



# A Better Way on Immigration

## Policy Brief: It Was Never About Unlawful Migration—Attacks on Legal Immigration Harm America

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On the campaign trail and in office, President Trump has waged a sustained attack on “illegal” immigrants, implying that the majority of those the Administration targets are violent criminals. The Department of Homeland Security (DHS) has doubled down on this by adopting the slogan “Worst of the Worst” (often shortened to “WOW”). However, the Administration’s mass deportation campaign has gone much further by dismantling lawful immigration pathways wholesale, regardless of immigrants’ status, lack of criminal history<sup>1</sup>, or ties to U.S. families, employers, or communities. In less than a year, the second Trump Administration stripped 1.6 million immigrants of their legal status, upending the lives of immigrants who came into the United States “the right way,” severely damaging our economy and national security, and only growing the undocumented population in pursuit of its anti-immigrant agenda.

### Legal Immigration Serves the National Interest

The damage extends well beyond the individuals directly targeted. By dismantling legal immigration, the Administration is undermining the very economic and security foundations it claims to protect. The consequences are concrete and immediate. U.S. employers face labor shortages and lost productivity as more than 2 million work-authorized individuals could fall out of status.

Immigrants are significantly more likely than native-born Americans to start businesses, particularly in the technology, healthcare, and manufacturing sectors—industries that underpin U.S. global competitiveness. Legal immigration fills critical gaps in the American workforce, sustaining industries from agriculture and construction to nursing and engineering, and helps support programs like Social Security. Immigrants and their children have founded nearly half of all Fortune 500 companies—including Apple, Google, eBay, and Yahoo—collectively employing over 15 million people and generating \$8.6 trillion in revenue in 2024 alone. Approximately 8,000 non-citizens also enlist in the U.S. military each year and provide language skills, cultural expertise, and regional knowledge that are indispensable to intelligence agencies, diplomatic missions, and counter-terrorism operations.

Americans recognize this value. According to a [June 2025 Gallup poll](#), 79 percent of Americans think immigration is good for our country, especially when viewed in light of lower numbers of unlawful border crossings in the United States. A similar overwhelming majority—78 percent—support a pathway to permanent status for certain undocumented immigrants.

### **Punishing Immigrants Who Play by the Rules**

In the last year, the Administration has begun arresting spouses of U.S. citizens at their [green card interviews](#)<sup>2</sup> and stopping the processing of immigration applications for huge swaths of applicants, including nationals of 91<sup>3</sup> countries. It has also taken aim at U.S. citizenship by seeking to [end constitutionally protected birthright citizenship, cancelling naturalization interviews and oath ceremonies](#), and ramping up [denaturalization efforts](#).

As outlined by U.S. Citizenship and Immigration Services' (USCIS) [Year-in-Review](#), in just its first year, the Trump Administration has:

- Cancelled Temporary Protected Status (TPS) for more than [700,000 individuals](#) from 11 countries, including Haiti, Nicaragua, and South Sudan. These countries continue to face armed conflict, climate disasters, or other extraordinary conditions—all reasons why TPS was enacted by Congress and further amended in the [Immigration Act of 1990](#).<sup>4</sup>
- Suspended the [Uniting for Ukraine \(U4U\)](#)<sup>5</sup> and [Operation Allies Welcome \(OAW\)](#)<sup>6</sup> parole programs that helped tens of thousands of Ukrainians fleeing the war in Ukraine and Afghan allies fleeing the Taliban's takeover of Afghanistan.
- [Paused](#) the entire affirmative asylum process, impacting [1.4 million pending applications](#).
- [Cancelled](#) temporary parole and family reunification programs that had lawfully admitted [8,400](#) individuals, including family members of U.S. citizens and permanent residents.<sup>7</sup>
- [Paused](#) adjudication of benefits for approximately [550,000](#) nationals from the Cuba, Haiti, Nicaragua, Venezuela (CHNV) parole program, and ended the validity of parole for the same populations.
- [Halted](#) the Diversity Visa Program (DV), which [statutorily authorizes](#) up to 50,000 individuals to immigrate to the United States annually.
- [Paused](#) adjudication of benefits such as adjustment of status, employment authorization, asylum, and naturalization for the nationals of 39 travel ban countries and people with Palestinian Authority-issued travel documents already living and working in the United States.<sup>8</sup>

Rather than fulfilling its [statutory duty](#) of adjudicating immigration benefits applications, USCIS has adopted its sister agencies' [focus on enforcement](#), further degrading the legal immigration system and jeopardizing U.S. national security.<sup>9</sup> The Homeland Security Act of 2002 specifically gave USCIS the responsibility to efficiently process benefit requests—including for immigrant visa petitions, naturalization, asylum, and refugee status—in order to be able to identify any potential security risks.

The Administration has also issued a slew of additional anti-immigrant executive orders, effectively [shut down oversight agencies like the CIS Ombudsman's Office, slowed processing times](#),<sup>10</sup> and significantly

[increased fees](#), including for employment-based requests such as the [premium processing](#) fee and new [\\$100,000 fee](#) for H-1B petitions.

The Administration is deliberately reshaping who benefits from our country's immigration system, fast-tracking adjudications for immigrants it deems desirable—such as [white South Africans](#) and [wealthy Gold Card](#) applicants—while throwing up barriers for everyone else.

### **Restricting Legal Immigration Increases the Undocumented Population**

The Administration's policies are creating a twofold crisis. First, individuals in the United States who have or may be eligible for legal status face fear and uncertainty while individuals who have waited in line outside the country for years, if not decades, for their immigrant visas to be processed have had the rugs pulled out from under them.

Second, restricting legal immigration does not reduce the undocumented population; it enlarges it. When lawful pathways are closed or made functionally inaccessible, people who would otherwise have immigrated legally do not simply stop coming; many enter without authorization instead. With ICE officers increasingly arresting individuals at USCIS offices, others who are already in the U.S. and eligible for legal status are now too afraid to attend interviews or file applications, leaving them in legal limbo and at constant risk of deportation. Still others have their legal status revoked mid-process—through no fault of their own—and become undocumented overnight. The Administration's policies are therefore self-defeating; in the name of reducing “illegal” immigration, they are manufacturing the very undocumented population they claim to want to eliminate, while simultaneously stripping the legal workforce, harming employers, and weakening the economy.

### **A Better Way Forward**

Instead of shutting down legal immigration and creating a larger undocumented population, Congress must take steps to create legal pathways that will strengthen our communities economically and socially. It must hold the Administration accountable to faithfully administer existing legal pathways in a manner that keeps our country safe, without baselessly eliminating entire immigration programs, which signals to allies and partners that U.S. commitments are unreliable.

A new immigration system must couple humane border and interior enforcement that respects the rule of law with legal pathways that work to bolster our country's economic needs and honor our humanitarian responsibilities. We can accomplish this without sacrificing security if we swiftly and fairly adjudicate cases to finality.

To achieve the above, AILA recommends that Congress take the following actions:

- Restore independent oversight offices mandated by Congress
- Require regular reporting on backlogs, pauses, and adjudication outcomes
- Strengthen congressional review of major immigration policy shifts
- Mandate that USCIS resume and complete all paused immigration adjudications
- Protect existing congressionally authorized legal pathways and establish new ones reflective of our modern-day needs

- Reestablish USCIS as a benefits-focused agency, not an enforcement arm
- Commit to a modernized immigration system that strengthens the economy, enhances security, and reflects our nation’s values

Congress must reevaluate our country’s immigration system, honor our Constitutional protections and restore oversight and accountability to ensure an immigration process that functions efficiently and with due process. Rebuilding and continuously working on our legal immigration system with a humane approach is a necessary component of our economic growth and national security that will truly make the United States of America great again.

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<sup>1</sup> Of the nearly 400,000 individuals detained by ICE last year, [less than 14 percent](#) were accused or convicted of violent crimes.

<sup>2</sup> For example, an individual married to a U.S. citizen and the parent to a U.S.-born child, who had legally entered the country on parole, was separated from family and detained while attending a green card interview in Newark, New Jersey, even though he did not have a criminal record.

<sup>3</sup> A combination of the 39 [travel ban countries](#), plus nationals of Palestine, and the 75 countries subject to the [pause on immigrant visa processing](#), many of which overlap, total 91 countries.

<sup>4</sup> [Public Law No: 101-649](#), “Establishes a program for granting temporary protected status and work authorization to aliens in the United States who are nationals of countries designated by the Attorney General to be subject to armed conflict, natural disaster, or other extraordinary temporary conditions.”

<sup>5</sup> While a later memo entitled, “Adjudication of Requests filed by Parolees Under Specified Parole Programs” ([Alfonso-Royals Memo](#)), referenced in the [Doe v. Noem](#), 1:25-cv-10495, (D. Mass. Jun 09, 2025) ECF No. 120, instructed USCIS officers to adjudicate U4U benefits previously filed, the U4U program information under the DHS website was [archived](#) on March 15, 2025 and the USCIS website continues to state the program is [paused](#). Over [20,000 individuals](#) benefitted from the U4U program.

<sup>6</sup> “Around the world, over 40,000 Afghans are still actively pursuing resettlement in the U.S., with more than 10,000 approved to relocate by the U.S. government.” Additionally, asylum processing was [suspended for all Afghan nationals](#) following the shooting of two National Guard members in Washington, D.C., on Nov. 26, 2025. Asylum hopefuls were beneficiaries of OAW and the later, Operation Enduring Welcome, which allowed almost 200,000 Afghans to resettle in the United States.

<sup>7</sup> On Jan. 24, 2026, the United States District Court for the District of Massachusetts issued a [Preliminary Injunction](#) in [Svitlana Doe v. Noem](#), No. 25-cv-10495 (D. Mass.), staying parts of the Dec. 15, 2025 Federal Register notice titled “Termination of Family Reunification Parole programs for Colombians, Cubans, Ecuadorians, Guatemalans, Haitians, Hondurans, and Salvadorans,” 90 Fed. Reg. 58032 (Dec. 15, 2025).

<sup>8</sup> The [full scope of impact](#) is currently unknown, but could impact tens of thousands, if not hundreds of thousands, of pending applications.

<sup>9</sup> The Homeland Security Act of 2002, which reorganized the agency responsible for immigration management in response to the 9/11 terrorist attacks, specifically created three distinct entities with three distinct roles—USCIS, Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE), to better protect national security.

<sup>10</sup> While USCIS reports that some immigration benefits were processed at a faster rate in FY 2025 vs. FY 2024 (e.g., Form I-485 based on grant of asylum, based on refugee admission, family-based adjustment), this may be attributed to the fact that these application types are subject to the [pause](#). Importantly, these processing times do not account for the [re-review](#) of applications, which will tax limited adjudicative resources and lengthen processing times.