

# Rising from the Ashes: Principles and Policies for a New American Immigration System

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## KEY TAKEAWAYS

The radical Left has intentionally deconstructed our borders and immigration structures in the hope of building a new version of America.

What the Left envisions is nothing more than an open border welfare state that diminishes jobs, wages, and economic opportunities for citizens.

It is time to design a new, simpler, fairer, and more manageable immigration system that prioritizes America first and legal immigrants second.

“[W]e are five days away from fundamentally transforming the United States of America.”

—Barack Obama,  
October 30, 2008<sup>1</sup>

## Introduction

Before the Biden–Harris Administration, Americans had long lived with a dysfunctional immigration system. Immigrating legally to the U.S. was too complicated, too slow, and too expensive. These factors, along with many foreigners’ knowledge that they would not qualify for admission under our immigration requirements, encouraged millions to bypass our legal immigration process and cross the border illegally, stay past the expiration date of their temporary visas, file fraudulent immigration benefit applications,

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and remain here for years without consequence. Other promising immigrants went to Canada, Israel, or elsewhere to avoid the U.S. immigration hassle.

Over the decades, the illegal alien population and the immigration benefit application and immigration court case backlogs continued to increase. All the while, the American public continued to differentiate between legal and illegal immigration, supporting the former while opposing—yet accepting some levels of—the latter. When faced with the question of what to do with the millions of illegal aliens already living here, Americans at the same time opposed amnesties while repeating the claim that 11 million illegal aliens could not be deported. The result: just a couple of hundred thousand deportations each year while the remaining, growing population continued to reside here unlawfully and gain greater footholds in the U.S.

Enter the Biden–Harris Administration and with it a fundamental transformation of our immigration system. By changing legal terms; twisting and warping statutory requirements; waiving, ignoring, or refusing to enforce laws; and unconstitutionally creating immigration benefits not authorized by Congress, the Biden–Harris Administration has intentionally erased the line between legal and illegal immigration. We can no longer recognize our immigration “system” because we no longer operate by the rule of law.

What remains cannot and should not be merely reformed. Rather, the Biden–Harris intended deconstruction should be swept aside and replaced with a new, simpler, lawful, orderly, and manageable immigration system that prioritizes Americans first, lawful immigrants second, and illegal aliens not at all.

This paper introduces principles and policies for such a new American immigration system in the areas of legal immigration, working in the U.S., illegal immigration, and U.S. citizenship. It also is the first in a series of Heritage Foundation papers that will examine several of these issues in depth.

## Before the Biden Administration

For decades, presidential Administrations have said that the American immigration system is “broken,” as millions of foreigners have been permitted to enter or remain in the U.S. illegally and continue to reside here without negative legal consequences.

For those who respect the United States’ rule of law and seek to come to America through scores of temporary or permanent legal channels, the process can take several years and, in some scenarios, decades.<sup>2</sup> Additionally, it is very expensive to immigrate lawfully to the U.S. This is partly because

immigration law is nearly as complicated as the U.S. tax code. Each rule stated in the Immigration and Nationality Act (INA)<sup>3</sup> is followed by excessive exceptions and waivers, creating work for immigration attorneys whom applicants hire to help them navigate the confusing statutes and administrative regulations that have proliferated explosively over the decades. In addition, the federal government charges fees for certain lawful permanent immigration benefit applications while waiving and exempting millions of fees for other benefit applications, particularly asylum applications.<sup>4</sup>

In short, it is a slow, frustrating, and expensive hassle to immigrate to the U.S. lawfully. As a result, when it is faster, easier, and cheaper to migrate to America illegally, then that is what some human beings will do—and have done for decades. Others will not come to the U.S. at all to start businesses or incubate new technologies. Instead, they immigrate to other countries that have more functional immigration systems.

For a snapshot of what our immigration system has generated over these many years, consider the immigration benefit and enforcement statistics from 2019, the last year before governments restricted international travel in response to COVID-19, thereby skewing 2020 U.S. immigration data:

- The estimated number of illegal aliens residing in the U.S. ranged from 11 million to more than 22 million.<sup>5</sup>
- Within the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) encountered approximately 288,500 inadmissible aliens at the ports of entry and another 859,500 between the ports of entry for a total of more than 1.14 million enforcement actions.<sup>6</sup>
- CBP encountered three aliens between ports of entry who were on the Terrorist Screening Data Set (TSDS).<sup>7</sup>
- The U.S. Border Patrol apprehended more than 76,000 unaccompanied alien children.<sup>8</sup>
- DHS's U.S. Immigration and Customs Enforcement (ICE) had an average daily detention population (ADP) of more than 50,000 aliens,<sup>9</sup> and ICE deported more than 267,000 aliens.<sup>10</sup>
- The Department of Justice immigration courts had a backlog of approximately 1.2 million cases.<sup>11</sup>

- The number of immigration benefit applications pending at DHS's U.S. Citizenship and Immigration Services (USCIS) exceeded 5.7 million.<sup>12</sup>

These data do not reflect a well-functioning immigration system for American employers or family visa petitioners, for alien beneficiaries, for U.S. taxpayers, or for federal law enforcement or immigration benefit adjudicators. Before 2020, the U.S. immigration system needed significant reforms if America was to have a lawful, orderly, and manageable system. Yet, as bad as those 2019 statistics were, they pale in comparison to those generated in less than four years by the Biden–Harris Administration's intentional outright deconstruction of America's immigration system.

## The Biden Administration

During a 2020 presidential primary campaign debate, Joe Biden telegraphed his Administration's open border and illegal immigration policies, stating that he would "make sure...we immediately surge to the border all those people that are seeking asylum. They deserve to be heard. That's who we are. We're a nation that says if you want to flee and you're fleeing oppression, you should come."<sup>13</sup> Biden then added that he would reverse an order that had been issued by President Donald Trump so that asylum would be available beyond persecution on account of the claimant's race, religion, nationality, political opinion, or membership in a particular social group—its traditional definition.<sup>14</sup>

Then, once Biden was sworn in as President, he wasted no time unleashing his open border agenda. On the first day of his Administration, Biden began to violate sections of the INA and halted effective immigration enforcement and anti-fraud measures. His orders included stopping construction of the border wall system, ending enrollments of aliens in the effective anti-asylum fraud "Remain in Mexico" program, ordering that no deportations would occur for the first 100 days of his Administration, and revoking President Trump's executive order and presidential memorandum ordering the collection of citizenship information during the decennial Census and exclusion of illegal aliens from the Census apportionment of members of the U.S. House of Representatives.<sup>15</sup>

Biden directed federal agencies to refer to legal and illegal aliens alike as "noncitizens," thereby bastardizing legal, statutory language to erase the line between legal and illegal immigration.<sup>16</sup> His political appointees implemented policies to instruct CBP agents to process most inadmissible aliens they encountered into the U.S. in violation of the immigration

statute instead of returning them across the border.<sup>17</sup> The Left and the media referred to all encountered illegal aliens as “asylum seekers” in an attempt to generate American empathy for the masses who were coming to the U.S. Meanwhile, the real consequence of this leftist propaganda was to encourage inadmissible aliens to file fraudulent asylum applications to buy themselves more time to remain in the U.S. and gain work authorization.

Using a 2021 policy memorandum, DHS Secretary Alejandro Mayorkas restricted ICE’s ability to execute most of its immigration enforcement functions, limiting investigations, arrests, detentions, prosecutions, and deportations to spies, terrorists, some aggravated felons, and aliens who illegally crossed the border after November 1, 2020.<sup>18</sup> Yet, as the data below will show, the Biden Administration has not operated even according to these very limited enforcement priorities. Echoing Barack Obama’s 2008 campaign statement that “we are five days away from fundamentally transforming the United States of America,” Mayorkas bragged in January 2022 that “we have fundamentally changed immigration enforcement. For the first time ever, our policy explicitly states that a non-citizen’s unlawful presence in the United States will not, by itself, be a basis for the initiation of an enforcement action.” He called this “a profound shift away from the prior administration’s indiscriminate enforcement.”<sup>19</sup> In reality, Mayorkas’s policies have been clear violations of federal law.

**Violating Immigration Parole.** In addition to opening the border and ignoring immigration enforcement statutes, Mayorkas has grossly violated immigration benefit statutes passed by Congress in the INA. The most blatant of these violations has been his use of immigration parole. The INA states that:

[T]he [Secretary of Homeland Security] may...in his discretion parole into the United States temporarily...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 of the [Secretary], have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.<sup>20</sup>

Congress later added the following statutory language to prevent the abuse of parole to bring refugees into the U.S. more quickly:

The [Secretary] may not parole into the United States an alien who is a refugee unless the [Secretary] determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 1157 of this title.<sup>21</sup>

Congress intended that parole would be used very rarely in special circumstances when an alien does not have adequate time to use legal visa and refugee processes—for example, when coming to the U.S. for emergency surgery or to testify in a criminal case. Therefore, Congress logically did not provide work authorization for aliens who receive temporary parole.

Despite this clear statutory text, Mayorkas has repeatedly used mass and categorical parole to allow tens of thousands of inadmissible aliens to bypass our lawful visa and refugee processes each month. He created parole programs for aliens from Afghanistan, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Ukraine, and Venezuela, as well as aliens who have previously been deported<sup>22</sup> and aliens who have resided in the U.S. illegally for at least 10 years and are married to U.S. citizens.<sup>23</sup>

In addition, Mayorkas created a parole program under which any alien can use the CBP Mobile One application to make an appointment at a land or air port of entry where CBP will parole them into the U.S.<sup>24</sup> In other words, instead of securing the border, the Biden–Harris Administration created a deceptive shell game by shifting the illegal flow to the ports while pointing at (briefly) falling numbers of aliens crossing the southern border between these ports of entry.<sup>25</sup>

Secretary Mayorkas has also given his mass parolees renewable work authorization for two-year increments without congressional authorization. He propagandizes his bypass of the statutory visa and refugee processes as “expanding lawful pathways” and insists that parole is granted on a “case-by-case basis.” Federal judges, however, have found otherwise. For example, the Fifth Circuit Court of Appeals rebuked DHS’s abuse of parole in its December 2021 decision regarding the Secretary’s termination of the Migrant Protection Protocols. The court held that “[d]eciding to parole aliens *en masse* is the opposite of *case-by-case* decision-making” and added that “DHS’s pretended power to parole aliens while ignoring the limitations Congress imposed on the parole power...[is] not *nonenforcement*; it’s *mis-enforcement*, suspension of the INA, or both.”<sup>26</sup>

**Rendering Asylum Meaningless.** The Biden–Harris Administration has intentionally ruined America’s second most important immigration benefit after U.S. citizenship— asylum. Beyond telling aliens to surge our border and claim asylum, as Biden did during his 2020 primary debate with

de facto support from the media, which refer to all illegal aliens as “asylum seekers,” Mayorkas has violated immigration statutes to facilitate asylum fraud both procedurally and substantively.

He has violated Congress’s establishment of jurisdiction over asylum applications by replacing immigration judges, ICE attorneys, and the adversarial process with USCIS asylum officers who process both initial claims and second-stage applications for border crossers. Without cross-examination by ICE attorneys and immigration judges, USCIS asylum officers are more likely to rubber-stamp and grant weak, questionable, and unverified asylum claims.<sup>27</sup>

Substantively, the Administration supports claims of domestic violence, gang activity, general crime, and climate change as grounds for asylum. These claims do not meet the requirements of the law, which are based on persecution because of an alien’s race, religion, nationality, political opinion, or membership in a particular social group. The Left has taken the U.S. far afield from the refugee protection the U.S. committed to providing after World War II. Instead of providing protection from persecution based on a trait that a person cannot or should not have to change, the Left has watered down and abused asylum as just another way to bring more aliens into the U.S. and allow them to remain here.<sup>28</sup> Nor is this purposeful destruction of asylum unique to America. Asylum is the preferred tool of globalists who would use mass migration into Western countries to dismantle Western democratic traditions, culture, and civilization.<sup>29</sup>

**Biden–Harris Administration Statistics.** The results of the Biden–Harris Administration’s open border operations and lawlessness have been record-setting and devastating to America’s sovereignty, security, public safety, and economy. During the 3.5 years that Joe Biden has been in the White House:

- CBP has encountered over 10.5 million inadmissible aliens at and between the ports of entry, the vast majority of whom the Administration has released into the U.S. CBP unofficially reports that more than 2 million other aliens are “known gotaways” who evaded the Border Patrol. Using these two numbers plus any “unknown gotaways,” we can estimate that the policies implemented by the Biden–Harris Administration have enabled approximately 10 million inadmissible aliens to enter the U.S., causing the illegal alien population to increase from the pre-Biden level of 11 million–22 million to the current level of 21 million–32 million.



- Between the ports of entry, CBP encountered 16, 98, 172, and 106 aliens on the Terrorist Screening Data Set during fiscal year (FY) 2021, FY 2022, FY 2023, and FY 2024, respectively.<sup>30</sup>
- CBP encountered 147,975 unaccompanied alien children during FY 2021, 152,880 in FY 2022, 137,992 in FY 2023, and 110,672 in FY 2024, for a total of 534,980 during the Biden–Harris Administration.<sup>31</sup> Worse, the Department of Health and Human Services, which is responsible for placing unaccompanied children with sponsors, has lost contact with more than 300,000 children.<sup>32</sup>
- In FY 2021, ICE’s average daily detention population was more than 19,000,<sup>33</sup> even though ICE was funded to maintain 34,000 detention beds.<sup>34</sup> ICE deported just over 59,000 aliens, less than half of whom were deported on or after February 18, 2021, following the Biden–Harris Administration’s policy memorandum limiting ICE’s enforcement actions.<sup>35</sup> In FY 2022, ICE’s ADP was slightly more than 22,600,<sup>36</sup> and ICE deported over 72,000 aliens.<sup>37</sup> In FY 2023, the ADP was over 28,000, and deportations numbered more than 142,000.<sup>38</sup> In FY 2024, the ADP was approximately 37,000 aliens,<sup>39</sup> and ICE removed more than 248,000 aliens.<sup>40</sup>
- The number of cases in the Department of Justice immigration courts backlog has tripled from 1.2 million when Biden came into office to more than 3.7 million as of November 2024.<sup>41</sup>
- The number of immigration benefit applications pending at DHS’s U.S. Citizenship and Immigration Services (USCIS) has grown from over 6.3 million cases<sup>42</sup> when Biden became President to over 9.2 million through June 2024.<sup>43</sup>

Secretary Mayorkas claims he inherited a “broken asylum system” from the prior Administration.<sup>44</sup> He has also repeated several past Administrations’ line that our immigration system is “broken” as he tries to justify “expanding lawful pathways” for millions of inadmissible aliens to come to the U.S. while simultaneously severely restricting immigration enforcement.<sup>45</sup> The truth, however, is that we no longer have an immigration “system.” The Biden–Harris Administration has dismantled each tool used to control the border and increase efficiency in the immigration system, thereby taking a dysfunctional system and burning it down to an



unrecognizable pile of ashes made up—in part—of record terrorist threats, serious criminals, fentanyl poisonings, and child trafficking. These devastating results led the U.S. House of Representatives to impeach Secretary Mayorkas for his willful and systemic refusal to comply with and enforce the law and his breach of public trust.<sup>46</sup> He was the first sitting Cabinet member in American history to be impeached.<sup>47</sup>

Facing reelection and very negative polling on border security, Biden signed a June 2024 border proclamation.<sup>48</sup> Rather than rescind his earlier open border orders, however, Biden signed a document that permits continued crisis levels of illegal immigration while allowing mass parole and unaccompanied child trafficking to continue. Per the choreographed plan with the radical Left, Biden subsequently announced an unlawful administrative amnesty for aliens who have lived illegally in the U.S. for at least 10 years and are married to U.S. citizens, as well as an easier process for illegal aliens who came to the U.S. as children to receive work visas,<sup>49</sup> in direct violation of the INA.

## Principles and Policies for a New American Immigration System

America now faces an opportunity to sweep away Biden's border and immigration ashes and redesign America's immigration system. To achieve a lawful, orderly, and manageable system that benefits America first, legal immigrants second, and illegal aliens not at all, the new system should be simpler and faster than the dysfunctional, defrauded, confusing, and expensive pre-Biden immigration system. It also should include full and consistent enforcement.

In short, lawful applicants who are eligible for an immigration benefit should have it granted in a timely manner, and those who are not eligible should be denied expeditiously and then promptly depart the U.S. An alien who fails to depart the U.S. promptly should be removed with consequences such as fines, criminal convictions, the inability to return and the possibility of imprisonment if he or she tries to do so.

A lawful and efficient immigration system can succeed only if our borders are secure and immigration laws are consistently and thoroughly enforced. If it is no longer easier, faster, and cheaper to immigrate here illegally, future migrants will change their behavior based on calculations of higher risk and will be deterred from violating immigration laws.

Below are five principles that should be used in creating a new, effective American immigration system, as well as dozens of policies in the specific

areas of legal immigration, working in the U.S., illegal immigration, and U.S. citizenship. A forthcoming series of Heritage Foundation papers will provide more in-depth examinations of several of these issues.

**Principle 1: As the government of a sovereign nation, our government must uphold the Constitution and rule of law.**

1. The U.S. Congress, not the administrative state, should approve who may be lawfully admitted into the U.S. and set the terms of their stay here.
2. Complying with the plain language of the authorizing statute eliminates fraud and abuse.
3. Temporary *means* temporary.
  - The executive branch should return temporary and permanent visa eligibility to congressional intent.
4. Congress, not the administrative state, should determine whether temporary aliens may work in the U.S.
5. Aliens who violate the terms of their visas should have their visas revoked.
  - Visas issued to students and other aliens who violate local, state, or federal laws or engage in actions that show support for designated terrorist groups should be cancelled immediately, and such individuals should be deported promptly.
6. Transparent information on immigration status is vital among federal and state agencies.
  - The Social Security Administration, Internal Revenue Service, and Department of Homeland Security should share data on the immigration status of individuals as part of their full enforcement of federal law, including against employers who knew or should have known that they hired or employ aliens without work authorization.
  - Federal agencies should also share those data with state and local officials free of charge.

7. Prosecutorial discretion in the immigration removal context should be used very rarely.
  - Congress should make clear that prosecutorial discretion is the very rare exception, not the norm, when enforcing immigration law.
8. Deportation is a critical component of the enforcement needed to maintain a lawful and orderly immigration system.
  - Orders of removal should be executed in a timely manner.
9. U.S. citizenship is the most important immigration benefit the U.S. provides.
  - U.S. citizenship brings exclusive rights and responsibilities. It should not be cheapened or defrauded by allowing non-citizens to be treated as if they were U.S. citizens.
10. The U.S. government should require that to be given U.S. citizenship, a child must have at least one parent who is a U.S. citizen.
  - The U.S. government should end its “birthright citizenship” policy, which is not required by the U.S. Constitution and is not recognized by the vast majority of other nations.
11. Proof of U.S. citizenship should be required to register and to vote in federal, state, and local elections.
  - The Department of Homeland Security should cooperate with state and local elections officials to verify the citizenship status of all registrants and voters.
12. Since only U.S. citizens can vote legally, only the U.S. citizen population should be counted in determining congressional districts and presidential electoral votes.
  - Only U.S. citizens should be used in the apportionment formula after every U.S. Census to determine all congressional, state, and local political redistricting and, in turn, the number of presidential electoral votes given to each state.

- To accomplish this, a citizenship question should be reinstated on the decennial U.S. Census.

**Principle 2: Our immigration system exists to serve the American people.**

13. Immigration adjudicators and officials work for the American people, not for aliens or advocacy groups.
14. Most immigrant (permanent) visas should be for employment purposes, be merit-based, and not be used to diminish the wages or employment opportunities of U.S. citizens.
15. Family-based immigration (permanent) categories should be limited to the immediate nuclear family, thereby ending chain migration.
16. The U.S. should not grant lawful permanent residence based on a lottery system.
17. Applicants, not U.S. taxpayers, should pay for adjudication of their applications and case backlog reduction.
18. Just as they may legally favor hiring veterans over other applicants, employers should be legally allowed to favor hiring U.S. citizens over aliens with work authorization documents.
19. Aside from government persecution, victimization and other types of personal or economic problems should not be the basis for an immigration benefit.
20. Assimilating immigrants into American political and civil society, language, history, and culture is critical for America to remain a united country.

**Principle 3: Our country must be secure to keep Americans safe.**

21. Our borders and interior must be secure, and public safety must be a top priority.
22. Both border security and interior enforcement should be fully resourced for thorough enforcement.

23. Border agents should have expulsion authority during national crises.

- Congress should provide border agents with authority to expel illegal aliens across the border immediately including (but not limited to) when a border or national crisis, not just a health crisis, occurs.

24. Immigration detention is necessary to protect public safety, prevent flight, and ensure removal if so ordered by an immigration judge.

**Principle 4: America’s immigration system should be simple and sustainable.**

25. As a sovereign nation, the U.S. must have a lawful, orderly, and manageable immigration system—each year.

26. Immigration law should be simple, and compliance with the law should be easy.

- The Immigration and Nationality Act is needlessly complicated, causing many aliens to hire immigration attorneys and spend significant amounts of money to navigate it, and should be simplified.
- The excessive number of waivers and exemptions in immigration law, policy, and operations creates needless confusion, legal work, and costs and should be eliminated.

27. To be effective and efficient, our federal immigration system should be integrated within the federal government and collaborative with the states.

- Our fragmented immigration system across many departments in the federal government causes needless confusion and delay. It should be consolidated and should actively involve the assistance of state and local governments and law enforcement.

28. Immigration data and costs should be completely transparent to the American public.

- Data on immigration status should be collected by relevant federal, state, and local agencies; shared among relevant agencies, including election officials; and reported to the American public.

29. Having an orderly and manageable immigration system each year means pausing intake to address large application backlogs.

- When unreasonably large application backlogs occur, immigration officials should stop accepting additional immigration benefit applications, including employment authorization documents, until a well-managed level of pending applications is reached.

**Principle 5: We must eliminate incentives for foreign nationals and American organizations to break our laws.**

30. Illegal immigration should be prevented, not processed and funded.

- Congress and the executive branch should prevent illegal immigration, not process it into the U.S. and then pay for it on the back end, imposing avoidable costs on American taxpayers at the federal, state, and local levels.

31. Our immigration system should not exploit children, encourage illegal immigration, or facilitate smuggling or trafficking.

32. Federal, state, and local governments should not obstruct immigration enforcement or collude with or fund non-governmental organizations (NGOs) or the private sector to further illegal immigration, including human smuggling or trafficking, or harboring.

33. Legal immigration applicants should not be adversely affected by illegal immigration or fraud.

- Applications submitted by inadmissible aliens, including fraudulent applications, delay the adjudication of lawful applications and increase costs for lawful applicants.

34. Persons fleeing a country to save their lives must seek protection in the first safe country in which they arrive, not shop for a country of preference.

35. Integrity must be restored to persecution protection.

- Congress should clarify that persecution refers to *government* persecution and eliminate the undefined and misused catch-all ground of “membership in a particular social group.”
  - Having both asylum and refugee statutory provisions in the Immigration and Nationality Act is needlessly confusing when applicants must prove the same eligibility elements. The law should be simplified to one benefit type with an annual cap for thorough vetting and manageable resettlement, including required advance notice to resettlement jurisdictions and American assimilation.
36. Work authorization should be granted only once an applicant’s underlying immigration benefit is granted, not when the benefit application is merely filed or pending.
37. E-Verify should be implemented and enforced to the maximum extent possible.
- Employers and federal, state, and local government officials should use E-Verify.
  - Enforcement of employment verification is critical, including reverifying aliens with temporary employment authorization.
38. Foreign countries should benefit from U.S. remittances only if they cooperate with the U.S. and their nationals obey our laws.
- The U.S. should not permit aliens to send abroad any remittances gained by unauthorized employment.
  - No remittances should be sent to recalcitrant countries that refuse to accept the return of their nationals who have removal orders.
39. Immigration judges need authorities to dispense with meritless cases quickly.
- Congress should provide immigration judges with summary dismissal and default judgment authority to remove legally baseless claims quickly, which would effectively diminish the case backlog and dissuade aliens and their attorneys from filing meritless claims.



40. Immigration due process should be limited.

- Congress should limit administrative procedures for aliens, including removal proceedings, to end excessive motions and the abuse of administrative appeals that are used to prolong aliens' presence in the U.S. illegitimately.
- Aliens should be prohibited by law from filing any appeal of a final order of removal in any federal court.

41. Remaining longer in the U.S. unlawfully should not be grounds for an immigration benefit.

- Inadmissible aliens should not receive immigration benefits based on their ability to avoid deportation or gain U.S. ties while remaining longer in the U.S.

42. Inadmissible aliens should be excluded from federal, state, local, and commercial benefits that facilitate unlawful residence.

- Inadmissible aliens should not be eligible for any federal, state, or local government benefits, including through their children, because the receipt of such benefits facilitates longer unlawful residence in the U.S. and takes resources away from American citizens and lawful immigrants.
- Inadmissible aliens should be excluded from commercial benefits, such as bank accounts, that facilitate their unlawful residence.

43. Amnesty—even the prospect of it—encourages more illegal immigration.

- Congress should oppose all forms of amnesty and should not reward illegal behavior or violation of our immigration laws.

## Conclusion

America's immigration system used to be broken both because of a lack of enforcement and because of its overly complicated statutory provisions. Now it is a pile of ashes. As it has done with so many other American institutions, the radical Left has intentionally deconstructed our borders and

immigration structures in the hope of building a new version of America. The Left's vision of unlimited "new lawful pathways" as its "reimagined" immigration system, however, is nothing more than an open border welfare state that diminishes jobs, wages, and economic opportunities for citizens. No country can sustain or survive such a vision.

However, from the ashes comes a great opportunity to redesign a new, simpler, fairer, and more manageable immigration system that prioritizes America first and legal immigrants second. The principles and policies laid out in this report can play a crucial role in shaping just such a new immigration system.

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## Endnotes

1. Barack Obama, Remarks in Columbia, Missouri, October 30, 2028, <https://www.presidency.ucsb.edu/documents/remarks-columbia-missouri-0> (accessed August 29, 2024).
2. As an example, in 2019, the State Department was issuing family immigrant (permanent) visas to Mexican unmarried sons and daughters of U.S. citizens whose family visa petitions were filed earlier than August 1997—a 22-year wait. U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin*, Vol. X, No. 36 (December 2019), [https://travel.state.gov/content/dam/visas/Bulletins/visabulletin\\_december2019.pdf](https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_december2019.pdf) (accessed August 28, 2024).
3. 8 U.S. Code Chapter 12—Immigration and Nationality, <https://www.law.cornell.edu/uscode/text/8/chapter-12> (accessed August 30, 2024). See also Immigration and Nationality Act [Act of June 27, 1952; Chapter 477 of the 82nd Congress; 66 STAT. 163; 8 U.S.C. 1101 et seq.] [As Amended Through P.L. 117–360, Enacted January 5, 2023], <https://www.govinfo.gov/content/pkg/COMPS-1376/pdf/COMPS-1376.pdf> (accessed August 29, 2024).
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