

Bill of Rights in the News: Immigration and America



The American identity has long been tied to its history as an immigrant nation. In the early days of the Republic there were few laws dealing with immigration. In 1790 Congress set citizenship at a two-year residency for ‘upstanding white men’, later extended to five years in a 1795 revision. In the late 19th century the first restrictions on immigrants were established. Anti-Chinese sentiment resulted in the Chinese Exclusion Act of 1882, which banned immigration from China to the US. Similarly, in the WWI war climate, the government passed a 1917 act which established literacy tests for new immigrants, as well as barring immigration from a broadly defined ‘Asiatic Zone’. This was followed in 1921 and 1924 by the Immigration Restriction Act and the Immigration Act, which restricted the total number of immigrants from a given country to 2% of the total number of people already living in the US from that country. The act’s stated goal was to help maintain the existing racial and ethnic composition of the country. It wasn’t until the Immigration and Nationality Act of 1965 that the national quota system was abolished, replaced with a system that gave preference to an immigrant’s skills and family ties in the U.S.

Immigration can be a hot button issue, and the constitutional issues it raises are similarly contentious. While lawmaking is the sole responsibility of the legislative branch, immigration touches on matters of foreign affairs, which means that the executive branch often plays a role in influencing the debate. In addition to the separation of powers, immigration policy also has implications for federalism. Official immigration policy is the domain of the federal government, but different states often have different experiences, needs, and viewpoints when it comes to immigration. Border states in particular are at the front lines of immigration policy, and recent clashes between state governors and the president have highlighted these differences.

A recent push to reform immigration law has brought the issue back to the fore of public policy discussions. At the crux of the debate is how to deal with illegal immigration; there are millions undocumented immigrants in the country, many of whom have lived here for many years. How can we as a country resolve this in a manner that upholds our commitment to rule of law and uphold our values as an immigrant nation?

News Articles:

[Immigration reform bill may shift Arizona's role](#)

[Immigration advocates ask Obama to suspend some deportations](#)

Questions:

1. What branch of government is responsible for setting immigration policy?
 2. Historically, immigration policy has been particularly influenced by the economic climate - why do you think that is?
 3. Arizona passed a controversial law that allowed police officers to check the citizenship status of people - do you think this is an appropriate response to illegal immigration? What constitutional issues does it raise, if any?
 4. The DREAM act is a piece of proposed legislation that would grant citizenship to illegal aliens who arrived in the U.S. as minors. Do you think exceptions should be made for people who were brought into the country as children?
 5. H1-B visas are made available for those with 'special skills', often talented foreigners highly coveted by US businesses. Do you think it is appropriate that exceptions be made for the highly qualified?
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