

The American Immigration System in Crisis

August 2026

By Kathleen Wells and Jeff Pearson

The immigration system is in crisis. Pathways to legal immigration are limited, there are millions of applications for visas, green cards, and asylum that may take years to process, and the current administration prioritizes enforcement of immigration law over court processing. About one quarter of immigrants are not authorized to be in the United States, and the current administration has, at times, used brutal and illegal tactics to identify and detain immigrants -- terrorizing immigrant communities and alarming or enraging U. S. citizens.

To know how best to respond to the unfolding humanitarian crisis in our country, the summary below describes the immigration system in some detail so that citizens may begin to make choices as to how to respond.

Immigration in the US: A Short History

The United States Declaration of Independence from England contains a radical claim: "All men are created equal." It further asserts the right to "life, liberty, and the pursuit of happiness." The US Constitution delineates a governmental structure and process to protect such rights. Despite omissions and flaws, these two documents from the late 1700s are extraordinary achievements. They promise freedom, and, over the past 250 years, millions voluntarily left their home countries in search of that freedom and opportunity in the United States.

Since the founding of the nation, there have been three massive waves of immigrants to the United States: 1) in the 1840s and 1850s; 2) from the late 1890s to World War I; and 3) in recent decades, in response to the [Immigration and Nationality Act \(INA\) of 1965](#) which opened immigration to the U. S. to the non-European world.

Despite the deep inequalities and prejudice immigrants may have found, approximately two-thirds stayed. At present, there are over 50 million immigrants, including lawful permanent residents, naturalized citizens, refugees and asylees, those on temporary visas, and unauthorized immigrants, in the United States. They comprise close to 15% of the U. S. population, a higher immigrant share of the population than at any time since 1890. Thus, we are a diverse country, bound together by allegiance to an idea, rather than by genealogy, culture, or religion.

US Immigration Law Over Time

Ever since the 1920's, the major issue occupying Congress in the immigration area was how restrictive to make quotas on immigration by people from European countries. Gradually, immigration from non-European countries was considered, also.

As late as 1939, the US, claiming it could not violate its quota system, refused to allow the M.S. St. Louis, a ship sailing from Hamburg with a passenger manifesto of hundreds of European Jews fleeing Nazi Germany, to dock in an American port; the ship was ultimately forced to return to Europe, where many of its Jewish passengers perished in the Holocaust.

In 1948, following World War II, Congress passed legislation partially accommodating within the constraints of the quota system admission of a limited number of persons from Europe displaced by World War II and its aftermath.

In the mid-20th century, as Mexican workers increasingly crossed the southern border to perform farm and ranch work more cheaply than American workers could or would, Congressional debate focused on blocking and policing the southern border. The Immigration and Naturalization System launched ["Operation Wetback,"](#) utilizing military-style sweeps and roadblocks in California, Arizona, and Texas to target undocumented Mexican workers.

During the Cold War, Congress at various times made American immigration law more friendly to citizens fleeing countries that fell to Communist control, from Cubans to Vietnamese to Russians, as exceptions to the quota system.

The [Immigration Reform and Control Act \(1986\)](#), signed into law by President Reagan, contained a first: a path to legal status and permanent residency for undocumented immigrants who had then lived continuously in the US since before January 1, 1982, ultimately legalizing roughly 2.7 to 3 million individuals, most from Mexico. As a trade-off, the Act made it illegal for businesses to knowingly hire, recruit, or refer unauthorized workers, introducing civil and criminal fines for noncompliant employers. **This provision has ultimately failed its purpose**, as employers realized that by farming out employee recruitment and hiring to subcontractors, they could claim ignorance of the immigration status of their employees. Hannah Dreier of the New York Times received a [Pulitzer Prize in 2023](#) for a series documenting how this had led to a practice by major American businesses of hiring underage, unauthorized immigrant children to fill some of the most dangerous jobs in American industry. (The provision has not changed and is still ineffective.) The Act also authorized increased funding and resources to secure the US southern border.

In 1996, Congress enacted the [Illegal Immigration Reform and Immigrant Responsibility Act of 1996 \(IIRIRA\)](#), which expanded enforcement at the southern border and vested CBP agents there with authority to expel potential asylum applicants on the spot if they failed adequately to make clear their fears of persecution if they returned home.

In 2013, the so-called “Gang of 8” in the US Senate, including at the time, Charles Schumer (D-NY), John McCain (R-AZ), Richard Durbin (D-IL), Lindsey Graham (R-SC), Robert Menendez (D-NJ), Marco Rubio (R-FL), Michael Bennet (D-CO), and Jeff Flake (R-AZ) fashioned [legislation](#) with a path to legal status for undocumented immigrants, coupled with funding for massive increases in border enforcement, and changes to legal work visas. It passed the Senate with bipartisan support but never got a vote in the Republican-controlled House.

In 2023 and 2024, conservative Sen. James Lankford R-OK and liberal Sen. Chris Murphy D-CT spent months negotiating and drafting a law to increase asylum process efficiency and to increase funding for border security. The full Senate voted it down 43-50 after Donald Trump, then out of office, called it a “gift” to Democrats, which inspired House Republicans to declare that, if passed by the Senate, it would be dead on arrival in their chamber.

Thus, American immigration law has not undergone significant revision since 1996, nor has the US updated the current 7%-per-country quota caps in the law for family-sponsored and employment-based immigration since 1990.

According to the [CATO Institute](#), which has done some of the most comprehensive analysis of the current failings of the American legal immigration system, immigrant workers seeking a green card—which denotes legal permanent residence in the United States—now face almost a three-and-a-half-year wait to make it through the government’s regulatory morass. Paying a \$2,805 fee could reduce this wait to ‘only’ 2.8 years. Since 2016, the government has added over 18 months to the average green card process.

While the legal immigration system makes it harder for willing workers to enter the US, the southern border has grown increasingly porous to those who choose to come anyway. Customs and Border Patrol (CBP) has, since 1996, faced hundreds of thousands of annual encounters with would-be immigrants seeking to enter the US without prior authorization. These “illegal” immigrant encounters soared to [new highs](#) under the Biden Administration: 2.2 million in FY 2022, 2 million in FY 2023 and 1.5 million in FY 2024.

Sanctioned Pathways to Admission

Immigrants

Those wishing to immigrate to the United States must apply for an **immigrant visa** at a US embassy in their home country. Once granted, a visa allows one to travel to a US airport or border and request permission to enter. A Customs and Border Protection (CBP) officer evaluates the individual's visa and other documents; if approved, the individual qualifies to become a **Lawful Permanent Resident (LPR)**. Most LPRs must wait 5 years before applying for citizenship. If approved, such residents become what is called **"naturalized citizens."**

Almost all legal immigration into the US is subject to immigration quotas. The Immigration and Naturalization Act (INA) limits the total number of people admitted through this quota system each year to 675,000, though there is no limit on admission of immediate relatives of U. S. citizens—spouses, parents, and unmarried children under age 21. There are stringent caps for all other members of families.

Temporary non-immigrant visas are issued to students, certain workers, and tourists, that allow them to live, work, and travel in the United States for a specified period. In FY 2024, the US issued 1.36 million lawful permanent resident cards (i.e., green cards). As of January 1, 2025, there were approximately 13 million lawful permanent residents in the United States. In that same year, the Department of Homeland Security reports 3.6 million non-immigrant visa holders were in the United States.

Refugees. Since passage of the Refugee Act of 1980, the US has, without regard to country quotas, codified a way for individuals outside the US to be admitted to the US if they successfully establish "refugee" status. This requires them to demonstrate they have fled their country of origin to a refugee camp in a neighboring country because of past (or a reasonable fear of future) grave persecution targeting their religion, political beliefs, nationality, race or membership in certain social groups. Refugees identified and vetted as such while abroad by the State Department, US Customs and Immigration Service (USCIS) and other government officials, may be selected to come to the United States under the US Refugee Admissions Program and placed on a path to US citizenship. The President, in consultation with Congress, sets the annual number of refugees allowed. In FY2024, 100,600 refugees were designated for admission. **President Trump largely suspended this program in January 2025, with limited exceptions such as for South African Afrikaners. For FY 2026, the admission ceiling was set at 7,500, the lowest in the program's 45-year history.**

Asylum Seekers. Asylees are individuals able to prove past persecution or fear of future persecution in their home country (as defined in the Refugee Act of 1980) who, instead of

applying for refugee protection from refugee camps abroad, leave home, travel to the US and ask for such protection only after arriving at a U. S. border (or after crossing the border, if not in deportation proceedings). They may then qualify for the same Refugee Act protection as refugees abroad.

Asylees asking for such protection at the border are placed in “removal” proceedings (also called “defensive” asylum proceedings), which take place in Immigration Court. If they fail in court to obtain protection, they may be deported (removed), but if they are successful, they may then qualify for the same Refugee Act protection as refugees abroad may qualify to receive, ultimately including a path to U.S. citizenship. In FY2025, 876,106 people applied for “defensive” asylum, bringing the [backlog of cases](#) in immigration courts to more than 2.4 million.

Asylees who ask for protection under the Refugee Act of 1980 when already in the country (e.g., on an immigrant visa) make their case not in Immigration Court, but before trained non-lawyer asylum officers of the U.S. Citizenship and Immigration Services (USCIS). Their cases are called “affirmative” asylum proceedings. The [backlog of affirmative asylum cases](#) at USCIS exceeded 1.4 million at the end of FY 2025, with average processing time approximately 7.3 years.

[Temporary Protected Status TPS](#)). TPS is humanitarian relief awarded by the Department of Homeland Security (DHS) to individuals already in the United States from countries facing extraordinary countrywide exigencies such as failed state violence and environmental disasters. Individuals from identified countries are temporarily protected from deportation and entitled to work but are not eligible for immigration visas or citizenship. The Trump administration recently ended TPS designation for 13 of 17 TPS-status countries in March 2025 and the Supreme Court ruled the administration had authority to do so,

There were [1.3 million TPS holders](#) living in the US as of March 2025, with nearly half in Florida. Five countries (Venezuela, Haiti, El Salvador, Ukraine, Honduras) accounted for 97% of all recipients. Compared to US-born workers, TPS workers were 5.4 times more likely to work in building and grounds cleaning, 3.2 times more likely work in construction, and twice as likely to work in transportation, making them critical to these sectors. TPS workers generated \$35.9 billion in GDP in 2023, with \$10.7 billion from Florida alone, followed by Texas (\$4.3B), California (\$3.6B), and New York (\$2.8B). It is estimated the status of over one million people will be affected by this revocation of TPS status. If these individuals do not qualify for another pathway to citizenship, such as asylum, they risk deportation.

Unsanctioned Immigration

In 2023, one quarter of American immigrants were unauthorized. About half (55%) of these entered the country without government permission; the rest remained in the United States after a temporary non-immigrant visa expired. The unauthorized population reached 14 million people by 2023, though the number varies by study methods employed. Approximately 40% of unauthorized immigrants are from Mexico.

It is important to note that unauthorized presence in the U. S., in and of itself, is not a violation of federal criminal law, unless an individual has been previously removed from the United States. Immigration laws are primarily enforced through civil proceedings under the auspices of the Department of Homeland Security.

Immigration Under the Trump Administration

Donald Trump won the 2024 election in large part on a pledge to eliminate unauthorized cross-border immigration, and to deport a million “criminal” immigrants a year alleged to be residing in the United States. According to the authoritative Transactional Records Access Clearinghouse at Syracuse University, Immigration Courts [recorded](#) receiving 413,945 new cases as of June 2026, with only 1.76% seeking deportation based on the immigrant’s alleged illegal activity.

Since the Trump inauguration, his administration has done the following:

- Deployed thousands of National Guard troops to Washington D.C. to patrol and help identify and detain immigrants for deportation.
- Sent hundreds of masked agents of Immigration and Custom Enforcement (ICE) and Customs and Border Patrol (CBP) into federal court houses across the country to arrest and detain immigrant families there to pursue their lawful asylum claims.
- Deployed armed ICE and CBP enforcement officers in immigrant dragnet operations in neighborhoods in Los Angeles, Portland, Chicago and Minneapolis to round up and deport immigrants, during which immigration enforcement officers have shot and killed both nonviolent immigrants and American citizens.
- Successfully won appropriations from the Republican Congress in the “One Big Beautiful Bill” and “Secure America” Acts for over 100 billion dollars to hire, equip and train hundreds of new ICE agents to participate in more and larger detention and deportation activities.

These initiatives have resulted in unknown thousands of deportations of immigrants whose true legal status, due to the refusal of ICE to disclose complete and accurate data, is not fully known.

It is estimated that there has been a 63% surge in the number of detainees held in detention centers around the US since Trump took office for the second time.

Trump has justified many of the most brutal of actions by vilifying immigrants in a strategy to create an internal enemy, an “other,” against which “real” Americans, that is, native-born white people, can be validated and elevated. In this unfolding drama, Mr. Trump has cast himself as the “Protector,” the one who will save white Americans from, as he says, aliens.

Such vilification, however, does nothing to advance the kind of sound immigration policy that a surge in immigration requires. In fact, over the last 30 years Congress has enacted no—repeat: NO—legislation to streamline the existing system of legal immigration--even as the system’s complexity, flaws and inefficiency continue to fuel illegal immigration. Economists and labor force analysts caution that until those flaws are addressed to allow safe, legal and orderly entry of more immigrant labor into the US, an aging work force and low birth rates will hasten US economic decline.

In addition, the Immigration Justice system, the administrative courts within the U. S. Department of Justice and the law enforcement agencies that enforce federal immigration laws, are in disarray. There is a huge backlog of cases and there has been a shift in emphasis. In 2021, the Department of Homeland Security issued guidelines to prioritize cases involving individuals with criminal records. In 2025, the Trump administration advanced a new priority-- to increase the rate of deportation via expedited review, pausing or canceling processing of asylum cases, and barring entire groups from asylum.

Immigration Demographics and Economics

Before the second Trump administration’s single-track focus on deportation, about 50 million immigrants were living in the United States. Approximately 15 million of these were here unlawfully but **working and paying taxes** “in the shadows.” Immigration has a profound impact on the economics of our country, especially as birth rates decline and the population ages.

A recent Brookings Institution report offers these data points:

- In the US, the ratio of the number of working age people (16-64) to those 65 and older has **fallen from 5.7 in 1970 to 3.4 in 2025 and is projected to fall to 2.7 by 2040.**
- The US Census Bureau estimates that in a zero-immigration scenario starting in 2022, the US population would fall by over seven million between 2022 and 2040.
- In each year from 1994 to 2023, across all levels of government, **immigrants paid more in taxes than they received in benefits.** This resulted in a cumulative fiscal surplus of

\$14.5 trillion in real 2024 US dollars over that period, including savings on interest payments on the national debt.

- Lower migration levels do not ultimately lead to additional employment for US-born workers. **Immigrants are consumers as well as producers of goods and services, so fewer immigrants mean less consumer demand.** As a result, the main effect of reduced immigration is simply a smaller economy.
- **GDP growth is slowed by reductions in net migration**, particularly abrupt ones. The decline in migration between 2024 and 2025 will reduce GDP growth by between 0.19 and 0.26 percentage points and lower consumer spending by between \$40 billion and \$60 billion in 2025.

Economic Impacts on Colorado

In Colorado today, according to a [2026 report](#) released by the Governor's office, **720,000 immigrants live in Colorado making up 12% of the population.** They make up an estimated 14% of Colorado's labor force, more than double from 30 years ago. An estimated **8% of individuals in Colorado, or some 458,000, are either undocumented immigrants or live with an undocumented immigrant.** About 110,000 undocumented individuals in Colorado have lived in the U.S. for more than 10 years, with 65,000 of those living in the U.S. for more than 20 years.

Colorado's immigrant population is highly integrated into the state's communities. Ninety-two percent of immigrants in Colorado speak English, about 55% are homeowners, and 74% have lived in the U.S. for a decade or longer. About 21% of Colorado's population lives in a household with at least one immigrant.

Immigrants, regardless of legal status, contribute significantly to our state's economy. They work in a wide variety of industries from construction to agriculture, to hospitality and tourism, to manufacturing and more. They **contribute an estimated \$29 billion annually to the economy and generate \$136 million in state and local taxes each year.** It is estimated that 5% of workers are immigrants without legal status; nevertheless, they contribute more than \$6.7 billion to the economy annually and pay nearly \$1.9 billion in combined federal, state, and local taxes.

Many of Trump's immigration policies sacrifice the valuable contributions of immigrants, raising costs for everyone. In Colorado, cancellation of work permits, mass deportations of millions, and significant reductions in legal immigration in the years ahead will likely translate to a loss of \$3.6 billion annually for the state's economy and a loss of \$410 million in state and local taxes. This will mean higher costs for groceries (14.5% increase), housing (6.1%) and leisure and hospitality services (3.9%).

Conclusion

As we close in on the midterm elections of 2026, the prospects for humane and economically sound immigration reform through legislation are dim if not nonexistent. We are left to do all in our power to confront the ongoing attacks on our immigrant neighbors, including unlawful and, at times, violent deportations, separation of families, and inhumane treatment in detention centers. Colorado Friends of Democracy will continue to keep you abreast of actions you can take as we weather this dark period in our country's history.

Kathleen Wells, a retired university professor, has been involved in many political activities including lobbying, fundraising, and writing.

Jeff Pearson is a retired attorney. He has coached Constitutional Scholars' teams at East High School for over 20 years. Since 2018, he has represented, pro bono, detained asylum applicants in the locked Immigration Court at the ICE/Geo Group contract detention center in Aurora.