

Alexandra Membreno

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Ms. Funderburk

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### Racial Injustice in The U.S. immigration system: A violation of Fourteenth Amendment

The United States describes itself as a nation built on ideals of equality and justice. These values are reflected in the constitution, especially the fourteenth amendment, which promises that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” Despite this constitutional guarantee, racism continues to shape how immigration laws are enforced. Many people who are black, Latino, Asian, or middle eastern backgrounds are treated with suspicion or face harsher scrutiny solely because of how they look. As a result, the U.S. immigration system routinely violates fourteenth amendment principles by allowing racial profiling, discriminatory enforcement, and unequal treatment based on skin color. Through legal theory, public opinion research, civil rights reporting, and historical evidence, it becomes clear that racial injustice is deeply embedded in immigration policy and enforcement.

In her influential book “The Rights of Others” legal scholar Lindia Bosniak explains that U.S. immigration law creates a sharp divide between citizens and “aliens,” yet social reality does not always follow those legal categories. Bosniak writes that immigrants and racial minorities often live in a “zone of vulnerability,” even when they have full legal status, because society continues to treat them as outsiders. She argues, “The boundaries of citizenship are policed not only by law but social perception,” meaning that people can be legally American but still not receive the full benefit and protections of citizenship. This point is crucial for understanding why racism in immigration enforcement affects not only undocumented people but also citizens and permanent residents. When individuals who “look foreign” are stopped, questioned, or detained at higher rates, their legal status becomes irrelevant because racial appearance has become a substitute for immigration status. This is exactly the kind of unequal treatment the fourteenth amendment is supposed to prevent. If citizens of color do not receive the same presumption of belonging that white citizens receive, then equal protection is not truly being upheld. Bosniak’s idea of the “alien citizen” a person who is legally a member of society but socially treated as foreign reveals why racial injustice persists. She notes that “citizenship status does not necessarily shield individuals from the exclusion of practices associated with alienage.” This contradicts the constitutional that all person under the U.S. authority deserves the same protection of their rights.

Public attitudes play a critical role in how immigration laws are enforced. Research from the Pew Research Center shows that American’s view on immigration is strongly influenced by

race. In its studies of attitudes toward immigration and race, Pew reports that “American Express more concern about immigration when conversation focuses on Latino or Middle Eastern groups.” Meanwhile, immigration from Europe or Canada rarely triggers the same level of fear or political pressure. This racial double standard helps explain why immigration enforcement disproportionately targets people of color. When the public associates certain racial groups with illegality or threat, political leaders respond by creating and supporting enforcement practices that focus on those groups. For example, Pew’s findings show that a massive portion of Americans wrongly believe that most undocumented immigrants are Latino, even though undocumented people come from many unusual places or border regions around the world. This mistaken belief shapes policy by directing enforcement resources toward Latino communities and border regions, even when those assumptions are based on racial stereotypes rather than facts. Pew’s research also reveals that Americans’ views on deportation policies and border enforcement differ sharply depending on their assumptions about which groups are entering the country. These attitudes reinforce the idea that immigration enforcement is not neutral, but it shapes racialized beliefs about who belongs and who does not.

The American Civil Liberties Union (ACLU) has documented countless examples of racial discrimination in immigrant’s rights materials; the ACLU states: “Racial profiling by law enforcement remains one of the most persistent civil rights problems in the United States.” The organization emphasizes that people are often stopped not because of their behavior but because of their perceived race or ethnicity. This includes citizens and lawful immigrants who are targeted “because they fit a profile of what an immigrant is supposed to look like.” The ACLU has reported that collaboration between local police and federal immigration authorities increases racial profiling. When local police become immigration enforcers, people of color especially Latinos and Black immigrants face a much higher risk of being stopped or questioned. The ACLU explains that such partnerships “encourage officers to detain individuals based on appearance or accent,” practices that are unconstitutional under the Fourteenth Amendment. These practices violate more than constitutional law; they violate basic human dignity. Individuals who are legal residents or citizens should not have to fear police simply because of their skin color. The ACLU’s documentation shows that immigration enforcement often acts as a legal cover for racial discrimination. Those who appear “foreign” face a different system of policing than those who do not, despite having the same legal rights.

Hiroshi Motomura’s book “Americans in Waiting” provides important historical context for understanding racial injustice in immigration today. Motomura argues that immigration law has long been used to shape the racial composition of the nation. Throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries, laws such as the Chinese Exclusion Act, the National Origins Act, and racial biased quota systems explicitly favored white immigrants. Motomura notes that immigration has historically been “a way to define who counts as American,” and that this definition has often been racially exclusive. Motomura introduces the concept of immigrant as “American in Waiting” individuals who contribute to society but are denied full recognition. He writes,

“immigrants live in the United States, obey its laws, and contribute to its prosperity, yet they remain perpetually on the margins.” This marginalization does not magically disappear when immigrants obtain legal status. Many continue to be treated as if they are not fully American because of racial bias. This history helps explain why citizens of color continue to face suspicion. The long-standing practice of associating whiteness with belonging and non-whiteness affects immigration enforcement today. Even though explicit racial exclusions are no longer legal, the attitudes that shape those laws persist and continue to influence how immigration officers and local police behave.

The Southern Poverty Law Center provides extensive evidence showing that modern immigration enforcement is deeply racialized. In its reports on race and immigrant justice, the SPLC writes: “Immigration enforcement disproportionately targets Black, Latino, and Middle Eastern communities, regardless of citizenship or legal status.” Their research shows that black immigrants are detained and deported at significantly higher rates for the same offenses as immigrants from other racial groups. One SPLC study found that traffic stops conducted for “immigration purposes” overwhelmingly targeted Latino drivers, even in cities where many Latinos are U.S. citizens. The SPLC also reports that black immigrants are “more likely to be arrested, detained longer, and deported for minor offenses” than immigrants of other racial backgrounds. These disparities demonstrate that immigration enforcement is not race neutral rather; it is part of a broader pattern of racial policing. This racial injustice does not only affect undocumented immigrants. Permanent residents and naturalized citizens often face the same discrimination because officers assume that people of certain racial groups are “more likely” to be undocumented. The SPLC states that these practices “violate the constitutional rights of millions of residents who are targeted not for what they have done, but for what they look like.” Such practices clearly contradict the fourteenth Amendment's equal protection clause. If certain racial groups are more likely to be stopped, detained, or deported even with identical legal status, then the law is not being applied equally.

At the center of this issue is a simple constitutional principle, the Fourteenth Amendment protects all persons within U.S. territory. Yet racialized immigration enforcement has created a system where some people receive less protection than others based on appearance. Citizens of color who are stopped because they “look immigrant” are being denied equal treatment. Permanent residents who face harsher enforcement than white immigrants are also denied equal protection. The problem is not only with the text of immigration laws but with how those laws are carried out. The Constitution requires equal treatment, but immigration enforcement frequently delivers the opposite. It polices racial categories rather than immigration status itself. If race continues to determine who is suspects, questioned, or detained, the United States cannot claim to uphold the Fourteenth Amendment in its immigration system.

The evidence from scholarships, public opinion research, civil rights documentation, and historical analysis all point to the same conclusion, racial injustice is built into the structure and practices of U.S. immigration enforcement. Citizens and lawful residents of color are routinely

treated as if their rights matter less than those of white Americans, even though the constitution guarantees equal protection for all persons. The U.S. cannot claim to be a nation committed to fairness while allowing immigration enforcement to operate as a system of racial discrimination. If the country is serious about honoring the Fourteenth Amendment, it must dismantle the racial biases embedded in its immigration practices and ensure that every person, regardless of race or skin color, is treated equally under the law.

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#### My reflection on this assignment

Researching this topic was not easy; it took time to find the right sources, but it helped me understand how complex and emotionally charged immigration issues really are. At first, I thought I would find statistics about how immigrants are treated, but the process showed me how deeply race citizenship, and constructional rights are connected. Reading the authors and web sources showed me how these inequalities still play out today. One of the biggest challenges was learning how to combine academic ideas with real world evidence without letting my own opinion take over. I also had to be careful about choosing reliable sources, especially because immigration is a topic that is often debated in the news. Overall, this research strengthened my argument by showing me that injustice in the immigration system is not just a political issue. The process made me more confident in using academic evidence and more aware of how important it is to question systems that claim to be fair but do not treat everyone equally.

