usual immigration process.[329] Because an expulsion under Title 42 carried few legal penalties, many people who were expelled tried again, sometimes within days. Each try was counted as a new encounter.

You might ask, "So were the 2021 and 2022 numbers inflated?" In a sense, yes. Those years' totals count events, and repeat attempts were more common under Title 42. That does not mean the numbers were wrong. It means the number of events was higher than the number of different people. I could not find an official CBP figure for the number of unique individuals in those years that I could open and check, so I do not give one. [Not verified: CBP has published repeat-encounter rates in some reports; I did not open one.]

[329] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, definitions of Title 42 expulsions. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

Events, not people

Every CBP border number counts events. If the same person is caught three times in a year, that is three apprehensions. This has always been true, including in the 1950s and the 1980s and 2000s.

Before the 2000s, Border Patrol caught many of the same people over and over, mostly Mexican men who were returned across the border and tried again. That is one reason the yearly numbers in the 1980s and 1990s were so high. The number of different people crossing was lower than the totals suggest. The same caution applies to any year.

Where people were caught: "at entry" and "at large"

Since fiscal year 2025, CBP's public tables split Border Patrol apprehensions into two kinds:[330]

- **At entry:** "an alien who has entered the United States without admission and has not yet reached his/her destination, regardless of the amount of time since entry."
- **At large:** "an alien who has illegally entered the United States, has already reached their destination, and is encountered or who was legally admitted and has since overstayed their permitted time, illegally remaining in the U.S."

The "at large" group is small but growing. Along the southwest border in September 2025, Border Patrol made 7,126 at-entry apprehensions and 1,260 at-large apprehensions.[331] So when you see a recent Border Patrol total, part of it is people caught inside the country, not at the border line.

People who get away

Border Patrol also tracks people its agents see or detect but do not catch. These are often called "gotaways." A gotaway is not an apprehension, so it is not in any of the totals above. Gotaway numbers are estimates by their nature, because no one is caught to count. [Not verified: I did not open an official CBP document defining gotaways or giving yearly totals, so I give no number here.] Both sides cite them. Those who say the border was out of control add gotaways to apprehensions. Those who say enforcement worked point out that the estimates are rough.

Fiscal years and presidents

Federal agencies count by fiscal year, which runs from October 1 to September 30. Fiscal year 2025, for example, ran from October 1, 2024 to September 30, 2025.[332] A new president takes office on January 20, almost four months into a fiscal year.

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[330] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, definitions of At Entry and At Large. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

[331] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, monthly table. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

[332] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, fiscal year note. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

That means every president's first fiscal year is partly the last president's. In fiscal year 2025, about the first four months were under President Biden and the last eight under President Trump. In this book, when I group years by president, I give each fiscal year to the president who held office for most of it. I mark that choice in every table where it matters.

Monthly numbers avoid that problem. In December 2024, the last full month of President Biden's term, Border Patrol made 47,320 apprehensions at the southwest border. In February 2025, the first full month of President Trump's second term, it made 8,349.[333]

The word "record"

When a headline says "record," ask three questions:

1. **Record of what?** Encounters, apprehensions, or something else? Nationwide or at the southwest border only?
2. **Since when?** CBP's encounter series is recent. Border Patrol's apprehension series goes back to fiscal year 1925.[334]
3. **High or low for which period?** A month, a fiscal year, or a president's term?

Here are two true "record" statements from the sources in this book:

- Southwest border encounters reached 2,475,669 in fiscal year 2023, the highest ever recorded for that measure.[335]
- CBP reported 30,561 nationwide encounters in October 2025 and called it the lowest start to a fiscal year it had recorded.[336]

Both are accurate. Both are about different measures and time frames.

Why the numbers move

Border numbers rise and fall for many reasons. Policy is one. Others include conditions in other countries, the U.S. job market, Mexico's own enforcement, smuggling networks, weather, and what migrants hear about their chances. Researchers argue about how much each factor matters at a given time. In this book, when a number moved, I report the timing of policy changes and let you see the pattern. I label the cause as an interpretation unless a study measured it.

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[333] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, monthly table. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

[334] U.S. Border Patrol, "Total Apprehensions (FY 1925 - FY 2020)", U.S. Customs and Border Protection, no date, table. https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/U.S.%20Border%20Patrol%20Total%20Apprehensions%20(FY%201925%20-%20FY%202020)%20(508).pdf (accessed November 12, 2026).

[335] Congressional Research Service, "Southwest Border Encounters and Asylum Restrictions, IN12457", Congressional Research Service via EveryCRSReport, November 6, 2024, southwest border encounters. https://www.everycrsreport.com/reports/IN12457.html (accessed November 12, 2026).

[336] U.S. Customs and Border Protection, "DHS Delivers Historic Start to Border Crossings in FY 2026", CBP national media release, November 5, 2025, lead paragraph. https://www.cbp.gov/newsroom/national-media-release/dhs-delivers-historic-start-border-crossings-fy-2026 (accessed November 12, 2026).

A checklist for any border number

Question	Why it matters
Is it encounters or apprehensions?	Encounters include ports of entry and are larger
Southwest border or nationwide?	Nationwide adds the northern border and air and sea
Does it include Title 42 expulsions?	They were counted from March 2020 to May 2023
Fiscal year or calendar year?	A fiscal year starts October 1
Events or people?	All totals count events; one person can be counted many times
Is it a final number or preliminary?	CBP says its data is "subject to change" until the fiscal year closes[337]

What this chapter shows

Point	Label	Basis
CBP counts events, not unique people	Confirmed fact	CBP definitions
Encounters include apprehensions, port-of-entry inadmissibles and Title 42 expulsions	Confirmed fact	CBP definitions
Title 42 expulsions were counted from March 21, 2020 to May 11, 2023	Confirmed fact	CBP
Each president's first fiscal year is partly under the prior president	Confirmed fact	Fiscal year dates
Comparisons across eras can mislead if they mix measures	Interpretation	Based on the definitions above
How many unique people crossed in 2021-2023	Unknown	No official unique-person count was opened

Questions to think about

1. Why does it matter that an encounter counts events, not people?
2. If you saw the headline "Record border crossings," what three questions from this chapter would you ask first?
3. Gotaways are estimates. How much weight should an estimate get in a public debate?

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[337] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, data note. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

Chapter 12: Border Numbers by President

Information in this chapter is current as of November 12, 2026.

People argue about which president had the most border crossings, the fewest, the best record and the worst. This chapter puts the official numbers side by side so you can see for yourself. Read Chapter 11 first if you have not. Every number here counts events, not people, and the measure changes over time.

The long view: Border Patrol apprehensions since 1925

The longest official series is U.S. Border Patrol apprehensions, nationwide, by fiscal year, from 1925 on. Some milestones from CBP's table:[338]

Fiscal year	Border Patrol apprehensions (nationwide)	What was happening
1925	22,199	First full year of the Border Patrol
1944	31,175	Bracero Program under way
1954	1,028,246	Year of the operation known as "Operation Wetback"
1955	225,186	Year after
1960	28,966	Bracero Program still running
1970	231,116	After the Bracero Program ended in 1964
1986	1,692,544	Year the Immigration Reform and Control Act passed
2000	1,676,438	Highest year in the series
2005	1,189,075	
2010	463,382	
2017	310,531	Lowest since 1971
2019	859,501	Family arrivals rise
2020	405,036	Includes Title 42 expulsions from March 2020

Look at the pattern. Apprehensions were low for decades, rose sharply after the Bracero Program ended, stayed above about 1 million a year from the 1980s to the mid-2000s, then fell to a few hundred thousand a year in the 2010s. Before the 2020s, the highest year was fiscal 2000, under President Clinton.

You might ask, "Weren't the 1980s and 1990s numbers mostly the same Mexican workers being caught again and again?" Many were. That is why a high apprehension count in those years does not mean as many different people. It is also why some researchers think apprehensions

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[338] U.S. Border Patrol, "Total Apprehensions (FY 1925 - FY 2020)", U.S. Customs and Border Protection, no date, table. https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/U.S.%20Border%20Patrol%20Total%20Apprehensions%20(FY%201925%20-%20FY%202020)%20(508).pdf (accessed November 12, 2026).

overstated the true flow in that era, and some think it understated it, because many crossers were never caught. Both readings are interpretations.

The table by president

The table below gives each fiscal year to the president who was in office for most of it (see Chapter 11). For fiscal years 1969 through 2020, the measure is nationwide Border Patrol apprehensions.[339] For fiscal years 2024 through 2026, it is the same measure, which I added up from CBP's monthly tables.[340,341,342]

Border Patrol apprehensions, nationwide, by president (fiscal years; data as of November 12, 2026)

President	Fiscal years	First year	Last year	Highest year	Lowest year
Richard Nixon	1969-1974	172,391	634,777	634,777 (1974)	172,391 (1969)
Gerald Ford	1975-1976	596,796	696,039	696,039 (1976)	596,796 (1975)
Jimmy Carter	1977-1980	812,541	759,420	888,729 (1979)	759,420 (1980)
Ronald Reagan	1981-1988	825,290	969,214	1,692,544 (1986)	819,919 (1982)
George H.W. Bush	1989-1992	891,147	1,199,560	1,199,560 (1992)	891,147 (1989)
Bill Clinton	1993-2000	1,263,490	1,676,438	1,676,438 (2000)	1,031,668 (1994)
George W. Bush	2001-2008	1,266,214	723,825	1,266,214 (2001)	723,825 (2008)
Barack Obama	2009-2016	556,041	415,816	556,041 (2009)	337,117 (2015)
Donald Trump (first term)	2017-2020	310,531	405,036	859,501 (2019)	310,531 (2017)
Joe Biden	2021-2024	See note	1,557,319	See note	See note
Donald	2025-2026	254,183	121,452	254,183	121,452

[339] U.S. Border Patrol, "Total Apprehensions (FY 1925 - FY 2020)", U.S. Customs and Border Protection, no date, table. https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/U.S.%20Border%20Patrol%20Total%20Apprehensions%20(FY%201925%20-%20FY%202020)%20(508).pdf (accessed November 12, 2026).

[340] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2024", U.S. Customs and Border Protection, no date, monthly table. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2024 (accessed November 12, 2026).

[341] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, monthly table. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

[342] U.S. Customs and Border Protection, "Nationwide Encounters", U.S. Department of Homeland Security, no date, fiscal year 2026 monthly table. https://www.cbp.gov/newsroom/stats/nationwide-encounters (accessed November 12, 2026).

President	Fiscal years	First year	Last year	Highest year	Lowest year
Trump (second term)				(2025)	(2026)

Notes: Fiscal year 2020 includes Title 42 expulsions from March 2020. For fiscal years 2021 through 2023, I could not open a CBP table giving nationwide Border Patrol apprehensions in the same form, so I leave those cells out rather than estimate. The next table gives the southwest border encounter totals for those years, which are a different and larger measure. Fiscal year 2025 includes about four months under President Biden.

The Biden years in the encounter measure

For fiscal years 2021 through 2024, the best official series I could open is southwest border encounters, which include ports of entry and Title 42 expulsions:[343]

Fiscal year	Southwest border encounters	Notes
2021	1,734,686	Title 42 in force all year; first four months under President Trump
2022	2,378,944	Title 42 in force all year
2023	2,475,669	Highest ever for this measure; Title 42 ended May 11, 2023
2024	2,135,005	June 2024 asylum proclamation in force from June 5

The Congressional Research Service reported that about 1.5 million of the fiscal 2024 encounters were Border Patrol apprehensions between ports of entry.[344] My own sum of CBP's monthly figures gives 1,530,523 southwest border Border Patrol apprehensions for fiscal 2024.[345]

A Utah news report summarizing Border Patrol figures gave southwest border apprehensions of about 2.21 million in fiscal 2022 and 2.05 million in fiscal 2023.[346] Those are the news outlet's rounded figures, not ones I took from a CBP table myself.

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[343] Congressional Research Service, "Southwest Border Encounters and Asylum Restrictions, IN12457", Congressional Research Service via EveryCRSReport, November 6, 2024, southwest border encounters by fiscal year. https://www.everycrsreport.com/reports/IN12457.html (accessed November 12, 2026).

[344] Congressional Research Service, "Immigration and the Southwest Border, IN12417", Congressional Research Service via EveryCRSReport, December 2, 2024, summary. https://www.everycrsreport.com/reports/IN12417.html (accessed November 12, 2026).

[345] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2024", U.S. Customs and Border Protection, no date, monthly table. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2024 (accessed November 12, 2026).

[346] Tim Vandenack, "US-Mexico border apprehensions, a focus of alarm under Biden, have plummeted under Trump", KSL.com, October 7, 2025, figures. https://www.ksl.com/article/51386604/us-mexico-border-apprehensions-a-focus-of-alarm-under-biden-have-plummeted-under-trump (accessed November 12, 2026).

The second Trump term

Border Patrol apprehensions dropped sharply after January 2025. Here are the southwest border monthly figures across the change of administration:[347]

Month	Southwest border Border Patrol apprehensions
October 2024	56,515
November 2024	46,609
December 2024	47,320
January 2025	29,105
February 2025	8,349
March 2025	7,179
June 2025	6,066
July 2025	4,592
September 2025	8,386

For all of fiscal 2026, Border Patrol made 121,452 apprehensions nationwide, by my sum of CBP's monthly figures. Of those, 98,705 were at the southwest border.[348]

How low is 121,452? In CBP's long series, it is lower than every fiscal year since 1967, when the total was 94,778.[349] That comparison holds because both numbers are nationwide Border Patrol apprehensions. A news report on CBP's preliminary figures said nationwide encounters, the broader measure, totaled 379,243 for fiscal 2026, which it called the lowest in the agency's history.[350] I could not open CBP's own year-end release to confirm that figure, so it carries the news outlet's attribution.

Same numbers, two stories

How each side reads this record:

- **Those who favor stricter enforcement** point to the 2021-2024 surge as proof that the Biden administration's policies drew people in, and to the 2025-2026 drop as proof that enforcement works when a president chooses to use it. They note that the law Congress wrote was the same in both periods.

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[347] U.S. Customs and Border Protection, "Nationwide Encounters Fiscal Year 2025", U.S. Customs and Border Protection, November 14, 2025, monthly table. https://www.cbp.gov/newsroom/stats/nationwide-encounters-fy2025 (accessed November 12, 2026).

[348] U.S. Customs and Border Protection, "Nationwide Encounters", U.S. Department of Homeland Security, no date, fiscal year 2026 monthly table. https://www.cbp.gov/newsroom/stats/nationwide-encounters (accessed November 12, 2026).

[349] U.S. Border Patrol, "Total Apprehensions (FY 1925 - FY 2020)", U.S. Customs and Border Protection, no date, table. https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/U.S.%20Border%20Patrol%20Total%20Apprehensions%20(FY%201925%20-%20FY%202020)%20(508).pdf (accessed November 12, 2026).

[350] Bethany Blankley (The Center Square), republished by Eurasia Review, "Southwest Illegal Border Crossing Reach Lowest Level For One Year In U.S. History", Eurasia Review, October 2026, figures. https://www.eurasiareview.com/19102026-southwest-illegal-border-crossing-reach-lowest-level-for-one-year-in-u-s-history/ (accessed November 12, 2026).

- **Those who favor a more open approach** point out that crossings were already falling in the second half of 2024, after the June 2024 proclamation, and that conditions abroad and Mexico's enforcement also drove the numbers. They also argue that the low numbers since 2025 come with costs, such as people with real asylum claims being turned away.

Both arguments use real numbers. Which policy caused how much of each change is an interpretation. No study I opened measured it precisely.

A note on Operation Wetback

The 1954 figure, 1,028,246, is often cited as the number of people deported in "Operation Wetback." That is not what it is. It is the total Border Patrol apprehensions for the whole fiscal year. An NBC News report quoted scholar Luis Plascencia saying that the operation itself may have deported perhaps 33,000 to 74,000 people.[351] Chapter 2 covers this history, and Chapter 19 gives a verdict on related claims.

What this chapter shows

Point	Label	Basis
Border Patrol apprehensions peaked in fiscal 2000 at 1,676,438, before the 2020s	Confirmed fact	CBP historical table
Southwest border encounters peaked in fiscal 2023 at 2,475,669	Confirmed fact	CBP via CRS
Fiscal 2026 Border Patrol apprehensions were 121,452, the lowest since fiscal 1967	Confirmed fact	CBP tables, my sum
Monthly apprehensions fell from 47,320 in December 2024 to 8,349 in February 2025	Confirmed fact	CBP monthly table
How much of each change came from policy	Interpretation	No study measured it directly
Nationwide Border Patrol apprehensions for fiscal 2021-2023	Unknown here	Official table not opened

Questions to think about

1. Why do supporters of each president often use a different measure of border numbers?
2. Is it fair to assign a whole fiscal year to one president? What other rule could you use?
3. Which factors that move border numbers are under a president's control, and which are not?

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[351] Juan Castillo, "Eisenhower's Deportation Programs' 1 Million Figure Called Into Question", NBC News, November 12, 2015, Plascencia estimate. https://www.nbcnews.com/news/latino/eisenhowers-deportation-programs-1-million-figure-called-question-n462391 (accessed November 12, 2026).

Chapter 13: People Without Legal Status: How Many and How We Know

Information in this chapter is current as of November 12, 2026.

How many people are living in the United States without legal status? You will hear numbers from 10 million to more than 20 million. Some are careful estimates. Some are guesses. This chapter explains how the careful estimates are made, puts them side by side, and shows why they differ.

First, a word about words. In this book I use "unauthorized immigrant" in my own voice. The law usually says "alien," and DHS now titles its own estimates page "Estimates of the Illegal Alien Population."[352] Pew Research Center says its term "unauthorized immigrant" means the same thing as "undocumented" or "illegal" immigrant.[353] Whatever the word, the question is the same: how many people are here without a lawful status?

Nobody counts them directly

No agency keeps a list of everyone here unlawfully. People in this group do not register, and many avoid contact with the government. So every serious estimate is built indirectly.

The residual method

Almost every major estimate uses what is called the **residual method**. Pew describes its version in three steps:[354]

1. Estimate the total number of immigrants living in the country, using the Census Bureau's surveys, mainly the American Community Survey and the Current Population Survey.
2. Estimate the number of immigrants living here legally, using official counts of green cards, refugee admissions and other records, adjusted for deaths and people who leave.
3. Subtract the legal number from the total. What remains, the residual, is the estimate of unauthorized immigrants.

Pew also makes an "upward adjustment" because surveys tend to miss some people, and it publishes margins of error.[355]

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[352] DHS Office of Homeland Security Statistics, "Estimates of the Illegal Alien Population", U.S. Department of Homeland Security, August 8, 2025, page title. https://ohss.dhs.gov/topics/immigration/unauthorized-immigrant-population-estimates (accessed November 12, 2026).

[353] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, methodology, terminology. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[354] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, methodology. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[355] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, methodology. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

You might ask, "Do people without status answer Census surveys?" Many do, because the surveys do not ask about legal status. That is why the method works at all. But some do not, which is why every estimate adds an adjustment for people the surveys missed. How big that adjustment should be is one of the main reasons the estimates differ.

The main estimates

Estimates of the unauthorized immigrant population (as of November 12, 2026)

Source	Type	Estimate	Date the estimate refers to
Pew Research Center	Nonpartisan research (Tier 3)	14.0 million	July 2023
Migration Policy Institute	Research group usually cited by the reform side (Tier 5, labeled)	13.7 million	Mid-2023
Center for Migration Studies	Research group affiliated with a Catholic order (Tier 5, labeled)	[Not verified: the CMS website lists its estimates in a way I could not read, so I give no figure]	2023
Center for Immigration Studies	Group that favors lower immigration (Tier 5, labeled)	[Not verified: the CIS report page I sought was not found]	
DHS Office of Homeland Security Statistics	Official (Tier 1)	Latest report covers January 2022	January 2022

Sources: Pew;[356] MPI;[357] DHS.[358]

DHS's own series stops in January 2022. Its estimates page lists the report "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2018-January 2022" as the latest.[359] [Not verified: the total in that DHS report; I opened the page listing it but

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[356] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, key findings. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[357] Julia Gelatt, Ariel G. Ruiz Soto and Jennifer Van Hook Bachmeier, "Changing Origins, Rising Numbers: Unauthorized Immigrants in the United States", Migration Policy Institute, October 2025, headline estimate. https://www.migrationpolicy.org/system/files/2026-08/mpi-unauthorized-immigrants-fact-sheet-2025-final.pdf (accessed November 12, 2026).

[358] DHS Office of Homeland Security Statistics, "Estimates of the Illegal Alien Population", U.S. Department of Homeland Security, August 8, 2025, list of reports. https://ohss.dhs.gov/topics/immigration/unauthorized-immigrant-population-estimates (accessed November 12, 2026).

[359] DHS Office of Homeland Security Statistics, "Estimates of the Illegal Alien Population", U.S. Department of Homeland Security, August 8, 2025, list of reports. https://ohss.dhs.gov/topics/immigration/unauthorized-immigrant-population-estimates (accessed November 12, 2026).

not the report itself.] DHS's monthly enforcement report has also been on hold. Its page says, "This monthly report is delayed while it is under review."[360]

So for 2023 and later, the best available numbers come from private researchers, not the government.

What Pew found

Pew's August 2025 report is the most detailed recent estimate. Its main findings:[361]

- The unauthorized population reached about 14.0 million in 2023, a record. That was up 3.5 million in two years, "the biggest on record."
- The previous high was 12.2 million in 2007.
- About 6 million of the 14 million had some protection from deportation, such as a pending asylum case, parole, TPS or DACA. In 2007, only about 500,000 did.
- "More than 12 million in 2023 - either entered the U.S. illegally or overstayed a visa. Another 2 million entered the U.S. legally and were paroled or released into the country."
- Mexico was the largest country of birth, at about 4.3 million, "returning to its 2019 level." Fast growth came from Venezuela (650,000 in 2023, up from 195,000 in 2021) and Cuba (475,000 in 2023, up from 100,000 in 2021).
- The top six states held 56 percent of the total in 2023, down from 80 percent in 1990.

Pew also looked at 2025. It found that "From January to June 2025, the unauthorized immigrant population likely declined, possibly by as much as 1 million," but that it "almost surely remains higher than in July 2023."[362] Using the Current Population Survey, Pew's researchers found the total immigrant population fell from 53.3 million in January 2025 to 51.9 million in June 2025, the first decline since the 1960s.[363]

Where they come from and where they live

Pew's 2023 figures also show how much the unauthorized population has changed in makeup.[364]

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[360] DHS Office of Homeland Security Statistics, "Immigration Enforcement and Legal Processes Monthly Tables", U.S. Department of Homeland Security, no date, page notice. https://ohss.dhs.gov/topics/immigration/immigration-enforcement-and-legal-processes-monthly-tables (accessed November 12, 2026).

[361] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, key findings. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[362] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, section on 2025. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[363] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, key findings. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[364] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, countries and states. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

Unauthorized immigrants by country of birth, 2023 (Pew estimates)

Country of birth	Estimate
Mexico	about 4.3 million (30 percent of the total)
Guatemala	850,000
El Salvador	850,000
Honduras	775,000
India	680,000
Venezuela	650,000
Cuba	475,000

Mexicans were a majority of the unauthorized population through 2016. By 2023, their 30 percent share was, in Pew's words, "by far the smallest share on record." The number born in countries other than Mexico grew from 6.4 million in 2021 to 9.7 million in 2023. Cuba is a striking case: fewer than 5,000 in 2019, 100,000 in 2021 and 475,000 in 2023. Pew ties that growth to the end of the special policy that let Cubans enter without a visa, a change made in 2017 under President Obama, and to the Biden-era parole programs.[365]

Unauthorized immigrants by state, 2023 (Pew estimates)

State	Estimate	Change from 2021
California	2.3 million	+425,000
Texas	2.1 million	+450,000
Florida	1.6 million	+700,000
New York	825,000	+230,000

The unauthorized population grew in 32 states from 2021 to 2023. The six largest states held 56 percent of the total in 2023, down from 80 percent in 1990.[366] That spread matters politically. Immigration is no longer an issue mainly for border states and a few big cities. Places like Ohio, Georgia, North Carolina and Massachusetts, each of which gained 75,000 or more from 2021 to 2023 by Pew's estimate, now deal with it directly.

How big a share?

Pew put unauthorized immigrants at 4.1 percent of the U.S. population in 2023, up from 3.1 percent in 2021, and at 27 percent of all immigrants.[367] In other words, nearly three of every four

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[365] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, countries and states. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[366] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, countries and states. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[367] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, composition. https://www.pewresearch.org/race-and-

immigrants in the country are here legally. The lawful immigrant population grew from 24.1 million in 2000 to 37.8 million in 2023, driven by naturalized citizens, who rose from 10.7 million to 23.8 million. In 2023, 46 percent of all immigrants were naturalized U.S. citizens.[368]

That is worth keeping in mind whenever "immigrants" and "illegal immigrants" are used as if they meant the same thing. They do not. Most immigrants are citizens or green card holders.

A quick profile of all immigrants

Because "immigrants" and "unauthorized immigrants" are so often mixed up, it helps to see the larger group. Pew researchers Stephanie Kramer and Jeffrey Passel summarized it in August 2025, using Census Bureau survey data.[369] All figures below are Pew's, and most are for 2023, the latest year with detailed data.

Topic	What Pew reported
Total	51.9 million immigrants in June 2025, 15.4 percent of residents, down from a record 53.3 million (15.8 percent) in January 2025
Largest countries of birth (2023)	Mexico, more than 11 million (22 percent); India, 3.2 million; China, 3 million; the Philippines, 2.1 million; Cuba, 1.7 million
Regions of birth (2023)	Latin America 52 percent; Asia 27 percent; Europe 10 percent; sub-Saharan Africa 5 percent; Middle East and North Africa 4 percent
Legal status (2023)	Naturalized citizens 46 percent; green card holders 23 percent; lawful temporary residents 4 percent; unauthorized 27 percent
Where they live (2023)	California 11.3 million; Texas over 6 million; Florida 5.4 million; New York 5.0 million
Education, age 25 and older (2023)	24 percent had not finished high school, compared with 7 percent of the U.S.-born; 36 percent had a bachelor's degree or more, the same share as the U.S.-born
English (age 5 and older)	52 percent proficient; 57 percent of those who came before 2000, 47 percent of those who came in 2010 or later
Workers (2023)	33 million in the labor force, about 23 million

ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[368] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, composition. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[369] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, key questions. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

Topic	What Pew reported
	lawful and 10 million unauthorized

A few points stand out. The United States has more immigrants than any other country, but not the highest share: Pew noted that immigrants are 22 percent of Canada's population. Immigrants are both more likely than the U.S.-born to lack a high school diploma and just as likely to hold a college degree, which is one reason studies of their economic effects reach different answers for different groups (Chapter 14). And Pew cautioned that part of the 2025 drop "may be partly artificial due to a declining survey response rate among immigrants."[370]

How many become citizens each year? Pew reported that 818,500 people naturalized in fiscal 2024.[371] That is a research group's report of a government figure; I could not open the DHS table itself (Chapter 10).

What the Migration Policy Institute found

MPI's October 2025 fact sheet estimated 13.7 million unauthorized immigrants in mid-2023, up 3 million since 2019. It reported that 45 percent had lived in the United States for 20 years or more, and that 4.2 million were married to a U.S. citizen or green card holder.[372] That last number matters for Chapter 19's test of the "get in line" claim, because many of those spouses cannot get a green card from inside the country under the 1996 law described in Chapter 6.

Why the estimates differ

The estimates above are close to each other. The spread from about 12 million to 14 million comes mostly from three choices:

Choice	Why it matters
Which survey is the base	The American Community Survey is larger and slower; the Current Population Survey is smaller and monthly
How big the undercount adjustment is	A bigger adjustment raises the total
How to count people with temporary protection	Pew counts asylum seekers, parolees, TPS holders and DACA recipients in the unauthorized total because they lack permanent status; others may separate them

[370] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, key questions. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[371] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, naturalization. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[372] Julia Gelatt, Ariel G. Ruiz Soto and Jennifer Van Hook Bachmeier, "Changing Origins, Rising Numbers: Unauthorized Immigrants in the United States", Migration Policy Institute, October 2025, key findings. https://www.migrationpolicy.org/system/files/2026-08/mpi-unauthorized-immigrants-fact-sheet-2025-final.pdf (accessed November 12, 2026).

That third choice changed a lot after 2021. When about 6 million of the 14 million had some kind of protection, the question "how many are here illegally?" has two honest answers depending on whether you count a person with a pending asylum case as unauthorized.

The much bigger numbers

You may have heard that 20, 30 or even more million people are here without status. I did not find a published estimate using a stated method, in the sources I opened for this book, that supports a figure that high for 2023. [Not verified: I did not trace each high number to its origin; Chapter 19 does this for specific claims.] Such figures often come from adding up border encounters over several years, which counts events, not people, and ignores people who left or got status.

Overstays versus border crossers

Not everyone without status crossed the border unlawfully. Some came legally on a visa and stayed past its end date. These are visa overstays.

DHS publishes a yearly overstay report for people who arrived by air or sea. For fiscal 2023, it counted 39,005,712 expected departures and "a total overstay rate of 1.45 percent, or 565,155 overstay events." Of those, 510,363 were thought to still be in the country at the end of the year, and by May 1, 2024 that number had fallen to 399,708, or 1.02 percent, as more departures were recorded.[373] The report does not cover land crossings.

The Congressional Research Service reported that overstays "averaged about 720,000 per year from FY2016 to FY2022," peaking at 853,955 in fiscal 2022. It warned that "the number of overstays is a count of events, not individuals."[374]

What share of the people here without status came as overstays? CRS cited an estimate by Robert Warren of the Center for Migration Studies that, as of 2017, "about 5 million people - approximately 42% of the population residing in the United States without authorization - had entered the country legally but overstayed their period of admission," and that the other 58 percent entered without inspection. CRS added that "More recent estimates have not yet been produced."[375] So the best split I could find is nine years old, made by a Tier 5 group, and from before the 2021-2024 border surge. It should not be read as a current figure.

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[373] U.S. Customs and Border Protection, "Entry/Exit Overstay Report, Fiscal Year 2023 Report to Congress", U.S. Department of Homeland Security, August 5, 2024, executive summary. https://www.dhs.gov/sites/default/files/2024-09/0805_2024_cbp_entry_exit_overstay_report.pdf (accessed November 12, 2026).

[374] Jill H. Wilson, Andorra Bruno, Abigail F. Kolker and Audrey Singer, "Nonimmigrant Overstays: Overview and Policy Issues, Report R47848", Congressional Research Service (copy at EveryCRSReport.com), November 21, 2023, summary and footnote 4. https://www.everycrsreport.com/files/2023-11-21_R47848_3fc4cb99f1346a022efd4cb90242eba28f0ec40f.html (accessed November 12, 2026).

[375] Jill H. Wilson, Andorra Bruno, Abigail F. Kolker and Audrey Singer, "Nonimmigrant Overstays: Overview and Policy Issues, Report R47848", Congressional Research Service (copy at EveryCRSReport.com), November 21, 2023, body and footnote 6. https://www.everycrsreport.com/files/2023-11-21_R47848_3fc4cb99f1346a022efd4cb90242eba28f0ec40f.html (accessed November 12, 2026).

Pew's 2023 breakdown puts "entered illegally or overstayed a visa" together in one group of more than 12 million, so Pew's report alone does not split the two.[376] Chapter 19 tests the claim that "most" people here without status are overstays or that "most" crossed on foot.

Families

These numbers are not only about adults living alone. Pew estimated that 4.6 million U.S.-born children lived with an unauthorized immigrant parent in 2023, and that about 300,000 babies were born that year to an unauthorized immigrant parent.[377] Those children are U.S. citizens, as the Supreme Court confirmed in 2026 (Chapter 10). That fact shapes every enforcement debate, because removing a parent often means separating a family of citizens.

What this chapter shows

Point	Label	Basis
Pew estimated 14.0 million unauthorized immigrants in 2023, a record	Confirmed fact (estimate)	Pew Research Center, 2025
MPI estimated 13.7 million in mid-2023	Confirmed fact (estimate)	MPI, 2025
About 6 million had some protection from deportation in 2023	Confirmed fact (estimate)	Pew
DHS's latest official estimate covers January 2022	Confirmed fact	DHS OHSS page
The population likely fell in 2025	Likely (estimate)	Pew; Census survey data
Figures of 20 million or more	Not supported by any method-based estimate I opened	See Chapter 19
The exact number today	Unknown	No estimate yet covers 2026

Questions to think about

1. The estimates in this chapter run from about 11 million (a 2017 figure cited by CRS) to 14 million (Pew, 2023). Does the exact number change what policy you would favor?
2. Why would people with temporary protections, such as TPS, be counted differently by different groups?
3. The most recent split between overstays and border crossers is from 2017. What would you want to know before using it today?

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[376] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, key findings. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[377] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, section on children. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

Part Four: What the Research Shows

Chapter 14: Jobs and Wages

Information in this chapter is current as of November 12, 2026.

Do immigrants take jobs from Americans or lower their pay? That may be the oldest question in the whole debate. People asked it about the Irish in the 1840s, the Chinese in the 1870s and Mexicans in the 1950s. It is also one of the most studied questions in economics. This chapter tells you what the main studies found, where economists still disagree, and why.

The basic idea

Economists start with a simple model. If more workers arrive who have a certain set of skills, the supply of that kind of labor goes up, and in the short run the pay of workers most like them may go down. But the new workers also buy food, rent apartments and use services, which creates demand for more workers. Some immigrants have skills that complement those of people already here, which can raise others' pay. Employers may invest more when there are more workers. So the effect on any one group can be negative, positive or close to zero.

The National Academies of Sciences, Engineering, and Medicine put it this way in its 2017 report: "By increasing the supply of labor, an episode of immigration is predicted to reduce the wages of workers already in the labor market who are most similar to the new arrivals; the incomes of others may increase, either because immigrants' skills complement their own or because the returns on capital increase as a result of changes to the labor force."[378]

The question is which of those effects is bigger, for whom, and for how long.

Why it is hard to measure

You cannot run a lab experiment that adds immigrants to one city and not another. Researchers have to compare places and times, and that runs into problems the National Academies report spelled out:[379]

- Immigrants tend to move where jobs are already growing. If a researcher sees wages rising in a city with many immigrants, the immigrants may have been drawn by the rising wages, not the cause of them.
- Workers born here may move away, or not move in, when immigrants arrive. That spreads the effect across the whole country and makes local studies show smaller effects.
- Immigration is one force among many in a large economy.

The report said researchers "have made great strides in addressing these issues in recent decades; even so, the degree of success in dealing with them is still debated."[380]

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[378] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary, labor market section. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

[379] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary, labor market section. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

[380] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

The National Academies' 2017 findings

The 2017 National Academies report is the most complete review I found by a nonpartisan body. A panel of economists and demographers read the research to date. Here are its main labor findings, in its own words:[381]

- "When measured over a period of more than 10 years, the impact of immigration on the wages of natives overall is very small."
- "To the extent that negative wage effects are found, prior immigrants - who are often the closest substitutes for new immigrants - are most likely to experience them, followed by native-born high school dropouts, who share job qualifications similar to the large share of low-skilled workers among immigrants to the United States."
- Research "finds little evidence that immigration significantly affects the overall employment levels of native-born workers. However, recent research finds that immigration reduces the number of hours worked by native teens (but not their employment rate)."
- "Several studies have found a positive impact of skilled immigration on the wages and employment of both college-educated and noncollege-educated natives." But "other studies examining the earnings or productivity prevailing in narrowly defined fields find that high-skilled immigration can have adverse effects on the wages or productivity of natives working in those fields."

So the panel did not say immigration never hurts anyone. It said the overall long-run effect on wages is very small, and that the people most likely to lose are earlier immigrants and workers without a high school diploma.

The Mariel debate

The most famous single study in this field uses the Mariel boatlift described in Chapter 3. About 125,000 Cubans arrived in a few months of 1980, and many settled in Miami.[382] That sudden jump gave economists a natural experiment: what happened to Miami workers compared with similar cities?

The economist David Card studied it first. He found that the Mariel arrivals "increased the population and labor force of the Miami metropolitan area by 7 percent," but that "an analysis of wages of non-Cuban workers over the 1979-85 period reveals virtually no effect of the Mariel influx." He also found "no indication that the Boatlift lead [sic] to an increase in the unemployment rates of less-skilled blacks or other non-Cuban workers."[383]

Decades later, George Borjas went back to the same event and looked only at workers without a high school diploma, the group most like the newcomers. He wrote that his "reappraisal of the

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[381] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

[382] Lynn Nashorn, National Archives at College Park, "Castro, Cuba, and a Fleet of Fishing Boats: The Causes and Effects of the Mariel Boatlift", The Text Message (blog of the Textual Records Division, National Archives), August 3, 2021, account of the boatlift. https://text-message.blogs.archives.gov/2021/08/03/the-causes-and-effects-of-the-mariel-boatlift (accessed November 12, 2026).

[383] David Card, "The Impact of the Mariel Boatlift on the Miami Labor Market, Working Paper 3069", National Bureau of Economic Research, August 1989, abstract. https://www.nber.org/papers/w3069 (accessed November 12, 2026).

Mariel evidence, specifically examining wages in this low-skill group, overturns the finding that Mariel did not affect Miami's wage structure. The wage of high school dropouts in Miami dropped dramatically, by 10 to 30 percent."[384]

Other economists have challenged Borjas's choices, and he has answered them. [Not verified: I did not open the replies, so I do not summarize them.] The fight is less about the data than about two choices: which workers to count, and which cities to use as the comparison.

Why spend time on one 1980 event? Because it shows how two careful economists can look at the same data and reach different answers depending on choices that seem technical. When you hear "studies show," ask which group of workers was studied and what they were compared to.

Who works

Unauthorized immigrants are a large part of the workforce. Pew estimated 9.7 million unauthorized immigrant workers in 2023, 5.6 percent of the U.S. labor force, a record share. Construction (15 percent of its workers) and agriculture (14 percent) had the largest shares.[385]

MPI estimated that of 13 million unauthorized immigrants age 16 and older, 9.6 million were in the labor force and 94 percent of those were employed.[386]

Immigrants of all statuses made up about 19 percent of the labor force in mid-2025, down from 20 percent in January 2025, according to Pew researchers. They reported more than 750,000 fewer immigrant workers over that time.[387]

The long run: who will do the work?

The National Academies report noted that "Immigrants and their children will account for the vast majority of current and future net workforce growth - which, at less than 1 percent annually, is slow by historical standards."[388] In plain words, as the native-born population ages, growth in the number of workers depends heavily on immigration.

That point is now being tested. Researchers at the Brookings Institution and the American Enterprise Institute estimated that "net migration was between -10,000 and -295,000 in 2025,

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[384] George J. Borjas, "The Wage Impact of the Marielitos: A Reappraisal, Working Paper 21588", National Bureau of Economic Research, September 2015 (revised July 2016), abstract. https://www.nber.org/papers/w21588 (accessed November 12, 2026).

[385] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, section on workers. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[386] Julia Gelatt, Ariel G. Ruiz Soto and Jennifer Van Hook Bachmeier, "Changing Origins, Rising Numbers: Unauthorized Immigrants in the United States", Migration Policy Institute, October 2025, labor force section. https://www.migrationpolicy.org/system/files/2026-08/mpi-unauthorized-immigrants-fact-sheet-2025-final.pdf (accessed November 12, 2026).

[387] Stephanie Kramer and Jeffrey S. Passel, "Key Findings About U.S. Immigrants", Pew Research Center, August 21, 2025, labor force section. https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/ (accessed November 12, 2026).

[388] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

the first time in at least half a century it has been negative." They estimated that fewer immigrants would cut consumer spending by "$60-$110 billion combined over the two years" of 2025 and 2026, and that in late 2025, job growth of only 20,000 to 50,000 a month was enough to keep unemployment steady.[389] Those are estimates by economists from one center-left and one center-right institution writing together, not measured results. The dollar figures are as the authors gave them; they do not say whether they are adjusted for inflation.

The Congressional Budget Office has also estimated the economic effects of the 2021-2024 rise in immigration. [Not verified: the CBO website blocked my downloads, so I give no CBO figure here.]

The two sides in their own words

Those who want lower immigration argue that the costs fall on the workers least able to bear them: people without a high school diploma, earlier immigrants and teens. They point to the National Academies' own finding on those groups and to studies like Borjas's reappraisal of Mariel. They also argue that employers use immigrant labor to avoid raising wages or improving conditions.

Those who want more immigration argue that the long-run effect on wages is very small, that immigrants fill jobs that would otherwise go unfilled or move overseas, and that an aging country needs workers. They point to the same report's finding that the overall long-run wage effect is very small and that skilled immigrants often raise others' pay.

Both quote the same 2017 report. They emphasize different sentences.

What this chapter shows

Point	Label	Basis
Over 10 or more years, immigration's effect on native wages overall is very small	Confirmed fact (expert consensus as of 2017)	National Academies, 2017
Negative wage effects, where found, fall most on earlier immigrants and native-born high school dropouts	Confirmed fact (expert finding)	National Academies, 2017
Unauthorized immigrants were about 5.6 percent of the labor force in 2023	Confirmed fact (estimate)	Pew
Net migration was probably negative in 2025	Likely (estimate)	Brookings and AEI researchers
How big the short-run effect is for specific groups	Disputed	Studies differ by method
"Immigrants take American jobs" as a general rule	See verdict in Chapter 18	

[389] Wendy Edelberg, Stan Veuger and Tara Watson, "Macroeconomic Implications of Immigration Flows in 2025 and 2026: January 2026 Update", Brookings Institution, January 13, 2026, summary. https://www.brookings.edu/articles/macroeconomic-implications-of-immigration-flows-in-2025-and-2026-january-2026-update/ (accessed November 12, 2026).

Questions to think about

1. The Mariel studies looked at the same event and reached different answers. What does that tell you about the phrase "studies show"?
2. If immigration helps the economy as a whole but hurts the wages of one group of workers, how should policy weigh those two facts?
3. Who will do the work as the native-born population ages? What are the options besides immigration?

Chapter 15: Taxes Paid, Benefits Used and Who Can Get What

Information in this chapter is current as of November 12, 2026.

Two claims show up in almost every immigration argument. One side says people here illegally pay no taxes and live on welfare. The other side says they pay billions in taxes for benefits they can never use. Both claims mix up different groups of immigrants and different programs. This chapter sorts out who can legally get what, who pays what, and what the studies of overall costs found.

Every dollar figure in this chapter is nominal, meaning not adjusted for inflation, unless I say otherwise.

The rules: who can get federal benefits

The main rules come from the 1996 welfare law, the Personal Responsibility and Work Opportunity Reconciliation Act, signed August 22, 1996.[390] It sorted noncitizens into two groups:

- **Qualified aliens.** Mainly green card holders, refugees, asylees, and a few other groups listed in the law.[391]
- **Everyone else.** This includes unauthorized immigrants and most people with temporary status.

For the second group, the law is blunt: "an alien who is not a qualified alien ... is not eligible for any Federal public benefit."[392]

The law then lists exceptions. Even a person with no legal status can get:[393]

- Medicaid for "an emergency medical condition," not including organ transplants;
- "Short-term, non-cash, in-kind emergency disaster relief";
- Public health help for immunizations and for testing and treating communicable diseases;
- Community services such as "soup kitchens, crisis counseling and intervention, and short-term shelter" that are open to everyone and needed "for the protection of life or safety."

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[390] U.S. Congress, "Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105", Statutes at Large, via GovInfo, August 22, 1996, title IV. https://www.govinfo.gov/content/pkg/STATUTE-110/pdf/STATUTE-110-Pg2105.pdf (accessed November 12, 2026).

[391] U.S. Congress, "8 U.S.C. 1641 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, definition of qualified alien. https://www.law.cornell.edu/uscode/text/8/1641 (accessed November 12, 2026).

[392] U.S. Congress, "8 U.S.C. 1611 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1611(a). https://www.law.cornell.edu/uscode/text/8/1611 (accessed November 12, 2026).

[393] U.S. Congress, "8 U.S.C. 1611 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1611(b)(1). https://www.law.cornell.edu/uscode/text/8/1611 (accessed November 12, 2026).

The Congressional Research Service summarized it this way: unauthorized immigrants are "not eligible for most federal benefits," with exceptions such as emergency Medicaid and disaster relief.[394]

The five-year bar for green card holders

Even legal immigrants usually wait. A qualified alien who entered on or after August 22, 1996 "is not eligible for any Federal means-tested public benefit for a period of 5 years," with exceptions for refugees, asylees and some others.[395] "Means-tested" programs are those based on income, such as SNAP food benefits, Medicaid and Temporary Assistance for Needy Families.

The 2025 changes

The 2025 budget law, Public Law 119-21, narrowed eligibility further:[396]

- **SNAP (food benefits).** Eligibility is limited to citizens and nationals, green card holders, Cuban and Haitian entrants, and people from the Compact of Free Association nations (the Marshall Islands, Micronesia and Palau). That leaves out refugees and asylees who do not yet have green cards, who had been eligible.
- **Medicaid and CHIP.** Beginning October 1, 2026, the federal government will not pay a state's share of Medicaid for most noncitizens outside those same groups.

The U.S. Committee for Refugees and Immigrants, an advocacy group for refugees, says the newly ineligible groups for federally matched Medicaid and CHIP include "refugees, asylees, Afghan evacuees (non-LPR), people granted humanitarian parole for at least one year, survivors of human trafficking, and survivors of domestic violence." It also notes that "Eligibility criteria for emergency Medicaid services have not changed."[397] The law also requires a Social Security number, not an Individual Taxpayer Identification Number, to claim certain tax credits, according to the same group.[398] I checked the child tax credit section of the law. It says, "No credit shall be allowed under this section to a taxpayer with respect to any qualifying child unless the taxpayer includes on the return" the taxpayer's Social Security number, or that of at least one spouse on a joint return, and "the social security number of such qualifying child." It

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394 Congressional Research Service, "Noncitizen Eligibility for Federal Public Assistance: Policy Overview, RL33809", Congressional Research Service via EveryCRSReport, December 12, 2016, summary. https://www.everycrsreport.com/reports/RL33809.html (accessed November 12, 2026).

395 U.S. Congress, "8 U.S.C. 1613 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1613(a) and (b). https://www.law.cornell.edu/uscode/text/8/1613 (accessed November 12, 2026).

396 U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, sections 10108 and 71109. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

397 U.S. Committee for Refugees and Immigrants, "H.R. 1's Impacts on Refugees and Forcibly Displaced Populations", U.S. Committee for Refugees and Immigrants, no date, Medicaid section. https://refugees.org/h-r-1s-impacts-on-refugees-and-forcibly-displaced-populations/ (accessed November 12, 2026).

398 U.S. Committee for Refugees and Immigrants, "H.R. 1's Impacts on Refugees and Forcibly Displaced Populations", U.S. Committee for Refugees and Immigrants, no date, tax credit section. https://refugees.org/h-r-1s-impacts-on-refugees-and-forcibly-displaced-populations/ (accessed November 12, 2026).

also raised the credit to $2,200 per child.[399] So in a mixed-status family, the credit depends on whether at least one parent has a Social Security number of the kind the law accepts, which it ties to a section of the Social Security Act; the child must have one too. [Not verified: the other tax credits the advocacy group lists; I checked only the child tax credit.]

Health insurance marketplaces

HealthCare.gov states plainly: "Undocumented immigrants can't get Marketplace health coverage."[400] Lawfully present immigrants can buy coverage there, and some get subsidies.

What states can do

The 1996 law lets states decide some things for themselves. A state may make people "not lawfully present" eligible for state or local benefits, but "only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility."[401] That is why some states offer in-state college tuition or state-funded health coverage to some unauthorized residents and others do not. Those programs are paid for with state money, not federal.

Schools

Public schools are different. In Plyler v. Doe in 1982, the Supreme Court held that a state could not deny free public education to children because they were unlawfully present.[402] So unauthorized children attend public K-12 schools. That cost falls mainly on states and local school districts.

Public charge

A separate rule affects people applying for green cards. Under the "public charge" test, the government can deny a green card to a person it finds likely to depend on the government. A DHS rule that took effect December 23, 2022 sets how this test is applied.[403] Because many immigrants worry that using any benefit could hurt their green card chances, researchers have found that some eligible families avoid programs they qualify for. [Not verified: I did not open a study measuring this "chilling effect," so I state it only as a concern raised in the debate.]

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[399] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, section 70104. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[400] HealthCare.gov (Centers for Medicare and Medicaid Services), "Coverage for lawfully present immigrants", HealthCare.gov, no date, eligibility. https://www.healthcare.gov/immigrants/lawfully-present-immigrants/ (accessed November 12, 2026).

[401] U.S. Congress, "8 U.S.C. 1621 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1621(d). https://www.law.cornell.edu/uscode/text/8/1621 (accessed November 12, 2026).

[402] U.S. Supreme Court, "Plyler v. Doe, 457 U.S. 202", Legal Information Institute, Cornell Law School, June 15, 1982, holding. https://www.law.cornell.edu/supremecourt/text/457/202 (accessed November 12, 2026).

[403] U.S. Citizenship and Immigration Services, "Public Charge (archived page on the 2022 final rule)", USCIS, December 19, 2022, summary. https://www.uscis.gov/archive/public-charge-0 (accessed November 12, 2026).

Taxes: who pays what

Do unauthorized immigrants pay taxes? Yes. Everyone pays sales taxes. Renters pay property taxes through their rent. Many workers have income and payroll taxes withheld from their paychecks, and some file tax returns using an Individual Taxpayer Identification Number, or ITIN, which the IRS issues to people who cannot get a Social Security number.

The most-cited estimate comes from the Institute on Taxation and Economic Policy, a group that generally favors progressive taxes and that I label as advocacy-leaning. It estimated that undocumented immigrants paid $96.7 billion in taxes in 2022: $59.4 billion federal and $37.3 billion state and local. That included $25.7 billion in Social Security taxes, $6.4 billion in Medicare taxes and $1.8 billion in unemployment insurance taxes.[404] ITEP notes that these workers "pay taxes that fund Social Security, Medicare, and Unemployment Insurance, among other programs, despite their exclusion from most of those benefits."[405]

Is ITEP's number right? It depends on its assumptions about how many unauthorized workers are paid on the books. I have not found an official government estimate of total taxes paid by this group that I could open. The Social Security Administration's chief actuary has published estimates on this question. [Not verified: the Social Security website blocked my downloads, so I could not open the actuary's note and give no figure from it.]

The big picture: costs and contributions

Counting taxes is only half the question. The other half is what governments spend. The most careful review is again the 2017 National Academies report. Its main fiscal findings:[406]

- "On average, individuals in the first generation are more costly to governments, mainly at the state and local levels, than are the native-born generations; however, immigrants' children - the second generation - are among the strongest economic and fiscal contributors in the population."
- For 2011-2013, the net cost to state and local budgets of first-generation adults, counting the costs of their children, averaged "about $1,600 each." Second- and later-generation adults were a net positive of about $1,700 and $1,300 each.
- The results depend a great deal on assumptions. The panel wrote that "assumptions play a central role in analyses of the fiscal impacts of immigration," especially whether the costs of things like national defense are split among newcomers.

The panel also looked far ahead. Over 75 years, it found, "the fiscal impacts of immigrants are generally positive at the federal level and negative at the state and local levels." Why the split? "State and local governments bear the burden of providing education benefits to young immigrants and to the children of immigrants, but their methods of taxation recoup relatively

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[404] Carl Davis, Marco Guzman and Emma Sifre, "Tax Payments by Undocumented Immigrants", Institute on Taxation and Economic Policy, July 30, 2024, summary and Figure 2. https://itep.org/undocumented-immigrants-taxes-2024/ (accessed November 12, 2026).

[405] Carl Davis, Marco Guzman and Emma Sifre, "Tax Payments by Undocumented Immigrants", Institute on Taxation and Economic Policy, July 30, 2024, social insurance section. https://itep.org/undocumented-immigrants-taxes-2024/ (accessed November 12, 2026).

[406] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary, fiscal section. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

little of the later contributions." Federal spending goes mostly to the elderly, and new immigrants tend to be young. The panel warned that "The fact that states bear much of the fiscal burden of immigration may incentivize state-level policies to exclude immigrants and raises questions of equity between the federal government and states."[407]

Education matters most. The panel found that "Persons with higher levels of education contribute more positively to government finances regardless of their generational status," and that "An immigrant and a native-born person with similar characteristics will likely have about the same fiscal impact."[408] So any estimate of the cost or benefit of a particular group of immigrants depends heavily on that group's education. The panel did not publish a separate figure for unauthorized immigrants.

You might ask, "So who is right, the governor who says immigrants cost his state money, or the economist who says they help the federal budget?" Under the panel's findings, both can be right at the same time, because they are looking at different levels of government.

Note that the report covers all immigrants, legal and unauthorized together, in most of its analysis. It does not give a single number for unauthorized immigrants alone.

Groups that favor lower immigration publish their own estimates of the cost of illegal immigration. One example is testimony by Steven Camarota, director of research at the Center for Immigration Studies, a group that favors less immigration, to a House Judiciary subcommittee on January 11, 2024. (The copy I read is hosted on a House Budget Committee web address, but it is his testimony, not a committee report.)[409]

Camarota estimated "that the lifetime fiscal drain (taxes paid minus costs) for each illegal immigrant is about $68,000, although this estimate comes with some caveats." He estimated that unauthorized immigrants "receive $42 billion in benefits," calling that "only a rough approximation due to limitations in the data," and that "the estimated 4 million children of illegal immigrants in public schools created $68.1 billion in costs in 2019. The vast majority of these children are U.S.-born." On the other side of the ledger, he estimated they paid "roughly $5.9 billion in federal income tax, $16.2 billion in Social Security tax and $3.8 billion in Medicaid taxes."[410]

His method applies the National Academies' estimates of fiscal impact by education level to the estimated education levels of unauthorized immigrants, so it rests on the same report described

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[407] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary, long-run fiscal section. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

[408] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary, long-run fiscal section. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

[409] Steven A. Camarota, Center for Immigration Studies, "The Cost of Illegal Immigration to Taxpayers (testimony to the House Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement)", U.S. House of Representatives (hosted at budget.house.gov), January 11, 2024, title page. https://budget.house.gov/imo/media/doc/the_cost_of_illegal_immigration_to_taxpayers.pdf (accessed November 12, 2026).

[410] Steven A. Camarota, Center for Immigration Studies, "The Cost of Illegal Immigration to Taxpayers (testimony to the House Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement)", U.S. House of Representatives (hosted at budget.house.gov), January 11, 2024, findings. https://budget.house.gov/imo/media/doc/the_cost_of_illegal_immigration_to_taxpayers.pdf (accessed November 12, 2026).

above. Notice two choices that drive the result. First, he counts the cost of schooling U.S.-born children, who are citizens. Second, his tax figures are much lower than ITEP's. Both choices are open to debate, and both sides make choices like these.

Why the two sides talk past each other

One side says	The other side says	What the records show
"They don't pay taxes"	"They pay billions in taxes"	Many pay income, payroll, sales and property taxes. The total is an estimate.
"They get welfare"	"They can't get welfare"	Unauthorized immigrants cannot get most federal benefits. Their U.S.-citizen children can. Emergency Medicaid, school and some state programs are available.
"They cost taxpayers"	"They pay more than they take"	It depends on the level of government, the time frame, and whether children and public goods are counted. The National Academies found first-generation immigrants cost state and local governments more, on average, while their children contribute the most.

Chapter 18 gives verdicts on the specific claims.

What this chapter shows

Point	Label	Basis
Unauthorized immigrants are barred from most federal public benefits	Confirmed fact	8 U.S.C. 1611
Exceptions include emergency Medicaid, disaster relief and public health services	Confirmed fact	8 U.S.C. 1611(b)
Most new green card holders wait 5 years for means-tested benefits	Confirmed fact	8 U.S.C. 1613
The 2025 law removed SNAP and federally matched Medicaid for refugees and asylees without green cards	Confirmed fact	Public Law 119-21
Unauthorized immigrants paid about $96.7 billion in taxes in 2022	Estimate by an advocacy-leaning group	ITEP
First-generation immigrants cost state and local	Confirmed fact (expert finding)	National Academies, 2017

Point	Label	Basis
governments more on average; the second generation contributes the most		
The net national fiscal effect of unauthorized immigrants alone	Disputed	Depends on assumptions

Questions to think about

1. The National Academies found immigrants are a net cost at the state and local level but a net gain at the federal level over 75 years. Who should pay for the local costs?
2. Why do the tax estimates of ITEP and the Center for Immigration Studies differ so much? Which assumptions would you want to check?
3. Should the children of unauthorized immigrants who are U.S. citizens be counted as part of the cost of illegal immigration?

Chapter 16: Crime

Information in this chapter is current as of November 12, 2026.

Few questions in this debate stir more feeling than crime. When a person who entered unlawfully commits a terrible crime, it is real, and the grief of the victim's family is real. The Laken Riley Act described in Chapter 5 is named for one such victim. At the same time, a single case cannot tell you whether a group as a whole commits more or less crime than another group. For that you need data. This chapter explains what the data can and cannot show.

The problem with the data

Most police departments and courts in the United States do not record the immigration status of the people they arrest or convict. The FBI's national crime reports do not break out crimes by immigration status. So there is no national count of crimes committed by unauthorized immigrants.

Researchers have used three main ways around this:

1. **Incarceration rates from Census surveys.** The American Community Survey counts people living in prisons and jails. Researchers estimate who among them is likely unauthorized, using the same residual logic described in Chapter 13.
2. **State records that include status.** Texas is the main example. Its Department of Public Safety checks arrested people against federal immigration records, which lets researchers compare arrest and conviction rates.
3. **Comparing places over time.** Researchers check whether areas that got more immigrants saw crime rise or fall compared with similar areas.

Each method has weaknesses. Incarceration rates can be lowered if immigrants are deported instead of jailed. Texas data covers one state. Place-to-place comparisons can miss other causes. That is why it matters that the different methods tend to point the same way, as you will see.

Incarceration studies

The long view. Economists Ran Abramitzky, Leah Boustan and colleagues studied Census records from 1870 to 2020. Their paper, published in American Economic Review: Insights in 2024, found that "As a group, immigrants have had lower incarceration rates than the US-born for 150 years." It also found that "immigrants today are 60% less likely to be incarcerated (30% relative to US-born whites)."[411] This study covers all immigrants together, not only unauthorized ones.

Unauthorized immigrants specifically. The Cato Institute, a libertarian think tank that generally favors more immigration and that I label as advocacy, estimates incarceration rates by status using the American Community Survey. For 2023, it reported:[412]

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[411] Ran Abramitzky, Leah Boustan, Elisa Jacome, Santiago Perez and Juan David Torres, "Law-Abiding Immigrants: The Incarceration Gap Between Immigrants and the US-born, 1870-2020", National Bureau of Economic Research, Working Paper 31440 (published in American Economic Review: Insights, 2024), 2023, abstract. https://www.nber.org/papers/w31440 (accessed November 12, 2026).

[412] Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010-2023", Cato Institute (Policy Analysis), no date, summary and table. https://www.cato.org/policy-analysis/illegal-immigrant-incarceration-rates-2010-2023 (accessed November 12, 2026).

Group	Incarcerated per 100,000 (2023)
Native-born Americans	1,221
Illegal immigrants (Cato's term)	613
Legal immigrants	319

So, by this estimate, unauthorized immigrants were incarcerated at about half the rate of the native-born, and at about twice the rate of legal immigrants. Cato explains its method: because the survey does not ask about legal status, "we have to use common statistical methods to identify incarcerated illegal immigrant prisoners by excluding prisoners with characteristics that illegal immigrants are unlikely to have."[413]

Cato also noted that "there is convincing evidence that a larger number of illegal immigrants present in an area increase the rate of identity theft in a jurisdiction, and there is evidence of a small but statistically significant relationship between the size of the illegal immigrant population and drug arrests."[414] I include that because it shows even a pro-immigration source reporting findings that cut the other way.

Texas arrest and conviction data

Texas is unusual because its Department of Public Safety checks the fingerprints of people booked into local jails against DHS records, so it can say which arrested people DHS flagged as being in the country illegally. That gives researchers an arrest record by status, not just a guess.

Sociologists Michael Light, Jingying He and Jason Robey used those records for felony arrests from 2012 to 2018 in a peer-reviewed study. They found "that undocumented immigrants have substantially lower crime rates than native-born citizens and legal immigrants across a range of felony offenses. Relative to undocumented immigrants, US-born citizens are over 2 times more likely to be arrested for violent crimes, 2.5 times more likely to be arrested for drug crimes, and over 4 times more likely to be arrested for property crimes." In rough terms, the felony arrest rates were about 1,000 per 100,000 for U.S.-born citizens, 800 for legal immigrants and 400 for undocumented immigrants. They also found "no evidence that undocumented criminality has increased in recent years."[415] Note one limit: the number of undocumented people in Texas, the bottom of the rate, is itself an estimate, from the Center for Migration Studies. The authors say their results hold up with other estimates.

The Texas agency also publishes its own counts. It reports that "over 466,000 criminal noncitizens have been booked into local Texas jails between June 1, 2011, and September 30, 2026, of which over 335,000 were classified as illegal noncitizens by DHS," charged with more

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[413] Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010-2023", Cato Institute (Policy Analysis), no date, methodology. https://www.cato.org/policy-analysis/illegal-immigrant-incarceration-rates-2010-2023 (accessed November 12, 2026).

[414] Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010-2023", Cato Institute (Policy Analysis), no date, literature review. https://www.cato.org/policy-analysis/illegal-immigrant-incarceration-rates-2010-2023 (accessed November 12, 2026).

[415] Michael T. Light, Jingying He and Jason P. Robey, "Comparing crime rates between undocumented immigrants, legal immigrants, and native-born US citizens in Texas, PNAS 117(51): 32340-32347", Proceedings of the National Academy of Sciences (PubMed Central copy), December 7, 2020, abstract and results. https://pmc.ncbi.nlm.nih.gov/articles/PMC7768760/ (accessed November 12, 2026).

than 603,000 offenses, including 1,134 homicide charges, and with over 230,000 convictions, including 636 for homicide.[416]

Those are large numbers, and those who favor tougher enforcement often cite them. But the agency itself warns: "These figures do not attempt to allege that foreign nationals in the country illegally commit more crimes than other groups. It simply identifies thousands of crimes that should not have occurred and thousands of victims that should not have been victimized because the perpetrator should not be here."[417] Counts without a population to divide by cannot tell you a rate. The study gives the rate; the agency's page gives the count. Both are real, and they answer different questions.

What the critics say

Groups that favor lower immigration raise several objections to these studies:

- **Incarceration is a poor measure.** Unauthorized immigrants who commit crimes may be deported rather than imprisoned, which would make their incarceration rate look lower than their crime rate.
- **Identification problems.** Survey-based methods guess who is unauthorized. If they guess wrong, the rates are off.
- **Every crime is preventable.** Even if rates are lower on average, any crime by a person who should not have been in the country is one that enforcement could have prevented. This is a moral and policy argument, not a statistical one, and it does not depend on the averages.

Each of these is a fair point about the limits of the evidence. The first two are testable. The Texas data, which counts arrests rather than prison stays, is one way researchers have tried to answer them.

Fentanyl

Fentanyl deaths are a separate and serious problem, and they are often tied to the border debate. What do the records show about who brings it in?

The Cato Institute, using data from the U.S. Sentencing Commission, reported that in 2021, U.S. citizens made up 86.3 percent of people convicted of fentanyl trafficking. It also reported that more than 90 percent of fentanyl seizures happened at ports of entry or Border Patrol checkpoints, not between ports, and that only 0.02 percent of people Border Patrol arrested had fentanyl.[418] Those figures come from a group that favors more immigration, built on official data. I give the claim a verdict in Chapter 19.

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[416] Texas Department of Public Safety, Crime Records, "Texas Criminal Illegal Noncitizen Data", Texas Department of Public Safety, data run October 1, 2026, headline figures. https://www.dps.texas.gov/section/crime-records/texas-criminal-illegal-noncitizen-data (accessed November 12, 2026).

[417] Texas Department of Public Safety, Crime Records, "Texas Criminal Illegal Noncitizen Data", Texas Department of Public Safety, data run October 1, 2026, caveats. https://www.dps.texas.gov/section/crime-records/texas-criminal-illegal-noncitizen-data (accessed November 12, 2026).

[418] David J. Bier, "Fentanyl Is Smuggled for U.S. Citizens by U.S. Citizens, Not Asylum Seekers", Cato Institute, September 14, 2022, findings. https://www.cato.org/blog/fentanyl-smuggled-us-citizens-us-citizens-not-asylum-seekers (accessed November 12, 2026).

Sanctuary policies

"Sanctuary" policies are local rules that limit how much police and jails cooperate with ICE, for example by not holding people past their release date on an ICE request, called a detainer. Supporters say these rules help public safety because immigrants are more willing to report crimes. Critics say they release people ICE wants to deport back into the community.

Two studies I read test this directly.

- **Otsu (2020).** A working paper by Yuki Otsu, published by the Center for Growth and Opportunity at Utah State University, studied 42 cities with formal sanctuary policies from 1999 to 2010. It concluded that "sanctuary policies do not cause an increase in crime." It found some signs of lower property crime but said "the negative effects are not robust for any crime category." Its firmest finding: "none of the results show a positive association between sanctuary policies and local crime rates."[419]
- **Martinez-Schuldt and Martinez (2019).** A peer-reviewed study of 107 cities in the journal Justice Quarterly found "that the adoption of sanctuary policies is associated with a reduction in robberies but not homicide."[420]

So the best evidence I found shows no increase in crime from sanctuary policies, and mixed, weak signs of a decrease. Critics answer that city-wide averages can hide individual cases in which a person released despite an ICE request went on to commit a crime. That is true, and it is a different question from whether overall crime rates rise.

Individual cases

You will hear about individual crimes. Some are true and terrible. Some, like the 2024 claim about pets in Springfield, Ohio, were false, as Chapter 18 shows. A single case, true or false, cannot answer a question about rates. It can, and does, shape how people feel, and that is part of why this topic is so heated.

What this chapter shows

Point	Label	Basis
There is no national count of crimes by immigration status	Confirmed fact	FBI data do not record status
Immigrants as a group have had lower incarceration rates than the U.S.-born for 150 years	Confirmed fact (peer-reviewed finding)	Abramitzky and others, 2024
Unauthorized immigrants were incarcerated at about half the native-born rate in	Estimate by an advocacy-leaning group	Cato Institute

[419] Yuki Otsu, "Sanctuary Cities and Crime (working paper)", The Center for Growth and Opportunity at Utah State University, July 30, 2020, conclusion. https://www.thecgo.org/research/sanctuary-cities-and-crime/ (accessed November 12, 2026).

[420] Ricardo D. Martinez-Schuldt and Daniel E. Martinez, "Sanctuary Policies and City-Level Incidents of Violence, 1990 to 2010, Justice Quarterly 36(4): 567-593", University of Arizona research page (abstract), 2019, abstract. https://experts.arizona.edu/en/publications/sanctuary-policies-and-city-level-incidents-of-violence-1990-to-2/ (accessed November 12, 2026).

Point	Label	Basis
2023		
U.S. citizens were 86.3 percent of convicted fentanyl traffickers in 2021	Confirmed fact (official data, as reported by Cato)	U.S. Sentencing Commission via Cato
Whether sanctuary policies raise or lower crime	See findings above; disputed	
Whether every crime by a person here unlawfully is a policy failure	Interpretation	Values question, not data

Questions to think about

1. Studies find lower crime rates among unauthorized immigrants, yet every crime by a person who should not be here is preventable. How should both facts shape policy?
2. Why are raw counts, like the Texas jail bookings, not enough to compare crime rates?
3. What would a fair study of sanctuary policies need to measure?

Part Five: Enforcement and Deportation

Chapter 17: Deportation and Enforcement

Information in this chapter is current as of November 12, 2026.

"Who deported more people, Obama or Trump?" You can find confident answers both ways. The reason is that "deportation" is not one thing. The government counts several different ways of making a person leave, and different sources add them up differently. This chapter explains the terms, gives the official numbers, and then covers the other tools of interior enforcement: detention, local police partnerships, worksite checks and sanctuary policies.

Removals, returns and expulsions

The DHS Office of Homeland Security Statistics uses three main terms:[421]

- **Removal:** "the compulsory and confirmed movement of an inadmissible or deportable noncitizen out of the United States based on an order of removal." A person who is removed faces "administrative or criminal consequences" if he or she tries to come back.
- **Return:** "the confirmed movement of an inadmissible or deportable noncitizen out of the United States not based on an order of removal." Returns often happened at the border, when a person caught crossing agreed to go back, usually to Mexico, without a formal order.
- **Expulsion:** removal from the country under the Title 42 public health order between March 2020 and May 2023.

In everyday speech, all three are "deportations." In official counts, they are separate. That is the root of most disputes about who deported the most.

The numbers over time

Removals, enforcement returns and Title 42 expulsions, by fiscal year (DHS Yearbook)

Fiscal year	Removals	Enforcement returns	Title 42 expulsions
2000	188,467	1,675,876	
2009	379,739	523,153	
2012	415,579	183,744	
2013	432,334	134,265	
2016	332,331	76,137	
2017	284,365	85,380	
2019	347,090	81,401	
2020	237,364	53,595	206,770
2021	85,783	49,664	1,071,074
2022	108,733	81,121	1,103,966

[421] DHS Office of Homeland Security Statistics, "2022 Yearbook of Immigration Statistics, Table 39: Noncitizen Removals, Returns, and Expulsions", U.S. Department of Homeland Security, no date, definitions. https://ohss.dhs.gov/topics/immigration/yearbook/2022/table39 (accessed November 12, 2026).

Source: DHS 2022 Yearbook of Immigration Statistics, Table 39.[422] The 2024 Yearbook, released in 2025 and 2026, did not include this table when I checked; the address for it returned "not found."

Look at fiscal 2000 and fiscal 2013 side by side. In 2000, under President Clinton, there were far fewer removals but more than 1.6 million returns. In 2013, under President Obama, removals hit their highest level in this table, 432,334, while returns fell. Clinton-era enforcement relied on quick returns at the border. Obama-era enforcement used more formal removals, which carry penalties for coming back. Which president "deported more" depends on whether you count returns.

Look also at 2021 and 2022. Formal removals were low, but more than a million people a year were expelled under Title 42. Counting expulsions changes the picture again.

ICE deportations in 2025 and 2026

DHS stopped publishing its monthly enforcement tables after November 2024. Its page says, "This monthly report is delayed while it is under review."[423] PolitiFact reported in January 2026 that "deportation data is limited because the federal government has stopped releasing it."[424]

The main source for 2025 and 2026 is therefore ICE's own announcements. On November 12, 2026, ICE reported:[425]

- 483,200 deportations in fiscal 2026, the most in the agency's history, up from 442,640 in fiscal 2025.
- More than 491,000 arrests in fiscal 2026, of which about 475,000 were administrative immigration arrests.
- For comparison, ICE said fiscal years 2022 through 2024 combined had 486,000 deportations.

These are agency figures I could not check against a published dataset. They are also ICE-only figures, so they are not directly comparable to the DHS-wide removal totals in the table above, which include removals that start with CBP at the border. [Not verified: exactly which removals ICE's 483,200 includes; the release does not define it in the text I read.]

CBS News, reporting on the same figures, cited TRAC data showing that formal removals made up 63 percent of deportations in July and August 2026, and cited the Migration Policy

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[422] DHS Office of Homeland Security Statistics, "2022 Yearbook of Immigration Statistics, Table 39: Noncitizen Removals, Returns, and Expulsions", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2022/table39 (accessed November 12, 2026).

[423] DHS Office of Homeland Security Statistics, "Immigration Enforcement and Legal Processes Monthly Tables", U.S. Department of Homeland Security, no date, page notice. https://ohss.dhs.gov/topics/immigration/immigration-enforcement-and-legal-processes-monthly-tables (accessed November 12, 2026).

[424] Maria Ramirez Uribe, "Trump's mass deportations, one year in", PolitiFact, January 20, 2026, data section. https://www.politifact.com/article/2026/jan/20/trump-mass-deportations-1-year-immigration-ICE/ (accessed November 12, 2026).

[425] U.S. Immigration and Customs Enforcement, "ICE Breaks Records in Fiscal Year 2026, Most Arrests and Deportations in Agency's History", ICE news release, November 12, 2026, release. https://www.ice.gov/news/releases/ice-breaks-records-fiscal-year-2026-most-arrests-and-deportations-agencys-history (accessed November 12, 2026).

Institute's estimate that about 20 percent of roughly 980,000 people deported from January 2025 to July 2026 had a criminal conviction.[426]

The main legal tools

Removal is not one process. The law gives the government several tools, and which one applies depends on where and how a person is found.

- **Expedited removal.** If an officer finds that a person arriving without proper papers, or by fraud, is inadmissible, "the officer shall order the alien removed from the United States without further hearing or review unless the alien indicates either an intention to apply for asylum ... or a fear of persecution."[427] This is the fastest path, and Chapter 8 explains the fear screening.
- **Regular removal proceedings.** Everyone else who is charged goes before an immigration judge (Chapter 9).
- **Reinstatement.** A person who "has reentered the United States illegally after having been removed" has the old order "reinstated from its original date," and that order "is not subject to being reopened or reviewed." The person "may not apply for any relief" and can be removed "at any time after the reentry."[428] This is why repeat crossers are often removed quickly without a new hearing.
- **Criminal prosecution for reentry.** Reentering after removal is a federal crime, not just a civil violation. The basic penalty is up to 2 years in prison. It rises to up to 10 years if the earlier removal followed certain crimes, and up to 20 years if it followed an "aggravated felony."[429] Compare this with first-time illegal entry, a misdemeanor with up to 6 months (Appendix E).

Arrest, bond and mandatory detention

After an arrest on an immigration warrant, the law gives the government a choice in most cases. It "may continue to detain the arrested alien" or may release the person on "bond of at least $1,500" or on "conditional parole."[430] An immigration judge can review the bond decision in many cases. [Not verified: the current rules on which detainees may get a bond hearing, which have been changed by agency policy and court rulings in 2025 and 2026; I did not open a primary source that states the rule as of the cutoff.]

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[426] Nicole Sganga, "ICE deportations and arrests hit record high as Trump faces reckoning over immigration crackdown", CBS News, November 12, 2026, figures. https://www.cbsnews.com/news/ice-deportations-arrests-hit-record-high/ (accessed November 12, 2026).

[427] U.S. Congress, "8 U.S.C. 1225 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1225(b)(1)(A)(i). https://www.law.cornell.edu/uscode/text/8/1225 (accessed November 12, 2026).

[428] U.S. Congress, "8 U.S.C. 1231 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1231(a)(5). https://www.law.cornell.edu/uscode/text/8/1231 (accessed November 12, 2026).

[429] U.S. Congress, "8 U.S.C. 1326 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1326(a) and (b). https://www.law.cornell.edu/uscode/text/8/1326 (accessed November 12, 2026).

[430] U.S. Congress, "8 U.S.C. 1226 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1226(a). https://www.law.cornell.edu/uscode/text/8/1226 (accessed November 12, 2026).

For some people, detention is required. The law says DHS "shall take into custody" people who are deportable or inadmissible for many kinds of crimes and for terrorism grounds.[431] The Laken Riley Act of 2025 added to that required group people in the country without being admitted who are charged with or arrested for certain crimes, such as theft or assaulting a police officer (Chapter 5).[432]

Why does this matter for the numbers? The more people the law requires the government to hold, the more beds it needs. That is part of the reason the 2025 budget law put so much money into detention, as the next section shows.

Detention

ICE holds many people in detention while their cases are decided or while they wait for removal. The 2025 budget law gave ICE $45 billion for "single adult alien detention capacity and family residential center capacity," available through September 2029.[433]

TRAC, a research center at Syracuse University that compiles government data, reported 65,765 people in ICE detention as of July 11, 2026. Of those, 70.6 percent had no criminal conviction. TRAC also reported 183,181 people in ICE's Alternatives to Detention programs, which use check-ins and electronic monitoring instead of jail.[434]

"No criminal conviction" is not the same as "no criminal record." Some have pending charges. Others have no criminal history at all, and were detained for an immigration violation alone, which is a civil matter. Chapter 19 tests the competing claims "ICE only arrests criminals" and "most people ICE detains have no criminal record."

In absentia orders

Many removal orders are issued when the person does not show up for court. These are called in absentia orders. EOIR reported 311,130 in absentia removal orders in fiscal 2025, and 281,867 in just the first three quarters of fiscal 2026.[435] For people who had filed for asylum, in absentia orders rose from 19,069 in fiscal 2024 to 50,254 in fiscal 2025 and 90,288 in the first three quarters of fiscal 2026.[436]

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[431] U.S. Congress, "8 U.S.C. 1226 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1226(c)(1). https://www.law.cornell.edu/uscode/text/8/1226 (accessed November 12, 2026).

[432] U.S. Congress, "Laken Riley Act, Public Law 119-1, 139 Stat. 3", GovInfo, January 29, 2025, section 2. https://www.govinfo.gov/content/pkg/PLAW-119publ1/html/PLAW-119publ1.htm (accessed November 12, 2026).

[433] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, section 90003. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[434] Transactional Records Access Clearinghouse (TRAC), Syracuse University, "Immigration Quick Facts (data as of July 11, 2026)", TRAC, no date, detention. https://tracreports.org/immigration/quickfacts/ (accessed November 12, 2026).

[435] Executive Office for Immigration Review, "Adjudication Statistics: In Absentia Removal Orders (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344881/dl?inline (accessed November 12, 2026).

[436] Executive Office for Immigration Review, "Adjudication Statistics: Asylum Applicant In Absentia Removal Orders (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344891/dl?inline (accessed November 12, 2026).

Why did these rise? One side says it shows how many people released at the border never intended to show up. The other side points to notices sent to wrong addresses and fear of being arrested at court, which was reported in 2025. Both may play a part. I did not find a study that measured how much each matters.

Local police: 287(g) and detainers

Section 287(g) of the Immigration and Nationality Act lets ICE sign agreements with state and local police departments so that trained local officers can carry out some immigration enforcement duties.[437] President Trump's January 20, 2025 executive order directed DHS to expand these agreements.[438] ICE reported that "As of November 10, 2026 1:29 pm, ICE has signed 2,774 287(g) MOAs with law enforcement agencies in 38 states and two U.S. territories." An MOA is a memorandum of agreement. ICE uses three models:[439]

Model (as of November 10, 2026)	What local officers may do, in ICE's words	Agreements
Jail Enforcement Model	"identify and process removable aliens who have pending or active criminal charges"	184
Warrant Service Officer Model	"serve and execute administrative warrants on aliens in their custody"	577
Task Force Model	"enforce limited immigration authority while performing routine police duties or as an active participant in an ICE-led task force"	2,013

The Task Force Model, which lets officers act during ordinary police work, is by far the largest. It is also the most debated, because it brings immigration questions into traffic stops and street policing.

A **detainer** is a request from ICE asking a jail to hold a person for up to 48 hours past release, or to notify ICE before release, so ICE can take custody. The Laken Riley Act now requires DHS to issue a detainer for people in the categories that law lists.[440]

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[437] U.S. Congress, "8 U.S.C. 1357 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1357(g). https://www.law.cornell.edu/uscode/text/8/1357 (accessed November 12, 2026).

[438] Alejandra Aramayo, Hillel R. Smith and Kelsey Y. Santamaria, "Recent White House Actions on Immigration, LSB11265", Congressional Research Service, via EveryCRSReport.com, February 10, 2025, executive order on interior enforcement. https://www.everycrsreport.com/files/2025-02-10_LSB11265_1d46bc022950da596c1108c814454e156c6926aa.html (accessed November 12, 2026).

[439] U.S. Immigration and Customs Enforcement, "ICE's 287(g) Program", U.S. Immigration and Customs Enforcement, as of November 10, 2026, program page. https://www.ice.gov/identify-and-arrest/287g (accessed November 12, 2026).

[440] U.S. Congress, "Laken Riley Act, Public Law 119-1, 139 Stat. 3", GovInfo, January 29, 2025, section 2. https://www.govinfo.gov/content/pkg/PLAW-119publ1/html/PLAW-119publ1.htm (accessed November 12, 2026).

Sanctuary policies

Some states, counties and cities limit how their police and jails cooperate with ICE. These are often called sanctuary policies, though the term has no legal definition. Typical rules include not honoring detainers without a judge's warrant and not asking about immigration status during routine police work.

The federal government has tried to pressure these places. In February 2025 the Attorney General directed a review of federal funding to sanctuary jurisdictions, and an April 28, 2025 executive order, "Protecting American Communities from Criminal Aliens," continued that effort.[441] Chapter 16 covers the research on sanctuary policies and crime.

Worksite enforcement and E-Verify

Since 1986, it has been illegal to knowingly hire a person who is not authorized to work, and employers must check workers' documents on Form I-9.[442] E-Verify is a federal online system that checks a new hire's information against government records. Federal law does not require most private employers to use it, though some states do. [Not verified: the current list of states requiring E-Verify; I did not open a source for it.]

Critics on both sides point out the same weakness. The 1986 law's employer penalties, which President Reagan called "the keystone and major element" of the law,[443] have been enforced lightly for most of the years since. Those who want tougher enforcement want mandatory E-Verify. Those who favor legalization argue that enforcement without a legal way to hire needed workers will not work. Chapter 22 covers both.

What this chapter shows

Point	Label	Basis
Removals, returns and expulsions are counted separately	Confirmed fact	DHS definitions
Formal removals peaked at 432,334 in fiscal 2013 in the DHS series through 2022	Confirmed fact	DHS Yearbook Table 39
Returns were far higher in the 1990s and 2000s than later	Confirmed fact	DHS Yearbook Table 39
ICE reported a record 483,200 deportations in fiscal 2026	Confirmed fact (agency figure, not independently checked)	ICE

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[441] Congressional Research Service, "Recent Executive Branch Actions on Immigration (Part 2), LSB11300", Congressional Research Service, via EveryCRSReport.com, May 1, 2025, sanctuary sections. https://www.everycrsreport.com/reports/LSB11300.html (accessed November 12, 2026).

[442] U.S. Congress, "8 U.S.C. 1324a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1324a(a) and (b). https://www.law.cornell.edu/uscode/text/8/1324a (accessed November 12, 2026).

[443] Ronald Reagan, "Statement on Signing the Immigration Reform and Control Act of 1986", The American Presidency Project (UC Santa Barbara), November 6, 1986, statement. https://www.presidency.ucsb.edu/documents/statement-signing-the-immigration-reform-and-control-act-1986 (accessed November 12, 2026).

Point	Label	Basis
DHS stopped publishing monthly enforcement data after November 2024	Confirmed fact	DHS page notice
About 70.6 percent of people in ICE detention in July 2026 had no criminal conviction	Confirmed fact (TRAC from ICE data)	TRAC
Which president "deported the most"	Depends on the measure	See Chapter 19

Questions to think about

1. Should local police help enforce immigration law? What are the benefits and risks?
2. Which counts as a "deportation" to you: a removal, a return, an expulsion, or all three?
3. More than half of people in ICE detention had no criminal conviction. What should be the priority for arrests?

Part Six: Claims and Theories

Chapter 18: Claims About Crime, Jobs, Taxes and Benefits

Information in this chapter is current as of November 12, 2026.

This part of the book tests specific claims. Each one is stated the way people actually say it. I note which side usually makes it, check it against the records in earlier chapters, and give one of four verdicts:

Verdict	What it means
True	The records support the claim as stated
Partly true	Part of the claim holds up, but it leaves out or overstates something important
False (debunked)	The records contradict the claim
Inconclusive	The records cannot settle it, or the claim is too vague to test

A verdict is about the claim, not about the people who make it. Many people repeat a claim in good faith. Some claims from each side do well and some do badly.

Claim 1: "Immigrants commit more crime than people born here."

Usual source: Those who favor less immigration.

What the records show: There is no national count of crimes by immigration status (Chapter 16). The best available evidence comes from incarceration data and from Texas, which records status at arrest. A peer-reviewed study of Census records from 1870 to 2020 found that "As a group, immigrants have had lower incarceration rates than the US-born for 150 years," and that "immigrants today are 60% less likely to be incarcerated."[444] For unauthorized immigrants specifically, the Cato Institute's 2023 estimate put their incarceration rate at 613 per 100,000, compared with 1,221 for native-born Americans.[445] Critics note that deportation can lower incarceration counts, which is a real limit of that measure.

Verdict: False (debunked) as a general statement about immigrants as a group. The evidence, using several methods, points the other way. That does not mean no immigrant commits serious crime, or that individual cases do not matter.

Claim 2: "Immigrants take jobs from Americans."

Usual source: Those who favor less immigration.

What the records show: The National Academies found "little evidence that immigration significantly affects the overall employment levels of native-born workers" and that over 10 or more years the effect on native wages overall "is very small." It also found that negative effects,

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[444] Ran Abramitzky, Leah Boustan, Elisa Jacome, Santiago Perez and Juan David Torres, "Law-Abiding Immigrants: The Incarceration Gap Between Immigrants and the US-born, 1870-2020", National Bureau of Economic Research, Working Paper 31440 (published in American Economic Review: Insights, 2024), 2023, abstract. https://www.nber.org/papers/w31440 (accessed November 12, 2026).

[445] Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010-2023", Cato Institute (Policy Analysis), no date, summary. https://www.cato.org/policy-analysis/illegal-immigrant-incarceration-rates-2010-2023 (accessed November 12, 2026).

where they occur, fall most on earlier immigrants and native-born workers without a high school diploma, and that immigration reduced hours worked by native teens.[446]

Verdict: Partly true. Immigrants do fill jobs that other people could hold, and some groups of workers can lose out in the short run. But the research does not support the broad claim that immigration reduces overall employment for people born here.

Claim 3: "People here illegally don't pay taxes."

Usual source: Those who favor less immigration.

What the records show: Everyone pays sales taxes, and renters pay property taxes through rent. Many unauthorized workers have payroll taxes withheld or file returns with an ITIN. ITEP estimated $96.7 billion in taxes paid by undocumented immigrants in 2022.[447] That figure is an estimate by an advocacy-leaning group, but the fact that they pay many kinds of taxes does not depend on that estimate.

Verdict: False (debunked). How much they pay is debated. That they pay is not.

Claim 4: "People here illegally get welfare and Social Security."

Usual source: Those who favor less immigration.

What the records show: Federal law says a person who is not a "qualified alien" "is not eligible for any Federal public benefit," and the definition of federal public benefit includes "retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit."[448] Exceptions include emergency Medicaid, disaster relief and some public health services.[449] Unauthorized immigrants can receive public K-12 education under Plyler v. Doe.[450] Their U.S.-citizen children can get benefits as citizens. Some states provide state-funded benefits.[451]

Verdict: False (debunked) for federal welfare programs and Social Security. The claim does have a basis in the exceptions (emergency care, schooling, citizen children's benefits and some

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[446] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

[447] Carl Davis, Marco Guzman and Emma Sifre, "Tax Payments by Undocumented Immigrants", Institute on Taxation and Economic Policy, July 30, 2024, summary. https://itep.org/undocumented-immigrants-taxes-2024/ (accessed November 12, 2026).

[448] U.S. Congress, "8 U.S.C. 1611 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, sections 1611(a) and (c). https://www.law.cornell.edu/uscode/text/8/1611 (accessed November 12, 2026).

[449] U.S. Congress, "8 U.S.C. 1611 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1611(b). https://www.law.cornell.edu/uscode/text/8/1611 (accessed November 12, 2026).

[450] U.S. Supreme Court, "Plyler v. Doe, 457 U.S. 202", Legal Information Institute, Cornell Law School, June 15, 1982, holding. https://www.law.cornell.edu/supremecourt/text/457/202 (accessed November 12, 2026).

[451] U.S. Congress, "8 U.S.C. 1621 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1621(d). https://www.law.cornell.edu/uscode/text/8/1621 (accessed November 12, 2026).

state programs), which are real costs. A precise statement would be: "People here illegally are barred from almost all federal benefits, but some public costs, such as emergency care and schooling, still apply."

Claim 9: "People here illegally are keeping Social Security afloat."

Usual source: Those who favor more immigration.

What the records show: ITEP estimated that undocumented immigrants paid $25.7 billion in Social Security taxes in 2022.[452] Many cannot collect benefits based on that work. Federal law bars people who are not "qualified aliens" from most federal public benefits (Chapter 15).[453] [Not verified: the Social Security actuary's estimate of the net effect on the trust funds, and the latest Trustees Report, because the Social Security website blocked my downloads.]

Verdict: Partly true. Unauthorized workers do pay billions into Social Security, and most cannot draw benefits from that work, so they help the program's finances. But "keeping it afloat" is a much bigger claim. I could not open an official figure that measures their share of the program's money, so the strong version is not shown by the records I read.

Claim 13: "Most asylum claims are fake." / "Most asylum seekers win their cases."

Usual source: The first from those who favor less immigration; the second from those who favor more.

What the records show: EOIR's asylum decision table for immigration courts shows:[454]

Asylum decisions in immigration court (initial completions; data generated July 24, 2026)

Fiscal year	Grants	Denials	Abandoned	Not adjudicated	Withdrawn	Total decisions
2019	18,865	45,294	8,971	8,065	10,107	91,434
2023	32,073	34,634	13,324	109,309	12,968	222,263
2024	32,436	38,529	18,444	145,741	14,456	270,313
2025	26,599	82,431	51,654	78,243	15,120	267,922
2026 (first three quarters)	7,231	89,740	92,081	44,062	18,251	254,680

[452] Carl Davis, Marco Guzman and Emma Sifre, "Tax Payments by Undocumented Immigrants", Institute on Taxation and Economic Policy, July 30, 2024, Figure 2. https://itep.org/undocumented-immigrants-taxes-2024/ (accessed November 12, 2026).

[453] U.S. Congress, "8 U.S.C. 1611 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1611(a). https://www.law.cornell.edu/uscode/text/8/1611 (accessed November 12, 2026).

[454] Executive Office for Immigration Review, "Adjudication Statistics: Asylum Decisions (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344851/dl?inline (accessed November 12, 2026).

(The "Total" also includes administrative closures, not shown.)

In no year shown did grants outnumber denials. In fiscal 2024, about 46 percent of cases decided on the merits, grants plus denials, ended in a grant. In the first three quarters of fiscal 2026, it was about 7.5 percent. My arithmetic from EOIR's table. Many more cases ended without a decision on the merits.

But a denial does not mean a claim was "fake." Asylum requires persecution tied to one of five grounds (Chapter 8). A person fleeing real gang violence or poverty can be in real danger and still not qualify. And whether a person has a lawyer makes a large difference; EOIR reports that 77 percent of completed asylum cases in fiscal 2025 had representation.[455]

Verdict on "most asylum seekers win": False (debunked). In immigration court, most asylum cases do not end in a grant.

Verdict on "most asylum claims are fake": Inconclusive. The records show that most claims fail, not that most were made in bad faith. No official data measures fraud as distinct from failure to meet the legal test.

Claim 17: "Having a baby here gets the parents legal status."

Usual source: Those who favor less immigration, often with the term "anchor baby."

What the records show: A child born here is a U.S. citizen (Chapter 10). But a citizen can sponsor a parent only as an immediate relative when the citizen is "at least 21 years of age."[456] Even then, a parent who was unlawfully present for a year or more and left faces a 10-year bar on returning, and a parent who entered without inspection usually cannot get a green card from inside the country.[457,458] Having a citizen child can matter in one narrow form of relief, cancellation of removal, which requires 10 years of presence and "exceptional and extremely unusual hardship" to a citizen or green card holder spouse, parent or child.[459]

Verdict: False (debunked). A baby born here does not give the parents legal status. At most, a child can sponsor a parent after turning 21, and then only if the parent can overcome the bars.

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[455] Executive Office for Immigration Review, "Adjudication Statistics: Current Representation Rates (data generated November 18, 2025)", U.S. Department of Justice, November 18, 2025, table. https://www.justice.gov/eoir/media/1344931/dl?inline (accessed November 12, 2026).

[456] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151(b)(2)(A)(i). https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

[457] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(a)(9)(B)(i)(II). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

[458] U.S. Congress, "8 U.S.C. 1255 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1255(a). https://www.law.cornell.edu/uscode/text/8/1255 (accessed November 12, 2026).

[459] U.S. Congress, "8 U.S.C. 1229b (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1229b(b)(1). https://www.law.cornell.edu/uscode/text/8/1229b (accessed November 12, 2026).

Claim 18: "DACA recipients get federal welfare and free college."

Usual source: Those who favor less immigration.

What the records show: DACA is deferred action, not a legal status (Chapter 4). DACA recipients are not on the list of "qualified aliens" in federal benefits law.[460] So under the rule described in Claim 4, they are barred from federal public benefits, a term that includes "postsecondary education" assistance.[461] Some states let DACA recipients pay in-state tuition or get state aid under their own laws.[462]

Verdict: False (debunked) for federal welfare and federal college aid. Some states offer in-state tuition or state aid, which is not "free college" and is a state choice.

Claim 19: "Sanctuary cities have more crime." / "Sanctuary policies make cities safer."

Usual source: The first from those who favor less immigration; the second from those who favor more.

What the records show: A 2020 working paper on 42 cities found that "sanctuary policies do not cause an increase in crime" and that "none of the results show a positive association between sanctuary policies and local crime rates." It found weak signs of lower property crime but called them "not robust."[463] A 2019 peer-reviewed study of 107 cities found sanctuary policies "associated with a reduction in robberies but not homicide."[464] Chapter 16 gives more detail.

Verdict on "sanctuary cities have more crime": False (debunked) as a claim that the policies raise crime rates; neither study found that. **Verdict on "sanctuary policies make cities safer": Inconclusive.** One study found fewer robberies, but the other said its own signs of lower crime did not hold up across its tests.

Claim 20: "The government gives migrants hotel rooms, debit cards and cash."

Usual source: Those who favor less immigration.

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[460] U.S. Congress, "8 U.S.C. 1641 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1641(b). https://www.law.cornell.edu/uscode/text/8/1641 (accessed November 12, 2026).

[461] U.S. Congress, "8 U.S.C. 1611 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1611(c). https://www.law.cornell.edu/uscode/text/8/1611 (accessed November 12, 2026).

[462] U.S. Congress, "8 U.S.C. 1621 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1621(d). https://www.law.cornell.edu/uscode/text/8/1621 (accessed November 12, 2026).

[463] Yuki Otsu, "Sanctuary Cities and Crime (working paper)", The Center for Growth and Opportunity at Utah State University, July 30, 2020, conclusion. https://www.thecgo.org/research/sanctuary-cities-and-crime/ (accessed November 12, 2026).

[464] Ricardo D. Martinez-Schuldt and Daniel E. Martinez, "Sanctuary Policies and City-Level Incidents of Violence, 1990 to 2010, Justice Quarterly 36(4): 567-593", University of Arizona research page (abstract), 2019, abstract. https://experts.arizona.edu/en/publications/sanctuary-policies-and-city-level-incidents-of-violence-1990-to-2/ (accessed November 12, 2026).

What the records show: There were federal grants for migrant shelter, but they did not go to migrants as cash. Starting in 2019, Congress let FEMA's Emergency Food and Shelter Program pay for migrant services. In 2023, Congress created the Shelter and Services Program, funded with Customs and Border Protection money and run by FEMA, which "gives money to state and local governments and nonprofit organizations that provide migrants with temporary shelter, food and transportation." For fiscal 2024, Congress directed $650 million to it, and about $1.5 billion went to the two programs combined from fiscal 2021 to 2024. PolitiFact reported that "Neither of the programs for migrants uses money from FEMA's Disaster Relief Fund."[465]

Hotels were real. FactCheck.org reported that New York City received about $81 million in federal payments for immigration-related services, including a payment of about $59 million, "of which $19 million was for hotel stays." The money went "to the city - not directly to hotels." DHS later said it "clawed back the full payment."[466] Neither fact-check reported FEMA giving cash or debit cards to individual migrants. [Not verified: city-run debit card programs, which some cities announced on their own; I did not open a primary record for any of them.]

Verdict: Partly true. Federal grants did pay cities and nonprofits for shelter, including hotel rooms. The records I read do not show the federal government handing migrants cash or debit cards, and the money did not come from disaster relief funds.

Claim 22: "Immigrants in Springfield, Ohio are eating pets." (2024)

Usual source: Social media posts in September 2024, repeated by candidate Donald Trump at the September 10, 2024 presidential debate.

What the records show: At the debate, Trump said, "In Springfield, they're eating the dogs. The people that came in, they're eating the cats. They're eating, they're eating the pets of the people that live there."[467] The city's spokesperson, Karen Graves, said there were "no credible reports or specific claims of pets being harmed, injured or abused by individuals within the immigrant community."[468,469] A video widely shared as proof showed an unrelated incident in

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[465] Amy Sherman and Maria Ramirez Uribe, "Biden administration didn't steal $1 billion from FEMA for migrants. Trump's claim is Pants on Fire!", PolitiFact, October 8, 2024, program history. https://politifact.com/factchecks/2024/oct/08/donald-trump/biden-administration-didnt-steal-1-billion-from-fe/ (accessed November 12, 2026).

[466] D'Angelo Gore, "Musk Misleads on FEMA's Migrant-Related Payments to New York City", FactCheck.org (Annenberg Public Policy Center), February 13, 2025 (updated February 27, 2025), findings. https://www.factcheck.org/2025/02/musk-misleads-on-femas-migrant-related-payments-to-new-york-city/ (accessed November 12, 2026).

[467] Jeff Cercone, "Trump repeats baseless claims that Haitian immigrants in Springfield, Ohio, are eating pets", PolitiFact, September 11, 2024, quote. https://politifact.com/factchecks/2024/sep/11/donald-trump/trump-repeats-baseless-claims-that-haitian-immigra/ (accessed November 12, 2026).

[468] Jeff Cercone, "Trump repeats baseless claims that Haitian immigrants in Springfield, Ohio, are eating pets", PolitiFact, September 11, 2024, city statement. https://politifact.com/factchecks/2024/sep/11/donald-trump/trump-repeats-baseless-claims-that-haitian-immigra/ (accessed November 12, 2026).

[469] CBS News, "Baseless claim about Haitian immigrants eating pets in Springfield, Ohio", CBS News, September 2024, city statement. https://www.cbsnews.com/news/baseless-claim-haiti-immigrants-cats-springfield-ohio/ (accessed November 12, 2026).

Canton, Ohio, more than 170 miles away, involving a woman who CBS News found was not a migrant.[470]

Verdict: False (debunked).

Claim 23: "Today's immigrants don't learn English the way earlier immigrants did."

Usual source: Those who favor less immigration.

What the records show: The Census Bureau reports that 78 percent of the U.S. population speaks only English at home.[471] The National Academies found that immigrants' integration continues over time but that "the rate of relative wage growth and English-language acquisition among the foreign-born is now slightly slower than it was for earlier immigrant waves."[472] Earlier waves, such as German and Italian immigrants around 1900, also often kept their own languages for a generation. [Not verified: I did not open a historical source on language use among earlier waves, so that sentence is context, not a finding.]

Verdict: Partly true. The best review found English learning among recent immigrants is "slightly slower" than for earlier waves, but it still happens, and the claim's suggestion that today's immigrants do not learn English is not supported.

Claim 29: "People here illegally get Obamacare."

Usual source: Those who favor less immigration.

What the records show: HealthCare.gov, the federal marketplace created by the Affordable Care Act, states: "Undocumented immigrants can't get Marketplace health coverage." They may apply on behalf of family members who are eligible, such as U.S.-citizen children.[473] Federal law also bars unauthorized immigrants from most federal health benefits, with exceptions such as emergency Medicaid (Claim 4).[474] Some states fund their own health programs that cover some unauthorized residents, using state money.[475] [Not verified: a current list of those state programs.]

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[470] CBS News, "Baseless claim about Haitian immigrants eating pets in Springfield, Ohio", CBS News, September 2024, Canton video. https://www.cbsnews.com/news/baseless-claim-haiti-immigrants-cats-springfield-ohio/ (accessed November 12, 2026).

[471] U.S. Census Bureau, "Language Use in the United States: 2019, ACS-50", U.S. Census Bureau, September 2022, summary. https://www.census.gov/library/publications/2022/acs/acs-50.html (accessed November 12, 2026).

[472] National Academies of Sciences, Engineering, and Medicine, "The Economic and Fiscal Consequences of Immigration", The National Academies Press, 2017, Summary. https://nap.nationalacademies.org/read/23550/chapter/2 (accessed November 12, 2026).

[473] HealthCare.gov (Centers for Medicare and Medicaid Services), "Coverage for lawfully present immigrants", HealthCare.gov, no date, eligibility. https://www.healthcare.gov/immigrants/lawfully-present-immigrants/ (accessed November 12, 2026).

[474] U.S. Congress, "8 U.S.C. 1611 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1611(b). https://www.law.cornell.edu/uscode/text/8/1611 (accessed November 12, 2026).

[475] U.S. Congress, "8 U.S.C. 1621 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1621(d). https://www.law.cornell.edu/uscode/text/8/1621 (accessed November 12, 2026).

Verdict: False (debunked) for the federal marketplace. A more accurate statement would be: "People here illegally cannot buy Affordable Care Act marketplace coverage, but emergency Medicaid and some state-funded programs can cover some of their care."

Claim 30: "Asylum seekers get work permits as soon as they arrive."

Usual source: Those who favor less immigration; sometimes repeated by people sympathetic to migrants who believe it is true.

What the records show: The asylum law says an applicant is "not entitled to employment authorization," and that a work permit cannot be granted until at least 180 days after the asylum application is filed.[476] The 2025 budget law added a fee of at least $550 for the first asylum work permit.[477] People who came in through parole programs were in a different position: federal regulations let a person "paroled into the United States temporarily for urgent humanitarian reasons or significant public benefit" apply for a work permit without the asylum waiting period.[478] That difference is likely part of why this claim spread from 2022 to 2024 (Chapter 7).

Verdict: False (debunked) for asylum seekers. The law sets a waiting period of at least 180 days. Some people who arrived through other programs, such as parole, could get permission to work sooner.

Claim 31: "Illegal immigrants do most of the work in construction and farming." / "Without them, those industries would collapse."

Usual source: The first from some on both sides, used to argue opposite things; the second from those who favor more immigration.

What the records show: Pew estimated that in 2023 unauthorized immigrants made up 15 percent of construction workers and 14 percent of agriculture workers, the highest shares of any industries. By occupation, they were 24 percent of farming workers and 19 percent of construction workers. Pew found "no occupations where unauthorized immigrants represent a majority of workers," though in some detailed construction jobs they were 25 to about 40 percent.[479] Overall, they were 5.6 percent of the U.S. labor force.[480]

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[476] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(d)(2). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[477] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, section 100003. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[478] Code of Federal Regulations, "8 CFR 274a.12, Classes of aliens authorized to accept employment", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 274a.12(c)(11). https://www.law.cornell.edu/cfr/text/8/274a.12 (accessed November 12, 2026).

[479] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, section on workers. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[480] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, section on workers. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

Verdict on "do most of the work": False (debunked). They are a large minority in some jobs, not a majority in any occupation.

Verdict on "the industries would collapse": Inconclusive. Losing a quarter of farm workers or a fifth of construction workers would be a serious shock, but how employers, wages and prices would adjust is a forecast, not a record. The Brookings and AEI estimates in Chapter 14 are early attempts to measure the effects of lower immigration in 2025 and 2026.[481]

Summary table

#	Claim	Usual source	Verdict
1	Immigrants commit more crime than people born here	Restriction side	False (debunked)
2	Immigrants take jobs from Americans	Restriction side	Partly true
3	People here illegally don't pay taxes	Restriction side	False (debunked)
4	People here illegally get welfare and Social Security	Restriction side	False (debunked)
9	People here illegally are keeping Social Security afloat	Expansion side	Partly true
13a	Most asylum seekers win their cases	Expansion side	False (debunked)
13b	Most asylum claims are fake	Restriction side	Inconclusive
17	Having a baby here gets the parents legal status	Restriction side	False (debunked)
18	DACA recipients get federal welfare and free college	Restriction side	False (debunked)
19	Sanctuary cities have more crime / sanctuary policies make cities safer	Both	False (debunked) / Inconclusive
20	Migrants get hotels, debit cards and cash	Restriction side	Partly true
22	Immigrants in Springfield are eating pets	Restriction side	False (debunked)

[481] Wendy Edelberg, Stan Veuger and Tara Watson, "Macroeconomic Implications of Immigration Flows in 2025 and 2026: January 2026 Update", Brookings Institution, January 13, 2026, summary. https://www.brookings.edu/articles/macroeconomic-implications-of-immigration-flows-in-2025-and-2026-january-2026-update/ (accessed November 12, 2026).

#	Claim	Usual source	Verdict
23	Today's immigrants don't learn English	Restriction side	Partly true
29	People here illegally get Obamacare	Restriction side	False (debunked)
30	Asylum seekers get work permits as soon as they arrive	Restriction side	False (debunked)
31a	Illegal immigrants do most of the work in construction and farming	Both	False (debunked)
31b	Without them, those industries would collapse	Expansion side	Inconclusive

Questions to think about

1. Which verdict in this chapter surprised you the most? Why?
2. Did any claim you believed get a verdict you did not expect? What would it take to change your mind?
3. Why do you think claims that are false keep spreading?

Chapter 19: Claims About the Border, Elections and the Line

Information in this chapter is current as of November 12, 2026.

This chapter uses the same four verdicts as Chapter 18: True, Partly true, False (debunked) and Inconclusive.

Claim 5: "Most people here illegally crossed the border on foot." / "Most are visa overstays."

Usual source: The first is common among those who favor tougher border enforcement; the second among those who argue the border is not the main issue.

What the records show: Pew's 2023 estimate puts people who "entered the U.S. illegally or overstayed a visa" together at "more than 12 million," with another 2 million who "entered the U.S. legally and were paroled or released into the country."[482] Pew's report does not split the 12 million between crossers and overstays. The most recent split I could find is an estimate by Robert Warren of the Center for Migration Studies, cited by the Congressional Research Service: as of 2017, about 42 percent had overstayed a visa and 58 percent had entered without inspection. CRS noted that "More recent estimates have not yet been produced."[483] DHS counts new overstays each year, about 565,155 overstay events for air and sea arrivals in fiscal 2023, but it does not estimate the share of the whole population.[484]

Verdict: Inconclusive for both versions. The last estimate I could find, from 2017, had more crossers than overstays, but it is old, comes from one Tier 5 group and predates the large border numbers of 2021 to 2024 (Chapter 13).

Claim 6: "Immigrants are being brought in to change elections."

Usual source: Some on the restriction side. A stronger version, often called the "great replacement" theory, says political or business elites are deliberately bringing in immigrants to replace native-born Americans, sometimes described as native-born white Americans, as voters.

What the records show: The idea is widely held. An AP-NORC poll reported on May 9, 2022 found that "about 1 in 3 U.S. adults believes an effort is underway to replace U.S.-born Americans with immigrants for electoral gains." It found that 17 percent held both that belief and the belief that native-born Americans are losing influence because of immigration, a share that "rises to 42% among the quarter of Americans most likely to embrace other conspiracy

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[482] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, key findings. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[483] Jill H. Wilson, Andorra Bruno, Abigail F. Kolker and Audrey Singer, "Nonimmigrant Overstays: Overview and Policy Issues, Report R47848", Congressional Research Service (copy at EveryCRSReport.com), November 21, 2023, footnote 6. https://www.everycrsreport.com/files/2023-11-21_R47848_3fc4cb99f1346a022efd4cb90242eba28f0ec40f.html (accessed November 12, 2026).

[484] U.S. Customs and Border Protection, "Entry/Exit Overstay Report, Fiscal Year 2023 Report to Congress", U.S. Department of Homeland Security, August 5, 2024, executive summary. https://www.dhs.gov/sites/default/files/2024-09/0805_2024_cbp_entry_exit_overstay_report.pdf (accessed November 12, 2026).

theories."[485] [Not verified: the poll's exact question wording, dates and sample; I read only the news article, not the topline.]

The claim depends on immigrants voting. Unauthorized immigrants and green card holders cannot vote in federal elections. Naturalization generally requires five years as a green card holder, or three if married to a citizen (Chapter 10).[486,487] So a person who arrives without status cannot become a voter quickly, and most cannot become one at all without a change in the law. Claim 10 below covers noncitizen voting.

I found no official record, document or study showing a coordinated plan by either party or any group to bring in immigrants to change election results. [Not verified: I did not examine every document cited by people who make this claim.] Both parties have changed immigration policy, in opposite directions, over the decades this book covers.

Verdict: False (debunked) as to the factual premise that new immigrants are, or can quickly become, a voting bloc that decides federal elections. The motive part of the claim, a hidden plan, is not supported by any record I found.

Claim 7: "Legal immigration is easy if people just wait in line."

Usual source: Those who favor less immigration.

What the records show: Chapter 6 shows that most would-be immigrants have no line at all. There is no category for a person without a close family tie, an employer sponsor, a lottery win or a persecution claim. For those who do have a category, the wait can be very long. In the November 2026 Visa Bulletin, as summarized by an immigration law firm, the cutoff dates included:[488]

Selected final action dates, November 2026 Visa Bulletin

Category	Country	Final action date
F3: married sons and daughters of citizens	Mexico	July 15, 2001
F1: unmarried adult sons and daughters of citizens	Mexico	September 22, 2008
F4: brothers and sisters of adult citizens	All countries except China, India, Mexico and the Philippines; and China	October 22, 2012

[485] Anita Snow, The Associated Press, "1 in 3 fears immigrants influence US elections: AP-NORC poll", AP-NORC Center for Public Affairs Research, May 9, 2022, findings. https://apnorc.org/1-in-3-fears-immigrants-influence-us-elections-ap-norc-poll/ (accessed November 12, 2026).

[486] U.S. Congress, "8 U.S.C. 1427 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, residence requirement. https://www.law.cornell.edu/uscode/text/8/1427 (accessed November 12, 2026).

[487] U.S. Congress, "8 U.S.C. 1430 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, spouses of citizens. https://www.law.cornell.edu/uscode/text/8/1430 (accessed November 12, 2026).

[488] WR Immigration (Wolfsdorf Rosenthal LLP), "November 2026 Visa Bulletin: Selected Employment Categories Make Gains, Family Categories Advance", WR Immigration, October 22, 2026, tables. https://wolfsdorf.com/november-2026-visa-bulletin-selected-employment-categories-make-gains-family-categories-advance/ (accessed November 12, 2026).

Category	Country	Final action date
EB-2: advanced degree professionals	India	November 1, 2013
EB-3: skilled workers	India	January 22, 2014
F3	All countries except Mexico and the Philippines	October 22, 2015
EB-2	All countries except China and India	April 1, 2025

A final action date of July 15, 2001 means a married son or daughter of a citizen, born in Mexico, whose petition was filed in mid-2001 could only now reach the front of the line, more than 25 years later. [Not verified against the State Department's own bulletin, which blocked automated download; the law firm's tables are the source here.]

Verdict: False (debunked). For many people there is no line, and for others it is decades long.

Claim 8: "Border crossings were at an all-time high or low under a given president."

Usual source: Both sides, depending on the president.

What the records show: It depends on the measure (Chapter 11).

Statement	Measure	Verdict
Crossings hit an all-time high under Biden	Southwest border encounters, 2,475,669 in fiscal 2023[489]	True for that measure
Crossings hit an all-time high under Clinton	Border Patrol apprehensions, 1,676,438 in fiscal 2000, highest year in the series through 2020[490]	True for that measure through 2020; fiscal 2021-2023 nationwide apprehensions were not available to me in the same form
Crossings hit an all-time low under Trump's second term	Border Patrol apprehensions, 121,452 in fiscal 2026, lowest since fiscal 1967[491]	Partly true: lowest in almost 60 years, not "all time"
Crossings hit an all-time low under Trump's first term	Border Patrol apprehensions, 310,531 in fiscal 2017[492]	False: lowest since 1971, not all time

[489] Congressional Research Service, "Southwest Border Encounters and Asylum Restrictions, IN12457", Congressional Research Service via EveryCRSReport, November 6, 2024, figures. https://www.everycrsreport.com/reports/IN12457.html (accessed November 12, 2026).

[490] U.S. Border Patrol, "Total Apprehensions (FY 1925 - FY 2020)", U.S. Customs and Border Protection, no date, table. https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/U.S.%20Border%20Patrol%20Total%20Apprehensions%20(FY%201925%20-%20FY%202020)%20(508).pdf (accessed November 12, 2026).

[491] U.S. Customs and Border Protection, "Nationwide Encounters", U.S. Department of Homeland Security, no date, fiscal year 2026. https://www.cbp.gov/newsroom/stats/nationwide-encounters (accessed November 12, 2026).

[492] U.S. Border Patrol, "Total Apprehensions (FY 1925 - FY 2020)", U.S. Customs and Border Protection, no date, table. https://www.cbp.gov/sites/default/files/assets/documents/2021-

Verdict: It depends on which claim. See the table. Any "all-time" claim should name its measure.

Claim 10: "Noncitizens vote in large numbers in federal elections."

Usual source: Some on the restriction side.

What the records show: In 2017, the Brennan Center, a group that I label as advocacy, surveyed election officials in 42 jurisdictions and found about 30 suspected noncitizen votes referred for investigation out of 23.5 million votes in 2016, or 0.0001 percent.[493] In 2024, Georgia's Republican Secretary of State, Brad Raffensperger, reported that an audit of the state's 8.2 million registered voters found 20 noncitizens on the rolls, 9 of whom had ever voted.[494] His office's chief operating officer said noncitizen registration was "very high risk, very low reward."[495]

The federal government's 2025-2026 efforts to check voter citizenship with DHS and Social Security data are still in court (Chapter 5). If they produce new, verified counts, this verdict should be revisited.

Verdict: False (debunked). Noncitizen voting happens in rare cases and is a crime, but the records do not show large numbers.

Claim 11: "The border was open under Biden." / "A wall does not stop anyone."

Usual source: The first from the restriction side; the second from the expansion side.

What the records show: The law did not change in a way that opened the border. Border Patrol kept apprehending people, and more than a million Title 42 expulsions took place in each of fiscal 2021 and 2022.[496] But encounters reached record levels (Chapter 12), many people were released to await court dates, and the court backlog more than doubled.[497]

Aug/U.S.%20Border%20Patrol%20Total%20Apprehensions%20(FY%201925%20-%20FY%202020)%20(508).pdf (accessed November 12, 2026).

[493] Brennan Center for Justice, "Noncitizen Voting: The Missing Millions", Brennan Center for Justice, 2017, findings. https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions (accessed November 12, 2026).

[494] Sara Murray, Zachary Cohen, Jason Morris and Nick Valencia, "Georgia's Republican secretary of state finds just 20 noncitizens registered to vote out of 8.2 million", CNN, October 23, 2024, audit results. https://www.cnn.com/2024/10/23/politics/georgia-raffensperger-noncitizens-registered (accessed November 12, 2026).

[495] Sara Murray, Zachary Cohen, Jason Morris and Nick Valencia, "Georgia's Republican secretary of state finds just 20 noncitizens registered to vote out of 8.2 million", CNN, October 23, 2024, Sterling quote. https://www.cnn.com/2024/10/23/politics/georgia-raffensperger-noncitizens-registered (accessed November 12, 2026).

[496] DHS Office of Homeland Security Statistics, "2022 Yearbook of Immigration Statistics, Table 39: Noncitizen Removals, Returns, and Expulsions", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2022/table39 (accessed November 12, 2026).

[497] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, pending cases. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

On the wall: the 2025 budget law appropriated $46.55 billion for barriers.[498] I did not find a study I could open that measured how much barriers reduce crossings compared with other factors. [Not verified: wall effectiveness studies.]

Verdict on "the border was open": Partly true. It was not legally open, and enforcement continued, but crossings and releases reached levels that made the phrase understandable to many people.

Verdict on "a wall does not stop anyone": Inconclusive. No study I opened measured the effect of barriers alone.

Claim 12: "Asylum seekers who cross between ports are breaking the law." / "Seeking asylum is always legal."

Usual source: The first from the restriction side; the second from the expansion side.

What the records show: Both have a basis in the law. Entering between ports of entry is a federal crime: a first offense of improper entry is a misdemeanor.[499] At the same time, the asylum law says a person who is physically present or who arrives in the United States, "whether or not at a designated port of arrival," "irrespective of such alien's status, may apply for asylum."[500] Presidents since 2018 have used proclamations to limit who is eligible to receive asylum after crossing between ports, and the Supreme Court held in 2026 that a person must actually cross the border to "arrive" (Chapter 8).[501]

Verdict on both: Partly true. Crossing between ports is unlawful entry, but the person may still apply for asylum. Whether the person is eligible to win depends on the rules in force at the time.

Claim 14: "Fentanyl comes in mostly with migrants crossing illegally." / "Fentanyl is smuggled mostly by U.S. citizens at ports of entry."

Usual source: The first from the restriction side; the second from the expansion side.

What the records show: Using U.S. Sentencing Commission data, the Cato Institute reported that U.S. citizens were 86.3 percent of people convicted of fentanyl trafficking in 2021, and that more than 90 percent of fentanyl seizures happened at ports of entry or checkpoints. Only 0.02

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[498] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, section 90001. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[499] U.S. Congress, "8 U.S.C. 1325 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1325(a). https://www.law.cornell.edu/uscode/text/8/1325 (accessed November 12, 2026).

[500] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(a)(1). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

[501] Supreme Court of the United States, "Mullin v. Al Otro Lado, No. 25-5, 609 U.S. 258", Supreme Court of the United States, June 25, 2026, holding. https://www.supremecourt.gov/opinions/25pdf/609us1r59_kjfl.pdf (accessed November 12, 2026).

percent of people Border Patrol arrested had fentanyl.[502] Seizure data show where drugs are caught, not where all drugs get through, which is a real limit.

Verdict on the first: False (debunked). Verdict on the second: True, based on seizures and convictions, with the limit that undetected smuggling cannot be measured.

Claim 15: "Obama deported more people than any other president."

Usual source: Both sides, at different times.

What the records show: In the DHS series through fiscal 2022, formal removals peaked at 432,334 in fiscal 2013, under President Obama. But counting returns, the yearly totals in the late 1990s and 2000s were much higher, under Presidents Clinton and George W. Bush.[503] ICE has since reported 442,640 deportations in fiscal 2025 and 483,200 in fiscal 2026, though ICE's count is not defined the same way as the DHS removal series.[504]

Verdict: Partly true. It was true for formal removals in a single year through 2022, but not when returns are counted, and ICE's fiscal 2026 figure is now higher than any single year of Obama-era removals in the DHS table.

Claim 16: "ICE only arrests criminals." / "Most people ICE detains have no criminal record."

Usual source: The first from some administration supporters; the second from critics.

What the records show: TRAC reported that 70.6 percent of the 65,765 people in ICE detention on July 11, 2026 had no criminal conviction.[505] CBS News reported that in July 2026, more than half of ICE arrests involved people with no criminal conviction or pending charge.[506]

Verdict on "ICE only arrests criminals": False (debunked). Verdict on "most people ICE detains have no criminal record": Partly true. Most have no criminal conviction, but some of those have pending criminal charges, which is part of a criminal record.

Claim 21: "Migrants are being flown in secretly at night."

Usual source: Social media posts and some commentators, especially in 2024.

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[502] David J. Bier, "Fentanyl Is Smuggled for U.S. Citizens by U.S. Citizens, Not Asylum Seekers", Cato Institute, September 14, 2022, findings. https://www.cato.org/blog/fentanyl-smuggled-us-citizens-us-citizens-not-asylum-seekers (accessed November 12, 2026).

[503] DHS Office of Homeland Security Statistics, "2022 Yearbook of Immigration Statistics, Table 39: Noncitizen Removals, Returns, and Expulsions", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2022/table39 (accessed November 12, 2026).

[504] U.S. Immigration and Customs Enforcement, "ICE Breaks Records in Fiscal Year 2026, Most Arrests and Deportations in Agency's History", ICE news release, November 12, 2026, release. https://www.ice.gov/news/releases/ice-breaks-records-fiscal-year-2026-most-arrests-and-deportations-agencys-history (accessed November 12, 2026).

[505] Transactional Records Access Clearinghouse (TRAC), Syracuse University, "Immigration Quick Facts (data as of July 11, 2026)", TRAC, no date, detention. https://tracreports.org/immigration/quickfacts/ (accessed November 12, 2026).

[506] Nicole Sganga, "ICE deportations and arrests hit record high as Trump faces reckoning over immigration crackdown", CBS News, November 12, 2026, arrest data. https://www.cbsnews.com/news/ice-deportations-arrests-hit-record-high/ (accessed November 12, 2026).

What the records show: The claim took off on March 5, 2024, when a post on X said, "Joe Biden has secretly flown 320,000 illegal immigrants from Latin American airports to 43 U.S. cities." It was based on a March 4 report by Todd Bensman of the Center for Immigration Studies.[507] The flights were part of the CHNV parole program described in Chapter 7, which was announced in public in January 2023. It let up to 30,000 people a month from Cuba, Haiti, Nicaragua and Venezuela come with a U.S. sponsor for two years. PolitiFact, citing CBP data, reported that 327,000 arrived from January through December 2023.[508]

Who paid? Not the government. A White House spokesperson said, "Migrants who are authorized to travel to the U.S. purchase their own airfare and are again vetted upon arrival at the airport."[509] Bensman himself said the program "requires the migrants to pick up the tab."[510] DHS said, "The CHNV parole processes are public; claims of a secret program are false," and PolitiFact rated a related claim False.[511,512] Neither fact-check I read addressed flights "at night."

Verdict: False (debunked) as to "secretly." The program was announced in public, its numbers were published, and the migrants bought their own tickets. It is true that hundreds of thousands of people flew in under it legally as parolees, and whether the program was lawful is a separate question (Chapter 7).

Claim 24: "More than 10 million illegal immigrants were let in under Biden."

Usual source: Some on the restriction side, in many versions (8 million, 10 million, 12 million and more).

What the records show: CBP's southwest border encounters for fiscal 2021 through 2024 add up to 8,724,304, my sum of the yearly totals in Chapter 12.[513] But an encounter is an event,

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[507] Ed Payne, "Fact Check: Biden Has NOT 'Secretly Flown 320,000 Illegal Immigrants From Latin American Airports' to US Cities", Lead Stories, March 6, 2024, origin of the claim. https://leadstories.com/hoax-alert/2024/03/fact-check-biden-has-not-secretly-flown-320000-illegal-immigrants-from-latin-american-airports-to-us-cities.html (accessed November 12, 2026).

[508] Marta Campabadal Graus, "PolitiFact FL: Migrants in parole program do not receive free flights to the US", PolitiFact, published by WLRN, March 21, 2024, program and numbers. https://www.wlrn.org/immigration/2024-03-21/migrants-parole-program-flights (accessed November 12, 2026).

[509] Ed Payne, "Fact Check: Biden Has NOT 'Secretly Flown 320,000 Illegal Immigrants From Latin American Airports' to US Cities", Lead Stories, March 6, 2024, White House statement. https://leadstories.com/hoax-alert/2024/03/fact-check-biden-has-not-secretly-flown-320000-illegal-immigrants-from-latin-american-airports-to-us-cities.html (accessed November 12, 2026).

[510] Ed Payne, "Fact Check: Biden Has NOT 'Secretly Flown 320,000 Illegal Immigrants From Latin American Airports' to US Cities", Lead Stories, March 6, 2024, Bensman statement. https://leadstories.com/hoax-alert/2024/03/fact-check-biden-has-not-secretly-flown-320000-illegal-immigrants-from-latin-american-airports-to-us-cities.html (accessed November 12, 2026).

[511] Ed Payne, "Fact Check: Biden Has NOT 'Secretly Flown 320,000 Illegal Immigrants From Latin American Airports' to US Cities", Lead Stories, March 6, 2024, DHS statement. https://leadstories.com/hoax-alert/2024/03/fact-check-biden-has-not-secretly-flown-320000-illegal-immigrants-from-latin-american-airports-to-us-cities.html (accessed November 12, 2026).

[512] Marta Campabadal Graus, "PolitiFact FL: Migrants in parole program do not receive free flights to the US", PolitiFact, published by WLRN, March 21, 2024, rating. https://www.wlrn.org/immigration/2024-03-21/migrants-parole-program-flights (accessed November 12, 2026).

[513] Congressional Research Service, "Southwest Border Encounters and Asylum Restrictions, IN12457", Congressional Research Service via EveryCRSReport, November 6, 2024, southwest border encounters by fiscal year. https://www.everycrsreport.com/reports/IN12457.html (accessed November 12, 2026).

not a person, and many of those events ended in a Title 42 expulsion or removal, not in a release. Repeat crossings under Title 42 were common (Chapter 11). Fiscal 2021 also includes about four months under President Trump.

On the other side of the ledger, Pew estimated that the unauthorized population grew by 3.5 million from 2021 to 2023, to 14.0 million, and that more than 2.1 million people were released or paroled into the country from July 2023 through June 2024.[514] Those numbers are large and set records, but no official source I opened counts how many people entered during the Biden years and stayed. People who crossed without being caught, called gotaways, are estimated, not counted (Chapter 11).

Verdict: Inconclusive. The real numbers were very large, and the population grew faster than at any time in Pew's records. But no published count supports any precise figure for people "let in," and the encounter total counts events, not people. Anyone using a specific number should name the measure.

Claim 25: "Most people here illegally just arrived."

Usual source: Common in coverage of the 2021 to 2024 border surge, on both sides.

What the records show: The Migration Policy Institute estimated that 45 percent of the unauthorized population in mid-2023 had lived in the United States for 20 years or more.[515] Pew estimated the population grew by 3.5 million from 2021 to 2023, out of 14.0 million in 2023.[516] Even if every one of those 3.5 million were a new arrival, recent arrivals would be about a quarter of the total. That is my arithmetic from Pew's figures, and it overstates the share, because the 3.5 million is a net figure.

Verdict: False (debunked) as of 2023. Recent arrivals were a large and fast-growing group, but most unauthorized immigrants had been here for many years. That matters for enforcement, because long-time residents are more likely to have U.S.-citizen children (Chapter 13).

Claim 26: "Most immigrants are here illegally."

Usual source: Social media and some commentary, often by blurring "immigrant" and "illegal immigrant."

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[514] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, key findings and 2024-25 section. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[515] Julia Gelatt, Ariel G. Ruiz Soto and Jennifer Van Hook Bachmeier, "Changing Origins, Rising Numbers: Unauthorized Immigrants in the United States", Migration Policy Institute, October 2025, key findings. https://www.migrationpolicy.org/system/files/2026-08/mpi-unauthorized-immigrants-fact-sheet-2025-final.pdf (accessed November 12, 2026).

[516] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, key findings. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

What the records show: Pew estimated that unauthorized immigrants were 27 percent of all immigrants in 2023, and that 46 percent of all immigrants were naturalized citizens.[517]

Verdict: False (debunked). About three of every four immigrants were here legally in 2023, and nearly half were citizens.

Claim 27: "Trump's second term set an all-time record for deportations."

Usual source: Administration supporters and the administration itself.

What the records show: ICE reported 483,200 deportations in fiscal 2026, "the most in the agency's history."[518] DHS's own series, which counts removals across all DHS agencies, peaked at 432,334 formal removals in fiscal 2013 in the years through 2022 (Chapter 17).[519] But in fiscal 2000, DHS counted 188,467 removals plus 1,675,876 returns, more than 1.8 million departures in all, my sum.[520] ICE's 2026 figure is an agency figure that I could not check against a published data set, and it is not defined the same way as the DHS series.

Verdict: Partly true. It is a record for ICE by the agency's own count, and higher than any single year of formal removals in the DHS table. It is not an all-time record if returns are counted, and it has not been confirmed in a published data set.

Claim 28: "The court backlog is falling because judges are finally deciding cases."

Usual source: Administration supporters.

What the records show: The backlog did fall, from 3,924,917 at the end of fiscal 2024 to 3,300,793 at the end of fiscal 2026, and completions hit 973,669 in fiscal 2026, the most in the ten-year table.[521] But look at how cases ended. In the first three quarters of fiscal 2026, judges issued 476,650 removal orders, and 278,724 of them were in absentia, meaning the person did not appear. Another 76,706 cases were terminated or dismissed, and only 13,899 ended with

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[517] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, composition. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[518] U.S. Immigration and Customs Enforcement, "ICE Breaks Records in Fiscal Year 2026, Most Arrests and Deportations in Agency's History", ICE news release, November 12, 2026, release. https://www.ice.gov/news/releases/ice-breaks-records-fiscal-year-2026-most-arrests-and-deportations-agencys-history (accessed November 12, 2026).

[519] DHS Office of Homeland Security Statistics, "2022 Yearbook of Immigration Statistics, Table 39: Noncitizen Removals, Returns, and Expulsions", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2022/table39 (accessed November 12, 2026).

[520] DHS Office of Homeland Security Statistics, "2022 Yearbook of Immigration Statistics, Table 39: Noncitizen Removals, Returns, and Expulsions", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2022/table39 (accessed November 12, 2026).

[521] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

relief granted.[522] New cases also fell sharply, to 528,889 in fiscal 2026 from 1,783,908 in fiscal 2024.[523]

Verdict: Partly true. Judges did complete a record number of cases. But much of the drop came from fewer new cases and from orders issued when people did not show up, not from full hearings on the merits.

Claim 32: "Biden let in record numbers of refugees." / "The refugee program now only takes white South Africans."

Usual source: The first from the restriction side; the second from critics of the 2025-2026 policy.

What the records show: DHS counted 100,060 refugee arrivals in fiscal 2024, the most since fiscal 1994 (111,680), but well below the 207,120 who arrived in fiscal 1980 and the 122,070 in fiscal 1990.[524] For fiscal 2026, the presidential determination set the ceiling at "up to 7,500 refugees," to be "primarily ... allocated among Afrikaners from South Africa ... and other victims of illegal or unjust discrimination in their respective homelands." In May 2026, the ceiling was raised to 17,500, with the added places for Afrikaners.[525,526] Afrikaners are a South African group whose members are mostly white. [Not verified from an official source; this description is general reference.] [Not verified: the number of refugees actually admitted in fiscal 2026 and their nationalities; DHS had not published them in a source I could open.]

Verdict on "record numbers under Biden": False (debunked). Fiscal 2024 was the highest in 30 years, not a record.

Verdict on "only white South Africans": Partly true. The fiscal 2026 program was aimed primarily at Afrikaners by its own terms, but the determination also allowed for "other victims," and I could not confirm who was actually admitted.

Claim 33: "TPS is a permanent amnesty."

Usual source: The restriction side, especially about countries designated for decades.

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[522] Executive Office for Immigration Review, "Adjudication Statistics: FY 2026 Decision Outcomes (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344811/dl?inline (accessed November 12, 2026).

[523] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[524] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 13: Refugee Arrivals, Fiscal Years 1980 to 2024", U.S. Department of Homeland Security, August 20, 2025, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table13 (accessed November 12, 2026).

[525] The President, "Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2025-13", Daily Compilation of Presidential Documents, GovInfo, September 30, 2025, text. https://www.govinfo.gov/content/pkg/DCPD-202500975/html/DCPD-202500975.htm (accessed November 12, 2026).

[526] The President, "Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2026-14, 91 FR 31645", Federal Register, GovInfo, May 27, 2026, text. https://www.govinfo.gov/content/pkg/FR-2026-05-27/html/2026-10598.htm (accessed November 12, 2026).

What the records show: The law makes TPS temporary: a designation lasts 6 to 18 months at a time, and TPS does not by itself lead to a green card or citizenship (Chapter 7).[527] In practice, some designations were renewed for many years. By October 20, 2026, after a wave of terminations and the Supreme Court's ruling in Mullin v. Doe, only four countries remained designated.[528,529]

Verdict: Partly true. TPS was never legally permanent and gives no path to citizenship, and the 2025-2026 terminations show it can be ended. But repeated extensions did let some people stay for decades, which is the fact behind the claim.

Summary table

#	Claim	Usual source	Verdict
5	Most people here illegally crossed on foot / most are overstays	Both	Inconclusive
6	Immigrants are being brought in to change elections	Restriction side	False (debunked)
7	Legal immigration is easy if people wait in line	Restriction side	False (debunked)
8	All-time high or low under a given president	Both	Depends on the claim; see table
10	Noncitizens vote in large numbers	Restriction side	False (debunked)
11a	The border was open under Biden	Restriction side	Partly true
11b	A wall does not stop anyone	Expansion side	Inconclusive
12	Crossing to seek asylum is illegal / always legal	Both	Partly true (both)
14a	Fentanyl comes mostly with illegal crossers	Restriction side	False (debunked)

[527] U.S. Congress, "8 U.S.C. 1254a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1254a(b)(2). https://www.law.cornell.edu/uscode/text/8/1254a (accessed November 12, 2026).

[528] U.S. Citizenship and Immigration Services, "Temporary Protected Status", USCIS (page last reviewed October 20, 2026), no date, designated countries. https://www.uscis.gov/humanitarian/temporary-protected-status (accessed November 12, 2026).

[529] Supreme Court of the United States, "Mullin v. Doe, No. 25-1083, 609 U.S. 324", Supreme Court of the United States, June 25, 2026, holding. https://www.supremecourt.gov/opinions/25pdf/609us1r60_7mip.pdf (accessed November 12, 2026).

#	Claim	Usual source	Verdict
14b	Fentanyl is smuggled mostly by U.S. citizens at ports	Expansion side	True
15	Obama deported more than any other president	Both	Partly true
16a	ICE only arrests criminals	Administration supporters	False (debunked)
16b	Most people ICE detains have no criminal record	Critics	Partly true
21	Migrants are flown in secretly at night	Restriction side	False (debunked)
24	More than 10 million were let in under Biden	Restriction side	Inconclusive
25	Most people here illegally just arrived	Both	False (debunked)
26	Most immigrants are here illegally	Restriction side	False (debunked)
27	Trump's second term set an all-time deportation record	Administration supporters	Partly true
28	The court backlog is falling because judges are deciding cases	Administration supporters	Partly true
32a	Biden let in record numbers of refugees	Restriction side	False (debunked)
32b	The refugee program now only takes white South Africans	Critics of 2025-2026 policy	Partly true
33	TPS is a permanent amnesty	Restriction side	Partly true

Questions to think about

1. Pick one claim from this chapter you have heard someone say. How would you explain the verdict to that person respectfully?
2. Which claims depended most on how a word was defined, such as "record" or "illegal"?
3. Did the verdicts fall evenly across the two sides? Count them and see.

Part Seven: Where It Stands, What People Think and the Options

Chapter 20: Where Things Stand Today

Information in this chapter is current as of November 12, 2026.

This chapter is a snapshot. It pulls together the current numbers, policies and court cases from the rest of the book in one place, each with its own date. Immigration policy is changing month to month, so treat every line here as "as of" the date shown. If you are reading this later, check the sources in the footnotes for newer figures.

The numbers

Key immigration figures (as of November 12, 2026)

Measure	Figure	Period	Source
Border Patrol apprehensions, nationwide	121,452	Fiscal 2026	CBP monthly data, my sum[530]
Border Patrol apprehensions, southwest border	98,705	Fiscal 2026	CBP monthly data, my sum[531]
ICE deportations	483,200	Fiscal 2026	ICE (agency figure)[532]
ICE arrests	More than 491,000	Fiscal 2026	ICE (agency figure)[533]
People in ICE detention	65,765	July 11, 2026	TRAC[534]
Share of detainees with no criminal conviction	70.6 percent	July 11, 2026	TRAC[535]
Immigration court cases pending	3,300,793	End of fiscal 2026	EOIR[536]

[530] U.S. Customs and Border Protection, "Nationwide Encounters", U.S. Department of Homeland Security, no date, fiscal year 2026. https://www.cbp.gov/newsroom/stats/nationwide-encounters (accessed November 12, 2026).

[531] U.S. Customs and Border Protection, "Nationwide Encounters", U.S. Department of Homeland Security, no date, fiscal year 2026. https://www.cbp.gov/newsroom/stats/nationwide-encounters (accessed November 12, 2026).

[532] U.S. Immigration and Customs Enforcement, "ICE Breaks Records in Fiscal Year 2026, Most Arrests and Deportations in Agency's History", ICE news release, November 12, 2026, release. https://www.ice.gov/news/releases/ice-breaks-records-fiscal-year-2026-most-arrests-and-deportations-agencys-history (accessed November 12, 2026).

[533] U.S. Immigration and Customs Enforcement, "ICE Breaks Records in Fiscal Year 2026, Most Arrests and Deportations in Agency's History", ICE news release, November 12, 2026, release. https://www.ice.gov/news/releases/ice-breaks-records-fiscal-year-2026-most-arrests-and-deportations-agencys-history (accessed November 12, 2026).

[534] Transactional Records Access Clearinghouse (TRAC), Syracuse University, "Immigration Quick Facts (data as of July 11, 2026)", TRAC, no date, detention. https://tracreports.org/immigration/quickfacts/ (accessed November 12, 2026).

[535] Transactional Records Access Clearinghouse (TRAC), Syracuse University, "Immigration Quick Facts (data as of July 11, 2026)", TRAC, no date, detention. https://tracreports.org/immigration/quickfacts/ (accessed November 12, 2026).

[536] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

Measure	Figure	Period	Source
Immigration judges on board	753	Fiscal 2026	EOIR[537]
Asylum grants in immigration court	7,231	First three quarters of fiscal 2026	EOIR[538]
Asylum denials in immigration court	89,740	First three quarters of fiscal 2026	EOIR[539]
Refugee ceiling	17,500 (raised from 7,500)	Fiscal 2026	Presidential determinations[540]
Countries designated for TPS	4 (El Salvador, Lebanon, Sudan, Ukraine)	October 20, 2026	USCIS[541]
Active DACA recipients	533,280	December 31, 2024 (latest official count I found)	CRS[542]
Green cards issued	1,364,090	Fiscal 2024 (latest year published)	DHS Yearbook[543]
Unauthorized immigrant population	About 14.0 million	July 2023 (latest detailed estimate)	Pew Research Center[544]

[537] Executive Office for Immigration Review, "Adjudication Statistics: Immigration Judge (IJ) Hiring (data generated October 2026)", U.S. Department of Justice, October 2026, table. https://www.justice.gov/eoir/media/1344911/dl?inline (accessed November 12, 2026).

[538] Executive Office for Immigration Review, "Adjudication Statistics: Asylum Decisions (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344851/dl?inline (accessed November 12, 2026).

[539] Executive Office for Immigration Review, "Adjudication Statistics: Asylum Decisions (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344851/dl?inline (accessed November 12, 2026).

[540] The President, "Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2026-14, 91 FR 31645", Federal Register, GovInfo, May 27, 2026, text. https://www.govinfo.gov/content/pkg/FR-2026-05-27/html/2026-10598.htm (accessed November 12, 2026).

[541] U.S. Citizenship and Immigration Services, "Temporary Protected Status", USCIS (page last reviewed October 20, 2026), no date, designated countries. https://www.uscis.gov/humanitarian/temporary-protected-status (accessed November 12, 2026).

[542] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, summary. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[543] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 1: Persons Obtaining Lawful Permanent Resident Status, Fiscal Years 1820 to 2024", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table1 (accessed November 12, 2026).

[544] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, key findings. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

The pending caseload figure counts removal, deportation, exclusion, asylum-only and withholding-only cases in immigration court.[545] It fell from a peak of 3,924,917 at the end of fiscal 2024, mostly because completions rose and new cases fell.[546]

Then and now: fiscal 2024 compared with fiscal 2026

Two years made a very large difference. This table puts the last full fiscal year of the Biden administration next to the first full fiscal year of President Trump's second term.

Selected measures, fiscal 2024 and fiscal 2026 (as of November 12, 2026)

Measure	Fiscal 2024	Fiscal 2026	Source
Border Patrol apprehensions, nationwide	1,557,319	121,452	CBP, my sums (Chapter 12)
Immigration court cases pending at year end	3,924,917	3,300,793	EOIR[547]
New immigration court cases	1,783,908	528,889	EOIR[548]
Immigration court completions	705,295	973,669	EOIR[549]
Immigration judges on board	735	753	EOIR[550]
Asylum grants in immigration court	32,436	7,231 (first three quarters)	EOIR[551]

[545] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, footnote. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[546] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[547] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[548] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[549] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[550] Executive Office for Immigration Review, "Adjudication Statistics: Immigration Judge (IJ) Hiring (data generated October 2026)", U.S. Department of Justice, October 2026, table. https://www.justice.gov/eoir/media/1344911/dl?inline (accessed November 12, 2026).

[551] Executive Office for Immigration Review, "Adjudication Statistics: Asylum Decisions (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344851/dl?inline (accessed November 12, 2026).

Measure	Fiscal 2024	Fiscal 2026	Source
In absentia removal orders	223,502	281,867 (first three quarters)	EOIR[552]
Refugee arrivals or ceiling	100,060 arrivals	17,500 ceiling	DHS; presidential determination[553,554]
ICE deportations	Not reported separately; ICE says 486,000 for fiscal 2022 to 2024 combined	483,200	ICE (agency figures)[555]

Read the table with the traps from Appendix C in mind. Two of the fiscal 2026 rows cover only three quarters, so the full-year numbers will be higher. The refugee row compares an actual count with a ceiling. And the ICE figures are the agency's own and use a different definition from the DHS removal series.

Even with those cautions, the direction is clear on every line. Far fewer people crossed. Far fewer new cases reached the courts. Courts closed more cases than they received, but mostly through removal orders, many issued in absentia, rather than grants. Refugee admissions shrank to a small fraction of the 2024 level. And interior enforcement, by ICE's count, reached the highest level in the agency's history.

Policies in force

Here is what is in effect as of the cutoff date, based on the sources in Chapters 5 through 8:

- **The southern border.** The January 20, 2025 proclamation suspending entry at the southern border, "Guaranteeing the States Protection Against Invasion," was issued under 8 U.S.C. 1182(f) and 1185(a).[556] [Not verified: the current state of the court challenges to this proclamation. I did not open a 2026 ruling on it.]

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[552] Executive Office for Immigration Review, "Adjudication Statistics: In Absentia Removal Orders (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344881/dl?inline (accessed November 12, 2026).

[553] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 13: Refugee Arrivals, Fiscal Years 1980 to 2024", U.S. Department of Homeland Security, August 20, 2025, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table13 (accessed November 12, 2026).

[554] The President, "Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2026-14, 91 FR 31645", Federal Register, GovInfo, May 27, 2026, text. https://www.govinfo.gov/content/pkg/FR-2026-05-27/html/2026-10598.htm (accessed November 12, 2026).

[555] U.S. Immigration and Customs Enforcement, "ICE Breaks Records in Fiscal Year 2026, Most Arrests and Deportations in Agency's History", ICE news release, November 12, 2026, release. https://www.ice.gov/news/releases/ice-breaks-records-fiscal-year-2026-most-arrests-and-deportations-agencys-history (accessed November 12, 2026).

[556] Alejandra Aramayo, Hillel R. Smith and Kelsey Y. Santamaria, "Recent White House Actions on Immigration, LSB11265", Congressional Research Service, via EveryCRSReport.com, February 10, 2025, summary. https://www.everycrsreport.com/files/2025-02-10_LSB11265_1d46bc022950da596c1108c814454e156c6926aa.html (accessed November 12, 2026).

- **Asylum at ports of entry.** The Supreme Court held in June 2026 that a person must cross the border to "arrive" and apply.[557]
- **Refugees.** Admissions remain tightly limited, with the fiscal 2026 ceiling at 17,500, mainly for Afrikaners.[558]
- **Travel restrictions.** The June 2025 proclamation restricting entry from 19 countries, later expanded according to MPI.[559,560]
- **TPS.** Most designations have ended. The Supreme Court held that courts cannot review terminations except for constitutional claims.[561]
- **Birthright citizenship.** Children born here to unauthorized or temporary residents are citizens, under Trump v. Barbara.[562]
- **H-1B fee.** Extended through September 2027 but not being collected because of a court order.[563]
- **Enforcement funding.** Two budget laws fund enforcement through September 2029: the July 2025 law and the June 2026 Secure America Act, which added about $69.5 billion (my sum).[564,565]
- **Benefits.** The 2025 budget law's SNAP limits are in effect, and its Medicaid limits took effect October 1, 2026.[566]

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[557] Supreme Court of the United States, "Mullin v. Al Otro Lado, No. 25-5, 609 U.S. 258", Supreme Court of the United States, June 25, 2026, holding. https://www.supremecourt.gov/opinions/25pdf/609us1r59_kjfl.pdf (accessed November 12, 2026).

[558] The President, "Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026, No. 2026-14, 91 FR 31645", Federal Register, GovInfo, May 27, 2026, text. https://www.govinfo.gov/content/pkg/FR-2026-05-27/html/2026-10598.htm (accessed November 12, 2026).

[559] The White House, "Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats (Proclamation 10949)", The White House, June 4, 2025, sections 2 and 3. https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/ (accessed November 12, 2026).

[560] Migration Policy Institute, "Unleashing Power in New Ways: Immigration in the First Year of Trump 2.0", Migration Policy Institute, 2026, travel ban. https://www.migrationpolicy.org/article/trump-2-immigration-1st-year (accessed November 12, 2026).

[561] Supreme Court of the United States, "Mullin v. Doe, No. 25-1083, 609 U.S. 324", Supreme Court of the United States, June 25, 2026, holding. https://www.supremecourt.gov/opinions/25pdf/609us1r60_7mip.pdf (accessed November 12, 2026).

[562] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, holding. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[563] Yale Office of International Students and Scholars, "Presidential Proclamation Extends H-1B $100,000 Fee Policy; Fee Remains Blocked by Court Order", Yale University, September 23, 2026, summary. https://oiss.yale.edu/news/presidential-proclamation-extends-h-1b-100000-fee-policy-fee-remains-blocked-by-court-order (accessed November 12, 2026).

[564] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, title IX. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[565] U.S. Congress, "Secure America Act, Public Law 119-98, 140 Stat. 837 (S. 2)", U.S. Government Publishing Office (govinfo), 2026-06-10, sections 101 to 203. https://www.govinfo.gov/content/pkg/PLAW-119publ98/html/PLAW-119publ98.htm (accessed November 12, 2026).

[566] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, sections 10108 and 71109. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

- **DACA.** Renewals continue. New applications are accepted but not processed, under court orders.[567]

Cases to watch

Case or issue	Status as of November 12, 2026
Challenges to the January 2025 border proclamation	[Not verified: current status]
H-1B $100,000 fee	Policy vacated by a federal court in Massachusetts; appeal pending in the First Circuit[568]
Federal checks of voter citizenship (Trump v. California; DHS v. League of Women Voters)	Supreme Court let the government proceed while cases continue[569,570]
Administrative closure rule in immigration courts	A Texas federal court vacated the 2024 rule in June 2026; the Supreme Court denied a stay on October 27, 2026, according to a news report[571]
Alien Enemies Act removals	Litigation continued after the Court's April 2025 ruling on procedure[572]

Leadership

- **Secretary of Homeland Security:** Markwayne Mullin, confirmed March 23, 2026.[573]
- **CBP Commissioner:** Rodney Scott, as named in CBP's November 2025 release.[574]

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[567] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, summary. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[568] Yale Office of International Students and Scholars, "Presidential Proclamation Extends H-1B $100,000 Fee Policy; Fee Remains Blocked by Court Order", Yale University, September 23, 2026, summary. https://oiss.yale.edu/news/presidential-proclamation-extends-h-1b-100000-fee-policy-fee-remains-blocked-by-court-order (accessed November 12, 2026).

[569] Supreme Court of the United States, "Trump v. California, No. 26A124 (order on application for stay)", Supreme Court of the United States, August 24, 2026, order. https://www.supremecourt.gov/opinions/25pdf/609us2r69_1102.pdf (accessed November 12, 2026).

[570] Supreme Court of the United States, "Department of Homeland Security v. League of Women Voters, No. 26A308 (order on application for stay)", Supreme Court of the United States, September 25, 2026, order. https://www.supremecourt.gov/opinions/25pdf/26a308_poko.pdf (accessed November 12, 2026).

[571] Eric Chen, "Supreme Court declines to pause ruling affecting more than 361,000 administratively closed immigration cases", Latin Times, October 28, 2026, summary. https://www.latintimes.com/supreme-court-immigration-administrative-closure-cases-600655 (accessed November 12, 2026).

[572] Congressional Research Service, "Recent Executive Branch Actions on Immigration (Part 2), LSB11300", Congressional Research Service, via EveryCRSReport.com, May 1, 2025, AEA section. https://www.everycrsreport.com/reports/LSB11300.html (accessed November 12, 2026).

[573] CBS News, "Markwayne Mullin confirmed as Homeland Security secretary", CBS News, March 24, 2026, confirmation. https://www.cbsnews.com/news/markwayne-mullin-confirmed-dhs-secretary-senate/ (accessed November 12, 2026).

[574] U.S. Customs and Border Protection, "DHS Delivers Historic Start to Border Crossings in FY 2026", CBP national media release, November 5, 2025, release. https://www.cbp.gov/newsroom/national-media-release/dhs-delivers-historic-start-border-crossings-fy-2026 (accessed November 12, 2026).

- **Congress:** Republicans control both chambers through January 3, 2027. Democrats won the House in the November 3, 2026 election.[575] [Not verified: final Senate control for the new Congress.]

What to watch next

1. Whether the new House, starting January 2027, uses its power over DHS funding to change enforcement.
2. Whether DHS resumes publishing its monthly enforcement statistics.
3. New estimates of the unauthorized population for 2024 through 2026, which will show how much it fell.
4. The court cases in the table above.

What this chapter shows

Point	Label	Basis
Border crossings are at their lowest in almost 60 years	Confirmed fact	CBP
ICE deportations and arrests are at agency records	Confirmed fact (agency figures)	ICE
The immigration court backlog is about 3.3 million and falling	Confirmed fact	EOIR
The current size of the unauthorized population	Unknown	Latest detailed estimate is 2023
How the new Congress will act	Unknown	Begins January 2027

Questions to think about

1. Which number in the "then and now" table changed the most? What do you think caused it?
2. Which of the cases or policies to watch do you think will matter most a year from now?
3. If you read this after November 12, 2026, what has changed?

[575] Al Jazeera, "Democratic Party gains US House majority in 2026 midterm elections", Al Jazeera, November 4, 2026, results. https://www.aljazeera.com/news/2026/11/4/democratic-party-gains-us-house-majority-in-2026-midterm-elections (accessed November 12, 2026).

Chapter 21: What the Public and the Parties Think

Information in this chapter is current as of November 12, 2026.

Polls about immigration can seem to contradict each other. One poll says Americans want stronger enforcement. Another says they favor a path to citizenship. Often both are right, because people hold both views at once, and because the exact wording of a question changes the answer. This chapter gives poll results with their wording, dates and samples, and then lets the two major parties speak for themselves.

How to read an immigration poll

Before the numbers, three tips:

- **Wording matters.** "Illegal immigrants," "undocumented immigrants" and "unauthorized immigrants" can get different answers to the same question.
- **Timing matters.** Opinion moves with events. When border crossings were high in 2024, more people wanted less immigration. When crossings fell in 2025, that number dropped.
- **Who was asked matters.** All adults, registered voters and likely voters can differ.

Gallup's long-running questions

Gallup has asked Americans about immigration for decades with the same questions, which makes its trends useful. Its June 2025 poll, conducted June 2-26, 2025 by telephone with a random sample of 1,402 adults, had a margin of sampling error of plus or minus 4 percentage points.[576]

Level of immigration. Gallup asks whether immigration should be kept at its present level, increased or decreased. In June 2025:[577]

Answer	2024	2025
Decreased	55%	30%
Kept at present level	not shown	38%
Increased	not shown	26%

The share wanting less immigration fell among all party groups between 2024 and 2025: to 48 percent among Republicans (down 40 points), 30 percent among independents (down 21), and 16 percent among Democrats (down 12).[578]

Good thing or bad thing. "When asked if immigration is generally a good thing or bad thing for the country, a record-high 79% of U.S. adults call it a good thing; a record-low 17% see it as a

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[576] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, Survey Methods. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

[577] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

[578] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

bad thing."[579] In July 2026, Gallup reported that "Nearly three in four U.S. adults say immigration is a good thing, down slightly from a record high last year."[580] [Not verified: the exact 2026 percentages; I saw only Gallup's summary line.]

Specific policies (June 2025):[581]

Policy	Favor, 2025	Favor, 2024
Increasing Border Patrol agents	59%	76%
Building a U.S.-Mexico border wall	45%	53% (my arithmetic from Gallup's reported 8-point drop)
Deporting all undocumented immigrants	38%	47%
Allowing undocumented immigrants to become citizens	78%	70%
Denying alleged gang members the ability to challenge deportation in court	50% (45% oppose)	not asked

Approval of the President. In June 2025, 35 percent approved of President Trump's handling of immigration and 62 percent disapproved, with 85 percent of Republicans, 28 percent of independents and 2 percent of Democrats approving.[582]

By party. The 2025 shift came mostly from Republicans and independents. Republicans who called immigration a good thing rebounded "essentially ... to 2020 levels," and Democrats reached "a record-high 91%." On a path to citizenship, support rose in all party groups, "with the biggest gain among Republicans (up 13 points to 59%)." Republicans' support for more Border Patrol agents, deporting all undocumented immigrants and the wall "remains high"; the declines in those measures came mainly from independents and Democrats.[583]

Hispanic adults. Gallup oversampled Hispanic adults, with 300 in the sample. They were more supportive of a path to citizenship (91 percent) and less supportive of hiring more border agents (43 percent) and deporting all undocumented immigrants (23 percent) than adults overall. But they were also slightly more likely than adults overall to say immigration should be decreased, 39 percent compared with 30 percent, and to call it a bad thing, 25 percent compared

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[579] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

[580] Gallup, "Immigration (Gallup Historical Trends)", Gallup, no date, recommended article summary. https://news.gallup.com/poll/1660/immigration.aspx (accessed November 12, 2026).

[581] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

[582] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

[583] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

with 17 percent. Their approval of President Trump's handling of immigration was 21 percent.[584] That mix surprises people on both sides, and it is a good example of why a group should not be assumed to think one way.

Dreamers. Gallup reported support "holding above 80%" for a path to citizenship for people "brought to the U.S. illegally as children."[585]

Gallup's own explanation. Gallup concluded that the Biden-era surge "triggered heightened public concern," and that the Trump administration's "swift and visible response appears to have defused that concern, particularly among Republicans."[586] That is Gallup's interpretation of its data. It fits the timing, but polls cannot prove why opinions changed.

You might ask, "How can 38 percent favor deporting everyone and 78 percent favor a path to citizenship?" Some people hold both views, depending on how the question frames it, and these were asked as separate questions. That is a good reminder not to treat any single poll number as the whole picture.

Other polls

AP-NORC, July 2026. The AP-NORC Center polled 1,165 adults from July 23 to 27, 2026, with a margin of error of plus or minus 3.7 points. Asked, "Overall, do you approve or disapprove of the way Donald Trump is handling...? Immigration," 39 percent approved and 58 percent disapproved. In March 2025, the split had been 49 to 50.[587] Approval among Republicans fell from 88 percent to 81 percent over that time, and among Democrats from 18 percent to 7 percent.[588]

Has President Trump gone too far, not far enough, or been about right? (AP-NORC, July 23-27, 2026)	Too far	Not far enough	About right
Deporting immigrants living in the U.S. illegally	47	18	32
Using traffic stops to find and arrest immigrants living in	56	12	28

[584] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings and Survey Methods. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

[585] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

[586] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, Bottom Line. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

[587] AP-NORC Center for Public Affairs Research, "AP-NORC Poll, July 23-27, 2026, Topline", AP-NORC Center for Public Affairs Research, August 2026, item CURY2. https://apnorc.org/wp-content/uploads/2026/08/July-2026-Topline-Final.pdf (accessed November 12, 2026).

[588] AP-NORC Center for Public Affairs Research, "Trump's approval on immigration remains steady", AP-NORC Center for Public Affairs Research, August 2, 2026, findings. https://apnorc.org/projects/trumps-approval-on-immigration-remains-steady/ (accessed November 12, 2026).

Has President Trump gone too far, not far enough, or been about right? (AP-NORC, July 23-27, 2026)	Too far	Not far enough	About right
the U.S. illegally			
Sending federal immigration agents into U.S. cities	55	15	27
Restricting legal immigration	51	14	33

Source: AP-NORC topline, item DJT5.[589] Notice that about a third said "about right" on each, and fewer than one in five said "not far enough." The same poll found 29 percent approved of how ICE was enforcing immigration laws, 49 percent disapproved, 11 percent neither and 10 percent said they did not know enough.[590]

Gallup, June 2026. Gallup's 2026 results were not yet on Gallup's site in a form I could open. Semafor reported that "Seventy-three percent of US adults say immigration is a good thing, according to June Gallup polling, down from 79% who said so last year," that the share of Republicans who support immigration "fell by 14 points," and that support for hiring more Border Patrol agents "also fell by 10 points."[591] [Not verified: Gallup's own 2026 release, including the "bad thing" share and the increase, keep or decrease question.]

Replacement beliefs, 2022. Chapter 19 covers an AP-NORC poll on the "great replacement" idea.

The parties in their own words

The 2024 Republican Party Platform made immigration its second chapter, titled "Seal the Border, and Stop the Migrant Invasion." It listed as a goal: "Begin Largest Deportation Program in American History." It said, "Republicans will restore every Border Policy of the Trump administration and halt all releases of Illegal Aliens."[592]

The 2024 Democratic Party Platform said Democrats would "provide a pathway to citizenship for Dreamers and others," and described the bipartisan Senate border bill as "the toughest and fairest set of reforms to secure the border in decades." It also claimed, "Since

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[589] AP-NORC Center for Public Affairs Research, "AP-NORC Poll, July 23-27, 2026, Topline", AP-NORC Center for Public Affairs Research, August 2026, item DJT5. https://apnorc.org/wp-content/uploads/2026/08/July-2026-Topline-Final.pdf (accessed November 12, 2026).

[590] AP-NORC Center for Public Affairs Research, "AP-NORC Poll, July 23-27, 2026, Topline", AP-NORC Center for Public Affairs Research, August 2026, item ICE. https://apnorc.org/wp-content/uploads/2026/08/July-2026-Topline-Final.pdf (accessed November 12, 2026).

[591] Morgan Chalfant, "Americans' support for immigration falls from record high, poll finds", Semafor, July 9, 2026, findings. https://www.semafor.com/article/07/09/2026/americans-support-for-immigration-falls-from-record-high-poll-finds (accessed November 12, 2026).

[592] Republican National Committee, "2024 Republican Party Platform", The American Presidency Project (UC Santa Barbara), July 8, 2024, chapter two. https://www.presidency.ucsb.edu/documents/2024-republican-party-platform (accessed November 12, 2026).

President Biden announced new border restrictions in June 2024, the number of unlawful crossings has fallen by 40 percent."[593]

Notice what each platform emphasizes. The Republican platform centers enforcement and removal. The Democratic platform pairs border enforcement with legalization. Both claim to be the party of a secure border.

The 2026 midterms

Democrats won control of the House of Representatives on November 3, 2026.[594] The report I could open did not break down how much immigration mattered to voters. [Not verified: exit-poll data on immigration as an issue in 2026.]

What this chapter shows

Point	Label	Basis
A record 79 percent of Americans called immigration a good thing in 2025	Confirmed fact (poll)	Gallup
The share wanting less immigration fell from 55 percent to 30 percent from 2024 to 2025	Confirmed fact (poll)	Gallup
Support for a path to citizenship and support for more enforcement both have majorities in some polls	Confirmed fact (poll)	Gallup
The 2024 party platforms took sharply different positions	Confirmed fact	Platform texts
What the public will think in 2027	Unknown	

Questions to think about

1. Many people both support deporting more people and support a path to citizenship. How can both be true?
2. Why do the same poll questions get very different answers from Republicans and Democrats?
3. How much should public opinion drive immigration policy, and how much should experts or courts?

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[593] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, immigration section. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[594] Al Jazeera, "Democratic Party gains US House majority in 2026 midterm elections", Al Jazeera, November 4, 2026, results. https://www.aljazeera.com/news/2026/11/4/democratic-party-gains-us-house-majority-in-2026-midterm-elections (accessed November 12, 2026).

Chapter 22: The Reform Options

Information in this chapter is current as of November 12, 2026.

Both major parties' 2024 platforms called for changes to the immigration system. People disagree, sometimes sharply, about what is broken and what the fix should be. This chapter lays out the main options that have been proposed, who backs each one, what the evidence in this book says about it, and what is still unknown.

I do not recommend any option. That is your call. My job is to make sure that when you weigh them, you are working from the same facts.

Start with what Congress has and has not done

Before the options, it helps to know where the law stands. The basic limits on legal immigration were last rewritten in 1990. The yearly caps on family preference, employment and diversity green cards, and the 7 percent per-country limit, come from that era (Chapter 6).[595,596] The 2024 Democratic platform made the same point: "The legal immigration framework was last updated in 1990."[597]

Since then, Congress has tried several times to pass a broad reform and failed each time:

Major reform bills since 2006

Year	Bill	What happened
2006	S. 2611	Passed the Senate 62 to 36 on May 25, 2006; the House did not take it up[598]
2007	S. 1639	Cloture failed 46 to 53 on June 28, 2007[599]
2013	S. 744	Passed the Senate 68 to 32 on June 27, 2013; the House never voted on it[600]

[595] U.S. Congress, "8 U.S.C. 1151 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1151. https://www.law.cornell.edu/uscode/text/8/1151 (accessed November 12, 2026).

[596] U.S. Congress, "8 U.S.C. 1152 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1152(a)(2). https://www.law.cornell.edu/uscode/text/8/1152 (accessed November 12, 2026).

[597] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, Expanding Legal Immigration. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[598] U.S. Senate, "Roll Call Vote 109th Congress, 2nd Session, Vote Number 157 (S. 2611)", U.S. Senate, May 25, 2006, vote 157. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1092/vote_109_2_00157.htm (accessed November 12, 2026).

[599] U.S. Senate, "Roll Call Vote 110th Congress, 1st Session, Vote Number 235 (cloture on S. 1639)", U.S. Senate, June 28, 2007, vote 235. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1101/vote_110_1_00235.htm (accessed November 12, 2026).

Year	Bill	What happened
2024	Border package in H.R. 815	Motion to begin debate failed 49 to 50 on February 7, 2024[601]
2024	S. 4361	Motion to begin debate failed 43 to 50 on May 23, 2024[602]

What Congress has passed are narrower laws: enforcement funding in 2025 and 2026, and the Laken Riley Act on detention (Chapter 5).[603,604,605] So most of the big changes of the last 15 years, from DACA to the 2025 border proclamation, have come from presidents. And presidential actions can be undone by the next president or by a court. That is the core argument for a law from Congress, whichever direction it takes.

Ask yourself: if your preferred policy depends on who is in the White House, how lasting is it?

Option 1: Enforcement first

What it is. Secure the border and enforce the law inside the country first. Talk about legal status, if at all, only after enforcement is proven to work.

Who backs it. The 2024 Republican platform put it this way: "Republicans will restore every Border Policy of the Trump administration and halt all releases of Illegal Aliens into the interior." It promised to "complete the Border Wall," "strengthen ICE, increase penalties for illegal entry and overstaying Visas, and reinstate 'Remain in Mexico,'" and to "Begin Largest Deportation Program in American History."[606]

What has already been done. More of this option has been put in place since January 2025 than any other option in this chapter. The two budget laws together put roughly $210 billion into border and interior enforcement through 2029, by my sum of the sections listed in Chapter 5: about $140.2 billion from the 2025 law and about $69.5 billion from the 2026 law (nominal

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[600] U.S. Senate, "Roll Call Vote 113th Congress, 1st Session, Vote Number 168 (S. 744)", U.S. Senate, June 27, 2013, vote 168. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1131/vote_113_1_00168.htm (accessed November 12, 2026).

[601] U.S. Senate, "Roll Call Vote 118th Congress, 2nd Session, Vote Number 39 (cloture on the motion to proceed to H.R. 815)", U.S. Senate, February 7, 2024, vote counts. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1182/vote_118_2_00039.htm (accessed November 12, 2026).

[602] U.S. Senate, "Roll Call Vote 118th Congress, 2nd Session, Vote Number 182 (cloture on the motion to proceed to S. 4361)", U.S. Senate, May 23, 2024, vote counts. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1182/vote_118_2_00182.htm (accessed November 12, 2026).

[603] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, title IX. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

[604] U.S. Congress, "Secure America Act, Public Law 119-98, 140 Stat. 837 (S. 2)", U.S. Government Publishing Office (govinfo), 2026-06-10, sections 101 to 203. https://www.govinfo.gov/content/pkg/PLAW-119publ98/html/PLAW-119publ98.htm (accessed November 12, 2026).

[605] U.S. Congress, "Laken Riley Act, Public Law 119-1, 139 Stat. 3", GovInfo, January 29, 2025, section 2. https://www.govinfo.gov/content/pkg/PLAW-119publ1/html/PLAW-119publ1.htm (accessed November 12, 2026).

[606] Republican National Committee, "2024 Republican Party Platform", The American Presidency Project (UC Santa Barbara), July 8, 2024, chapter two. https://www.presidency.ucsb.edu/documents/2024-republican-party-platform (accessed November 12, 2026).

dollars). PolitiFact's count for the 2025 law alone was about $170 billion, which would make the total higher.[607] The January 2025 proclamation suspended entry at the southern border. Border Patrol apprehensions fell to 121,452 in fiscal 2026, the lowest since fiscal 1967, and ICE reported a record 483,200 deportations (Chapters 12 and 17).[608,609]

What the evidence says.

- Border crossings did fall sharply after the 2025 changes, and the timing lines up with the policy changes (Chapter 12). [Likely, not proven: crossings also respond to conditions in other countries, and no study I opened separates the effects.]
- Removing the whole unauthorized population would be a very large job. Pew's latest detailed estimate is about 14.0 million people as of 2023 (Chapter 13).[610] At ICE's fiscal 2026 pace, that would take many years, before counting new arrivals.
- Most people in ICE detention in mid-2026, 70.6 percent, had no criminal conviction (Chapter 17).[611] Supporters say an immigration violation is reason enough. Critics say resources should go first to people who are a danger.

The trade-offs. Supporters say enforcement is what makes any other reform believable. They point to 1986, when legalization happened and the promised employer enforcement did not (Chapter 3). Critics point to cost, to the effect on families with U.S.-citizen children (Chapter 13), to labor shortages in farming and construction (Chapter 14), and to the January 2026 shootings in Minneapolis (Chapter 5).

Unknowns. The full cost of removing millions of people, and the effect on the economy, have not been measured in any official estimate I could open. [Not verified: a CBO estimate of mass deportation costs; none was available to me.]

Option 2: A path to legal status or citizenship

What it is. Let some or all unauthorized immigrants earn legal status, usually after background checks, payment of fines or back taxes, and a waiting period. Some versions lead to citizenship; others give permanent legal status without citizenship.

Who backs it. The 2024 Democratic platform said, "Congress must pass legislation to provide a pathway to citizenship for Dreamers, farmworkers, careworkers, and other long-term

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[607] Maria Ramirez Uribe, "Trump's mass deportations, one year in", PolitiFact, January 20, 2026, funding section. https://www.politifact.com/article/2026/jan/20/trump-mass-deportations-1-year-immigration-ICE/ (accessed November 12, 2026).

[608] U.S. Customs and Border Protection, "Nationwide Encounters", U.S. Department of Homeland Security, no date, fiscal year 2026. https://www.cbp.gov/newsroom/stats/nationwide-encounters (accessed November 12, 2026).

[609] U.S. Immigration and Customs Enforcement, "ICE Breaks Records in Fiscal Year 2026, Most Arrests and Deportations in Agency's History", ICE news release, November 12, 2026, release. https://www.ice.gov/news/releases/ice-breaks-records-fiscal-year-2026-most-arrests-and-deportations-agencys-history (accessed November 12, 2026).

[610] Jeffrey S. Passel and Jens Manuel Krogstad, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023", Pew Research Center, August 21, 2025, key findings. https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/ (accessed November 12, 2026).

[611] Transactional Records Access Clearinghouse (TRAC), Syracuse University, "Immigration Quick Facts (data as of July 11, 2026)", TRAC, no date, detention. https://tracreports.org/immigration/quickfacts/ (accessed November 12, 2026).

undocumented individuals who contribute to this country."[612] The 2013 Senate bill had bipartisan support: 68 senators voted for it.[613] President Trump said in December 2024 that "we have to do something about the dreamers," and "I will work with the Democrats on a plan."[614]

Versions that have been proposed.

Version	Who would qualify	Example
Dreamers only	People brought here as children	DREAM Act (first introduced 2001); American Dream and Promise Act, passed the House in the 117th Congress[615]
Farmworkers	Long-time agricultural workers	Named in the 2024 Democratic platform[616] [Not verified: a specific bill and its vote, which I did not open]
Broad legalization	Most unauthorized immigrants present before a cutoff date	S. 744 (2013)
Legal status without citizenship	Long-time residents, with no path to naturalize	Proposed by some Republicans over the years [Not verified: a specific current bill]

What the evidence says.

- The public supports the idea in polls. In June 2025, 78 percent of U.S. adults in Gallup's poll favored allowing undocumented immigrants to become U.S. citizens, up from 70 percent in 2024, and support among Republicans rose 13 points to 59 percent (Chapter 21). The same poll found 38 percent favored deporting all of them.[617]
- According to the American Immigration Council's summary of CBO's 2013 estimates, S. 744 would have cut federal deficits by about $1 trillion over 20 years, mainly because a

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[612] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, Keeping Families Together. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[613] U.S. Senate, "Roll Call Vote 113th Congress, 1st Session, Vote Number 168 (S. 744)", U.S. Senate, June 27, 2013, vote 168. https://www.senate.gov/legislative/LIS/roll_call_votes/vote1131/vote_113_1_00168.htm (accessed November 12, 2026).

[614] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, Trump statement. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[615] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, Dream Act questions. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

[616] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, Keeping Families Together. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[617] Gallup, "Surge in U.S. Concern About Immigration Has Abated", Gallup, July 11, 2025, findings. https://news.gallup.com/poll/692522/surge-concern-immigration-recedes.aspx (accessed November 12, 2026).

larger, legal workforce would pay more taxes.[618] [Not verified against CBO's own report, which blocked download. The Council is an advocacy group that supports legalization.]

- Many unauthorized immigrants have lived here a long time and have U.S.-citizen children (Chapter 13).

The trade-offs. Supporters say it is unrealistic and harmful to remove millions of long-settled people, and that legal workers pay more in taxes and are harder to exploit. Opponents call it amnesty and say it rewards breaking the law and invites more of it. They point to 1986: about 2.7 million people were legalized, and the unauthorized population grew again within two decades (Chapter 3). Supporters answer that 1986 failed because the employer checks were never enforced, not because of the legalization.

Unknowns. How many more people would come illegally because of a legalization is hard to predict. CBO's 2013 estimate, as summarized by the Council, was that S. 744 would cut the net inflow of unauthorized residents "by between one-third and one-half" compared with current law, but the Council itself noted that CBO did not explain its method in detail.[619]

Option 3: Change the number and mix of legal immigrants

What it is. Change how many green cards are given each year, and to whom.

There are two opposite versions.

Expand. Raise the yearly caps to shorten the lines described in Chapter 6. The 2024 Democratic platform said, "Congress must act to increase the number of family-sponsored and employment-based immigrant visas," and said the 2024 border bill "would increase the number of immigrant visas that are available by 250,000 over 5 years."[620] [Not verified: that figure against the bill text, which I did not open.]

Reduce or shift to merit. Cut family-based categories, sometimes called "chain migration," and favor workers with skills or education. The 2024 Republican platform said, "Republicans will prioritize Merit-based immigration" and "We will end Chain Migration, and put American Workers first!"[621]

What the evidence says.

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[618] American Immigration Council, "The Power of Reform: CBO Report Quantifies Economic Benefits of Senate Immigration Bill", American Immigration Council, June 20, 2013, CBO summary. https://www.americanimmigrationcouncil.org/fact-sheet/power-reform-cbo-report-quantifies-economic-benefits-senate-immigration-bill/ (accessed November 12, 2026).

[619] American Immigration Council, "The Power of Reform: CBO Report Quantifies Economic Benefits of Senate Immigration Bill", American Immigration Council, June 20, 2013, deterrence section. https://www.americanimmigrationcouncil.org/fact-sheet/power-reform-cbo-report-quantifies-economic-benefits-senate-immigration-bill/ (accessed November 12, 2026).

[620] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, Expanding Legal Immigration. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[621] Republican National Committee, "2024 Republican Party Platform", The American Presidency Project (UC Santa Barbara), July 8, 2024, chapter two, item 6. https://www.presidency.ucsb.edu/documents/2024-republican-party-platform (accessed November 12, 2026).

- The lines are real. In the November 2026 Visa Bulletin, some Mexican family applicants were waiting on petitions filed in 2001 (Chapter 19).[622]
- In fiscal 2024, immediate relatives of citizens made up 672,240 of the 1,364,090 new green cards, about half. Employment categories made up 171,120, about 13 percent (Chapter 6).[623] Note that the immediate relative category has no cap, so cutting "chain migration" in the preference categories would not touch the largest group unless Congress also limited immediate relatives.
- Chapter 14 found that most economists see overall effects on native workers as small, with larger effects for some groups. Supporters of cuts point to those groups. Supporters of expansion point to an aging workforce.

Points systems. Some countries rank would-be immigrants by points for age, education, language and job offers. The 2013 Senate bill included a points-based track for some green cards.[624] [Not verified: details of current foreign points systems, such as Canada's; I did not open an official foreign government source, so I do not describe them.] A U.S. points system would need a new law.

Unknowns. How a large shift from family to skills would change the makeup of new immigrants, and wages, has not been estimated in any source I could open.

Option 4: Fix asylum and the courts

What it is. Change how asylum claims are screened and decided, so that people who qualify get protection quickly and people who do not are removed quickly.

Why it matters. The immigration courts had 3,300,793 pending cases at the end of fiscal 2026, down from a peak of 3,924,917 at the end of fiscal 2024 (Chapter 9).[625] There were 753 immigration judges.[626] When cases take years, both sides agree the system fails: people with real claims wait in limbo, and people without real claims can stay for years.

What each side has proposed.

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[622] WR Immigration (Wolfsdorf Rosenthal LLP), "November 2026 Visa Bulletin: Selected Employment Categories Make Gains, Family Categories Advance", WR Immigration, October 22, 2026, tables. https://wolfsdorf.com/november-2026-visa-bulletin-selected-employment-categories-make-gains-family-categories-advance/ (accessed November 12, 2026).

[623] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 6: Persons Obtaining Lawful Permanent Resident Status by Type and Major Class of Admission, Fiscal Years 2015 to 2024", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table6 (accessed November 12, 2026).

[624] American Immigration Council, "The Power of Reform: CBO Report Quantifies Economic Benefits of Senate Immigration Bill", American Immigration Council, June 20, 2013, deterrence section. https://www.americanimmigrationcouncil.org/fact-sheet/power-reform-cbo-report-quantifies-economic-benefits-senate-immigration-bill/ (accessed November 12, 2026).

[625] Executive Office for Immigration Review, U.S. Department of Justice, "Adjudication Statistics: Pending Cases, New Cases, and Total Completions (data generated October 22, 2026)", U.S. Department of Justice, October 22, 2026, table. https://www.justice.gov/eoir/media/1344791/dl?inline (accessed November 12, 2026).

[626] Executive Office for Immigration Review, "Adjudication Statistics: Immigration Judge (IJ) Hiring (data generated October 2026)", U.S. Department of Justice, October 2026, table. https://www.justice.gov/eoir/media/1344911/dl?inline (accessed November 12, 2026).

- The 2024 Democratic platform asked for a law "modeled after the bipartisan Senate deal," stricter screening, more asylum officers and judges, and a "Temporary Emergency Authority to Shut Down the Border" when the system is overwhelmed, with exceptions for unaccompanied children and trafficking victims.[627]
- The 2024 Republican platform called for reinstating "Remain in Mexico" (the Migrant Protection Protocols, Chapter 4) and restoring Trump-era border policies.[628]
- Since 2025, the administration has used a proclamation to suspend entry at the southern border, and the Supreme Court held in 2026 that a person must actually cross the border to "arrive" and apply (Chapter 8).[629]

What the evidence says. Chapter 18 showed that in immigration court, grants made up about 46 percent of asylum cases decided on the merits in fiscal 2024 and about 7.5 percent in the first three quarters of fiscal 2026, my arithmetic from EOIR's table. Many more cases ended without a decision on the merits.[630] Representation matters, too: 77 percent of completed asylum cases in fiscal 2025 had a lawyer or representative.[631]

Trade-offs. Faster decisions save money and reduce the incentive to file weak claims. Critics warn that speed can mean people with real claims are sent back to danger, especially without a lawyer. The law gives no right to a government-paid lawyer in immigration court (Chapter 9).

Unknowns. Whether the drop in grant rates in 2025 and 2026 reflects weaker claims, stricter judges, new rules, or fewer people with lawyers. No source I opened separates these.

Option 5: Temporary worker programs

What it is. Give employers more legal ways to hire foreign workers for seasonal or year-round jobs, with the workers going home afterward or having a path to stay.

The current programs. H-2A visas for farm work have no yearly cap. H-2B visas for seasonal non-farm work are capped at 66,000. H-1B visas for specialty occupations are capped at 65,000, plus 20,000 for people with U.S. advanced degrees (Chapter 7).[632] In fiscal 2024, DHS recorded

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[627] Democratic National Committee, "2024 Democratic Party Platform", The American Presidency Project (UC Santa Barbara), August 19, 2024, Reform the Asylum System. https://www.presidency.ucsb.edu/documents/2024-democratic-party-platform (accessed November 12, 2026).

[628] Republican National Committee, "2024 Republican Party Platform", The American Presidency Project (UC Santa Barbara), July 8, 2024, chapter two. https://www.presidency.ucsb.edu/documents/2024-republican-party-platform (accessed November 12, 2026).

[629] Supreme Court of the United States, "Mullin v. Al Otro Lado, No. 25-5, 609 U.S. 258", Supreme Court of the United States, June 25, 2026, holding. https://www.supremecourt.gov/opinions/25pdf/609us1r59_kjfl.pdf (accessed November 12, 2026).

[630] Executive Office for Immigration Review, "Adjudication Statistics: Asylum Decisions (data generated July 24, 2026)", U.S. Department of Justice, July 24, 2026, table. https://www.justice.gov/eoir/media/1344851/dl?inline (accessed November 12, 2026).

[631] Executive Office for Immigration Review, "Adjudication Statistics: Current Representation Rates (data generated November 18, 2025)", U.S. Department of Justice, November 18, 2025, table. https://www.justice.gov/eoir/media/1344931/dl?inline (accessed November 12, 2026).

[632] U.S. Congress, "8 U.S.C. 1184 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1184(g). https://www.law.cornell.edu/uscode/text/8/1184 (accessed November 12, 2026).

724,900 H-2A admissions and 186,600 H-2B admissions. These count entries, not people; one worker can enter more than once.[633]

Who backs it. Business and farm groups have long wanted more and easier visas. [Not verified: a specific current statement from a named group; I did not open one.] The 2013 Senate bill would have created a new "W visa" for lower-skilled workers, according to the American Immigration Council.[634] On the other side, the administration added a $100,000 payment requirement for new H-1B petitions in September 2025, citing harm to American workers (Chapter 7).[635]

Trade-offs. Supporters say legal channels reduce illegal immigration, especially when the economy is strong, and fill jobs Americans do not want. Critics on the left worry about worker abuse when a visa is tied to one employer. Critics on the right worry about wage effects and about workers who do not leave when their visas expire.

Unknowns. How much illegal crossing would fall with more worker visas. No official estimate I could open measures that.

Option 6: Mandatory E-Verify

What it is. Require every employer to check new hires through E-Verify, the federal online system that matches a worker's information to government records.

Who backs it. It is a long-standing enforcement idea. Many supporters of legalization also accept it as part of a deal. The 2013 Senate bill included employment-verification requirements, which CBO counted on to reduce illegal immigration, according to the American Immigration Council.[636] [Not verified: current named sponsors of a stand-alone E-Verify bill.]

Why it keeps coming up. Since 1986, it has been illegal to knowingly hire an unauthorized worker, and employers must check documents on Form I-9.[637] President Reagan called employer sanctions "the keystone and major element" of the 1986 law.[638] But the paper I-9

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[633] DHS Office of Homeland Security Statistics, "2024 Yearbook of Immigration Statistics, Table 33: I-94 Nonimmigrant Temporary Worker Admissions, Fiscal Year 2024", U.S. Department of Homeland Security, no date, table. https://ohss.dhs.gov/topics/immigration/yearbook/2024/table33 (accessed November 12, 2026).

[634] American Immigration Council, "The Power of Reform: CBO Report Quantifies Economic Benefits of Senate Immigration Bill", American Immigration Council, June 20, 2013, deterrence section. https://www.americanimmigrationcouncil.org/fact-sheet/power-reform-cbo-report-quantifies-economic-benefits-senate-immigration-bill/ (accessed November 12, 2026).

[635] The White House, "Restriction on Entry of Certain Nonimmigrant Workers", The White House, September 19, 2025, proclamation. https://www.whitehouse.gov/presidential-actions/2025/09/restriction-on-entry-of-certain-nonimmigrant-workers/ (accessed November 12, 2026).

[636] American Immigration Council, "The Power of Reform: CBO Report Quantifies Economic Benefits of Senate Immigration Bill", American Immigration Council, June 20, 2013, deterrence section. https://www.americanimmigrationcouncil.org/fact-sheet/power-reform-cbo-report-quantifies-economic-benefits-senate-immigration-bill/ (accessed November 12, 2026).

[637] U.S. Congress, "8 U.S.C. 1324a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1324a. https://www.law.cornell.edu/uscode/text/8/1324a (accessed November 12, 2026).

[638] Ronald Reagan, "Statement on Signing the Immigration Reform and Control Act of 1986", The American Presidency Project (UC Santa Barbara), November 6, 1986, statement. https://www.presidency.ucsb.edu/documents/statement-signing-the-immigration-reform-and-control-act-1986 (accessed November 12, 2026).

check is easy to fool with borrowed or fake documents, and federal law does not require most private employers to use E-Verify (Chapter 17).

Trade-offs. Supporters say jobs are the main draw, so cutting off illegal work cuts illegal immigration. Critics, including some business and civil liberties groups, worry about errors that flag legal workers, costs for small businesses, and workers moving into cash jobs off the books. [Not verified: error rates for E-Verify; I did not open a government audit of them.]

Option 7: Change birthright citizenship

What it is. Stop automatic citizenship for children born here to parents who are unauthorized or here only temporarily.

Where it stands. President Trump's January 20, 2025 executive order tried to do this. In Trump v. Barbara, the Supreme Court held that children born here to unauthorized or temporary residents are citizens under the Fourteenth Amendment (Chapter 10).[639] After that ruling, this change would most likely require a constitutional amendment. One Justice, Brett Kavanaugh, wrote separately that Congress could create exceptions by statute, but that view did not carry the Court (Chapter 10).[640] A constitutional amendment needs two-thirds of both houses of Congress and ratification by three-fourths of the states. [Certain about the amendment process: it is set by Article V of the Constitution.]

Trade-offs. Supporters say birthright citizenship rewards illegal entry. Opponents say it is a clear constitutional rule that prevents a permanent class of people without citizenship anywhere. Chapter 18 tested the claim that a baby born here gets the parents legal status and found it false.

Option 8: Leave it to the states, or not

What it is. States are pulling in two directions. Some have passed their own enforcement measures. Others limit cooperation with ICE (Chapter 17). [Not verified: a current list of state enforcement laws; I did not open one.] Under Arizona v. United States (2012), states cannot run their own immigration systems where federal law occupies the field (Chapter 4).[641]

What Congress has done. The 2026 Secure America Act set aside at least $350 million for ICE to arrest people in jurisdictions that are not "qualified cooperating jurisdictions," and both budget laws fund 287(g) agreements with local police.[642] The 2025 law created a $3.5 billion fund to reimburse states and localities for some immigration-related costs (Chapter 5).[643]

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[639] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, holding. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[640] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, Kavanaugh, J., at 1. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[641] U.S. Supreme Court, "Arizona v. United States, 567 U.S. 387, No. 11-182", Legal Information Institute, Cornell Law School, June 25, 2012, holding. https://www.law.cornell.edu/supremecourt/text/11-182 (accessed November 12, 2026).

[642] U.S. Congress, "Secure America Act, Public Law 119-98, 140 Stat. 837 (S. 2)", U.S. Government Publishing Office (govinfo), 2026-06-10, section 202. https://www.govinfo.gov/content/pkg/PLAW-119publ98/html/PLAW-119publ98.htm (accessed November 12, 2026).

[643] U.S. Congress, "Public Law 119-21 (H.R. 1), An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14, 139 Stat. 72", GovInfo (U.S. Government Publishing Office), July 4, 2025, section 100055. https://www.govinfo.gov/content/pkg/PLAW-119publ21/pdf/PLAW-119publ21.pdf (accessed November 12, 2026).

Trade-offs. Supporters of state action say states bear the costs and should have a say. Critics say a patchwork of state rules is confusing and that immigration is a national power. The research on whether sanctuary policies change crime is covered in Chapter 16.

How the options fit together

Most serious proposals over the past 20 years have been packages, not single options. The pattern has been a trade: more enforcement in exchange for some form of legal status or more legal visas. That was true of the 2006, 2007 and 2013 Senate bills. The 2024 border bill was mostly enforcement and asylum changes, with some added visas, and no broad legalization.

The main options at a glance

Option	Main backers	Done since 2025?	Biggest unknown
Enforcement first	Republican platform	Yes, largely by executive action and two budget laws	Full cost and economic effect
Path to status or citizenship	Democratic platform; 68 senators in 2013	No	Effect on future illegal immigration
Change legal levels or mix	Both, in opposite directions	No change to caps	Effect on wages and makeup of immigrants
Fix asylum and courts	Both, with different methods	Partly, by proclamation and court rulings	Why grant rates fell
Temporary worker programs	Business and farm groups	H-1B fee added	Effect on illegal crossings
Mandatory E-Verify	Enforcement supporters; part of past deals	No	Error rates and off-the-books work
End birthright citizenship	Administration	Blocked by the Supreme Court	Whether an amendment could pass
State roles	Both, in opposite directions	More federal funding for cooperation	Effect on crime and trust

Why have packages failed? Each side fears that the other side's half of the deal will not happen. Enforcement supporters remember that 1986 legalization came without lasting enforcement. Legalization supporters see the 2025 and 2026 laws as enforcement with no legal status attached. Both fears rest on real history.

What to watch

- The new House, seated January 3, 2027, controls half of Congress's power over DHS funding.[644]

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[644] Al Jazeera, "Democratic Party gains US House majority in 2026 midterm elections", Al Jazeera, November 4, 2026, results. https://www.aljazeera.com/news/2026/11/4/democratic-party-gains-us-house-majority-in-2026-midterm-elections (accessed November 12, 2026).

- Whether any bill to protect DACA recipients moves. CRS lists the American Dream and Promise Act of 2025 as introduced.[645]
- Court cases on the border proclamation, the H-1B fee and state enforcement laws (Chapter 20).

What this chapter shows

Point	Label	Basis
The legal immigration caps were last rewritten in 1990	Confirmed fact	8 U.S.C. 1151 and 1153
Broad reform bills failed in 2006, 2007, 2013 and 2024	Confirmed fact	Senate roll call votes
Most changes since 2025 have been enforcement, by executive action and two budget laws	Confirmed fact	Public Laws 119-21 and 119-98; Chapter 5
A path to citizenship polled at 78 percent in June 2025	Confirmed fact (poll)	Gallup
S. 744 would have cut deficits by about $1 trillion over 20 years	Interpretation, as summarized by an advocacy group from CBO	American Immigration Council
Which option would work best	Unknown, and a value judgment	Depends on goals you choose

Questions to think about

1. Which reform option would you choose first? What would you be willing to give up to get it?
2. Every large bill since 2006 has combined enforcement with legal status. Is a combined deal still possible?
3. Which option has the most evidence behind it, and which rests mostly on values?

[645] Congressional Research Service, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions, R48590", Congressional Research Service via EveryCRSReport, June 29, 2025, summary. https://www.everycrsreport.com/reports/R48590.html (accessed November 12, 2026).

Appendix A: Timeline of Major Events

This timeline lists the main laws, court rulings and policy changes covered in this book. Each entry points to the chapter where it is explained and sourced. Dates are given as precisely as the sources allow. The timeline is current as of November 12, 2026.

1790 to 1945

Date	Event	Chapter
March 26, 1790	First naturalization law limits citizenship to "any alien, being a free white person" after two years of residence	1
May 6, 1882	Chinese Exclusion Act suspends the entry of Chinese laborers	1
August 3, 1882	Immigration Act of 1882 sets a head tax and bars some groups	1
May 13, 1889	Supreme Court upholds Congress's power to exclude foreigners (Chae Chan Ping)	1
March 3, 1891	Immigration Act creates a federal immigration office and inspection system	1
January 1, 1892	Ellis Island opens as a federal immigration station	1
March 28, 1898	Supreme Court holds that a child born here to Chinese parents is a citizen (Wong Kim Ark)	1
1907	Gentlemen's Agreement with Japan; Dillingham Commission begins its work	1
February 5, 1917	Immigration Act of 1917, with a literacy test, passes over President Wilson's veto	1
May 19, 1921	First numerical quota law	2
May 26, 1924	Immigration Act of 1924 sets national origins quotas	2
May 28, 1924	Appropriations act funds a Border Patrol	2
1930s	Repatriation drives push Mexicans and Mexican Americans to leave	2
August 4, 1942	United States and Mexico agree to the Bracero Program	2

1945 to 2000

Date	Event	Chapter
1948	Displaced Persons Act admits European refugees	2
June 25 to 27, 1952	President Truman vetoes the McCarran-Walter Act; Congress overrides him	2
1954	INS border campaign known as Operation Wetback; its size is disputed	2
1964	Bracero Program ends	2
October 3, 1965	President Johnson signs the law ending national origins quotas	3
March 17, 1980	Refugee Act of 1980 creates the modern refugee and asylum system	3, 8
April 1980	Mariel boatlift begins	3, 14
June 15, 1982	Plyler v. Doe: states cannot deny public schooling to unauthorized children	3, 15
November 6, 1986	Immigration Reform and Control Act: legalization plus employer sanctions	3
November 29, 1990	Immigration Act of 1990: higher caps, diversity lottery, Temporary Protected Status	3, 6, 7
April 24, 1996	Antiterrorism and Effective Death Penalty Act changes removal rules	3
August 22, 1996	Welfare reform limits benefits for noncitizens	3, 15
September 30, 1996	Illegal Immigration Reform and Immigrant Responsibility Act: expedited removal, 3- and 10-year bars	3

2001 to 2020

Date	Event	Chapter
November 25, 2002	Homeland Security Act abolishes the INS and creates DHS agencies	4
May 11, 2005	REAL ID Act: license standards, asylum "central reason" test, barrier waiver	4
May 25, 2006	Senate passes S. 2611, 62 to	4, 22

Date	Event	Chapter
	36; House does not act	
October 26, 2006	Secure Fence Act	4
June 28, 2007	Cloture fails on S. 1639, 46 to 53	4, 22
June 15, 2012	DACA memo issued	4, 7
June 25, 2012	Arizona v. United States limits state immigration enforcement	4
June 27, 2013	Senate passes S. 744, 68 to 32; House never votes	4, 22
June 23, 2016	Supreme Court splits 4 to 4 on DAPA, leaving the injunction in place	4
June 26, 2018	Trump v. Hawaii upholds the travel ban	4
April to June 2018	Zero tolerance policy and family separations	4
June 18, 2020	DHS v. Regents: the way DACA was ended was "arbitrary and capricious"	4, 7
March 21, 2020	Title 42 expulsions begin	4, 11

2021 to November 12, 2026

Date	Event	Chapter
January 20, 2021	President Biden takes office and reverses many Trump policies	5
Fiscal 2021 to 2024	Southwest border encounters reach the highest levels on record, peaking in fiscal 2023	5, 12
May 11, 2023	Title 42 ends; Lawful Pathways rule takes effect	5, 8
February 7, 2024	Senate border package fails to advance, 49 to 50	5, 22
May 23, 2024	S. 4361 fails to advance, 43 to 50	5, 22
June 5, 2024	Biden's asylum proclamation takes effect	5, 8
January 20, 2025	President Trump returns; border proclamation and day-one orders, including on birthright citizenship	5
January 29, 2025	Laken Riley Act signed	5
March 15, 2025	Alien Enemies Act invoked	5

Date	Event	Chapter
June 4, 2025	New travel ban proclamation	5
June 27, 2025	Trump v. CASA limits universal injunctions	5
July 4, 2025	Budget law funds a large expansion of enforcement	5, 15
September 19, 2025	$100,000 H-1B proclamation	5, 7
January 2026	Minneapolis shootings during Operation Metro Surge	5
February 2026	DHS funding lapses; about 100,000 employees work without pay by March	5
March 23, 2026	Markwayne Mullin confirmed as Homeland Security Secretary	5, 20
June 10, 2026	Secure America Act signed	5, 22
June 25, 2026	Mullin v. Doe (TPS terminations) and Mullin v. Al Otro Lado (asylum "arrival")	5, 7, 8
June 30, 2026	Trump v. Barbara: children born here to unauthorized or temporary residents are citizens	5, 10
September 30, 2026	Fiscal 2026 ends with the fewest Border Patrol apprehensions since fiscal 1967 and a record number of ICE deportations	12, 17
November 3, 2026	Democrats win control of the House	5, 21
November 12, 2026	Information cutoff for this book	

Appendix B: Glossary

These definitions are in plain language. Where a law or agency defines a term, the chapter shown gives the exact wording and source.

Adjustment of status. Getting a green card from inside the United States instead of through a consulate abroad. Most people who entered without inspection cannot do this (Chapter 6).

Administrative closure. A step that takes a case off an immigration judge's active calendar without deciding it. It gives no legal status, and the case can be put back on the calendar (Chapter 9).

Affirmative asylum. An asylum application filed with USCIS by a person who is not in removal proceedings (Chapter 8).

Alien. The legal term in federal law for any person who is not a U.S. citizen or national (Introduction).

Alien Enemies Act. A 1798 law that lets the President detain and remove citizens of an enemy nation during a declared war or invasion. It was invoked in 2025 (Chapter 5).

Alternatives to Detention (ATD). ICE programs that use check-ins and electronic monitoring instead of jail (Chapter 17).

Apprehension. A Border Patrol arrest of a person who crossed between ports of entry. It counts events, not people (Chapter 11).

Asylee. A person granted asylum in the United States.

Asylum. Protection for a person in the United States or at the border who has a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group or political opinion (Chapter 8).

Board of Immigration Appeals (BIA). The appeals body inside the Justice Department that reviews immigration judges' decisions (Chapter 9).

Border Patrol. The part of CBP that patrols between ports of entry (Chapters 2 and 11).

Bracero Program. A guest worker program for Mexican farm and railroad workers from 1942 to 1964 (Chapter 2).

CBP One. A CBP phone app that let migrants in Mexico schedule an appointment to present themselves at a port of entry (Chapter 5).

Cancellation of removal. A form of relief from deportation for some long-time residents. For people without a green card it requires 10 years of presence and "exceptional and extremely unusual hardship" to a close citizen or green card holder relative (Chapter 18).

CHNV. The 2023 parole program for people from Cuba, Haiti, Nicaragua and Venezuela, ended in 2025 (Chapters 5 and 7).

Cloture. A Senate vote to end debate. It usually needs 60 votes (Chapter 4).

Convention Against Torture (CAT) protection. A ban on sending a person to a country where it is more likely than not that he or she would be tortured (Chapter 8).

Credible fear. The screening standard for a person in expedited removal who says he or she fears persecution: "a significant possibility" of qualifying for asylum (Chapter 8).

DACA (Deferred Action for Childhood Arrivals). A 2012 policy that defers removal and allows work for some people brought here as children. It is not a legal status (Chapters 4 and 7).

Deferred action. A decision by DHS not to pursue a person's removal for a period (Chapter 7).

Defensive asylum. An asylum request made to an immigration judge as a defense against removal (Chapter 8).

Denaturalization. A court case to take away citizenship from a naturalized citizen who got it illegally or by fraud (Chapter 10).

Detainer. A request from ICE that a jail hold a person or notify ICE before release (Chapter 17).

Diversity visa. A green card given by lottery to people from countries with low recent immigration to the United States, up to 55,000 a year (Chapter 6).

E-Verify. A federal online system that checks a new hire's information against government records (Chapters 17 and 22).

Encounter. CBP's broad count that includes Border Patrol apprehensions, people found inadmissible at ports of entry and, from 2020 to 2023, Title 42 expulsions (Chapter 11).

Expedited removal. Fast removal without a hearing for some people caught at or near the border or arriving without proper papers (Chapters 3 and 8).

Expulsion. Removal under the Title 42 public health order, March 2020 to May 2023 (Chapters 4 and 17).

Final action date. The date in the Visa Bulletin that decides who can receive a green card that month in a capped category (Chapter 6).

Fiscal year. The federal budget year, October 1 to September 30. Fiscal 2026 ended September 30, 2026 (Introduction).

Gotaway. A person seen or detected crossing illegally who was not caught. These are estimates (Chapter 11).

Green card. The card that shows lawful permanent resident status.

H-1B, H-2A, H-2B. Temporary work visas for specialty occupations, farm work and seasonal non-farm work (Chapter 7).

Immediate relative. A spouse, unmarried child under 21, or parent of an adult U.S. citizen. There is no yearly cap on these green cards (Chapter 6).

Immigration judge. A Justice Department employee who decides removal cases (Chapter 9).

In absentia order. A removal order issued when the person does not appear in court (Chapter 17).

Inadmissible. Not allowed to enter under the grounds in the law, or found at a port of entry without permission to enter (Chapters 6 and 11).

Lawful permanent resident (LPR). A green card holder (Chapter 6).

Laken Riley Act. A 2025 law requiring detention of some noncitizens charged with certain crimes (Chapter 5).

Naturalization. Becoming a citizen after birth, through an application process (Chapter 10).

Nonimmigrant. A person admitted on a temporary visa (Chapter 7).

Notice to Appear. The document that starts a removal case in immigration court.

Overstay. A person who entered legally and stayed past the date allowed (Chapter 13).

Parole. Permission to enter without a visa, allowed "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." It is not an admission (Chapter 7).

Plyler v. Doe. The 1982 Supreme Court case holding that states cannot deny public schooling to unauthorized children (Chapters 3 and 15).

Port of entry. An official crossing point, such as a land border station or an international airport (Chapter 11).

Preference categories. The capped family (F1 to F4) and employment (EB-1 to EB-5) green card categories (Chapter 6).

Priority date. The date a person's petition was filed, which sets his or her place in line (Chapter 6).

Public charge. A ground for denying a green card to a person likely to depend mainly on the government for support (Chapter 15).

Refugee. A person outside his or her country who cannot return because of persecution or a well-founded fear of it on one of the five grounds. In U.S. practice, "refugee" usually means a person approved abroad (Chapter 8).

Removal. The legal term for deportation based on an order of removal (Chapter 17).

Residual method. The way researchers estimate the unauthorized population: total foreign-born minus the estimated legal immigrant population (Chapter 13).

Return. The confirmed departure of a deportable person without a removal order (Chapter 17).

Sanctuary policy. A state or local rule limiting cooperation with ICE. The term has no legal definition (Chapters 16 and 17).

Section 287(g). The part of the law that lets ICE deputize state and local officers for some immigration duties (Chapter 17).

Temporary Protected Status (TPS). Temporary protection from removal, with permission to work, for people from a designated country in crisis (Chapter 7).

Title 8 and Title 42. Title 8 of the U.S. Code is immigration law. Title 42 is public health law, which was used for border expulsions from 2020 to 2023 (Chapter 11).

Unauthorized immigrant. A person living in the United States without legal permission. Some estimates include people with temporary protections such as TPS or pending asylum cases (Introduction and Chapter 13).

Visa Bulletin. The State Department's monthly list of cutoff dates for capped green card categories (Chapter 6).

Withholding of removal. A ban on sending a person to a country where it is more likely than not that his or her life or freedom would be threatened on one of the five grounds. It does not lead to a green card (Chapter 8).

Appendix C: How to Read Government Immigration Data

Most immigration arguments come down to a number. This appendix is a short field guide to where those numbers come from and the traps to watch for. It is current as of November 12, 2026.

The main sources

Agency	What it publishes	What to watch for
U.S. Customs and Border Protection (CBP)	Monthly encounters at the borders and ports of entry	Encounters count events, not people. Pre-2000 data uses "apprehensions," a narrower measure
DHS Office of Homeland Security Statistics (OHSS)	The Yearbook of Immigration Statistics (green cards, refugees, asylum, naturalizations, enforcement) and population estimates	Yearbook tables arrive a year or more late. Monthly enforcement tables were paused after November 2024
Immigration and Customs Enforcement (ICE)	Arrests, detention and deportations, often in press releases	Agency figures may not define their terms in the release
Executive Office for Immigration Review (EOIR)	Immigration court caseloads, outcomes, asylum decisions, in absentia orders	Each file shows the date the data was generated. Figures for the current year are partial
State Department	Visa issuances and the monthly Visa Bulletin	Cutoff dates are not wait times
Census Bureau	The foreign-born population, from surveys	Surveys do not ask legal status

Seven traps

1. Events versus people. CBP's encounter numbers count each time someone is stopped. One person caught three times counts three times. During Title 42, when people were quickly expelled and tried again, repeat crossings were common (Chapter 11).

2. The measure changed. "Record" claims often compare apprehensions in one period with encounters in another. Encounters include people stopped at ports of entry; apprehensions do not. Always ask which measure (Chapters 11, 12 and 19).

3. Fiscal year versus calendar year. Federal data mostly uses fiscal years, October to September. Fiscal 2025 began in October 2024, under President Biden, and ended under President Trump. A claim about "2025" may mean either (Introduction and Chapter 12).

4. Removals versus returns versus expulsions. "Deportations" can mean any of three things. The answer to "who deported the most?" depends on which you count (Chapter 17).

5. Partial years. EOIR's tables often show the current fiscal year through a certain quarter. Comparing a partial year with a full year exaggerates a drop (Chapters 9 and 18).

6. Rates versus counts. An asylum "grant rate" can be grants divided by grants plus denials, or grants divided by all decisions in the table. In fiscal 2024 the first way gave about 46 percent and the second about 12 percent (Chapter 8).

7. Estimates versus counts. Nobody counts the unauthorized population directly. Every figure is an estimate with a margin of error, and different groups count people with temporary protections differently (Chapter 13).

Five questions for any number

1. Who produced it, and does that source have a stake in the answer?
2. What exactly is being counted?
3. What period does it cover, and is the period complete?
4. Compared with what?
5. Has the source changed its method or definitions over time?

When the data stops

Sometimes a series simply stops. DHS's monthly enforcement report has carried the notice, "This monthly report is delayed while it is under review."[646] When official data goes quiet, the gap tends to be filled by press releases, leaks and estimates from outside groups. Those can be useful, but treat them with more caution than a published data set, and look for the official numbers when they return.

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[646] DHS Office of Homeland Security Statistics, "Immigration Enforcement and Legal Processes Monthly Tables", U.S. Department of Homeland Security, no date, page notice. https://ohss.dhs.gov/topics/immigration/immigration-enforcement-and-legal-processes-monthly-tables (accessed November 12, 2026).

Appendix D: Finding Legal Help

This book is general information, not legal advice. Immigration cases turn on small facts: a date of entry, a prior arrest, a missed hearing, a form filed one day late. The same rule can mean two different things for two different people. If you have a question about your own case or someone else's, talk to a qualified professional before you act.

Who can give immigration legal advice

According to U.S. Citizenship and Immigration Services (USCIS), "Only an attorney or an accredited representative working for a Department of Justice recognized organization can give you legal advice and represent you in your immigration case."[647]

That leaves two kinds of qualified helpers:

- **A licensed attorney.** Any lawyer in good standing with a state bar can practice immigration law, but many specialize in it. You can check whether a lawyer is licensed, and whether the lawyer has ever been disciplined, with the state bar association where the lawyer practices.[648]
- **A DOJ-accredited representative.** These are non-lawyers who work for nonprofit organizations that the Justice Department has recognized. The Executive Office for Immigration Review (EOIR) runs the Recognition and Accreditation Program and keeps a roster of accredited representatives.[649]

Free and low-cost help

Remember from Chapter 9 that the government does not pay for a lawyer in immigration court. The law gives a person "the privilege of being represented, at no expense to the Government."[650]

There are free options, though there are not enough of them for everyone who needs help:

- **EOIR's List of Pro Bono Legal Service Providers.** EOIR publishes this list quarterly, in January, April, July and October. It names nonprofit organizations and attorneys who have committed to providing at least 50 hours a year of free legal services in immigration court, and it is given to people in immigration proceedings.[651]
- **Nonprofit legal service organizations.** Many recognized nonprofits offer free or low-cost help with forms, DACA renewals, citizenship applications and court cases.

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[647] U.S. Citizenship and Immigration Services, "Common Scams", USCIS, no date, Notarios Publicos. https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/common-scams (accessed November 12, 2026).

[648] U.S. Citizenship and Immigration Services, "Common Scams", USCIS, no date, verifying attorneys. https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/common-scams (accessed November 12, 2026).

[649] U.S. Citizenship and Immigration Services, "Common Scams", USCIS, no date, R and A program. https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/common-scams (accessed November 12, 2026).

[650] U.S. Code, "8 U.S.C. 1229a (current text)", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 1229a(b)(4)(A). https://www.law.cornell.edu/uscode/text/8/1229a (accessed November 12, 2026).

[651] Executive Office for Immigration Review, U.S. Department of Justice, "List of Pro Bono Legal Service Providers", U.S. Department of Justice, no date, description. https://www.justice.gov/eoir/list-pro-bono-legal-service-providers (accessed November 12, 2026).

- **Law school clinics.** Some law schools run immigration clinics where students work under supervision. [Not verified: a current national list; check with law schools in your area.]

Watch out for "notarios" and other scams

In many Spanish-speaking countries, a "notario" is a trained lawyer. In the United States, a notary public is not. USCIS says plainly that "A notario publico is not authorized to provide you with any legal services related to immigration."[652]

USCIS also warns about scams that ask for money for programs that were free, offers of jobs in the United States that require an up-front payment, and fake websites and social media accounts that pretend to be the government.[653]

A few rules of thumb:

1. Ask anyone offering help whether they are a licensed attorney or a DOJ-accredited representative, and check.
2. Never sign a blank form, or a form with false information.
3. Get a receipt for any payment, and a copy of everything filed for you.
4. Be wary of anyone who promises a guaranteed result.

Where government information lives

- **USCIS** handles applications for green cards, citizenship, work permits, DACA, TPS and affirmative asylum.
- **EOIR** runs the immigration courts and the Board of Immigration Appeals. It has an online case status system and posts court information.
- **CBP** runs the ports of entry and the Border Patrol.
- **ICE** handles arrests, detention and removal, and runs an online detainee locator.
- **The State Department** runs visa applications abroad and publishes the monthly Visa Bulletin.

Rules and forms change, sometimes with little notice. Check the agency's own website for the current form and fee before filing anything, and ask a qualified professional if you are unsure.

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[652] U.S. Citizenship and Immigration Services, "Common Scams", USCIS, no date, Notarios Publicos. https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/common-scams (accessed November 12, 2026).

[653] U.S. Citizenship and Immigration Services, "Common Scams", USCIS, no date, common scams. https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/common-scams (accessed November 12, 2026).

Appendix E: Key Legal Texts

Many arguments about immigration turn on a few short passages of law. Here they are, in their own words, so you can read them yourself. Each is current federal law as of November 12, 2026, except the constitutional clause, which has not changed since 1868. The wording is exact; I have left out only cross-references and subsections that are not needed to understand the main rule, and marked those places with an ellipsis (...).

Citizenship by birth

The Fourteenth Amendment, Section 1:

> "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."[654]

The Supreme Court applied this clause in Trump v. Barbara (2026), discussed in Chapter 10.

Who is a refugee

8 U.S.C. 1101(a)(42)(A):

> "The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion ..."[655]

Notice what is not on the list: poverty, general crime or violence, and natural disasters. That is why many people fleeing real danger do not qualify (Chapters 8 and 18).

The right to apply for asylum

8 U.S.C. 1158(a)(1):

> "Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 1225(b) of this title."[656]

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[654] U.S. Supreme Court, "Trump v. Barbara, No. 25-365, slip opinion", Supreme Court of the United States, June 30, 2026, syllabus quoting the Citizenship Clause. https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf (accessed November 12, 2026).

[655] U.S. Congress, "8 U.S.C. 1101 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1101(a)(42). https://www.law.cornell.edu/uscode/text/8/1101 (accessed November 12, 2026).

[656] U.S. Congress, "8 U.S.C. 1158 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1158(a)(1). https://www.law.cornell.edu/uscode/text/8/1158 (accessed November 12, 2026).

The right to apply is not the same as the right to receive asylum. The law has many exceptions and bars (Chapter 8).

Crossing between ports of entry

8 U.S.C. 1325(a):

> "Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both."[657]

Read this next to 1158(a)(1) above. Both are law at the same time, which is why Chapter 19 rates both "crossing to seek asylum is illegal" and "seeking asylum is always legal" as partly true.

The President's power to suspend entry

8 U.S.C. 1182(f):

> "Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate."[658]

This one sentence is the basis for travel bans, the 2024 and 2025 border proclamations and the 2025 H-1B fee (Chapters 4, 5 and 8).

Parole

8 U.S.C. 1182(d)(5)(A):

> "The Secretary of Homeland Security may ... in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion

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[657] U.S. Congress, "8 U.S.C. 1325 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1325(a). https://www.law.cornell.edu/uscode/text/8/1325 (accessed November 12, 2026).

[658] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(f). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

> of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which he was paroled ..."[659]

The fight over group parole programs, such as CHNV, is a fight over the words "case-by-case" (Chapter 7).

Hiring unauthorized workers

8 U.S.C. 1324a(a)(1):

> "It is unlawful for a person or other entity (A) to hire, or to recruit or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien ... with respect to such employment, or (B) (i) to hire for employment in the United States an individual without complying with the requirements of subsection (b) ..."[660]

Subsection (b) is the Form I-9 document check (Chapters 3, 17 and 22).

Federal benefits

8 U.S.C. 1611(a):

> "Notwithstanding any other provision of law and except as provided in subsection (b), an alien who is not a qualified alien (as defined in section 1641 of this title) is not eligible for any Federal public benefit (as defined in subsection (c))."[661]

Unauthorized immigrants are not "qualified aliens." The exceptions in subsection (b) include emergency Medicaid and disaster relief (Chapters 15 and 18).

A lawyer in immigration court

8 U.S.C. 1229a(b)(4)(A) says a person in removal proceedings "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 proceedings."[662]

The words "at no expense to the Government" are why people in immigration court who cannot pay a lawyer, and cannot find free help, go without one (Chapter 9 and Appendix D).

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[659] U.S. Congress, "8 U.S.C. 1182 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1182(d)(5)(A). https://www.law.cornell.edu/uscode/text/8/1182 (accessed November 12, 2026).

[660] U.S. Congress, "8 U.S.C. 1324a (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1324a(a)(1). https://www.law.cornell.edu/uscode/text/8/1324a (accessed November 12, 2026).

[661] U.S. Congress, "8 U.S.C. 1611 (current text and amendment notes)", Legal Information Institute, Cornell Law School (U.S. Code), current as of November 2026, section 1611(a). https://www.law.cornell.edu/uscode/text/8/1611 (accessed November 12, 2026).

[662] U.S. Code, "8 U.S.C. 1229a (current text)", Legal Information Institute, Cornell Law School, accessed 2026-11-12, section 1229a(b)(4)(A). https://www.law.cornell.edu/uscode/text/8/1229a (accessed November 12, 2026).

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