

Exploring Proposed Policies for Mass Deportations and Ending Birthright Citizenship

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In a far-ranging interview with “Meet the Press,” President-elect Donald Trump confirmed his intention to begin mass deportations of individuals in the country without status and repeatedly stated a desire to end so-called “birthright citizenship.”

Mass Deportations and Efforts to Combat Undocumented Immigrants

Undertaking a mass deportation effort would be an enormous challenge, with approximately 13 million individuals living in the United States without lawful immigration status. The American Immigration Lawyers Association submitted a statement to the Senate Judiciary Committee regarding “mass deportations” that highlighted the staggering economic impacts such an initiative would entail:

“From an economic perspective, immigrants sustain American businesses through their work in every industry and economic sector. In particular, undocumented individuals represent 4.8 percent of the overall U.S. workforce; in the agricultural industry, 13.7 percent of the workforce; in construction, 12.1 percent; and in hospitality, 7.1 percent. The majority pay taxes that, in turn, fund the local education systems and social services in the communities in which they live.

A report by the American Immigration Council concluded that deportation of approximately 13 million people who are likely to be targeted by the incoming administration would result in massive labor shortages and a dramatic reduction in the U.S. gross domestic product by over \$1.1 trillion. Furthermore, such widespread enforcement actions would dramatically reduce U.S. tax revenue: In 2022, undocumented individuals paid \$46.8 billion in federal taxes and \$29.3 billion in state and local taxes.”

See [Statement of the American Immigration Lawyers Association Submitted to the Senate Judiciary Committee for the December 10, 2024 hearing “How Mass Deportations Will Separate American Families, Harm Our Armed Forces, and Devastate Our Economy”](#) December 10, 2024

The economic impact of a mass deportation would also be felt at home. Many individuals, families, and communities rely on jobs and industries sustained by undocumented workers. Removing these workers would disrupt industries critical to the nation’s economy and leave countless households and communities facing financial instability and uncertainty – not to mention the human cost.

If a full mass deportation plan is extremely difficult—both economically and logistically—what concrete actions can we expect in 2025? An increase in enforcement actions by the Immigration and Customs Enforcement (ICE) service is likely. ICE has broad authority to search for and detain individuals in violation of status, and all indications point to increased enforcement efforts both in homes and workplaces.

Can President-elect Trump deport U.S. citizens who have undocumented family members?

In short, it would be extremely challenging for President-elect Trump to deport U.S. citizens with undocumented family members. United States citizens cannot be deported; they would first have to have their citizenship taken from them via a court process known as “denaturalization.” The prior Trump administration tried to start denaturalization cases (with limited success) but had larger aims to target over 700,000 individuals. Historically, denaturalization was reserved for individuals who lied about their past to obtain United States citizenship, such as criminals, war criminals, etc. The question is could that power be expanded? In theory, yes, but in practical terms denaturalization remains a limited-in-scope federal judicial proceeding, and it is not currently unlawful to have an undocumented individual living with you. As with all judicial actions, however, individuals without access to counsel would be at greater risk.

Birthright Citizenship in the United States

Turning to the issue of birthright citizenship, an effort to end birthright citizenship would see the Republican party undermine one of their greatest accomplishments: the passage of the 14th Amendment to the Constitution after the conclusion of the Civil War. Adopted in 1868, the 14th amendment is a critical part of United States civil rights laws that ensures due process and equal protection under the law to all persons. The Citizenship Clause of the 14th Amendment states the following: “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” This provides for all children born in the United States to be U.S. citizens.

President-elect Trump’s focus on so called ‘birthright citizenship’ has developed from recent narratives of so-called “anchor babies” and “chain immigration.” The various reasoning used to decry the citizenship clause of the 14th amendment fails to consider the reality of the United States immigration system. There is no demonstrable link between birthright citizenship and unlawful immigration. Further, all individuals born to foreign parents on United States soil cannot start the process of sponsoring their parents for legal permanent residence and ultimately citizenship until they turn 21. That is an extremely long time, and under the current law, the United States citizen child must also demonstrate their own income to sponsor their immediate relatives.

President-elect Trump also repeatedly stated that the United States is the only country with birthright citizenship. That is incorrect. Among the dozens of [countries that provide birthright citizenship](#) are our immediate neighbors: Canada and Mexico.

But what can the President-elect do to end birthright citizenship? A President cannot unilaterally amend the Constitution. Further, any attempt to use executive action or orders to restrict the 14th Amendment would likely be struck down by the courts. The 14th amendment does provide some exceptions to the citizenship clause, but the existing exceptions apply specifically to the children of foreign diplomats and could not easily be expanded.

By its nature, the 14th amendment is a cornerstone of civil rights in the United States, and any federal court would be at odds with precedent to change it. If the political will continues in this area and repeated challenges are made, it is possible some erosion of the amendment could occur. But any such challenge would take years and would be a political issue the Supreme Court may not want to get involved with.

Amendments to the constitution require a two thirds majority vote in the United States House and the Senate. This kind of majority is extremely unlikely to exist given the current very tight balance in the legislature. Amendments also require state legislature support as well.

Turning to the States, an unused but possible option is for the states to request a Constitutional Convention in which an amendment could be passed. There has never been a Constitutional Convention, and it requires two thirds of the states to agree.

What about stopping pregnant mothers from entering the countries? United States Customs and Border Protection oversees the border and has the discretion to review or deny entry for travelers into the country. We could see increased enforcement in this area and directives for visa issuance for pregnant women. However, in practical terms, nearly all airlines restrict heavily

pregnant travelers from flying to the country.

The impacts on the immigration system remain to be seen from the above stated political aims. It is likely that actions will be taken to limit and slow legal migration through policy, regulation, and enforcement action. It is imperative to fully understand one's immigration status and be proactive in protecting it.