Alex: We are live at the Immigration Law Professor Conference at Duke Law School in Durham, North Carolina. Hello to all. Let's let people know we're live here.

Alex: I should say we're with an incredibly distinguished, group of law scholars and advocates, people who work every day, uh, to improve the lives of immigrants, and we're grateful to have this opportunity to be with you. We thought we'd use this episode to take a broader look at the first year and a half of the Trump administration.

First, to put it in place historically, what lessons can we learn from the past? How different or similar are the policies and actions we're seeing today compared with earlier times, uh, in U.S. history? And second, you know, in previous episodes, we've looked at particular policies, regulations, legal arguments, but today we want to take a more comprehensive look: What do these scores of changes add up to? What do they say about our current, uh, immigration system? These are big topics, and they require big minds to grapple with them, and luckily, we have two extraordinary experts with us today. Amanda, do you want to introduce our first guest?

Amanda: Yes. I'm delighted to introduce Erika Lee, who is the Bae Family Professor of History at Harvard University. She is the author of many award-winning books, which are dog-eared and much highlighted on my shelf. She's also exceptionally good at translating this complex immigration history in a compelling and accessible way for the general public.

Alex: And Hiroshi, our second guest.

Hiroshi: We're also very fortunate to have with us Muzaffar Chishti. Muz is a Senior Fellow at the Migration Policy Institute. He's a lawyer by training, a graduate of Cornell Law School, also educated at St. Stephen's College, Delhi, University of Delhi, and also at the Columbia School of International Affairs.

For many years, he's been a keen analyst of immigration law and policy on federal, state, and local levels. And for many years, I've relied heavily on his reports for crucial information and astute analysis of a broad range of issues, state, local, and federal. So welcome, Muz.

Muzaffar: Thank you.

Alex: Before we start, I am duty bound to say that the views expressed during this conference and podcast do not necessarily represent the views of Duke University or Duke Law School. Amanda, over to you.

Amanda: So I want to start off by talking about some of this history with Erika. Immigration is obviously playing this extraordinary role in our politics today, our presidential politics, our politics across the board. It seems to be in the headlines of the newspapers every day. And certainly that's been true for at least the last fifteen years, if not longer.

So I would love you to help us put this in historical perspective. Is this current fixation on immigration, does it seem unusual to you? Do you think it's part of an ongoing cycle? And if it is somewhat similar to what's gone on in the past, in what ways does it differ, or is it you see again and again the same dynamic playing out?

Erika: First of all, thank you so much for inviting me to join you on the podcast, and also to be part of this conference. If I could have chosen to do something other than teach and write history, I hope I would have the courage to be an immigration lawyer or to teach immigration law. So know that your work is so important to those of us who do try to translate it and teach it and, and put it into, broader historical context.

Okay. So what's happening today, is it similar or different to the past? The answer is yes and no.

I think the past 10 years have made it very, very clear that xenophobia is not just a blip. It's not just something that gets solved with the next election. It is absolutely embedded in our worldview, our society, our politics, our laws, our economy.

I know that when I was teaching immigration history at the University of Minnesota, where I taught for many, many years, on the eve of the 2016 election, and then the day after, I and many of my colleagues and my students were beginning to understand that something was about to change and that perhaps the way in which we had understood and taught history, immigration history, had not prepared us well to understand why Donald Trump was elected president mostly on an anti-immigrant and a really cruel and dehumanizing and crass and expansive xenophobic platform.

So I think many of us have looked back to the past to understand these roots. I, for one, have really tried to emphasize that xenophobia is an AmErikan

tradition, that it is systemic, that it has been part of our founding alongside settler colonialism, slavery, racism, discrimination. However, we are in a different time. I feel like as a historian, that we are in this period that is, to me, very similar to 1924 and the decades after, when we have a succession of policies that are targeting specific populations in ways that had not been done before.

Certainly drawing on roots of earlier policies and earlier anti-immigrant campaigns, but they were separate. So for example, '21 and '24, the national origins quotas mostly targeting Southern, Eastern, and Central European immigrants through discriminatory national origin quotas. Consolidating Asian exclusion. Creating the border patrol.

By the 1930s, we are saying no to Jewish refugees fleeing the Holocaust. We are banishing Mexican Americans during the Great Depression, about a million. By World War II, we're incarcerating Japanese AmErikans, and this whole question of AmErikan citizenship and who counts as AmErikan continues to be, you know, a key constitutional question.

Those are, to me, when I think about this in the past, they're related, they're building upon each other, but they are happening-- it's almost like Whac-A-Mole. If we think about today. I'm losing track. I'm losing track of the actions. I'm using air quotes for the podcast. This administration's continued attacks on immigrants are so expansive. They are using the whole of government approach in ways that honestly are ingenious, devilishly, I mean from the Department of Education to ICE. I mean in ways that at least I had not foreseen. So the expansive way in which this administration is targeting almost every category of immigrant, denaturalizing, making it harder for new immigrants to come, questioning birthright citizenship, and the inhumanity and cruelty in which it is justified, to me certainly has historic roots, but is disturbingly out of the norm, unsettled just pernicious.

Amanda: Okay. So you're saying this historically does look quite different, even if its roots seem like they grow from the same xenophobic sources. So that maybe is a, is a good segue into the next question I had for you. One of your more recent books, *America for Americans*, is a history of xenophobia in the United States.

And I wonder when you did your deep dive into that topic, did you see moments in history when political leaders pushed back against xenophobic public or other political pressure, or maybe alternatively, where the public effectively pushed

back against political leaders who were moving forward with xenophobic policies?

And are there lessons to be learned from those experiences?

Erika: This is such an important question to ask because if we do believe that history simply repeats itself, and I'm not a fan of that model, if we put all of the power in history, big H, that leaves no agency for people, no agency for movements. So I like to think about history certainly as explaining roots of present day circumstances.

Maybe there's echoes, and similarities, but I try to move away from the, "It's just-- it's gonna happen, no matter what we do, and it's-- this is just history. Haven't we always hated the stranger in history?" So let's think about those courageous voices in the past. And there are some, there are some,really important voices, and I want to quote directly from a few of them.

So congressional debates over the Chinese Exclusion Act in the 1880s. This is a national effort. It had moved from the West Coast as a West Coast issue to having full-on national support. There were few voices that were speaking out against the policy or for Chinese immigrants. One who was, was George Frisbie Hoar, a Republican Senator from Massachusetts.

He has a great statue right in the middle of Harvard Square. He gave an extraordinary speech that really spoke out against this discriminatory measure. He was one of those radical Republicans. He was in favor of African American civil rights, Native American treaty rights, women's suffrage, kind of a man out of his time, and he argued that the exclusion of Chinese from America was nothing more than "The old race prejudice, which has so often played its hateful and bloody part in history." We know that his voice was amongst the few, and hat exclusion passed.

Another very notable example is John Fitzgerald, Congressman for the 11th District in Boston, grandfather to President John F. Kennedy. He is colleagues with Senator Henry Cabot Lodge, who was one of the architects of the 21, 24 immigration acts. And they're in the halls of Congress at the same time. Cabot introduces the literacy bill in 1896, and this bill would have excluded the president's great-grandmother, who was an illiterate immigrant from Ireland.

And Lodge reportedly confronted Fitzgerald at the Capitol and asked him, "Do you really think that Jews or Italians have any right in this country?" And Fitzgerald replied, "As much as your father or mine, it was only a difference of

a few ships." I also like to always mention Emanuel Celler. He arrived in Congress, a first-time congressman, grandson of German immigrants, in March of '23, 1923, when the 1924 act was being debated.

And he went to the floor and argued that these restrictions would set "Race against race, class against class," and suggested that this was not based on any logic, but actually irrational hysteria. And of course, we know that he goes on to sponsor the 1965 Immigration Act. These are some of the lawmakers, and I want us to remember their brave stands, but we can't just focus on lawmakers, as we well know, in our contemporary period.

So I urge us to think about the writers, the artists, writers like Mary Antin, social workers like Jane Addams, many of the organizations that continue to protect immigrant rights today that were founded in the 1920s and 1930s. The immigrant aid societies, the refugee-serving organizations, all of these have consistently, over the decades, held true to our tradition of immigration and continue to allow all of us to support and advocate for immigrants today.

And then lastly, the public. I often think about historically, about the laws that I know best and how there were so very few advocates speaking out against Chinese exclusion or speaking out against Japanese American incarceration. But when you fast-forward, first of all, descendants of those communities came out in support of South Asian American, Arab American, Muslim Americans after 9/11 because that history was so resonant.

Japanese Americans have explicitly rallied around the necessity to protest against detention camps and immigrants in detention camps. We only need to think about the grassroots organizing and protests that came out of 2017 in January after President Trump signed that first Muslim ban.

There were 3000 thousand people at LAX, another couple thousand at JFK. When I was in Minneapolis during the first Trump administration, I remember going to successive protests and seeing that some people, you know, started out with the anti-Muslim ban protests, and then they would show up at the No Children in Cages protests.

And it's those coalitions, I think, that were built during the first Trump administration that have then allowed the enormous community support organizing, and courageous protests that happened in Minneapolis and so many other cities this past winter.

Hiroshi: Erika, I want to ask you about something you've written and researched quite extensively, and that is another aspect of fighting back against xenophobia.

It's the phenomenon of paper sons,and the use of this technique or this way of pushing back against immigration restrictions and Chinese exclusion. And the question is how should that influence understanding what it means to be in the country without papers now? So much of the debate is what does it actually mean to have unlawful presence in the United States. And so what lessons does this history that you've researched a lot teach us about how we should view those who are here outside the law?

Erika: Thanks for asking that question. I'm the proud granddaughter of a paper son. There would have been no way for my family to have entered and remained in this country, because of the exclusion laws, without, depending on how you put it, without bending the rules, without finding those cracks and pushing your way through.

My grandfather entered Angel Island. He was an orphan in real life. He bought papers, in debt, to pose as a son of a merchant who was still admissible into the country. Was detained on Angel Island. His immigration records reveal one of the most extensive and humiliating medical exams that I have ever seen in historic immigration documents.

And I think he answered something like 200 questions. He passed the test. He was allowed to come in. So one is that this history or this current situation that we're in with 11 million undocumented immigrants has deep historic roots. We have always picked and chosen. There have always been good immigrants and bad immigrants.

But if our labor conditions, if people need refuge from various different violences and persecutions. The US has traditionally been, I don't know if it still is today, but it has traditionally been a place of welcome, of refuge, of new beginnings. And I think it is incumbent upon those of us for whom undocumented or irregular immigration is part of our family history to be on the front lines outlining and remembering the costs of that unfair immigration system, the impact that it had on our families and communities, and to understand that we need to be defending the rights of immigrants today who are undergoing the same situation.

Alex: Muz, let me turn to you. I want to pick up on something, Erika has said here about the dozens, scores, hundreds of actions and policies we've seen with

this administration. I wonder if can you tell a broader story of what these all add up to in your mind?

How different is the system today because of all these changes?How do they compare with Trump's first term? And I'll even throw in a third question here: was there any particular policy that surprised you?

Muzaffar: Okay, thank you. First of all, so glad to be here. I'll show up at anything that Alex and Hiroshi asked me to show up at. And Amanda, who I just recently met. And seeing so many of you from whom I've learned so much over the years, it's such a joy to be here.

The first thing I would say to this is that if you ask that question to a Middle East expert, is that could you tell us the storyline about our involvement in the war in Iran? He would say, "I don't know." Because to say that anything about this administration has a consistency that is sustainable over time is hard.

I mean, we just see contradictions coming within hours of an announcement of a policy. So we should just keep that caveat, uh, at the back of our mind. But I have to say that the most important thing for us to know about Trump and immigration is why has immigration become such an important part of mainstream American politics?

I mean, something that used to be in the sidelines when we entered this field, it was like backwater of the laws. How has backwater become the midstream of American politics? Is what Trump has made it; he is convinced, he himself is convinced that he not only got elected, he got reelected on the issue of immigration.

That's the most important thing for us to understand about him. And the second election to him was more important than the first, because in the first election in 2016, we didn't have the massive border crisis that they dubbed as the Biden border crisis as we had in 2024.

So he was coming to the second term with much more support from the country, including independents, including many Democrats. That was a very different political backdrop. And he basically announced, "I have two goals, end of invasion and mass deportation." To the extent that there's any storyline in that, those are the two storylines.

I think we have to say, without getting, um, into fine details about numbers, the mass invasion has ended. From the high watermark of three hundred thousand

people a month in December of 2023, it was like 6000 last month. So whatever your definition is, it is a different world at the border.

He can claim victory. He is obviously obsessed about the mass deportation one million phenomenon, and the policies are in some way reflecting of that ambition. And I think the point Erika made rightly is that it's not just the all of government in the second administration that is different from the first.

It's all of the immigration system. It's like if you imagine Project 2025 and you establish a small sub-caucus of 2025 and ask them to give me the assignment that look at every regulation, look at every instruction manual you can find in any department of our federal bureaucracy, and see how that interacts with immigration, and tell me how that supports mass deportation effort.That's why we having this highly nuanced, really well-researched instructions coming out. I would say for a long time that any cabinet member who meets with him knowing that this is his obsession, say, "What can I do to please the man in his mass deportation effort?" I would say you could apply that to every local and state leader who would meet with him. “What can I do? How many 287 agreements can I sign to appease him?” I would say the same was true for every single foreign leader. Every foreign leader who meets and say, "What can I do to help the president in his mass deportation campaign?" That's how the third country national phenomenon came about. It was never lost on me that Marco Rubio's first visit after he became Secretary of State was not to Mexico or to Canada, the traditional visits. It was to go to Panama, and he met the president of Panama. Within days, they accepted our first batch of people coming into, who stayed in the hotels in Panama. That was the beginning of the third country nationals. The threat for taking over Panama Canal with that was over. So deportation machinery has become one of the currencies of diplomacy now.

That's different. That didn't happen in Trump One. But to just conclude this, he has now instructed all agencies, as I said, to find everything you can. So we now have IRS at issue, tax records, the income tax credit is gone. Looking at banking transactions, looking at truckers licenses, looking at use of daycare. Use of housing, looking at use of any benefit you can imagine which could have an overlay. And that's, I think, why it has created the kind of mass deportation specter that we did not have. And then he used militarization tactics in this, in this case. That sort of the public display of that machinery was almost more important than the actual outcome.

And in that regard, I would think the second Trump was different than the first Trump. You asked me three questions, didn't you?

Alex: Well, I did, yeah. Just briefly:one policy or action that particularly surprised you.

Muzaffar: That's a really tough one because so many have. But if I push myself, I would say I was really surprised by how much they have gone after high-skilled immigration, that I thought that he came to the Trump Two unlike Trump One with a divided base.

It was not just the MAGA base, which was true in Trump one, it was MAGA base plus the corporate base. I thought the corporate base at least would put some brakes that, "Please don't go after us." That did not happen. The attacks on foreign students, H 1Bs, Ls, has surprised me. But what has surprised me more, talking about inside baseball, was the hearing which Mullen was present.

It's for the first time I've heard any cabinet secretary say openly that he may not accept all orders from judges, that there are some judges who are activists and we don't have to follow them in the same way. I don't think I heard the president ever say that. I don't think I heard Homan ever say that.

I don't think I even heard Kristi Noem say that. But a former senator sitting next to his own colleagues would say that was a surprise to me.

Alex: I want to pick up on another issue thatErika raised about the rise of public opposition to some of these policies and what we saw, in Minneapolis. You know, there was a huge outcry after Minneapolis for legislative reform. I wonder how you look at what happened in Minneapolis in terms of its impact on,public opposition, but also has that withered away with time, or do you think it's still there to call upon,when needed?

Muzaffar: Well, historians like Erika will mark in our overall arching history. There'll be a before Minnesota and an after Minnesota chapter. That I think is undisputed. There was something fundamentally changed in Minnesota, whether it was the unfortunate death[s] of Alex Pretti and Renee Good who laid their lives there. I mean, it was such an impressive display of our country. I spend a lot of my time talking to foreign journalists.

I have never heard more foreign journalists tell me how impressed they were covering Minnesota. That in the freezing weather, regular ordinary citizens would come out fighting for the rights of their neighbors. We haven't seen anything like that anywhere. In that regard, we should be proud of our country, that people were fighting for basic constitutional rights. So I would think something changed. Clearly, the mood of the country changed.

His ratings in the polling went down 20% in about a month.

Alex: Trump's, you're saying?

Muzaffar: Trump's ratings. Yeah, that he watches. It's not just Noem who lost her job. Bovino lost his job. Homan moved into this thing. You may not be impressed by Homan, but to say that Homan is a huge improvement about Bovino actually is saying a lot. He's actually a man who might be driven by some sense of protocol, and we saw a change. So all I can tell you, we don't know the results overall, but detention numbers have gone down. The detention numbers in January of 2026 were 72,000 average daily population; they have gone down to 61,000. We can also say that I think deportations have gone down. First of all, they have really stopped giving out numbers. The lack of transparency of this DHS is staggering. But we know that if you look at the numbers that ICE has deported from January of 2025 to April 2026, it's about 486,000. That's not coming anywhere close to a million. In fact, I would say one of the things that frustrates Trump is that he's not getting close to the million a year that they had promised.

In fact, if you compare the Biden last year and Trump's first year, Biden beats Trump's. And that's why we think all these attempts at increasing self-deportation may be happening.

Just to put a little more nuance on this, Alex, some things Mullen has done. The concession that judicial warrants will be needed instead of administrative warrants is now accepted. The fact that ICE people were gonna get the training that they used to have is now accepted.

Hiroshi: So, Muz, let me ask you about the deportation numbers, because even if we accept the figures have gone down for official deportations, one of the aspects of public display here is causing people to “self-deport,” if you accept that term.

So how do we measure that? How effective has self-deportation been? How do you factor that into the subsiding or the change in the politics after Minneapolis?

Muzaffar: I mean, in many ways, you would think that self-deportation was their big goal. They thought that if we make the policy, the enforcement tactics so cruel, and we make lives of people inhospitable in the country in various ways, people will leave or people will not come.

I think on the invasion issue, it has worked. People know that if they show up at the border, they're not going to be let into LA and New York City and apply for asylum and be granted work authorization, that era has ended. But I think the numbers on self-deportation are pretty small. They themselves do not issue any numbers, again, on lack of transparency.

We get all these numbers from the press. CNN has reported about 72,000 people took the Project Homecoming: you take the money, $2600 for leaving. The New York Times has the most recent update. According to them, they actually looked at the numbers given to them by DHS.

About 116,000 people may have self-deported. There are two additional sources. The Mexican government yesterday issued a statement that they think 200,000 Mexicans have returned back to Mexico last year. But includes both self-deportation and….

And the other factor, since we just tracked these things, remittances to Mexico have taken a significant dive. We think they have gone down about 21 percent. That's not a direct proxy for people self-deporting, but it's a significant sum evidence that people certainly to Mexico have gone back.

So I would say there's not an exodus, Hiroshi, but there is an increasing number of people who may be opting to leave.

Hiroshi: Muz, I want to shift gears a bit and ask you not about deportation or self-deportation, but the administration has taken a number of actions regarding legal, lawful immigration and citizenship.

I know this is a difficult thing to summarize briefly, but I'm going to ask you to do that, at least by identifying what you see as the major strands in actions regarding lawful pathways. You've already mentioned, H-1Bs, but there's a lot else that's going on, and I wonder if you could identify the things that you think really matter.

Muzaffar: So this is the only thing I actually had to write a list because I would forget them. So your original question to me, Alex, what would be a storyline? My initial storyline was this is end of invasion and mass deportation.

Somewhere in the middle of the administration, a third prong emerged, is that how do we reduce legal immigration? And I'll conclude my point on this, when I conclude the list. So there have been real policy decisions for reducing legal immigration.

Everyone knows about refugee admission. Refugee admissions are drastically cut. We resettled 3614 refugees last year. That's 100,000 in fiscal year 2024, just for comparison. We are re-vetting refugees we already admitted. That was after the National Guard did that killing in DC.

We put travel bans for 39 countries. We paused issuance of immigrant visas for 75 countries. Just for comparison, we did analysis at MPI. If you just look at those 75 countries, that represented about 46 percent of all immigrant visas issued last year. We then put new vetting requirements on students and other visitors coming to the US.

We put the $100,000 bill for filing for H-1Bs. We paused all employment authorization documentation issues to those 39 countries we put on the list. We paused the entire diversity program after one diversity recipient from Syria killed a professor in Rhode Island, was it? Or Massachusetts.

Only recently, we put adjustment of status on pause. And we have provided new restrictive, measures on naturalization, and we have a new robust effort for denaturalization. If you take all these things together into account, Migration Policy Institute analysis is that our legal immigration will probably drop by half this year, and it will probably drop more next year because of the adjustment of status requirements coming in.

Just in population terms, it'll be probably our population because of that will stagnate, if not decline, overall population of the country. And to put that in historical context, that has not happened since 1918.

So it's a big development for the overall demographic picture of our country.

Alex: Amanda, you've been collecting some questions from the audience. Do you want to ask a few?

Amanda: So I'm gonna start off with a question for Erika. The question is: Has any president ever used anti-immigrant and refugee rheto- rhetoric akin to the way President Trump has? For example, his comments involving Somali AmErikans and Haitian AmErikans.

Erika: No.

I mean we have had plenty of presidents who have gone along with congressional efforts, have helped to lead them, Calvin Coolidge. But not in this way, and not in, not so expansively.

Amanda: And I think this question would be for Muz and for Erika, either one or both of you. To what degree can we see, or to what extent can we see the American playbook of xenophobia and racism embedded in our immigration laws and policies drawing from what other countries are doing, either now or in the past, or is this in some way more uniquely American?

And so how can we learn both from that global history and maybe also from any successes in pushing back against some of those global movements?

Erika: Historically, it's the US that has been the teacher.

We can look at Asian exclusion policies to see that Canada, for example, waited and then, and then passed its own exclusion policies. The externalization of border control began in the late 19th, early 20th century in relationship with enforcement of Chinese exclusion as well to the back doors of Canada and Mexico.

So historically, the United States has, has been the example both of immigration restriction and then reform/liberalization. I would say more recently, especially around Islamophobia, and especially just in terms of our changing media landscape, it's happening simultaneously, and the United States and our politicians have used the so-called migration crisis in Europe a decade ago, to "fortify its own borders." And it has, it has served as a cover, I believe, for more stringent policies.

Amanda: And Muz, do you want to address some of that too?

Muzaffar: I don't wanna play amateur historian. I mean, I like to say that AmErika has always been ambivalent about immigration.

It's a really hard thing to say, but it's really true.

I mean, people tell you George Washington himself thought that country didn't need any more immigrants except a few carpenters. The most, erudite of our Founding Fathers, Ben Franklin, made his name on an anti-German pamphlet. I do think that over time we have actually obviously improved, but we do spring back into xenophobia.

And let me tell you, this is sort of my politics lens, and I would be remiss if I did not instill it. Something does change in politics about immigration at certain times. The country doesn't like disorder, certainly doesn't like specter of disorder. What we saw in the Biden administration was a specter of disorder at

the border. The fact that we lost the country on immigration had to do with that. Second, numbers do matter.

I mean, as I said, 300,000 people a month is a big number. I was at a press conference in January of 2024, and I said, "My God, Democrats have just lost Pennsylvania." When you hear them say that, "I just heard 300,000 people a month came last month," God, that's the entire population of Pittsburgh. Now, you don't have to believe that immigrants are eating cats and dogs, but you understand the population of Pittsburgh. That's, I think, where numbers do matter. At the most of the Biden administration, not the last year, this was an average of two million people a year. So numbers matter, the rate of change matters, and that has been true both in the US and in Europe.

So once we get some sense of control and when the rate of change looks different, we may have a different reaction from the country

Amanda: So maybe that's a good segue to this next question, which is what should be on the agenda if Democrats either win the midterms or the presidency in a few more years? What should be some of the first few either legislative or executive actions?

Erika: This is where I put on my historian's hat and say, giving it back to you.

Muzaffar: I mean, there's no way of avoiding this question. Let me just, this is just speculation. First of all, you, we have to be modest about the midterms, about the expectations.

Even if the Democrats win the House, it will still be a very slim majority. Even if the Democrats win the Senate, it'll be a very slim majority, and you still need 60 votes in the Senate to pass anything. So let's not expect much.

I actually, we're hoping that there will be some appetite appetite for more oversight. I mean, the kind of statement that Mullin made last week is unacceptable. Is, to me, impeachable. And I think we're also hoping that given the huge infusion of money with the big beautiful bill and now the $70 billion again yesterday, there may be some move towards repurposing some of the money. Then let's use it for other purposes which may give money even to the immigration courts, the asylum court, all that stuff, I think.

But if I had to pick, if there is any possibility for some opening, for some slim legislation happening, and this may happen only if Trump actually wants to have some legacy. I mean, he is a man involved in narcissism, so some sense of

legacy may be helpful to him. That, "Look, whatever has defied all presidents, I did this."

But the candidates for that are slim. I think it's DACA. It's probably some reform of agricultural workers. So that's the midterm. Okay, now we're asking about 2028, and which is a more difficult question but unavoidable. You know, I do think that we have to be... If we didn't learn anything from this election we would have lost a moment of learning, really.

I mean, there's no way Democrats can go back to pre-Trump politics on immigration. That out of control, lack of control was searing for the country. So you really have to know that we need some sense of control, but I also believe that we actually do need more immigration. I think, as I've said, simply it's not popular thing to say, Trump is a lame duck president. Facts are not lame duck.

The facts are that we are an aging society. I would say 10,000 baby boomers are retiring a day. I was corrected recently. 11,000 are retiring a day, and they're the entire spectrum of the occupations. More importantly, the impact of the aging society on our Social Security system.

I mean, all of you law professors try to teach more fiscal issues in immigration, that the impact of immigration on our fiscal policy is one of the least understood, that our Social Security system really will not sustain itself if it's not for new immigrants coming in, young, new working immigrants. So everyone knows we need more immigrants.

That will require changing our immigration selection system. We at MPI have put out a proposal for how we could rethink legal immigration, which is providing more opportunities for people with demands in our economy to come. But we may also entertain a circular migration scheme in which some people work for a few years, go back, come for another stint.

That, I think, is a possibility. But none of this is going to happen unless people have a sense that the border is under control. Control of the border is important, but what does that mean? Everyone says we should have control of the border, and that's where they stop. I don't think we can have that luxury.

You have to have very precise idea what it means to have control, and that means dealing with our asylum system. A border crisis is essentially our asylum crisis. We can call it anything we want. It was an asylum crisis. We have to confront that. So I'm one of those... A lot of people believe that territorial asylum is over or it is hanging by a thread.

I hope it's not. I hugely support territorial asylum because it's not only important for the founding principle of our country, it's important for your question about what do we teach the rest of the world. If we abandon territorial asylum, all of Europe will abandon territorial asylum.

For us to gain sanctity of territorial asylum, it has to be reformed. I think for us to let people into the country without a meaningful, credible fear determination at the border or near the border, I think is no longer possible. So we actually think that's what should happen, and we should send all new asylum cases to asylum officers, not immigration judges. And I would normally get booed in an audience like this, and I'm gonna get less booed today because of the change in immigration judges.

I mean, many of you today would like your case to go out on asylum officer than to a newly appointed immigration judge by this administration who will last into many generations now.

In fact, you asked me what is the most sustained thing Trump Two has done? It's how it has changed the EOIR with permanent damage for a long time. So you don't want your new immigration cases to go to an asylum officer. I would say we go to asylum... It's actually a paper that Alex authored for MPI in 2018, which I strongly recommend you all read, and that will be, I think, part of the asylum reform.

Amanda: So this question is for Erika. Muz talked about the way in which this administration is encouraging self-deportation, and we've been using that term. And so there's a couple different questions about the use of that term. One, is that the right rhetoric? Two, is there history to the US government attempting to encourage immigrants to leave?

And do we see similarities, differences, and was that term used in the past, if you know?

Erika: There are similarities in terms of the impact of exclusion policies and restriction policies, in effect, leading to circular migration across generations.

That's the story of my family as well. Not staying permanently. And one of the lessons I'm always sharing with my students, especially this past year, is the, is Wong Kim Ark's after-history, after 1898, the ways in which he's arrested for being in the country illegally. The fact that he goes to China in 1931 and never comes back.

So do you wanna call that self-deportation or self-banishment? We can. I think the most parallel historical example is the banishment of Mexican Americans close to a million, two-thirds of whom are US citizens, mostly very, very young children who are coerced, encouraged sort of sneakily, you know led to "return to Mexico" after asking for and receiving what they thought was social service aid.

And that's another similarity to our current era. These are not federal, immigration officials. They were, in many cases, California, Southern California, you know, social workers who were ensnared into this program. So yes, we have precedents. Um, I think, again, the difference is across the board. We will have international students who've decided to go to Canada or the UK or stay at home instead of coming to the United States, as well as migrant, migrant workers. So that'st the difference.

Amanda: And bBy the way, we did have a couple different questions about various books to read about this history. So I just wanted to say that in addition to the book I already mentioned, *AmErika for AmErikans*, which Erika Lee authored, she's also the author of *At AmErika's Gates: Chinese Immigration During the Exclusion Era*; *Angel Island: Immigrant Gateway to AmErika*, co-authored with Judy Yung; and *The Making of Asian AmErika: A History*.

So I can recommend those books, which are a font of knowledge for me and many of us in this room.

Alex: I wonder if there are closing comments --

Muzaffar: I think we have to realize that one of the reasons why we are stuck in this, in this immigration dilemma is because Congress has not acted since 1990.

I mean, that's a long time for a branch of the government to be inactive. And in the process, I think, many of us did whatever we could do for people who are in the country without congressional action. That's exactly why administrations have done all these things, both Trump and Biden and Obama and-- because what could you do without congressional action?

And some of them have been really important, but they're only temporary because they can be, because they can be changed by the next administration. This is how much status matters.

We've gotten used to people with liminal statuses in large numbers over the years with a reasonably comfortable, secure life, with no real threat of deportation. And suddenly, all that has upended, which has made us realize the importance of status, which is really what the focus has to be back on. That this can only be fixed by Congress.

The relevance of politics to this debate is more and more important… I think the reason why Congress is not acting on immigration is because there's a huge difference between Republicans and Democrats on immigration. Historically, totally different than it used to be. The most important graph that I tell people that I know in my analysis is that at the beginning of this century, which is before 9/11, the country was actually much less pro-immigrant. Only about 40% Americans thought immigration was very good or good for the country.

Today, about two-thirds of people think immigration is good or very good for the country. But the disparity between Republicans and Democrats, it was like almost equal in 2000. . There's now almost 46% difference between Republicans and Democrats on immigration. And that has, to me, historically never been true. And that's really creating the paralysis, because Republicans, if you're seen as soft on immigration, all you get is primaried. I would tell equally true about Democrats. If you're not seen as intensely pro-immigrant now, you get primaried. And as long as this terrain doesn't meet, I think it's unlikely to have significant immigration reform.

And that's why I think both in our political analysis and in our teaching, we really should be focusing much more of our attention as to how can this issue become less politicized than it was even 25 years ago. And that's a challenge, really, for all of us. But what we've been seeing in this, at least for the last twenty-five years, stems from this fundamental political polarization on immigration.

Hiroshi: I have a question; it's about something we haven't really talked about, but I think is very important. It can be talked about in historical terms or in contemporary terms, and that is what space is there at the state and local level? What has happened historically? I think the answer is that a lot has happened at the state and local level that has come to influence federal policy and that has come to influence the lives of communities and, and people in those.

I'm curious what your thoughts are, both of you, Erika and Muz about the state and local role. What does history tell us about that? And when we talk about Congress, when we talk to the executive branch, what is the role of states? And

you can name any state you want, but it seems that's an important thing to talk about in this moment.

Erika: If it's true that the historical comparison that I'm suggesting is apt, meaning that we are now in an era that is similar to the 1924 to 65 period, then I think that there are many good lessons that show that change and effort across multiple scales. We can look to the sanctuary movement, to the protests after Prop 187 in California. It moved the dial in certain ways and then of course, in Chicago, in LA, in Minneapolis. So I think at all of those levels, those are sources of hope that it has to happen in Congress, it has to happen. In the states, it has to happen. In individual cases, on the streets, in our, in our classrooms.

Hiroshi: And not just more organizing, but also at the lawmaking level?

Erika: If possible, absolutely. And also to prevent federal immigration enforcement from being implemented in states, so the importance of sanctuary cities and sanctuary movement today.

Muzaffar: So you're talking about state action. So I mean, I think this is good to reflect on.

I mean, why did states become more activist in immigration? Because Congress wasn't acting. And so states have obviously then... That's why all these state measures over the years made lives of people and sanctuary cities in-state tuition, more public benefits, more hospitable.

I just think that here you should also note there's a Trump bonus–that because of the cruelty of Trump, many of the states are actually doing actions that they would normally not do. I mean, I can't believe the State of New York is about to pass a law that we will no longer have 287 agreements.

I mean, if you look at California, which was about to pass about the masks, we should insist on no masks for ICE, then they realized that they have no such limits on local and state police. So now states are waking up to no-mask policies for their own states. So many of the measures that you would think in the past were unthinkable at the state level are now possible because of the Trump effect.

Alex: We're out of time. I want to thank our guests, Muz and Erika, and I want to thank the audience for their terrific questions, and that concludes this podcast.