

**LAW, BELONGING, AND EXCLUSION:
THE DUAL ROLE OF IMMIGRATION AND CITIZENSHIP LAW**

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INTRODUCTION

This Symposium Issue engages the duality of immigration and citizenship law: a legal framework that can grant inclusion, opportunity, and belonging, and simultaneously erect borders that authorize exclusion and expulsion. As an immigrant and naturalized U.S. citizen, I have experienced first-hand how these laws shape both policy and the lived realities of individuals and communities, immigrants and citizens alike. Several pieces in this issue were developed directly from presentations, panels, and discussions held at the symposium that took place on April 3–4, 2025.¹ By publishing these pieces, this Symposium Issue offers a deeper analysis of the topics addressed at the two-day event and extends the conversations to a wider audience.

Taking place approximately two and a half months into President Donald Trump's second administration, the symposium took place at a moment when immigration and citizenship laws and policies are once again undergoing rapid transformation. Scholars, advocates, public officials, and students gathered to examine contemporary shifts in enforcement priorities, administrative interpretation, and legal doctrines. Across these discussions, the symposium recognized both the legal mechanisms of inclusion and exclusion and the very real hardships that such laws impose on immigrant communities and their U.S. citizen families.

* Professor of Law and Chancellor's Social Justice Scholar; Director, Center for Immigrant Justice. This Introduction is based on remarks I made at the Rutgers University Law Review's symposium, *The Dual Role of Immigration and Citizenship Laws: Exploring Inclusion, Exclusion, and Reform for 2025 and Beyond*, held at Rutgers Law School in Newark, New Jersey, April 3–4, 2025. I thank Yomaira Tarula-Aranda ('27) for excellent research assistance.

1. *RULR 2025 Symposium: The Dual Role of Immigration and Citizenship Laws: Exploring Inclusion, Exclusion, and Reform for 2025 and Beyond*, RUTGERS U. L. REV., <https://rutgerslawreview.com/symposium/> (last visited Feb. 8, 2026).

The symposium opened with welcome remarks by the Honorable Ras Baraka, Mayor of Newark, New Jersey. Mayor Baraka emphasized Newark's history as a city shaped by migration and reflected on how federal immigration policies were already being felt locally. Just weeks before the symposium, Immigration and Customs Enforcement (ICE) conducted a raid at a family-owned fish market in Newark's Ironbound neighborhood, detaining multiple individuals, including a U.S. military veteran, without a warrant.² In his remarks, Mayor Baraka underscored the importance of the rule of law, including constitutional limits on government authority and protections against unreasonable search and seizures. These comments highlighted that debates over immigration and citizenship policy are not merely political; rather, they are profoundly legal, shaping inclusion and exclusion at the local level.

The symposium's program materials reinforced this duality. The flyer for the event featured the Statue of Liberty, less than ten miles from the symposium venue.³ Officially titled, *Liberty Enlightening the World*, the statue represents ideals of liberty and universal inclusion. Emma Lazarus's poem, *The New Colossus*,⁴ inscribed on its pedestal, evokes the United States as a nation welcoming immigrants. Yet the historical record is more complicated: immigration and citizenship laws have long operated simultaneously to admit and exclude non-citizens. While the Statue of Liberty was being constructed in France between 1865 and 1884,⁵ Congress enacted both inclusionary and exclusionary measures. Millions of European immigrants arrived under permissive statutes, even as the Page Act of 1875,⁶ the Chinese Exclusion Act of 1882,⁷ and the Geary Act of 1892⁸ imposed rigid restrictions, with the Supreme Court upholding these measures in 1889 in *Chae Chan Ping v. United States*.⁹

2. *Newark Mayor Condemns Raid at Seafood Restaurant After 3 Workers Detained*, ABC7 N.Y. (Jan. 24, 2025), <https://abc7ny.com/post/newark-ice-raid-3-workers-nj-restaurant-taken-custody-warrant-mayor-baraka-says/15833458/> [<https://perma.cc/XZ8Q-GFNQ>].

3. See *RULR 2025 Symposium: The Dual Role of Immigration and Citizenship Laws: Exploring Inclusion, Exclusion, and Reform for 2025 and Beyond*, *supra* note 1; Statue of Liberty, NAT'L PARK SERV. (Dec. 16, 2025), <https://www.nps.gov/stli/index.htm> [<https://perma.cc/BUC8-4MJA>].

4. Emma Lazarus, *The New Colossus*, POETRY FOUND., <https://www.poetryfoundation.org/poems/46550/the-new-colossus> [<https://perma.cc/VYL5-4A4V>] (last visited Feb. 8, 2026).

5. Yasmin Sabina Khan, ENLIGHTENING THE WORLD: THE CREATION OF THE STATUE OF LIBERTY 154–58 (2010).

6. Page Act of 1875, Pub. L. No. 43-141, 18 Stat. 477 (1875).

7. Chinese Exclusion Act, Pub. L. No. 47-126, 22 Stat. 58 (1882).

8. Geary Act, Pub. L. No. 52-60, 27 Stat. 25 (1892).

9. *Chae Chan Ping v. United States*, 130 U.S. 581 (1889).

The Supreme Court in *Dred Scott v. Sandford* held that the Framers of the Declaration of Independence and the U.S. Constitution did not intend for African Americans to be considered U.S. citizens.¹⁰ After the Fourteenth Amendment's Citizenship Clause¹¹ overruled parts of *Scott v. Sandford*, Congress amended the naturalization laws that previously allowed only white immigrants to naturalize by allowing immigrants of African descent or ancestry to become eligible for naturalization.¹² Until 1952, many immigrants who were neither white nor of African descent were racially ineligible for citizenship.¹³ Thus, from its inception, U.S. immigration and citizenship law has embodied the tension between inclusion and exclusion.

This duality framed the symposium's five panels. Panel I, *Mass Deportation*, examined statutory and constitutional dimensions of large-scale removal and its impact on immigrant communities, featuring Professors Alina Das (New York University School of Law) and Stephen Lee (University of California, Irvine School of Law), alongside Lauren Herman and Margaret Stock, moderated by our very own Professor Jessica Rofé. Panel II, *AI, Digital Surveillance, and Immigration Justice*, explored the growing role of technology in immigration enforcement, with Justice (retired) John G. Browning, Professors Huyen Pham (Texas A&M School of Law) and Richard Frankel (Drexel University School of Law), and moderator Kyle Sommer analyzing discretion, accountability, and procedural fairness. Part III, *Restrictions on Citizenship*, focused on narrowing access to citizenship and policies designed to increase denaturalization, with Professors Jennifer Chacón (Stanford University School of Law), Amanda Frost (University of Virginia School of Law), and Peter Spiro (Temple University School of Law), moderated by Professor Deep Gulasekaram (University of Colorado School of Law).

Professor Kevin Johnson (and former Dean) of the University of California, Davis School of Law delivered the keynote, situating the event in the extraordinary contemporary restrictive immigration policy context.¹⁴ Professor Johnson noted that immigration is, perhaps more than ever, at the center of national attention. The Trump administration's second term had introduced a flurry of policy measures,

10. *Dred Scott v. Sandford*, 60 U.S. 393, 423 (1857).

11. U.S. CONST. amend. XIV, § 1.

12. Naturalization Act of 1870, Pub. L. No. 41-254, 16 Stat. 254, 256.

13. See Rose Cuison-Villazor, *Creating a Racialized Liminal Status: The 1790 Act and Interstitial Citizenship*, 65 WM. & MARY L. REV. 1157, 1173 (2024).

14. Kevin R. Johnson, *Our Immigration Future: Politics, Law, and Change and Sense of Belonging*, 77 RUTGERS U. L. REV. (forthcoming 2025).

including attacks on birthright citizenship,¹⁵ expansion of expedited removal,¹⁶ militarized immigration enforcement,¹⁷ and high-profile ICE raids,¹⁸ that together convey the administration's commitment to enhanced immigration enforcement. Emphasizing that the human effects of immigration enforcement are profound, Professor Johnson underscored how fear and uncertainty pervade immigrant communities.

In discussing how current developments are affecting immigrants and their U.S. citizen families, Professor Johnson highlighted the work of recently retired members of the Rutgers Law School faculty, Professors Linda Bosniak and Alan Hyde. Bosniak's analysis of membership illuminates the ongoing tension between inclusion and exclusion, and Hyde's scholarship on family reunification presaged debates over "chain migration" and family separation. Both of these professors' work on citizenship, labor, and membership has been foundational, helping generations of scholars and practitioners grapple with the legal and human dimensions of inclusion and exclusion.¹⁹

Part IV, *Immigrant Workers and the Economy*, examined the intersection of immigration law, labor market, and economic regulation, featuring Professors Nicolet Hallett (University of Chicago School of Law) and David Nows (Duquesne University School of Law), alongside Farrin Anello (ACLU) and moderator Professor David Lopez (Arizona State University School of Law). Panel V, *Immigration and Federalism*, explored the role of states and localities in immigration governance, featuring Professors Talia Peleg (City University of New York School of Law) and Rick Su (University of North Carolina School of Law), along with

15. See *Briefing Paper: President Trump's Attack on Birthright Citizenship*, ACLU (Jan. 21, 2025), <https://www.aclu.org/publications/briefing-paper-president-trumps-attack-on-birthright-citizenship> [<https://perma.cc/L57G-EJH5>].

16. See *Fact Sheet: Expanded Expedited Removal*, NAT'L IMMIGR. F., <https://forumtogether.org/article/fact-sheet-expanded-expedited-removal/> [<https://forumtogether.org/article/fact-sheet-expanded-expedited-removal/>].

17. See George Chidi, *US Immigration Enforcement Using Military Hardware and Tactics on Civilians*, GUARDIAN (Oct. 10, 2025, at 09:00 ET), <https://www.theguardian.com/us-news/2025/oct/10/ice-immigration-agents-military-tactics> [<https://perma.cc/MG7Y-ZGRM>].

18. See Rebecca Santana & Michael Balsamo, *2,000 Federal Agents Sent to Minneapolis Area to Carry Out 'Largest Immigration Operation Ever,' ICE Says*, PBS NEWS (Jan. 6, 2026, at 18:42 ET), <https://www.pbs.org/newshour/politics/2000-federal-agents-sent-to-minneapolis-area-to-carry-out-largest-immigration-operation-ever-ice-says> [<https://perma.cc/4PAH-9PTT>].

19. See generally LINDA BOSNIAK, *THE CITIZEN AND THE ALIEN: DILEMMAS OF CONTEMPORARY MEMBERSHIP* (2008) (arguing that the inclusionary and exclusionary dimensions of citizenship collide within the territory of the nation-state); Alan Hyde, *The Law and Economics of Family Unification*, 28 GEO. IMMIGR. L.J. 355, 365–67 (2014).

2025] *LAW, BELONGING, AND EXCLUSION* 1225

New Jersey Solicitor General Jeremy Feigenbaum and Marie Mark, moderated by Professor Juliet Stumpf (Lewis & Clark School of Law).

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This symposium's issue reflects the complexity of immigration and citizenship law as a legal regime that simultaneously enables inclusion and authorizes exclusion. The contributions collected here combine doctrinal, empirical, and theoretical analysis with attention to the lived experiences of immigrant communities. By examining this duality at a particularly critical historical moment, the issue illuminates both the structure of law and the human consequences of legal and policy choices, fostering deeper understanding of a field that is central to determining who belongs in American society.