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## Increased Administrative Roadblocks in Naturalization and Immigration Under President Trump

Kyle Johnson

President Trump is well known for making disparaging remarks regarding illegal immigration.<sup>1</sup> These loud and public declarations have implied POTUS's support of legal immigration, thereby masking a real yet subtle battle taking place behind the scenes to manipulate current legal immigration processes as they exist today. This article will offer an examination of the recent administrative maneuvers employed by the Department of Homeland Security, the Department of Justice (D.O.J.), and the State Department to increase the rigor and uncertainty of the legal immigration process. By attacking obscure targets and leaving big policy decisions to the Commander in Chief, the administrative effort to slow down the legal immigration process has gone mostly unnoticed.<sup>2</sup> This has prompted the adoption of the moniker "Invisible Wall" to denote the objective of these covert efforts.<sup>3</sup> Through administrative rulemaking and departmental restructuring, the United States immigration system has become less friendly and more demanding of those trying to immigrate in accordance with U.S. law, despite a majority of the country showing support for legal immigration.<sup>4</sup>

Legal immigration is a process whereby foreign nationals may apply for and obtain permission to enter the country.<sup>5</sup> Permission can take the form of Visas or established Permanent Resident Status (Green Cards).<sup>6</sup> Visas allow immigrants and nonimmigrants to temporarily reside in the united states for

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<sup>1</sup> Eugene Scott, *Trump's most insulting - and violent - language is often reserved for immigrants*, THE WASH. POST (Oct. 2, 2019), <https://www.washingtonpost.com/politics/2019/10/02/trumps-most-insulting-violent-language-is-often-reserved-immigrants/>.

<sup>2</sup> Leon Rodriguez, *The Trump administration is making legal immigration harder, too*, THE WASH. POST (July 29, 2019), <https://www.washingtonpost.com/outlook/2019/07/29/trump-administration-is-making-legal-immigration-harder-too/>.

<sup>3</sup> *Doc. No. 18031933: Deconstructing the Invisible Wall*, AILA (April 28, 2018), <https://www.aila.org/infonet/aila-report-deconstructing-the-invisible-wall>.

<sup>4</sup> Claire Brockway & Carroll Doherty, *Growing share of Republicans say U.S. risks losing its identity if it is too open to foreigners*, PEW RES. CTR. (July 17, 2019), <https://www.pewresearch.org/fact-tank/2019/07/17/growing-share-of-republicans-say-u-s-risks-losing-its-identity-if-it-is-too-open-to-foreigners/>.

<sup>5</sup> CHARLES GORDON & STANLEY MAILMAN, IMMIGRATION LAW AND PROCEDURE § 1.03 (2019).

<sup>6</sup> *Id.*

limited purposes, such as work or education.<sup>7</sup> Green Cards can be obtained for working in the United States, living with a relative, staying as a refugee or asylee, expanding a business, or through a lottery program for countries with low rates of immigration to the United States.<sup>8</sup>

Naturalization is the process of becoming a citizen of the United States through a course outlined in the Immigration and Nationality Act.<sup>9</sup> Paths to citizenship include residing permanently in the U.S. for at least five years, being married to a U.S. citizen for three years, serving in the U.S. military for at least one year, or being born to citizen parents outside of the United States.<sup>10</sup>

The United States immigration system is administered by the U.S. Citizenship and Immigration Service (USCIS), an agency within the Department of Homeland Security.<sup>11</sup> Federal administrative agency activity is limited by the statutes delegated to them by Congress, the Due Process Clause, and the Administrative Procedure Act (A.P.A).<sup>12</sup> Under these statutes, agencies are delegated the power to create and enforce regulations through rulemaking and adjudication.<sup>13</sup> To create new regulations, agencies must go through “notice and comment procedures,” also referred to as “informal” rulemaking.<sup>14</sup> Notice and comment rulemaking, under which a proposed rule is published in the Federal Register and is open to comment by the general public, is required under the A.P.A. when an agency wants to promote a regulation that creates an obligation for those subject to the regulation.<sup>15</sup>

Notice and comment procedures can be costly and time-consuming, so the A.P.A. provides for exceptions to allow agencies to function more freely in limited circumstances.<sup>16</sup> These exceptions include statements of general agency organization and policy, interpretative rules, and those made for “good cause.”<sup>17</sup> Statements of general agency organization and policy may include

<sup>7</sup> *Id.*

<sup>8</sup> *Green Card Eligibility Categories*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (2017), <https://www.uscis.gov/greencard/eligibility-categories> (last visited Nov 3, 2019).

<sup>9</sup> 8 U.S.C. § 1101(a)(23).

<sup>10</sup> *How to Apply for Naturalization*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (2009), <https://www.uscis.gov/us-citizenship/citizenship-through-naturalization> (last visited Nov 3, 2019).

<sup>11</sup> 6 U.S.C.S. § 271.

<sup>12</sup> JACOB A. STEIN & GLENN A. MITCHELL, *ADMINISTRATIVE LAW* § 15.05 (2019).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at § 13.02.

<sup>15</sup> *Id.*

<sup>16</sup> 5 U.S.C. § 553 (d).

<sup>17</sup> *Id.*

departmental restructurings or staff apportionment decisions.<sup>18</sup> With interpretative rules, agencies may reinterpret their own regulations that have already gone through notice and comment.<sup>19</sup> Similarly, agencies can issue reinterpretations of their governing statutes if the intent of Congress is ambiguous on a term or phrase. In both cases, courts tend to defer to an agency's interpretation so long as it is a permissible construction of an ambiguous regulation or statute.<sup>20</sup> Rules promulgated for "good cause" include those that protect the public from perceived danger and thus cannot delay for full notice and comment rulemaking.<sup>21</sup>

This judicial deference gives administrative agencies immense power in effecting administrative procedures.<sup>22</sup> It is by utilizing these powers that the Trump administration has changed the legal immigration landscape for refugees seeking asylum, military personnel seeking citizenship, immigrants seeking employment and education, and families looking to live together in the United States.

#### REFUGEES AND ASYLUM

One of Donald Trump's first actions as president was to issue an executive order to lower the limit of immigrants that the United States accepts under its asylum laws to only 50,000 entrants per year.<sup>23</sup> In 2016, the last year of Obama's presidency, the United States allowed just below 85,000 refugees into the country.<sup>24</sup> In 2017 the United States allowed 53,691, and in 2018 only 22,405 refugees were allowed into the country.<sup>25</sup> This action was referred to as the "Muslim Travel Ban" because, in addition to the limit on refugees, it specifically limited immigration from several majority Muslim countries.<sup>26</sup> The order faced harsh criticism from immigrant rights organizations and sparked protests at airports nationwide as agencies hastily attempted to comply with

<sup>18</sup> STEIN & MITCHELL, *supra* note 12.

<sup>19</sup> *Auer v. Robbins*, 519 U.S. 452, 461 (1997).

<sup>20</sup> *Id.*

<sup>21</sup> STEIN & MITCHELL, *supra* note 12.

<sup>22</sup> *Id.*

<sup>23</sup> E.O. 13769 (Jan. 27, 2017).

<sup>24</sup> *Legal Immigration and Status Report Quarterly Data*, DEP'T OF HOMELAND SECURITY, <https://www.dhs.gov/immigration-statistics/readingroom/special/LIASR> (last visited Nov. 6, 2019).

<sup>25</sup> *Id.*

<sup>26</sup> Vahid Niayesh, *Analysis — Trump's travel ban really was a Muslim ban, data suggests*, THE WASH. POST (Sept. 26, 2019), <https://www.washingtonpost.com/politics/2019/09/26/trumps-muslim-ban-really-was-muslim-ban-thats-what-data-suggest/> (last visited Dec. 2, 2019).

the executive order.<sup>27</sup> In addition to the protests, the travel ban faced several successful legal challenges, leading to the order to be enjoined.<sup>28</sup> Because of these injunctions, several revisions were made to the order, until finally, the Supreme Court allowed the “ban” to stand because it was within the president’s executive authority to implement.<sup>29</sup>

With this favorable ruling on the books, the Trump administration continued to attempt to limit asylum further. On July 16, 2019, the Department of Justice and the Department of Homeland Security published a joint interim final rule, requiring immigrants seeking asylum in the United States, because of religious or governmental persecution, to first apply for asylum in the first safe country they accessed on their way to the United States.<sup>30</sup> Therefore, if a family is seeking asylum, but they pass through another country on their way to the United States, they will first have to apply for asylum in the country they entered from before applying in the United States.<sup>31</sup>

The rule was challenged by a refugee rights group in the Central District of California, where the court enjoined the rule from going into effect on a finding that it was inconsistent with the asylum statute, skirted rulemaking procedures, and that the government acted arbitrarily and capriciously in its defense of the rule.<sup>32</sup> The government appealed, the case was remanded back to the District Court to examine new evidence, where the court once again ruled in favor of the injunction.<sup>33</sup> While waiting on another appeal, the government asked the Supreme Court for a stay of the injunction pending appeal to the Ninth Circuit.<sup>34</sup> The Court granted that stay, drawing a dissent from Justice Sotomayor, joined by Justice Ginsburg, stating that the stay of an injunction is an “extraordinary” act that the case did not warrant.<sup>35</sup>

The district court found the rule was not in accordance with the statute because it allowed the Attorney General to unilaterally classify what was a “safe

<sup>27</sup> Andy Newman, *Highlights: Reaction to Trump’s Travel Ban*, THE NEW YORK TIMES (Jan. 29, 2017), <https://www.nytimes.com/2017/01/29/nyregion/trump-travel-ban-protests-briefing.html>.

<sup>28</sup> Willa Frej & Roque Planas, *Supreme Court Allows Watered-Down Travel Ban To Take Effect For Now*, HUFFPOST (June 26, 2017), [https://www.huffpost.com/entry/supreme-court-travel-ban\\_n\\_5950faf3e4b02734df2babaa](https://www.huffpost.com/entry/supreme-court-travel-ban_n_5950faf3e4b02734df2babaa).

<sup>29</sup> *Id.*

<sup>30</sup> *E. Bay Sanctuary Covenant v. Barr*, 391 F. Supp. 3d 974 (N.D. Cal. 2019).

<sup>31</sup> *Id.*

<sup>32</sup> *E. Bay Sanctuary Covenant v. Barr*, 385 F. Supp. 3d 922, 951-52 (N.D. Cal. 2019).

<sup>33</sup> *Barr v. E. Bay Sanctuary Covenant*, 204 L.Ed.2d 1189, 1189 (U.S. 2019).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 1190.

third country,” while the statute requires a bilateral or multilateral agreement with a foreign nation.<sup>36</sup> Under U.S. asylum laws, the safe third country provision allows the U.S. to establish an agreement with a separate country that will take on asylum seekers, so long as they will be afforded safe harbor and protection from political persecution.<sup>37</sup> The United States made such an agreement with Guatemala on November 14, 2019.<sup>38</sup> Because of the agreement, the Attorney General now has the discretion to send U.S. asylum seekers back to Guatemala to apply for asylum before returning once more to the United States and reissuing their application.<sup>39</sup>

### THE MILITARY

On October 13, 2017, the Secretary of Defense for Personnel and Readiness issued a memorandum to military branches halting the enlistment process for non-citizen recruits.<sup>40</sup> New recruits seeking citizenship have to undergo a rigorous background examination before being sent to basic training.<sup>41</sup> The memorandum had a negative effect on both recruitment and completion of the military service path to naturalization.<sup>42</sup>

Military Naturalization is administered by the USCIS through Section 328 of the Immigration and Nationality Act.<sup>43</sup> Between 2002 and 2018, the USCIS naturalized 129,587 members of the military – 7,625 of whom were immigrant service members.<sup>44</sup> The 2018 year showed the lowest number of naturalizations since the beginning of the program, with only 4,135 being granted citizen status through the program.<sup>45</sup> This drop in military naturaliza-

<sup>36</sup> *E. Bay Sanctuary Covenant*, *supra* note 33, at 930.

<sup>37</sup> *Id.*

<sup>38</sup> Nicole Narea, *The Trump administration will start sending migrants back to Guatemala under a new rule*, VOX (Nov. 19, 2019), <https://www.vox.com/policy-and-politics/2019/11/19/20970868/asylum-rule-agreement-guatemala-el-salvador-honduras-safe-third-deport-dhs-doj>.

<sup>39</sup> 8 U.S.C.S. § 1158 (a)(2)(A).

<sup>40</sup> *Jiahao Juang v. United States DOD*, No. 18-17381, 2019 Lexis 19799 (9th Cir. 2019).

<sup>41</sup> *Jiahao Juang*, No. 18-17381, 2019 Lexis 19799 (9th Cir. 2019).

<sup>42</sup> Tara Copp, *Naturalizations drop 65 percent for service members seeking citizenship after Mattis memo*, MILITARY TIMES (May 3, 2018), <https://www.militarytimes.com/news/your-military/2018/05/03/naturalizations-drop-65-percent-for-service-members-seeking-citizenship-after-mattis-memo/>.

<sup>43</sup> 8 U.S.C.S. § 1439.

<sup>44</sup> *Military Naturalization Statistics*, U. S. CITIZENSHIP AND IMMIGRATION SERV. (2019), <https://www.uscis.gov/military/military-naturalization-statistics> (last visited Oct. 1, 2019).

<sup>45</sup> *Id.*

tions is well below what would be statistically expected without a major change in policy.<sup>46</sup>

This action has led to a lawsuit filed on behalf of an estimated 3,000 recruits who have not been able to report to basic training due to the rule halting the enlistment process for non-citizen recruits.<sup>47</sup> The District Court granted a preliminary injunction adjoining the rule from going into effect, but that ruling was vacated when the court of appeals found that the claim did not meet the required level of scrutiny to allow judicial review of internal military decisions.<sup>48</sup>

Another decision that affected military personnel was an August 28, 2019, memo released by the USCIS clarifying definitions for interpreting the agency's statutory authority over administrative regulations.<sup>49</sup> The stated purpose of the memo was "to better define residence and clarify the distinction between U.S. residence and physical presence" to be more in line with other agencies, and to rescind a previous rule that considered children born abroad to U.S. government employees and armed service members to be residing in the U.S. for purposes of obtaining citizenship status.<sup>50</sup>

Section 320 of the Immigration and Nationality Act (I.N.A.) states that a child born outside of the United States automatically becomes a citizen if, "(1) at least one parent of the child is a citizen of the United States, whether by birth or naturalization; (2) the child is under the age of eighteen years; and (3) the child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence." To make things easier for armed service members and government employees on assignment overseas, the USCIS previously interpreted the phrase "residing in the United States" loosely to include children born to those government employees while they were on assignment overseas.<sup>51</sup> This interpretation allowed those children to naturalize as a birth-right, with the ability to apply for a U.S. passport.<sup>52</sup>

<sup>46</sup> *Id.* (Mean = 7,623; Standard deviation (n) = 1939.18; Standard deviation (n-1) = 2002.78.)

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> U.S. DEP'T OF HOMELAND SEC., DEFINING "RESIDENCE" IN STATUTORY PROVISIONS RELATED TO CITIZENSHIP, 1 (Aug. 28, 2019), available at <https://www.uscis.gov/sites/default/files/policymanual/updates/20190828-ResidenceForCitizenship.pdf>.

<sup>50</sup> *Id.*

<sup>51</sup> U.S. DEP'T OF HOMELAND SEC., *supra* note 49.

<sup>52</sup> *Id.*

At its most basic level, this new policy makes a previously automatic process subject to administrative discretion.<sup>53</sup> Families will have to move back to the United States and establish residency before applying for a child's automatic citizenship or apply for discretionary citizenship if they are remaining abroad.<sup>54</sup> The memo specifically states that actual residence is required, and simply being present within the United States is not sufficient.<sup>55</sup>

### EMPLOYMENT

Wait times have become an issue for employers seeking to hire immigrant workers.<sup>56</sup> The issue with long wait times is the risk of a visa lapse while still waiting on renewal or updated status.<sup>57</sup> To remain in good standing legally, immigrants often must return to their home country if their visa expires.<sup>58</sup> Specifically, immigrants have been struggling with the H-1B visa process, and companies are having trouble keeping immigrant workers consistently employed due to gaps in immigration status.<sup>59</sup>

Even for "High-Level" immigrant renewal applications, employment visas that would normally take two to three months are now taking twice that time, according to Jordan Bendersky, partner at Hussain, Bendersky & Liston L.L.C.<sup>60</sup> Bendersky says that although success rates remain about the same for High-Level visas, the wait time has introduced an air of caution from businesses and applicants.<sup>61</sup> Businesses need high-level immigrants because that's what American universities are producing. The number of international students obtaining science, technology, engineering, and mathematics (STEM) graduate degrees from United States universities has reached a point where it outnumbers American citizens obtaining those same degrees.<sup>62</sup> American businesses that wish to hire a highly educated workforce need to be able to rely on

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Alana Semuels, *Tech Companies Grow in Canada for High-Skilled Foreign Workers*, TIME (July 25, 2019), <https://time.com/5634351/canada-high-skilled-labor-immigrants>.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Phone Interview with Jordan Bendersky, Partner, Bendersky & Liston LLC (Nov. 11, 2019) [hereinafter Bendersky interview].

<sup>61</sup> *Id.*

<sup>62</sup> *The Importance of International Students to U.S. Science and Engineering*, NAT'L FOUND. FOR AM. POL'Y., (2017), available at <http://nfap.com/wp-content/uploads/2017/10/The-Importance-of-International-Students.NFAP-Policy-Brief.October-20171.pdf>.



the immigrant community.<sup>63</sup> This becomes a problem when uncertainty hangs over each employment decision due to increased wait times and fees associated with employment visas.<sup>64</sup>

According to the American Immigration Lawyers association, the increased delays are the result of the increase of staff turnover, fee increases and new security check requirements.<sup>65</sup> Other changes that have increased wait times include rescission of a policy that deferred to previous fact determinations, increased use of in person domestic interviews and increased evidence requests.<sup>66</sup>

### FAMILY INTEGRATION

Another area affected by the delays is family-based immigration, which President Trump sometimes refers to as “chain migration.”<sup>67</sup> This term refers to family-based immigration that allows for expedited processing times for spouses, parents, and children seeking green card status.<sup>68</sup> Although getting rid of the program would likely have to go through Congress, or at least through notice and comment procedures, administrative changes have caused significant delays and increased requirements that make the sponsoring process more arduous.<sup>69</sup>

Immigration lawyers are feeling the effects of these changes every day, according to a veteran immigration lawyer Beata Leja.<sup>70</sup> Beata, a managing partner at Minsky, McCormick & Halligan, says that uncertainty has increased as wait times for nearly every application process have doubled, if not tripled.<sup>71</sup> The increased wait times are a product of staffing changes at USCIS and a reduction in resources for immigrants.<sup>72</sup> These internal changes do not require

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<sup>63</sup> Semuels, *supra* note 56.

<sup>64</sup> *Id.*

<sup>65</sup> *Deconstructing the Invisible Wall*, *supra* note 3, at 17.

<sup>66</sup> *Id.*

<sup>67</sup> Tessa Berenson, *Donald Trump Won't Allow 'Chain Migration.' What's That?*, TIME (Sept. 15, 2017), <https://time.com/4943340/donald-trump-daca-what-is-chain-migration/>.

<sup>68</sup> *Id.*

<sup>69</sup> Interview with Beata Leja, Partner, Minsky, McCormick & Halligan (Nov. 15, 2019) [hereinafter Leja interview].

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

notice and comment rulemaking because they are purely personnel decisions that are left to agency discretion.<sup>73</sup>

Aside from the delays, another decision that has effected families is a State Department interpretation that children born to LGBT parents through in vitro fertilization are to be considered born out of wedlock for purposes of immigration status.<sup>74</sup> Persons born out of the United States to a U.S. citizen mother and alien father may acquire U.S. citizenship at birth if the mother was a U.S. citizen at the time of the person's birth and was physically present in the United States or one of its outlying possessions for a period of five years, or two years after the age of fourteen.<sup>75</sup> A person born abroad and out-of-wedlock to a U.S. citizen father may acquire U.S. citizenship if: a blood relationship between the person and the father is established by clear and convincing evidence; the father had the nationality of the United States at the time of the person's birth; the father has agreed in writing to provide financial support for the person until the person reaches the age of 18 years; and, while the person is under the age of 18, the person is legitimated by law, oath or adjudication.<sup>76</sup>

The State Department has interpreted children born to LGBT parents through in vitro fertilization to be considered born out of wedlock for purposes of immigration status.<sup>77</sup> Because citizenship status is determined based on the genetic relationship to the U.S. citizen parent, LGBT families have had a difficult time establishing citizenship for children who are products of in-vitro fertilization, as well as surrogate-born children.<sup>78</sup> For example, a male U.S. citizen married a male Canadian citizen while living in Canada, and they decided to start a family.<sup>79</sup> The couple employed a surrogate to bear two eggs that were

<sup>73</sup> Ted Hesson et al., *The Man Behind Trump's 'Invisible Wall'*, POLITICO MAGAZINE (Sept. 20, 2018), <https://www.politico.com/magazine/story/2018/09/20/uscis-director-lee-francis-cissna-profile-220141>.

<sup>74</sup> Rebekah Riess & Jay Croft, *Same-sex couple sues State Department for denying daughter's citizenship*, CNN (July 26, 2019), <https://www.cnn.com/2019/07/24/us/gay-couple-daughter-citizenship-lawsuit/index.html>.

<sup>75</sup> *Acquisition of U.S. Citizenship by a Child Born Abroad*, U.S. DEP'T OF STATE, <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/us-citizenship/Acquisition-US-Citizenship-Child-Born-Abroad.html> (last visited Nov. 2019).

<sup>76</sup> *Id.*

<sup>77</sup> Rebekah Riess & Jay Croft, *Same-sex couple sues State Department for denying daughter's citizenship*, CNN (July 26, 2019), <https://www.cnn.com/2019/07/24/us/gay-couple-daughter-citizenship-lawsuit/index.html>.

<sup>78</sup> *Id.*

<sup>79</sup> *Andrew Mason Dvash-Banks v. Pompeo*, No. CV 18-523-JFW(JCx), 5 (C.D. Cal. Feb. 21, 2019).

made from the genetic material of the couple, resulting in twins.<sup>80</sup> When the couple attempted to acquire U.S. citizenship for the children, they were told to provide additional evidence demonstrating the existence of a biological relationship with the U.S. citizen father.<sup>81</sup> A DNA test revealed that only one of the two children was biologically fathered by the U.S. citizen, and the other child's application was denied.<sup>82</sup>

When the denial was challenged, the State Department took the position that "out of wedlock" meant children born in relation to only one parent, even if the parents were married at the time of the birth.<sup>83</sup> The District Court for the Central District of California rejected this position because the statutory language did not specify a blood relationship was required, and there was no distinction for married or unmarried parents.<sup>84</sup> Rather than relying on the agency's interpretation, the District Court relied on 9th Circuit precedent involving children born to a married couple but without relation to the U.S. citizen in the marriage.<sup>85</sup>

#### THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS

A discussion on immigration and administrative decision making under President Trump is incomplete without briefly discussing DACA. The Deferred Action for Childhood Arrivals program blurs the line between legal and illegal immigration.<sup>86</sup> DACA was started under President Obama to allow undocumented immigrants who were brought to the United States as children to obtain a renewable two-year deferral for their immigration review and authorization to work.<sup>87</sup> The issue of DACA's legality is before the Supreme Court, where the justices are deciding on whether President Trump's administration violated due process owed to recipients by shutting down the program without proper notice.<sup>88</sup>

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<sup>80</sup> *Id.*

<sup>81</sup> *Id.* at 6.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.* at 4.

<sup>84</sup> *Id.* at 17-18.

<sup>85</sup> *Id.* at 19.

<sup>86</sup> Caitlin Dickerson, *What Is DACA? And How Did It End Up in the Supreme Court?*, THE NEW YORK TIMES (2019), <https://www.nytimes.com/2019/11/12/us/daca-supreme-court.html>.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

One DACA recipient had some words for the program as a whole.<sup>89</sup> Loyola University Chicago School of Law student Fernanda Herrera said that she is thankful for DACA because it allowed her to work, go to school, and support her family.<sup>90</sup> Still she feels that the program put her in a legal grey area that kept her from achieving citizenship.<sup>91</sup> No matter which way the justices on the Supreme Court rule, people's futures hang in the balance. Even if DACA is allowed to continue, President Trump shows no sign of slowing down moving further towards his vision of what immigration should look like.

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<sup>89</sup> Interview with Fernanda Hererra, J.D. candidate at Loyola University Chicago School of Law (Dec. 2, 2019).

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*