



CONSTITUTION CONNECTOR

Immigration: Who Should We Welcome? What Should We Do?

The immigration issue affects virtually every American, directly or indirectly, often in deeply personal ways. The three options presented in the National Issues Forums' guide, "Immigration: Who should we welcome? What should we do?" asks us to reflect on different ways of understanding what is at stake in the immigration issue and how we might go about facing the issue as a nation and within our communities. This bridging document is designed to help you consider the connection between issues of immigration and the U.S. Constitution.

14th Amendment 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.

Related constitutional connections: Naturalization Clause, Migration and Importation Clause, Declaration of War Clause, Law of Nations Clause, and Necessary and Proper Clause.

The Issue in Context

One example of how the immigration issue is affecting individuals in communities across the U.S. involves the "dreamers." The term "dreamer" was coined when the Development, Relief, and Education for Alien Minors (DREAM) Act was introduced in 2001. This act and subsequent related acts have sought to provide a pathway to legal status for undocumented youth who came to this country as children ("dreamers"). Despite bipartisan support, many bills aimed at addressing the plight of dreamers have failed to become law.

The **Deferred Action for Children Arrivals** (DACA) initiative was launched under President Obama to provide temporary legal status to dreamers. This allowed over 800,000 undocumented immigrants to legally work and attend school in a temporary basis. The long-term status of dreamers under DACA is uncertain.

Questions for inquiry

- What power does the Constitution give the federal government over immigration? What are the implied powers of congress over immigration and what are the sources of this power?
- What role do constitutional issues play in the way Americans understand and discuss the immigration issue? What are some of the tension or unresolved aspects of this issue when viewed from a strictly constitutional perspective?
- How would each option in the NIF guide address the "Dreamers"? What constitutional connections have you discussed that are most relevant to DACA?
- What should be the rights and privileges of newcomers?
- What should be the immigration quotas and should they be revisited?

Resources

“The Citizenship Clause,” National Constitution Center.

<https://www.law.cornell.edu/wex/immigration>

“The U.S. Immigration Debate,” Council on Foreign Relations.

<https://www.albanylaw.edu/centers/government-law-center/Immigration/explainers/Pages/Immigrants-and-Public-Benefits-What-Must-States-and-Localities-Provide-.aspx>

“Immigration and the Constitution: Does the Constitution Give the Federal Government Power over Immigration?,” Cato Institute.

“The Federal Role in Immigration,” National Geographic.