**Why are the US immigration laws Unconstitutional?**

**For the first century of the existence of the United States, no immigration laws existed. US immigration laws, starting with the Chinese Exclusion Act of 1882, violate the US Constitution because the Constitution grants no power to deport immigrants and because the laws deprive immigrants of their rights to due process of law.**

First, the constitution does not grant the Federal government, or any other government , the power to exclude immigrants or to deport immigrants once they live here. It is not on the very specific list of powers granted to the US Congress and to the President. The Tenth Amendment of the Bill of Rights specifically states that the US Government only has the powers delegated to it by the Constitution. As Supreme Court Justice Brewer wrote, among the powers “not delegated to the Government is that of determining whether whole classes in our midst shall, for no crime but that of their race and birthplace, be driven from our territory.”

Second, the Fifth and Fourteenth Amendments to the Constitution prohibit both the Federal government and the states from “depriving any *person* of life, liberty or property without due process of law” The Sixth and Seventh Amendment define due process to mean the right to a trial by jury. Yet the immigration laws impose the most drastic of deprivation of liberty—detention in jail and forcible exile from the country—without any trials. These guarantees are NOT in any way limited to citizens, but apply to ALL “persons”.

Trampling the Constitutional rights of those born elsewhere threaten the rights of all. If the US Government can claim powers not granted it by the Constitution and use them against immigrants, it can use the same illegitimate powers against citizens. If the US government can deprive immigrants of liberty without due process, it can do the same with citizens. The Constitution protects our rights only if we defend the Constitutional rights of ALL.

The US immigration laws also harm all who live here by creating a huge class of residents who are without rights and therefore vulnerable to exploitation. Undocumented immigrants on average get lower wages than citizens not because they are immigrants, but because they are undocumented. And of course, a supply of permanently low wage labor pulls wages down for all.