

## LIMINALITY AND CITIZENSHIP

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### I. INTRODUCTION

Changes in immigration enforcement policies initiated by the second Trump administration represent a transformative shift in the governance of noncitizens within the United States. These changes not only impact noncitizens, but also weaken the protections of citizenship. They establish racialized gradations of security in legal statuses, and represent a general diminution of legal protections against unlawful and unconstitutional exercises of executive power.

### II. CHANGING IMMIGRATION ENFORCEMENT POLICY

This Administration has embarked upon a complete reimagining of U.S. immigration policy; one that is often at odds with laws on the books, and certainly inconsistent with past practice.<sup>1</sup> This essay focuses on two

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1. The Stanford/Yale Immigration Policy Tracker has recorded more than 600 changes to law and policy since the start of the second Trump term. IMMIGR. POL'Y TRACKING PROJECT, *608 Policy Actions*, <https://immigrationpolicytracking.org/policies/?after=2025-01-20> [https://perma.cc/M2XX-Z3UL]. These changes signal an effort to achieve “zero” or even negative levels of immigration, and to change the profile of immigrants that do come to the US. See, e.g., Lydia DePillis & Campbell Robertson, *What America Might Look Like With Zero Immigration*, N.Y. TIMES (Dec. 28, 2025),

broad categories of changes to immigration enforcement policies made by this Administration. The first set of changes relates to the “illegalization” of hundreds of thousands of noncitizens who, up until now, actually had some form of official permission to be in the United States, at least temporarily. The second set of changes pertains to interior enforcement practices—changes that have altered the way that both noncitizens and citizens experience immigration enforcement on the ground.

### A. *Illegalizing People*

A central feature of current policy is the “illegalization” of noncitizens who previously enjoyed official permission to remain in the U.S. for some period of time.<sup>2</sup> The Administration has revoked or rescinded Temporary Protected Status designations for hundreds of thousands of people,<sup>3</sup> terminated the CHNV parole program,<sup>4</sup> initiated removal proceedings against DACA recipients,<sup>5</sup> ended a Biden Administration program granting deferred action to individuals challenging unjust working conditions,<sup>6</sup> and sought to rescind green cards and student visas on the basis of the political opinions of the visa holders.<sup>7</sup>

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<https://www.nytimes.com/2025/12/28/business/us-immigration-trump-1920s.html>  
[<https://perma.cc/WN2W-XPDP>].

2. As many scholars have noted, people are not inherently “illegal.” Illegality is a condition that produced by a set of legal and policy processes. *See, e.g.*, JENNIFER CHACÓN ET AL., LEGAL PHANTOMS: EXECUTIVE ACTION AND THE HAUNTING FAILURES OF IMMIGRATION LAW (2024).

3. *See* Ariana Figueroa, *Trump Canceled Temporary Legal Status For More Than 1.5 Million Immigrants in 2025* WLRN PUB. MEDIA (Sep. 29, 2025, at 15:21 ET), <https://www.wlrn.org/immigration/2025-12-29/trump-canceled-temporary-legal-status-for-more-than-1-5-million-immigrants-in-2025> [<https://perma.cc/Z7FE-EU92>]; U.S. CITIZENSHIP AND IMMIGR. SERVS., *Temporary Protected Status Designated Country: Venezuela* (Oct. 23, 2025), <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela> [<https://perma.cc/C8UM-U5DL>].

4. DEP’T OF HOMELAND SEC., *DHS Issues Notices of Termination for the CHNV Parole Program, Encourages Parolees to Self-Deport Immediately* (June 13, 2025), <https://www.dhs.gov/news/2025/06/12/dhs-issues-notices-termination-chnv-parole-program-encourages-parolees-self-deport> [<https://perma.cc/U2PT-2NAE>].

5. Andrea Ramos, *DACA Recipients Keep Getting Detained, Despite Protections*, AM. IMMIGR. COUNCIL (Aug. 14, 2025), <https://www.americanimmigrationcouncil.org/blog/daca-detained-despite-protections/> [<https://perma.cc/NJ2P-C2G8>].

6. Elias Schisgall, *USCIS Quietly Ends Program to Shield Workers Reporting Abuse*, BLOOMBERG LAW (July 17, 2025, at 05:05 ET), <https://news.bloomberglaw.com/daily-labor-report/uscis-quietly-ends-program-to-shield-workers-reporting-abuse> [<https://perma.cc/968Y-K9QU>].

7. Brandon Drenon, *Why Has Trump Revoked Hundreds of International Student Visas?*, BBC (Apr. 9, 2025), <https://www.bbc.com/news/articles/cg411rrnkko> [<https://perma.cc/S6AA-JJDJ>]. These high-profile threats to remove noncitizens for the

For the first time since World War II, the Administration has also used the Alien Enemies Act to designate foreign nationals—namely, Venezuelans accused of being part of the Tren de Aragua criminal organization—as enemies of the U.S. subject to removal to a third country without formal removal proceedings.<sup>8</sup>

The Administration has also reduced access to lawful presence more broadly. It has frozen the processing of asylum claims, preventing noncitizens from obtaining lawful status through procedural mechanism spelled out in U.S. statutes and guaranteed by international law.<sup>9</sup> By Executive Order, Trump also has halted or severely restricted nonimmigrant visa entries from a growing list of countries.<sup>10</sup> And U.S. Citizenship and Immigration Services has slowed its processing of visas and other immigration benefits for applicants from countries they label “high risk.”<sup>11</sup>

These policy changes have had many significant effects, two of which are worth flagging here. First, they are producing a U.S. border that is increasingly closed off to lawful entrants and unwelcoming to new arrivals. For the first time in 50 years, the foreign born population of the U.S. has declined—a trend that is likely to continue.<sup>12</sup> For those who are present in the country and trying to remain, these changes have had another important effect: the mass reclassification of hundreds of thousands of residents of the United States from various forms of lawful status into “illegal” immigration status as they Administration

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political beliefs on “foreign policy” grounds has chilled the speech of both noncitizens and citizens alike. Faiza Patel & Matthew Ruppert, *ICE Wants to Go After Dissenters as well as Immigrants*, BRENNAN CTR. (Nov. 21, 2025), <https://www.brennancenter.org/our-work/research-reports/ice-wants-go-after-dissenters-well-immigrants> [<https://perma.cc/6GMK-HZQA>].

8. Sofia Ferreira Santos, *What is the 1798 Law That Trump Used to Deport Migrants?*, BBC (Sep. 3, 2025), <https://www.bbc.com/news/articles/cy871w21d3vo> [<https://perma.cc/C8HZ-FDAT>].

9. Sergio Martínez-Beltrán, *Millions of Immigrants Are Now In Legal Limbo Amid the Asylum Freeze*, NPR (Dec. 16, 2025), <https://www.npr.org/2025/12/16/nx-s1-5645150/millions-of-immigrants-are-now-in-legal-limbo-amid-the-asylum-freeze> [<https://perma.cc/XR2Q-PFBT>].

10. WHITE HOUSE, *Restricting and Limiting the Entry of Foreign Nationals to Protect the Security of the United States* (Dec. 16, 2025), <https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/> [<https://perma.cc/HZB9-QBRS>].

11. Policy Memorandum 602-0192, Office of the Director, U.S. Citizenship and Immigr. Servs. (Dec. 2, 2025), <https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-0192-PendingApplicationsHighRiskCountries-20251202.pdf> [<https://perma.cc/S9HH-W5TP>].

12. Stephanie Kramer & Jeffrey S. Passel, *What the Data Says About Immigrants in the U.S.*, PEW RSCH. CTR. (Aug. 21, 2025), <https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/> [<https://perma.cc/8WFV-CB4V>].

deliberately dismantles established immigration protections and closes previously available pathways to lawful residency.

This shift has impacted not just individuals in various forms of liminal legal statuses, but Legal Permanent Residents (“LPRs”), who historically enjoyed a significant amount of protection from removability, and even citizens. Under the second Trump administration, citizens are vulnerable to significantly expanded denaturalization efforts.<sup>13</sup> An executive order purporting to limit birthright citizenship is also injecting a new uncertainty into citizenship’s very threshold.<sup>14</sup> The cumulative effect is a far-reaching erosion of long-established expectations of status.

### B. Interior Enforcement

Changes to interior enforcement practices are layered on top of the new status uncertainties described above. The Trump Administrations has sought to maximize arrests and removals of noncitizens, and to streamline or eliminate the administrative processes of removal.

The Trump Administration has eliminated the enforcement priorities that have guided the exercise of enforcement discretion in previous administrations.<sup>15</sup> Declaring that “all inadmissible and removable” noncitizens are enforcement targets,<sup>16</sup> the Administration has ramped up public immigration sweeps, arresting not just individuals identified in administrative arrest warrants, but also individuals who happen to be present at sites of enforcement.<sup>17</sup> Worksite raids have returned, expanding into quasi-public spaces such as Home Depot parking lots, car washes, and other places of employment where the undocumented

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13. Hamed Aleaziz, *Trump Administration Aims to Strip More Foreign-Born Americans of Citizenship*, N.Y. TIMES (Dec. 17, 2025), <https://www.nytimes.com/2025/12/17/us/politics/trump-immigration-citizenship-denaturalization.html> [https://perma.cc/U6J2-WX78].

14. WHITE HOUSE, *Protecting the Meaning and Value of American Citizenship* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/> [https://perma.cc/P5AM-ZPF2].

15. Ted Hesson, *Trump Scraps Guidance Limiting Immigration Arrests Near Sensitive Locations*, REUTERS (Jan. 21, 2025, at 18:04 ET), <https://www.reuters.com/world/us/trump-scraps-guidance-limiting-immigration-arrests-near-certain-locations-2025-01-21/> [https://perma.cc/D63Z-3V8L].

16. WHITE HOUSE, *Protecting the American People Against Invasion* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/> [https://perma.cc/744V-S9MZ].

17. José Olivares, *US Immigration Officers Ordered to Arrest More People Even Without Warrants*, THE GUARDIAN (June 4, 2025 at 19:00 ET), <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests> [https://perma.cc/5SM2-5BUW].

workforce is substantial.<sup>18</sup> Officials are clearly and overtly relying on race and language as key factors in determining whom to detain and arrest.<sup>19</sup> While previous administrations have prioritized noncitizens with criminal records for removal, under this Administration, most new immigration detentions and removals are being made on administrative grounds, not criminal grounds.<sup>20</sup>

The Administration has also implemented a significantly expanded approach to expedited removal. Expedited removal is a form of administrative removal proceeding that offers a tightly streamlined removal process and very limited review.<sup>21</sup> Historically, its use has been limited to individuals at or near the border who either had not yet entered the country or had only recently entered without inspection.<sup>22</sup> This Administration is not only using it to the full extent authorized by the statute, but also terminating some individuals' ongoing, more procedurally protective, immigration proceedings in order to place them in expedited removal.<sup>23</sup> They are also detaining people placed in expedited removal proceedings, and using the detention provision typically associated with expedited removal against long-time residents.<sup>24</sup>

Immigration arrests also look very different in this administration. Under previous administrations, "sensitive areas" guidelines limited

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18. Nathaniel Meyersohn and Vanessa Yurkevich, *America's Migrant Workers Are Terrified to Work But Unable to Stay Home*, CNN (June 14, 2025, at 17:48 ET), <https://www.cnn.com/2025/06/13/business/ice-workplace-raids-home-depot> [<https://perma.cc/7WT7-CXWA>].

19. EQUAL JUSTICE INITIATIVE, *Supreme Court Allows Stops Based on Race to Continue* (Sep. 17, 2025), <https://eji.org/news/supreme-court-allows-stops-based-on-race-to-continue/> [<https://perma.cc/W3PC-XB4X>].

20. Albert Sun, *Most Immigrants Arrested in City Crackdowns Have No Criminal Record*, N.Y. TIMES (Dec. 4, 2025), <https://www.nytimes.com/interactive/2025/12/04/us/ice-arrests-criminal-records-data.html> [<https://perma.cc/ZU3Y-JD3E>]; Christie Thompson & Anna Flagg, *ICE Is Deporting Thousands With Minor Offenses — From Traffic Violations to Weed Possession*, THE MARSHALL PROJECT (Aug. 15, 2025, at 11:00 ET), <https://www.themarshallproject.org/2025/08/15/ice-georgia-traffic-stop-arrest-immigration> [<https://perma.cc/T737-RXRZ>].

21. AM. IMMIGR. COUNCIL, *Expedited Removal Explainer* (Feb. 20, 2025), <https://www.americanimmigrationcouncil.org/fact-sheet/expedited-removal/> [<https://perma.cc/E3EJ-XPRD>].

22. *Id.*

23. Muzaffar Chishti & Kathleen Bush-Joseph, *Trump Administration's Expansion of Fast-Track Deportation Powers Is Transforming Immigration Enforcement*, MIGRATION POLY INST. (Sep. 25, 2025), <https://www.migrationpolicy.org/article/trump-expedited-removal> [<https://perma.cc/P3YQ-K97Q>].

24. AM. IMMIGR. COUNCIL, *Detention under INA § 235(b): The Statutory Scheme and Strategies for Release* (Sep. 2, 2025), <https://www.americanimmigrationcouncil.org/practice-advisory/ina-235b-detention-practice-advisory/> [<https://perma.cc/Z7X7-A7ST>].

immigration arrests at locations like churches, courthouses, hospitals, and schools. This Administration revoked those guidelines, and has substantially ramped up arrests at state courthouses and near schools.<sup>25</sup> Officials are frequently arresting noncitizens who appear for routine check-ins with immigration officials,<sup>26</sup> or when they appear in state court.<sup>27</sup> The Administration is also more aggressive in charging public officials with crimes when they are perceived to be interfering with these arrests.<sup>28</sup>

The Administration has also attempted to reshape the ways that states and localities participate in immigration enforcement. Specifically, the Trump Administration has challenged state and local sanctuary policies by threatening to repeal federal law enforcement funds and other federal funds.<sup>29</sup> Taking things much further than in the first Trump Administration, this time around, the President has also sent the National Guard into cities like Los Angeles and Chicago, purportedly to assist masked ICE agents in their enforcement efforts<sup>30</sup>

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25. See Lynn Damiano Pearson, *Factsheet: Trump's Rescission of Protected Areas Policies Undermines Safety for All*, NAT'L IMMIGR. L. CTR. (Feb. 26, 2025), <https://www.nilc.org/resources/factsheet-trumps-rescission-of-protected-areas-policies-undermines-safety-for-all/> [<https://perma.cc/KC7Z-R7VA>].

26. Liz Landers & Kyle Midura, *'Deportation Trap': Immigration Agents Arresting Migrants At Mandatory Court Check-Ins*, PBS NEWS (Nov. 24, 2025 at 18:40 ET), <https://www.pbs.org/newshour/show/deportation-trap-immigration-agents-arresting-migrants-at-mandatory-court-check-ins> [<https://perma.cc/5EE8-Z8CJ>].

27. Douglas Keith, *ICE's Courthouse Arrest Policy Collides With State Courts*, BRENNAN CTR. (Apr. 28, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/ices-courthouse-arrest-policy-collides-state-courts> [<https://perma.cc/7GPY-ZT6P>].

28. Jennifer M. Chacón, *State Courthouses in the ICE Age*, STATE CT. REP. (May 22, 2025), <https://statecourtreport.org/our-work/analysis-opinion/state-courthouses-ice-age> [<https://perma.cc/H7PE-TR93>]; Bill Chappell, *Rep. McIver is Indicted on Federal Charges Related to Tussle at Immigration Facility*, NPR (June 11, 2025, at 16:33 ET), <https://www.npr.org/2025/06/11/g-s1-72175/mciver-indicted-federal-charges-immigration-new-jersey> [<https://perma.cc/4DUV-EYW7>]; Luis Ferré-Sadurni et al., *11 N.Y. Officials Arrested Trying to Access ICE Detention Cells*, N.Y. TIMES (Sep. 18 2025), <https://www.nytimes.com/2025/09/18/nyregion/elected-officials-arrested-ice-new-york.html> [<https://perma.cc/Z89V-45LV>].

29. WHITE HOUSE, *Protecting the American People Against Invasion* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/> [<https://perma.cc/5DBW-CVXM>].

30. See Austin Turner & Dean Fiorese, *Trump Deploying National Guard to Los Angeles As Immigration Protests Ramp Up After Citywide ICE Operations*, CBS NEWS (June 8, 2025, at 01:15 PT), <https://www.cbsnews.com/losangeles/news/los-angeles-immigration-protests-surprise-ice-operation/> [<https://perma.cc/S9F9-WSBS>]; AMNESTY INT'L, *USA: Deployment of National Guard to Los Angeles in Response to ICE Raids is Dangerous* (June 9, 2025), <https://www.amnesty.org/en/latest/news/2025/06/usa-response-to-ice-raids-is-dangerous/> [<https://perma.cc/ZHK9-38YQ>].

(though the Supreme Court recently rejected the Administration's justification for deploying the guard in this way).<sup>31</sup>

Even as it ramps up its own direct enforcement, the Administration has been also increased federal outsourcing of immigration enforcement to sub-federal actors in Republican-led states. In Texas and Florida, for example, the state leadership has spearheaded legislation to expand the role of state officials in immigration policing.<sup>32</sup>

### III. LIMINAL CITIZENSHIP

How have these changes affected the notions of citizenship and belonging in the United States?

These changes in policy and enforcement tactics, which are supposedly aimed at immigrants, in fact operate as broader mechanisms of racial subordination and social control. The interior policing tactics of the administration, targeting individuals on suspicion of immigration violations based on their location, language spoken, and appearance buttresses racial insider/outsider categories, inevitably increasing racialized policing and enforcement. Latine, MENA, API, and Black communities, regardless of citizenship, are confronting increased enforcement in immigrant neighborhoods, and new threats of being targeted for arrest and detention, regardless of citizenship or immigration status. Latine citizens and noncitizens, for example, are experiencing increased racial profiling in policing and resulting racial disproportionality in policing.<sup>33</sup>

Empirical evidence establishes the increased racial profiling of individuals racialized as Latine in times of increasing enforcement.<sup>34</sup> Since the Administration has also spoken vocally about, and barred intending immigrants from, particular countries, including Haiti and

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31. Nina Totenberg & Kat Lonsdorf, *Supreme Court Rules Against Trump in National Guard Case*, NPR (Dec. 23, 2025, at 19:42 ET), <https://www.npr.org/2025/12/23/nx-s1-5641959/supreme-court-chicago-national-guard> [<https://perma.cc/AUH3-WA8V>].

32. See Alejandro Serrano, *Bill Requiring That Texas Sheriffs Work With Federal Immigration Authorities Heads to Governor's Desk*, TEX. TRIBUNE (June 1, 2025, at 18:33 CT), <https://www.texastribune.org/2025/06/01/texas-immigration-enforcement-sheriffs-287g-bill/> [<https://perma.cc/JXZ2-48PL>]; Press Release, Exec. Off., Governor Ron Desantis (May 12, 2025), <https://www.flgov.com/eog/news/press/2025/governor-ron-desantis-highlights-floridas-leadership-immigration-enforcement> [<https://perma.cc/SQ3L-ZS75>].

33. See the recent litigation in *Noem v. Vasquez Perdomo*, 606 U.S. \_\_ (2025) for further evidence of the problem.

34. See Gabriel R. Sanchez & Edward D. Vargas, *Racial Profiling by ICE Will Have a Marked Impact On Latino Communities*, BROOKINGS (Oct. 16, 2025), <https://www.brookings.edu/articles/racial-profiling-by-ice-will-have-a-marked-impact-on-latino-communities/> [<https://perma.cc/S6P3-RMJK>].

Somalia, along with predominantly Muslim countries like Afghanistan, Iran and Yemen,<sup>35</sup> immigrants who share national origin characteristics with people in these immigrant groups have found themselves on the receiving end of aggressive immigration investigation, even as some face new barriers to their efforts to be joined in the U.S. by their loved ones.<sup>36</sup> The weakening of noncooperation (“sanctuary”) policies, particularly when combined with the ramping up of state-level immigration enforcement in states like Texas and Florida, is also likely to exacerbate this problem.<sup>37</sup>

Border and immigrant communities have been subject to ever-rising surveillance.<sup>38</sup> Recent policies expand this surveillance.<sup>39</sup> For example, the Administration is now reviewing the social media profiles of noncitizens intending to enter the U.S. (including tourists),<sup>40</sup> and broadly tracking potential enforcement targets.<sup>41</sup> Such surveillance efforts are not limited to noncitizens, but extend broadly to those who oppose the administration’s enforcement preferences.<sup>42</sup> These developments demonstrate the many ways that immigration enforcement policies can chill free speech and association for all people in the US, regardless of citizenship.

Finally, legal and policy changes have decreased the risk of error for enforcement agents, increasing the risks to citizens and lawful residents

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35. WHITE HOUSE, *supra* note 10.

36. Shannon Schumacher et al., *KFF/New York Times 2025 Survey of Immigrants: Worries and Experiences Amid Increased Immigration Enforcement*, KFF (Nov. 18, 2025), <https://www.kff.org/racial-equity-and-health-policy/kff-new-york-times-2025-survey-of-immigrants-worries-and-experiences-amid-increased-immigration-enforcement/> [<https://perma.cc/RZ6S-X3H8>].

37. Cf. Danyelle Solomon et al., *The Negative Consequences of Entangling Local Policing and Immigration Enforcement*, CTR. FOR AM. PROGRESS (Mar. 21, 2017), <https://www.americanprogress.org/article/negative-consequences-entangling-local-policing-immigration-enforcement/> [<https://perma.cc/6WZ3-ZVEN>].

38. Anil Kalhan, *Immigration Surveillance*, 74 MD. L. REV. 1 (2014); ANA MUNIZ, BORDERLAND CIRCUITRY : IMMIGRATION SURVEILLANCE IN THE UNITED STATES AND BEYOND (2022).

39. AM. IMMIGR. COUNCIL, *ICE Uses A Growing Web of AI Services to Power Its Immigration Enforcement and Surveillance* (Dec. 18, 2025), <https://www.americanimmigrationcouncil.org/blog/ice-uses-ai-immigration-enforcement-surveillance/> [<https://perma.cc/M8FV-PSBT>].

40. Vanessa Romo, *What’s On Your TikTok Page ? U.S. Looks to Scour Tourists’ Online Profiles*, NPR (Dec. 12, 2025, at 07:24 ET), <https://www.npr.org/2025/12/11/nx-s1-5641086/tourists-social-media-screening-changes> [<https://perma.cc/7HL5-BFM6>].

41. Jude Joffe-Block, *Immigration Agents Have New Technology to Identify and Track People*, NPR (Nov. 8, 2025, at 05:00 ET), <https://www.npr.org/2025/11/08/nx-s1-5585691/ice-facial-recognition-immigration-tracking-spyware> [<https://perma.cc/R7XR-V5X5>].

42. Patel & Ruppert, *supra* note 7.

of being targeted for unlawful and unconstitutional enforcement actions. United States Supreme Court *Bivens* rulings in cases like *Hernandez*<sup>43</sup> and *Boule*,<sup>44</sup> which largely eliminate the possibility of federal civil damages actions against the Border Patrol, have coincided with the expansion of CBP policing throughout the interior.<sup>45</sup> The Trump Administration's decision to dismantle OIGs<sup>46</sup> and to generally disempower units and individuals within agencies who place checks on law enforcement conduct will only further exacerbate the problem of inequity. Recent civilian deaths and injuries, both in immigration detention centers and at the sites of ICE and CBP street policing,<sup>47</sup> highlight the deadly stakes of the simultaneous magnification of enforcement practices and decreased accountability for enforcement agencies.

Collectively, the policy changes described here diminish the value and the rights-protective function of citizenship for everyone in the United States. They erode protections for speech and association, and incentivize unlawful and racially-biased searches and seizures.

#### IV. CONCLUSION

In our racially, ethnically, and religiously heterogenous society, the protective power of citizenship decreases, particularly for marginalized communities associated with immigrants, in times of heightened, and ideologically motivated, immigration enforcement. In this moment, the legal boundaries of membership are shifting. We are seeing how immigration enforcement choices can threaten core constitutional

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43. *Hernandez v. Mesa*, 589 U.S. 93 (2020).

44. *Egbert v. Boule*, 596 U.S. 482 (2022).

45. Ariel G. Ruiz Soto, *A New Era of Immigration Enforcement Unfolds in the U.S. Interior and at the Border Under Trump 2.0*, MIGRATION POL'Y INST. (Oct. 2025), <https://www.migrationpolicy.org/news/new-era-enforcement-trump-2> [<https://perma.cc/74VV-735T>].

46. See ASSOCIATED PRESS, *Trump Uses Mass Firing to Remove Inspectors General at a Series of Agencies*, NPR (Jan. 25, 2025, at 13:25 ET), <https://www.npr.org/2025/01/25/g-s1-44771/trump-fires-inspectors-general> [<https://perma.cc/6T4Q-NX5C>].

47. Devon Lum et al., *Videos Contradict Trump Administration Account of ICE Shooting in Minneapolis*, N.Y. TIMES (Jan. 8, 2026), <https://www.nytimes.com/video/us/100000010631041/minneapolis-ice-shooting-video.html> [<https://perma.cc/CA4N-NSD5>]; Press Release, Portland, Or. Police Bureau, *Two Shot and Injured by Federal Agents in Hazelwood Neighborhood* (Jan. 8, 2026, at 15:30), <https://www.portland.gov/police/news/2026/1/8/two-shot-and-injured-federal-agents-hazelwood-neighborhood> [<https://perma.cc/LQW4-FKFY>]; Maanvi Singh et al., *2025 Was ICE's Deadliest Year in Two Decades. Here Are the 32 People Who Died in Custody*, THE GUARDIAN (Jan. 4, 2026, at 11:27 ET), <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline> [<https://perma.cc/W5SE-F3D6>].

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protections, including freedom of expression, of assembly, of association, freedom of religion, freedom from unreasonable searches and seizures, and freedom from impermissible racial discrimination. This is true not just for noncitizens, but for everyone.