

Introduction

The United States is at a crossroads for the enforcement of civil immigration laws in American communities. President Trump’s vision of years-long mass deportation operations is losing credibility amongst the American public. Polling in early 2026 found that between 58 and 65 percent of Americans believe this agenda is going too far.¹ And while the administration initially claimed it would focus deportation on “criminal immigrants,” the lesson of Trump’s first year back in office has been that mass deportation indiscriminately sweeps in massive numbers of people who pose no public safety threat and who have resided in American communities for decades with no problems.

Efforts to carry out mass deportation have targeted **all** undocumented people, including those with no serious criminal offenses and with years of life in the United States, and have also swept up many noncitizens with lawful status—including, at times, even U.S. citizens. Immigration and Customs Enforcement (ICE) and U.S. Border Patrol (“Border Patrol”) agents have arrested business owners, coaches, nannies, and neighbors, and disappeared many into an opaque and increasingly deadly detention system. The actions of immigration enforcement agencies have made communities less safe by relying on violent and extreme tactics that violate laws and American norms, instill fear, and chill community participation and economic activity. Nevertheless, immigration enforcement agencies under the Trump administration continue to pursue this increasingly unpopular agenda with impunity and little accountability.

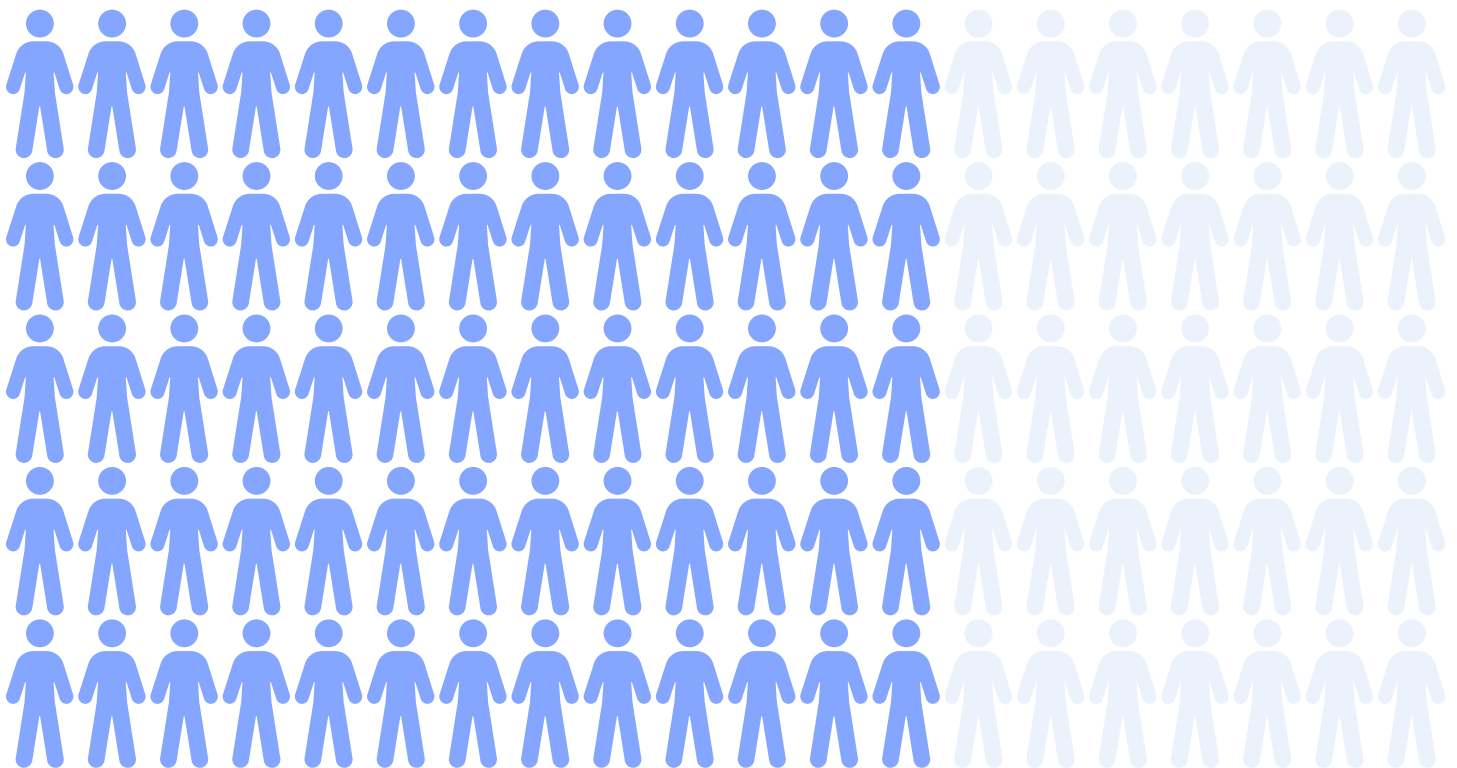
Mass deportation gained initial support because of frustrations with immigration policies at the U.S. border over the last decade, as millions of migrants arrived seeking asylum and were met with a system incapable of responding to the strain. But given the disruptions to daily life and acts of violence that have shocked the conscience of many Americans, in just one year, President Trump’s average support on immigration has fallen dramatically, from a high of a net positive 11 percent support at inauguration to a net negative 1 percent support as of early April 2026.² Similarly, support for ICE, the agency tasked with carrying out this effort, is at record lows, with half of the country supporting the call to “abolish ICE” and 59 percent of the country disapproving of the agency.³

But even as Trump’s immigration agenda threatens to undermine trust in the government’s ability to enforce immigration law, most Americans still want an immigration enforcement system that enforces clear and fair rules, keeps communities safe, and lives up to American values.⁴ **The choice is not between mass deportation and no enforcement; it is between indiscriminate enforcement and credible enforcement. Policymakers and elected officials face an urgent decision: start working to restore credibility to federal immigration law and enforcement or allow the Trump administration’s mass deportation agenda to undermine the rule of law itself.**

However, neither political party has yet put forward a roadmap on how to enforce immigration laws with credibility and humanity in American communities. While Americans have soured on Trump’s mass deportation agenda, they remain distrustful of Democrats’ ability to offer a viable path forward.⁵ After decades in which neither political party has been able to stabilize the immigration system, the current inflection point and erosion of public trust in the rule of law necessitates that Congress return to the drawing board to develop a new framework for immigration enforcement within the United States.

The roots of mass deportation and its harms are a result of an immigration enforcement system from a different era that is not equipped to address the challenges of today. It is an outdated system which cannot credibly deliver consequences or offer solutions—either subjecting too many noncitizens to deportation, no matter their equities, or leaving them to live in the shadows with no consequence or path forward.

58-65% of Americans believe President Trump’s mass deportation agenda is going too far.



The Four Core Pillars

A new framework for interior immigration enforcement



This paper recommends fourteen areas of reform across these core pillars. A credible and humane system must include laws that distinguish between people who pose a real public safety threat and those whose immigration violations can be resolved with proportionate civil consequences, rather than detention and deportation. It must deliver consequences, including deportation, for the violation of laws—but should not respond to different levels of violation with the same level of consequence.⁶ It should also offer some people who want to comply with the law pathways that allow them to do so. A credible, interior immigration enforcement system should not be measured by how many people are detained or deported, but by whether the rules are clear and fair, and consistently and humanely enforced by the government.

Immigration law and policy are enormously complex, and the failures of the status quo after decades without meaningful reform are extensive. Interior enforcement policies alone cannot control whether and how people enter the United States to begin with; a successful enforcement policy that clearly communicates the consequences for violating the law, and consistently enforces those consequences, is necessary for ensuring long-term control of U.S. borders, but it is by no means sufficient. While this framework does not address issues such as border management, asylum policy, or changes to lawful immigration pathways, it will be impossible to sustain a credible immigration enforcement system in the long run without changes that allow the rest of the system to function as well, including needed fixes to our legal immigration system. However, regardless of any other reforms, the present crisis requires immediate effort to rehabilitate the federal government's immigration enforcement system, and restore the link between enforcement of federal law, the rule of law, and community trust and legitimacy. This proposal seeks to bring the United States toward that goal.

Compliance

A credible enforcement system should incentivize compliance with the law by giving those who want to follow the rules a way to do so: rewarding them when they meet requirements, and imposing consequences if they do not. It must also account for the millions of undocumented people living in the United States—people who either violated civil immigration laws by entering the country without authorization or who entered lawfully and then fell out of status—who have become integral to the fabric of the United States. Overwhelming evidence shows that most undocumented immigrants pose no heightened risk of criminality and, in the long run, they are a critical net benefit to the U.S. economy and American communities.⁷ Unfortunately, today there is no way for most undocumented immigrants to “get right with the law,” even when they have lived in the United States for decades and otherwise comply with the law.

Congress should make compliance an option for as many undocumented people as possible by passing existing legislation that offers permanent legal status and pathways to citizenship. A majority of Americans consistently support⁸ this, especially for undocumented immigrants with no criminal record and extensive ties to the community. However, even robust, immediate legalization programs inevitably will leave millions of undocumented immigrants without legal status. An immigration enforcement system that offers one-time legalization but does not address the question of those remaining (or a future undocumented population) will not be effective.

Congress can impose consequences on undocumented immigrants and increase their compliance with the law without automatically subjecting all to arrest and deportation. **It should develop a diversion mechanism and compliance process that federal enforcement agencies can use if they encounter an undocumented immigrant.** Instead of forcing every person immediately toward arrest and deportation, a diversion mechanism would redirect undocumented

people with years of life in the United States and no criminal convictions into an alternative process with civil penalties proportionate to their case, and that offers access to lawful permanent status for those who prove their ability to comply with those penalties. To maintain credibility and effectiveness, this compliance process should be managed by a civil administrative agency that is not ICE.

Safety

Public safety should be a fundamental goal of any law enforcement agency. Immigration enforcement is no exception. Given limited resources, federal immigration agencies have traditionally focused efforts on noncitizens who had contact with the criminal legal system, and especially those who posed a public safety threat. But the second Trump administration is targeting all undocumented immigrants, including those who pose no public safety threats. It has abandoned enforcement priorities while simultaneously increasing indiscriminate arrests and violent practices. Mass deportation treats all immigrants as an existential public safety threat, even though immigrants correlate with lower crime rates.⁹ This agenda has instilled fear, eroded public trust, and led to decreases in the reporting of crime, all of which have counterproductively made communities less safe.

Many of the tactics this administration has used are permitted under immigration laws passed in the 1980s and 1990s, which have not kept pace with advances in the understanding of how to best improve public safety. These laws legislate detention and deportation for thousands who pose no actual safety threat and enable federal agencies to deputize local police to serve as immigration agents in American communities—with little oversight or direction. **A credible enforcement system will require Congress to make overdue revisions to these outdated laws to focus enforcement efforts on noncitizens who pose bona fide safety threats and ensure that local police are seen as protectors, not as entry points into a civil deportation dragnet.**

Therefore Congress should require immigration enforcement agencies (whether ICE or any other agency) to use “enforcement priorities” with a focus on noncitizens with violent or recent, especially serious criminal convictions; amend outdated grounds of deportation that distract from a focus on current and serious safety risks; codify professional law enforcement standards for immigration agencies; and repeal laws that permit federal agencies to deputize local police for immigration enforcement, instead taking steps to support a new public-safety partnership model between states and the federal government that offers financial support for supportive services in immigrant communities alongside more targeted enforcement against noncitizens who pose serious threats. Lawmakers have an opportunity to course correct by advancing laws and policies that actually deliver safety.

Proportionality

Scaled and proportionate consequences can strengthen the rule of law by delivering real consequences without tearing millions of people away from their families and communities through detention and deportation. The overly blunt nature of the current U.S. immigration system, in which the only options are no consequences or a life-shattering consequence, has helped this administration ramp up the dehumanizing rhetoric, political theater, and enforcement tactics of mass deportation.

This was not inevitable. The current laws established in the 1980s and 1990s **replaced** the prior, more flexible system that treated immigration violations as a problem that could be fixed rather than a permanent stain that could only be resolved by deportation. As a result, today the system fails to offer reasonable or proportionate civil consequences for violations, making detention and deportation a one-size-fits-all punishment.

A modern enforcement system should reserve its harshest tools for the highest-threat cases and create structured compliance pathways for everyone else. **Congress should adopt scaled, proportionate penalties for people facing removal, which would permit immigration judges to decide when removal makes sense—and when it does not.**

It should also significantly decrease the number of people that can be placed into immigration detention facilities, as a proportionate enforcement system does not require a system of mass incarceration. Any person still subject to detention should be entitled to basic due process with a bond hearing and appointed lawyer.

Accountability

Building a credible and humane immigration enforcement system depends on establishing that enforcement agencies are accountable to other branches of government and the public and therefore deserve the public’s deference and respect. Under the Trump administration, even when ICE officers commit misconduct serious enough to draw rebuke by public officials and protest by Americans nationwide, there seem to be no consequences.¹⁰ In just one year, the Trump administration has gutted three internal oversight bodies at the Department of Homeland Security (DHS), declaring oversight as a “roadblock[] to enforcement.”¹¹ It has also routinely denied members of Congress access to immigration detention facilities for oversight visits as they are entitled to under the law. Despite the shooting of multiple U.S. citizens and immigrants at the hands of immigration officers, the public has not seen federal agencies hold officers accountable—or even acknowledge error. Thanks to decades-old laws restricting judicial review, federal courts have also been powerless in accounting for legal violations and abuses.

A credible enforcement system must include codified accountability mechanisms that expand authority of both the federal courts and Congress to impose meaningful consequences when federal agencies and agents abuse their authority. True accountability will require a new, independent, and bipartisan oversight body whose recommendations are enforceable, alongside rebuilt internal oversight agencies within DHS with new legal authorities and greater independence to ensure they are more effective than in the past. Restoring credibility to immigration enforcement depends on a reformed and far stronger accountability system than ever before.