

Introduction

Immigration and deportation have been under the spotlight in recent news, but they are not just contemporary issues, they are deeply woven into U.S. history. While today's policies may seem new, they follow a long tradition of restricting citizenship, limiting political participation, and controlling who belongs in the United States. The U.S. has repeatedly used immigration law to target specific racial, ethnic, and religious groups, shaping national identity through exclusion.

Historical Precedents in Immigration and Civil Rights

Throughout U.S. history, immigration law has been a tool for racial exclusion, used to define who is allowed to belong within the borders of the United States and who is deemed unworthy of citizenship. The Nationality Act of 1790, the first law governing naturalization, explicitly limited U.S. citizenship to "free white persons," ensuring that race remained a defining criterion of national identity. This legal precedent set the stage for centuries of exclusionary policies. In 1922, the Supreme Court reinforced these racial barriers in *Ozawa v. United States*, ruling that Japanese immigrants could not naturalize because they were not "white." The court's decision exemplified how whiteness was constructed and policed in American law, systematically denying citizenship to non-European immigrants.

Other exclusionary laws followed, further entrenching racial and ideological barriers. The Chinese Exclusion Act, passed in 1882, was the first federal law to explicitly prohibit immigration based on nationality, setting a precedent for future restrictions. The fear of ideological threats also shaped immigration policies, as seen in the 1950s McCarthy era, when individuals were targeted for deportation based on perceived communist sympathies. Similarly, the Mexican Repatriation campaigns of the 1930s forcibly removed hundreds of thousands of Mexicans and Mexican Americans, many of whom were U.S. citizens, under the guise of economic necessity. These examples illustrate a recurring pattern: immigration policy has long been used as a tool of racial, political, and economic control, rather than as a neutral means of regulating movement.

Contemporary Examples Reflecting These Patterns

Many modern immigration policies mirror these historical injustices, demonstrating that exclusionary tactics remain deeply embedded in U.S. law. In recent years, freedom of speech violations have disproportionately targeted immigrants and non-citizens. Mahmoud Khalil, for example, was recently detained for expressing his views, reflecting a broader pattern where immigrants' voices are silenced under the pretext of national security. In another case, a Brown University professor was deported due to the content on

his phone, illustrating how digital surveillance is weaponized against immigrants, much like the ideological purges of the McCarthy era. There are several more instances of these politically and racially targeted detention and deportations during the last month alone.

Targeted deportations continue to be used as a means of control, even when they conflict with judicial rulings. The Trump administration pushed for mass deportations to El Salvador despite court rulings opposing the policy, in the name of the Alien Enemies Act, which historically allowed the government to remove individuals deemed a threat during times of political tension. These deportations often disregard due process and exacerbate the dangers faced by those seeking refuge.

Similarly, when Trump recently attempted to eliminate birthright citizenship, he directly challenged the Fourteenth Amendment, which is a crucial part of the Constitution that guarantees citizenship to anyone born on U.S. soil. This amendment was adopted in the aftermath of slavery, at a time when the country was dealing with the question of who had the right to belong. By ensuring that citizenship was not tied to race or ancestry, the Fourteenth Amendment was meant to prevent future generations from being denied their rights based on discrimination. Trump's efforts to undo this protection were not just about immigration policy; they struck at the heart of a long-standing constitutional principle, one that was designed to uphold equality and prevent the government from deciding who does or does not deserve to be American.

Beyond individual cases, discriminatory policies continue to shape immigration law. The Controlled Application Review and Resolution Program (CAARP) disproportionately targets Muslim immigrants, subjecting their applications to lengthy and arbitrary delays under the guise of national security. Programs like CAARP operate with little transparency, mirroring historical restrictions that sought to prevent "undesirable" populations from gaining legal status. Likewise, Trump's travel ban, which barred entry from several Muslim-majority countries, reinforced the pattern of exclusion based on nationality and religion. While framed as necessary security measures, these policies are rooted in the same discriminatory logic that fueled past exclusionary laws.

Constitutional and Civil Rights Implications

The enforcement of these policies is only possible by violating fundamental constitutional rights. The First Amendment guarantees freedom of speech, yet cases like Khalil's detention reveal how the government suppresses dissenting voices, particularly among immigrants and non-citizens. The Fourteenth Amendment, which affirms birthright citizenship, is constantly under attack by policies seeking to redefine who qualifies as American.

Additionally, due process violations remain rampant within immigration enforcement. Many immigrants face deportation without fair hearings, are denied access to legal representation, or are subjected to rushed proceedings that fail to consider the complexities of their cases. This disregard for procedural justice aligns with historical patterns where the legal system was used to justify exclusion rather than protect rights. Without safeguards to ensure fairness, immigration law continues to operate as a mechanism of exclusion rather than justice.

Connection to CAIR's Work

CAIR has long fought against policies that discriminate against Muslim immigrants and restrict civil rights. It has been at the forefront of fighting discriminatory immigration policies, advocating for the rights of Muslim immigrants and challenging government overreach. CAIR has actively opposed surveillance programs like the National Security Entry-Exit Registration System (NSEERS), which required men from predominantly Muslim countries to register with immigration authorities, leading to mass detentions and deportations. By challenging such programs in court and through public advocacy, CAIR has helped expose the racial and religious biases that underpin these policies.

Beyond legal battles, CAIR provides crucial assistance to individuals navigating immigration barriers. Many Muslim immigrants face delays, denials, and unjust scrutiny under programs like CAARP, and CAIR's legal team works to challenge these injustices. The organization also played a role in opposing Trump's Muslim ban, which disproportionately affected families seeking asylum, reunification, and opportunity in the U.S.

Conclusion

Immigration law has consistently been used to control who belongs in America. The same justifications used for exclusion in the past continue to shape policies today: economic fears, national security, racial stereotypes. Recognizing these patterns is key to challenging them. History may repeat itself, but we have the benefit of learning from past mistakes. To resist these injustices, we must stay informed, support advocacy organizations, and demand policies that uphold human rights and reflect principles of fairness and inclusion. The future of immigration policy is not yet written, but it is up to us to ensure it does not follow the failures of the past.