

Faith, Nation, and Exclusion: How Christian Nationalism Shapes Immigration Laws and Policies in the United States

Article by Elizabeth Lascarez Espana*

What defines being American? What levels of protection—if any at all—should the United States government enforce to maintain a distinctly American culture and country? As immigration continues to shape cultural and demographic shifts in the United States, these questions have been at the forefront of America’s political and legal discourse. Christian Nationalism—a cultural, political, and religious ideology—provides a powerful framework that shapes responses to these questions and offers answers to the perceived challenges of cultural and demographic changes in a modern, less homogeneous United States. This note analyzes how Christian nationalist rhetoric—with its emphasis on cultural preservation, religious identity, and a narrow perception of American heritage—has shaped the development of restrictive immigration laws and policies by political elites.

I. Introduction	126
II. Understanding The Principals Of Christian Nationalism	132
III. Christian Nationalism’s Views On Immigration & Migrants In The United States	135
IV. Us vs. Them: A Brief Introduction Into Group Threat Theory & Christian Nationalism	140
V. Political Elites & The Legitimization Of Christian Nationalism	143
VI. Christian Nationalism’s Influence On Immigration Laws & Policies In The United States	145
VII. Turning Promises Into Action: The Immigration Policies Of An Early Second Trump Administration.....	150
A. The Alien Enemies Act: Resurrecting Wartime Powers for Immigration Enforcement.....	152

* Elizabeth Lascarez Espana, Staff Editor, Rutgers Journal of Law and Religion, J.D. Candidate, May 2026, Rutgers Law School-Camden.

B. Implications of the Use of the Alien Enemies Act	158
C. A Second Trump Administration's Attempts of Re- defining Birth Right Citizenship	162
VIII. Conclusion	167

I. INTRODUCTION

During the 2024 presidential elections, Americans ranked immigration as one of their top concerns when casting their vote. According to polls conducted by the Pew Research Center in September 2024, 61% of voters reported that immigration was a “very important” issue for them.¹ These results are a clear indicator of Americans’ growing concerns over immigration, the September 2024 polls indicating a 9% increase in importance since the 2020 elections and a 13% increase in importance since the 2022 congressional elections.²

The reported situation at the United States-Mexico border has played a significant role in the increased salience of immigration to the general American public.³ Under the Biden administration, which began in January 2021 and ended in January 2024, an estimated 8 million migrants crossed from the Mexico border into the United States.⁴ In fact, December 2023 reported a record-high

¹ PEW RSCH. CTR., *In Tied Presidential Race, Harris and Trump Have Contrasting Strengths, Weaknesses*, (Sept. 9, 2024), <https://www.pewresearch.org/politics/2024/09/09/issues-and-the-2024-election/> [https://perma.cc/23VC-6N7Y].

² *Id.*

³ See PEW RSCH. CTR., *How Americans View the Situation at the U.S.-Mexico Border, Its Causes and Consequences*, (Feb. 15, 2024), <https://www.pewresearch.org/politics/2024/02/15/how-americans-view-the-situation-at-the-u-s-mexico-border-its-causes-and-consequences/#:~:text=The%20growing%20number%20of%20migrant%20seeking%20entry,how%20it%20has%20handled%20the%20migrant%20situation> [https://perma.cc/R4BU-YBV8].

⁴ Lucy Gilder, *How many migrants have crossed the US border illegally?*, BBC (Sept. 29, 2024), <https://www.bbc.com/news/articles/c0jp4xqx2z3o> [https://perma.cc/AW7X-VB8R].

number of migrants.⁵ Subsequently, the increased number of crossings at the United States-Mexico border has been met with increased media attention. Headlines frequently detailed caravans of unregulated migrants crossing into the United States.⁶ Beyond looking at the number of incoming migrants into the United States, coverage also focused on the strains—both financial and social—placed on cities and states attempting to accommodate an influx of asylum seekers.⁷ The media was not the only one that took note of the increased influx of migrants. As the reported number of migrant crossings increased, salience also grew among the American public, with polls indicating that by February 2024, a 78% majority of Americans viewed the situation at the southern border as a crisis or major problem facing the United States.⁸

As the issue of immigration, especially unregulated immigration, has grown in salience, it has become a central focus in political discourse and legislative action. For instance, months before the 2024 election, members of Congress responded with legislative proposals that included the Border Security and Migration Reform Act of 2024, which ultimately failed to pass despite months of

⁵ *CBP Releases December 2023 Monthly Update*, U.S. CUSTOMS AND BORDER PROTECTION (Jan. 26, 2024), <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-december-2023-monthly-update#:~:text=In%20December%202023%2C%20the%20U.S.,migration%20statistics%20and%20rescues%20statistics> [https://perma.cc/BZ5D-PMG5].

⁶ Annie Correal, *The Last Migrant Caravans Before Trump's Inauguration*, N.Y. TIMES (Jan. 18, 2025), <https://www.nytimes.com/card/2025/01/18/world/americas/mexico-migrants-border-trump> [https://perma.cc/BAA4-KX47].

⁷ Maxwell Adler, *Migrant Influx Strains NYC, Chicago, Denver Budgets, S&P Says*, BLOOMBERG (Feb. 13, 2024), <https://www.bloomberg.com/news/articles/2024-02-13/migrant-influx-strains-budgets-of-nyc-chicago-denver-s-p-says> [https://perma.cc/9YHK-BRR2].

⁸ PEW RSCH. CTR., *supra* note 4.

bipartisan negotiations.⁹ Among the main goals of the Border Security and Migration Reform Act were enhancing security at the border and decreasing the number of migrants permitted under law to claim asylum in the United States.¹⁰

Governmental responses to the perceived threat of migrants have not solely been focused on the federal level. At the state level, governors have also taken increasingly assertive stances aimed at deterring and decreasing the number of unregulated migrants within their state and, as a result, the country writ large. For instance, in March of 2021, Texas Governor Greg Abbott implemented Operation Lone Star, and other states followed suit with similar immigration enforcement initiatives.¹¹ In the few months following the 2025 inauguration of Trump, Florida passed a bill creating and funding the State Board of Immigration Enforcement, which forces local Florida law enforcement to actively participate in enacting the Trump administration's mass deportation plans.¹²

⁹ Priscilla Alvarez, *Border bill fails in Senate for second time, blocked by GOP opposition and Democratic division*, CNN (May 23, 2024, at 16:12 ET), <https://www.cnn.com/2024/05/23/politics/senate-border-bill-vote/index.html> [<https://perma.cc/H55M-JX2S>].

¹⁰ Stephen Groves, Rebecca Santana & Mary Clare Jalonick, *Border bill fails Senate test vote as Democrats seek to underscore Republican resistance*, AP (May 23, 2024, at 16:05 ET), <https://apnews.com/article/border-immigration-senate-vote-924f48912eef1dc544dc648d757c3fe> [<https://perma.cc/7TJR-7WWD>].

¹¹ *Operation Lone Star*, OFFICE OF THE TEXAS GOVERNOR, <https://gov.texas.gov/operationlonestar#:~:text=To%20support%20the%20President's%20mission,deploy%20tactical%20strike%20teams%20to> [<https://perma.cc/9MLK-ZZAC>] (last visited Mar. 18, 2025); see also Governor Ron Desantis Announces Operation Lone Star in Full Force As Florida Resources Arrive At Southern Border, EXEC. OFFICE OF THE GOVERNOR: RON DESANTIS, 46TH GOVERNOR FLA. (May 25, 2023), <https://www.flgov.com/eog/news/press/2023/governor-ron-desantis-announces-operation-lone-star-full-force-florida-resources> [<https://perma.cc/52KG-DAE8>].

¹² *ACLU of Florida Condemns Gov. Desantis' Signing of Cruel Anti-Immigrant Bills Into Law*, ACLU OF FLORIDA MEDIA OFFICE (Feb. 13, 2025), <https://www.acluf1.org/en/press-releases/aclu-florida-condemns-gov-desantis-signing-cruel-anti-immigrant-bills-law> [<https://perma.cc/UJ2B-PNB4>].

While immigration—including anti-immigrant laws and policies—has gained heightened attention in the United States since the 2016 presidential election, this focus is not new but rather a continuation of already existing American political discourse. Scholars and experts have indicated that throughout the twenty-first century, immigration has been a central topic amongst politicians and lawmakers.¹³ Specifically, there has been an increased shift toward framing immigration as a criminal issue that requires immediate action.¹⁴ For instance, throughout the Obama administration, the enforcement of immigration laws through the removal of noncitizens significantly increased, leading the administration to hold the record for the highest number of deportations to date.¹⁵ The Obama administration prioritized deporting recently arrived unauthorized immigrants and those with criminal records, following a rationale that associated this segment of unauthorized immigrants with increased criminality risks that threatened American security and social cohesion.¹⁶

Despite Obama's record of mass deportation, both the former president and the Democratic Party have consistently portrayed themselves as a pro-immigrant party throughout the twenty-first century.¹⁷ This became clear as the Democratic Party pushed back against Trump's anti-immigrant messaging, which began in

¹³ Andrew J. Baranauskas & Jacob I. Stowell, *Perception of Immigrants as a Criminal Threat: The Role of Negative Affect and Ethnocentrism*, 15 RACE & JUSTICE 92, 94 (2022).

¹⁴ *Id.*

¹⁵ *Id.*; Muzaffar Chishti, Sarah Pierce, & Jessica Bolter, *The Obama Record on Deportations: Deportee in Chief or Not?*, MPI (Jan. 26, 2017), <https://www.migrationpolicy.org/article/obama-record-deportations-deporter-chief-or-not> [<https://perma.cc/BVZ4-ZPKM>].

¹⁶ *Id.*

¹⁷ Asma Khalid, *Democrats Used To Talk About 'Criminal Immigrants,' So What Changed The Party?*, NPR (Feb. 19, 2019), <https://www.npr.org/2019/02/19/694804917/democrats-used-to-talk-about-criminal-immigrants-so-what-changed-the-party> [<https://perma.cc/63UL-MBVM>].

2015.¹⁸ The years following Trump's defeat of Hillary Clinton have been characterized by a Republican party that has pushed anti-immigrant rhetoric that generalizes undocumented immigrants, characterizing the group as criminals that represent a danger to the American way of life and law and order.¹⁹

Following Trump's re-election in 2024, some factions of the Democratic Party have begun shifting toward a more visibly anti-immigrant position.²⁰ This is a splinter that was not seen during the first Trump administration, where Democrats were unwilling to compromise with his anti-immigrant views and policies.²¹ Indicators of this visible shift began in the time leading up to the 2025 elections, with the Democratic Party leadership choosing to shift their stances toward a message of enforcement, restrictions, and punishment.²² This shift resulted from public criticism over the influx of undocumented immigrants into the United States.²³ This rhetorical shift was only furthered after Trump's second term began, with a number of Democrats voting in favor of the restrictive anti-immigrant *Laken Riley Act* within

¹⁸ Laura Finley & Luigi Esposito, *The Immigrant as Bogeyman: Examining Donald Trump and the Right's Anti-immigrant, Anti-PC Rhetoric*, 44 *Humanity & Society* 178, 187 (2019); Burgess Everett, *Democrats furious over Trump's immigration rhetoric*, Politico (Jan. 31, 2018, at 1:00 ET), <https://www.politico.com/story/2018/01/31/state-of-the-union-democrats-congress-379571> [<https://perma.cc/CJ98-5SMQ>]; Muzaffar Chishti, Kathleen Bush-Joseph, Colleen Putzel-Kavanaugh, & Madeleine Greene, *Biden's Mixed Immigration Legacy: Border Challenges Overshadowed Modernization Advances*, MPI (Dec. 10, 2024), <https://www.migrationpolicy.org/article/biden-immigration-legacy> [<https://perma.cc/A3DF-7ECY>].

¹⁹ Finley & Esposito, *supra* note 18, at 188.

²⁰ Stephen Groves, *Democrats are Splintered on immigration and how to respond to Trump*, AP (Jan. 26, 2025), <https://apnews.com/article/congress-immigration-trump-laken-riley-democrats-deport-f6ef14cc837f0b28edd1a10a5a848788> [<https://perma.cc/GU6Y-KYRF>].

²¹ *Id.*

²² Sergio Martínez-Beltrán, *Pushed by public opinion shift, Democrats adopt immigration restrictions*, NPR (Nov. 1, 2024, at 16:51 ET), <https://www.npr.org/2024/10/29/nx-s1-5171441/democrats-shift-immigration> [<https://perma.cc/YR7Q-BNJ3>].

²³ *Id.*

Trump's first week in office.²⁴ This strategic recalibration suggests an attempt from Democrats to recapture voters who responded to Trump's message—whether it be because of immigration concerns or otherwise. Most notably, this splinter within the Democratic party reflects the legitimization of anti-immigration policies among political establishments on both sides of the aisle, reflecting a shared belief that most Americans now support restrictive immigration laws.

This note examines how the legitimization of rhetoric found in Christian nationalism has influenced the enforcement and creation of immigration laws and policies in the early stages of the second Trump administration. Specifically, this paper looks at two actions taken by the second Trump administration: The invocation of the Alien Enemies Act of 1798 and challenges to birthright citizenship.

While Christian Nationalism is not the sole reason for the present administration's anti-immigrant efforts—nor does this paper intend to suggest that such is the case—assessing the link between Christian Nationalism and anti-immigrant sentiment contributes to an understanding of the anti-immigrant changes the law has taken. The framework of Christian nationalism—with its emphasis on cultural preservation, religious identity, and the protection of a specific American heritage and identity—has provided a framework that has been legitimized and pushed through exclusionary immigration measures. As the rhetoric pushed by Christian Nationalism gains mainstream acceptance among the electorate and political elites, it has helped normalize restrictive immigration positions that were previously considered extreme. An analysis of the theological and cultural underpinnings of Christian nationalism allows a better understanding of one of the many forces shaping modern America's immigration laws and policies.

²⁴ Groves, *supra* note 21.

II. UNDERSTANDING THE PRINCIPALS OF CHRISTIAN NATIONALISM

The phrase “Christian nationalism” is a relatively new term that has emerged in the fields of social science, political science, and the media to describe a historically common worldview informed by a conservative Christian cultural and social point of view.²⁵ Experts in the field have grappled with defining the term, often producing a variety of differing definitions influenced by multiple factors.²⁶ The specific beliefs and characteristics defining Christian nationalism are significantly shaped by the national context, which forms shared cultural and social perspectives.²⁷ As a result, Christian Nationalism in Britain and Germany manifests with different characteristics than Christian Nationalism in the United States.²⁸ Given these contextual variations, this note narrows its focus exclusively to American Christian nationalism. It examines how its distinctive cultural and social framework has increasingly influenced the Second Trump Administration’s early immigration laws.

American Christian nationalism represents a cultural and political ideology that seeks to merge American national identity with a particular

²⁵ Robert P. Jones, *The Roots of Christian Nationalism Go Back Further Than You Think*, TIME (Aug. 31, 2023, at 7:00 et), <https://time.com/6309657/us-christian-nationalism-columbus-essay/> [https://perma.cc/ZU3A-NP7S]; Adam Volle, *Christian nationalism*, BRITANNICA, <https://www.britannica.com/topic/Christian-nationalism> [https://perma.cc/28M2-659U] (last visited March 18, 2025); ANDREW L. WHITEHEAD & SAMUEL L. PERRY, *TAKING AMERICA BACK FOR GOD: CHRISTIAN NATIONALISM IN THE UNITED STATES* X (Oxford Univ. Press online ed. 2020).

²⁶ Christian Nationalism can be defined either broadly or narrowly. For instance, some scholars link Christian Nationalism to the beliefs of White Evangelicals while others use the term to describe a much broader phenomenon which, although overlapping with some ideas pushed by this sector of Evangelicals, do not define them as being mutually exclusive. WHITEHEAD & PERRY, *supra* note 25.

²⁷ *Id.*

²⁸ Rogers Brubaker, *Between nationalism and civilizationism: the European populist moment in comparative perspective*, 48 ETHNIC & RACIAL STUDIES 1191 (2017).

interpretation of conservative Christian values and beliefs.²⁹ Significantly, sociologists Andrew d and Samuel Perry have defined Christian nationalism as a cultural framework that goes beyond religion and instead represents a collection of narratives, traditions, and values that ultimately idealize and strive to implement Christianity into every aspect of American civil life.³⁰ The beliefs shared by Christian Nationalists are religious, political, and ethnic.³¹ Christian Nationalists blur the distinctions between their own personal religious Christian identities and the identity of the United States as a nation, believing and arguing that the United States has been and must remain socially, culturally, religiously, and politically Christian.³² This movement goes beyond mere religious expression or traditional Christian conservative political engagement—it specifically advocates for Christian values to hold a privileged position in shaping American public life and law.³³

Given the relationship placed on Christianity in the United States' cultural and political development, Christian Nationalists often assert that Christianity was fundamental in the development of American legal doctrine. Most fundamentally, Christian nationalists often assert that, since its founding, the United States has been a nation governed by Christian values that informed the creation of fundamental American legal doctrine.³⁴ In essence, it is argued by Christian Nationalists that the Constitution, the most fundamental

²⁹ WHITEHEAD & PERRY, *supra* note 25, at xxi.

³⁰ *Id.* at 10.

³¹ *Id.* at 10-11.

³² *Id.* (“Christian nationalism contends that America has been and should always be distinctively ‘Christian’...in its self-identity, interpretations of its own history, sacred symbols, cherished values, and public policies—and it aims to keep it that way.”).

³³ *Id.* at 436; Rosemary Al-Kire et al., *Protecting America’s borders: Christian nationalism, threat, and attitudes toward immigrants in the United States*, 25 GPIR 354, 355 (2022).

³⁴ Steven K. Green, *The Legal Ramifications of Christian Nationalism*, 26 ROGER WILLIAM U. L. REV. 430 (2021).

legal doctrine in the United States, created a Christian nation whose heritage must be preserved as such through the interpretation and implementation of American laws and policies.³⁵

A unique paradox exists between Christian Nationalists' goals and the values often attributed to the foundations of the United States.³⁶ Despite the First Amendment's Establishment Clause explicitly prohibiting the government's establishment of religion, proponents of Christian Nationalism frequently assert that the founding fathers were predominantly evangelical Christians who intended to embed Christian values within the Constitution.³⁷ The belief that the United States was founded as a Christian nation, although a signature tenet of Christian nationalism, is an idea that extends beyond those who explicitly identify as Christian Nationalists.³⁸ According to data from the Pew Research Center, by late 2022, approximately 60% of Americans believed that the founders originally intended for the United States to be a Christian nation.³⁹ However, despite this majority view of an America with Christian heritage and origin, there exists no consensus on what constitutes a "Christian nation," with many Americans defining the concept in significantly different ways.⁴⁰

Christian nationalist ideology has gained increased legitimacy in mainstream political discourse.⁴¹ Both on a

³⁵ *Id.* at 433.

³⁶ *Id.* at 437-38.

³⁷ *Id.* at 430; First Amendment and Religion, UNITED STATES COURTS, <https://www.uscourts.gov/educational-resources/educational-activities/first-amendment-and-religion> [<https://perma.cc/T99F-2KS5>] (last visited March 18, 2025).

³⁸ *45% of Americans Say U.S. Should Be a 'Christian Nation'*, PEW RSCH CTR. (Oct. 27, 2022), <https://www.pewresearch.org/religion/2022/10/27/45-of-americans-say-u-s-should-be-a-christian-nation/> [<https://perma.cc/CAM6-9KAF>].

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *E.g., To The Contrary: How Project 2025 Impacts the Separation of Church and State* (PBS WHYY broadcast Sept. 6, 2024), <https://www.pbs.org/video/how-project-2025-impacts-the-separation-of-church-and-state-c6rhks/>.

Federal and a state level, the ideas of Christian nationalism have, either explicitly or implicitly, played a role in the implementation or proposed implementation of laws that align with the rhetoric of Christian nationalism.

Christian nationalism and the ideas promoted by American Christian nationalism are not new.⁴² Despite having previously played a significant role in American law and politics in the past, Christian nationalist views have risen in prominence, experiencing a resurgence in the twenty-first century.⁴³ Data from the Pew Research Center indicates that in late 2022, a reported 60% of Americans believed that the founders of the United States originally intended for the United States to be a Christian nation.⁴⁴ Another reported 45% of Americans indicated that they believe the United States should be a Christian nation.⁴⁵

III. CHRISTIAN NATIONALISM'S VIEWS ON IMMIGRATION & MIGRANTS IN THE UNITED STATES

Ideologically, Christian Nationalism has been defined by its endorsement of cultural and national purity in the United States.⁴⁶ At its core, advocates of American Christian nationalism view American identity through a narrow lens: Conflating a homogenous American Christian cultural identity with a homogenous white Euro-centric cultural heritage.⁴⁷ As a central force of its rhetoric, Christian Nationalism often relies on fear in pushing its views of a threatened American culture.⁴⁸ As such, much of the rhetoric pushed by Christian nationalists relies on a narrative of intergroup threat and fear.⁴⁹ Religious and political leaders alike have fostered

⁴² Green, *supra* note 34, at 430.

⁴³ *Id.* at 431.

⁴⁴ PEW RSCH CTR., *supra* note 38.

⁴⁵ *Id.*

⁴⁶ Al-Kire et al., *supra* note 33, at 4.

⁴⁷ *Id.* at 2.

⁴⁸ WHITEHEAD & PERRY, *supra* note 25, at 160.

⁴⁹ Al-Kire et al., *supra* note 33, at 354-356; WHITEHEAD & PERRY, *supra* note 25, at 157.

an idea of a doomed cultural shift in the United States: a shift delineated by a perceived threat to the distinctly American Christian cultural and religious values and practices, a threat heightened through the diversification, liberalism, and secularism of the United States.⁵⁰

As previously noted, scholars have found that Christian nationalist ideology often manifests less as a theological framework, instead functioning as a cultural movement focused on preserving what its proponents view as the traditional American demographic and cultural composition.⁵¹ This preoccupation with purity extends beyond religious concerns, encompassing racial, ethnic, and cultural dimensions that are centered on a perceived idea of whiteness.⁵²

Posing as a cultural framework, Christian Nationalism has shaped the perspectives of American voters, politicians, and lawmakers on immigration law and policy.⁵³ As such, Christian Nationalism influences public discourse, legislative outcomes, and the enforcement of immigration law.⁵⁴ Generally, Christian Nationalism is synonymous with xenophobia, the dislike

⁵⁰ Consider This, *Why Trump's Persecution Narrative Resonates With Christian Supporters*, NPR (Feb. 2, 2024, at 18:41 ET), <https://www.npr.org/2024/02/02/1198910302/consider-this-from-npr-draft-02-02-2024> [<https://perma.cc/4FQL-DV7C>]; WHITEHEAD & PERRY, *supra* note 25.

⁵¹ Joseph O Baker & Andrew L. Whitehead, *Faith over fear? Christian nationalism and cultural fears in the United States*, NATIONS AND NATIONALISM 1, 2 (2024).

⁵² Although Christian Nationalism does not explicitly identify race as a central component, scholars have observed an implicit conflation between American national membership and white ethnicity within its framework, suggesting that under Christian Nationalism “true” national belonging is associated with whiteness. Samuel L. Perry & Cyrus Schiefer, *My country, white or wrong: Christian nationalism, race, and blind patriotism*, 46 ETHNIC AND RACIAL STUD. 1249 (2022), <https://doi/full/10.1080/01419870.2022.2113420>; Samuel L. Perry et al., *Our Kind of American: Christian Nationalism, Race, and Contingent Views of Cultural Membership*, 65 THE SOCIOLOGICAL QUARTERLY 127 (2023).

⁵³ Perry & Schiefer, *supra* note 52; WHITEHEAD & PERRY, *supra* note 25, at 89-120.

⁵⁴ *Id.*

or prejudice of immigrant communities entering the United States.⁵⁵ Following the general fears of a threatened Christian American culture, contemporary and previous forms of Christian Nationalism have framed immigrants entering the country as a threat to *real* Americans.⁵⁶ This is most visible in Christian Nationalists' propensity to believe negative stereotyping, which attributes criminality to immigrants.⁵⁷ Such a characterization of immigrants converts them into threats to the American way of life.⁵⁸ Notably, under the ideas often propagated through Christian Nationalism, an immigrant's place of origin is important in determining whether they are viewed as criminals or otherwise threatening to the United States.⁵⁹ Christian Nationalists' negative perceptions of immigrants are inherently racialized, even when not explicitly stated as such. Their exclusionary and stereotypical characterizations are disproportionately applied to immigrants from non-white

⁵⁵ *Id.*

⁵⁶ WHITEHEAD & PERRY, *supra* note 25, at 91 ("Americans who embrace Christian nationalism, particularly if they are white, remain committed to the belief that real Americans—or at least 'the good kind' of Americans—are native-born, white, Christians. Americans who reject or resist Christian nationalism, by contrast, are much more likely to have expansive views of American identity and who should be allowed to come here.").

⁵⁷ *Id.* at 92-95.

⁵⁸ *Id.* at 97.

⁵⁹ *Id.*; Allyson F. Shortle & Ronald Keith Gaddie, *Religious Nationalism and Perceptions of Muslims and Islam*, 8(3) POL. & RELIGION 435 (2015), <https://www.cambridge.org/core/journals/politics-and-religion/article/abs/religious-nationalism-and-perceptions-of-muslims-and-islam/8FD27C85AEDE0B861040FC06E3DA2248> [https://perma.cc/TG4H-MCT2].

countries, revealing an implicit racial hierarchy within their Christian cultural framework.⁶⁰

The xenophobic sentiment found within Christian Nationalists' cultural framework leads proponents and supporters of the ideology to favor harsh, restrictive anti-immigrant measures.⁶¹ Such measures include support for mass deportations, enforcement of security at the border, and other restrictive measures.⁶²

The recently increased attribution of criminality to immigrant groups has further legitimized, to the American public, the prejudicial claims often echoed in Christian nationalist spaces. During the 2024 campaign season, President Donald Trump falsely claimed that Haitian immigrants residing in Springfield, Ohio, were eating pets.⁶³ Likewise, the highly publicized murder of 22-year-old Laken Riley was used by politicians and lawmakers to wield a narrative that placed the blame not only on the culprit, Mr. Girtz, a Venezuelan immigrant, but to assert that he was a representation of the entire immigrant population.⁶⁴

⁶⁰ See, WHITEHEAD & PERRY, *supra* note 25, at 92-96 (showing how individuals who align with Christian nationalism negatively perceive Mexican Immigrants and view them as threats); see also, Breanne Leigh Grace & Katie Heins, *Redefining refugee: white Cristian nationalism in state politics and beyond*, 44 ETHNIC & RACIAL STUD. 555, 556 (2021) (showing how Christian Nationalists negatively perceive religions, such as the Muslim religion, because the religion, although not inherently racial, has been racialized and become synonymous with being non-white).

⁶¹ WHITEHEAD & PERRY, *supra* note 25, at 92.

⁶² *Id.*

⁶³ Merlyn Thomas & Mike Wendling, *Trump repeats baseless claim about Haitian immigrants eating pets*, BBC (Sept. 15, 2024), <https://www.bbc.com/news/articles/c77l28myezko> [<https://perma.cc/G6JF-ZGAG>].

⁶⁴ Eva Roytburg and Kaanita Iyer, *Georgia legislature passes new immigration enforcement bill following Laken Riley's killing*, CNN (Mar. 29, 2024, 22:15 ET), <https://www.cnn.com/2024/03/29/politics/georgia-immigration-legislation-laken-riley/index.html> [<https://perma.cc/XY2X-XYDA>]; see also Simon Hankinson, *Biden's Border Crisis Comes to the Suburbs*, THE HERITAGE FOUNDATION (Mar. 12, 2023), <https://www.heritage.org/border-security/commentary/bidens-border-crisis-comes-the-suburbs> [<https://perma.cc/3LRE-KTX7>].

Beyond linking immigrants with criminality, immigrants have been portrayed as a threat to American culture. For instance, politicians and the media have presented immigrants as the source of a cultural deterioration in American border communities.⁶⁵ Politicians have claimed that border towns have descended into lawlessness and chaos because of immigrants.⁶⁶ Such characterizations of immigrants as threats to the American public have seemingly taken on importance to the American public. In 2024, research indicated that a reported 32% of Americans believed that legal immigrants would commit a crime in the United States.⁶⁷

The narrative promoted by Christian nationalism reveals a stark contradiction not only with empirical evidence about immigrant crime rates but, more fundamentally, with the movement's claims of Christian identity.⁶⁸ Not only are the motivations and actions of Christian nationalism anti-thetical to the teachings of Christianity, but claims of Christian culture being periled by immigrants, including immigrants entering the country through the southern border, are highly

⁶⁵ Ivana Saric, *Distrust of immigrants grows as GOP hammers crime narrative: poll*, AXIOS (Mar. 29, 2024), <https://www.axios.com/2024/03/29/illegal-immigrants-crime-us-gop> [<https://perma.cc/6VKT-4JU5>].

⁶⁶ See Comer: *Sanctuary City Policies Only Create Sanctuaries for Criminals*, COMMITTEE ON OVERSIGHT & GOVERNMENT REFORM (Mar. 5, 2025), <https://oversight.house.gov/release/comer-sanctuary-city-policies-only-create-sanctuaries-for-criminals/> [<https://perma.cc/JU35-L4B8>].

⁶⁷ Saric, *supra* note 65.

⁶⁸ See *Undocumented Immigrant Offending Rate Lower Than U.S.-Born Citizen Rate*, NIJ (Sept. 12, 2024), <https://nij.ojp.gov/topics/articles/undocumented-immigrant-offending-rate-lower-us-born-citizen-rate> [<https://perma.cc/48RY-HQUD>] (finding that amongst three groups studied in Texas, US born citizens, documented immigrants, and undocumented immigrants, undocumented and documented immigrants held lower offending rates than US born citizens); see also, Michael T. Light, Jingying He, & Jason P. Robey, *Comparing crime rates between undocumented immigrants, legal immigrants, and native-born US citizens in Texas*, 117 PROC. NATL. ACAD. SCI. U.S.A 32340 (2020).

questionable as well. For instance, reports indicate that a majority of immigrants in the United States identify as Christians.⁶⁹ Despite such statistics, Christian nationalist rhetoric consistently portrays them as a threat to America's proposed "Christian culture," revealing that the movement's true concerns lie not with preserving Christian values but rather in establishing and maintaining a particular cultural and ethnic United States. Resultantly, Christian Nationalism serves not as a religious movement but rather a political and ideological movement largely based on ethnocultural anxieties about changing national demographics.

IV. US VS. THEM: A BRIEF INTRODUCTION INTO GROUP THREAT THEORY & CHRISTIAN NATIONALISM

Through the interaction of individuals, an array of social groups have emerged within society, each ranging in structure and organization.⁷⁰ Generally, these social groups result when two or more individuals form a bond based on aspects such as the commonality of their shared experiences and characteristics.⁷¹ In turn, this process links members' beliefs and values to the individuals that compose the group.⁷² Within social science, when individuals belong to groups based on a shared identity, this becomes an individual's in-group.⁷³ Individuals can belong to a variety of social groups, some of which an

⁶⁹ *The Religious Affiliation of U.S. Immigrants: Majority Christian, Rising Share of Other Faiths*, PEW RSCH. Ctr. (May 17, 2013), <https://www.pewresearch.org/religion/2013/05/17/the-religious-affiliation-of-us-immigrants/#christian> [<https://perma.cc/95EZ-5TU8>].

⁷⁰ Jeremy Boissevain, *The Place of Non-Groups In the Social Science*, 3 MAN 542, 545-546 (1968).

⁷¹ See Marilyn B. Brewer, *The Social Self: On Being the Same and Different at the Same Time*, 17 PERSONALITY & SOCIAL PSYCHOLOGY BULLETIN 475 (1991).

⁷² *Id.*

⁷³ Boissevain, *supra* note 70.

individual is born into and others which the individual must earn a right into.⁷⁴

By the nature of such a system of social groups, intergroup contact—in this case, interactions between American citizens and immigrants entering the United States—results in what the social psychologist, have labeled as perceived group threat and competition.⁷⁵ An essential element of such intergroup conflict relates to the differences in how groups view themselves and how they view outgroups.⁷⁶ In an effort to provide the social esteem and positive self-image which at is desired through membership of a specific social group, the depersonalization of outgroups may occur.⁷⁷ When such occurs, all individuals from an outgroup are viewed as homogenous.⁷⁸

Citizenship and nationality often arise as one of the most prominent forms of group identity. A nation's identity is molded around a simple concept: A nation consists of a group of individuals that share a territory, its

⁷⁴ In groups can be categorized based on how membership is determined. Some in-groups, such as those based on race and ethnicity, are ascribed at birth and typically unchangeable. This is referred to as an 'ascribed status.' Other in-groups are achieved through personal choices, beliefs, experiences, or societal roles. Some examples include religious and political affiliations. *Id.*; RALPH LINTON, *The Study of Man* 115-31 (N.Y: Appleton-Century-Crofts, Inc. 1936); Irving S. Floadare, *A Clarification of "Ascribed Status" and "Achieved Status,"* 10 *THE SOCIO. Q.* 53, 53-61 (1969).

⁷⁵ While this statement presents a simplified overview of intergroup dynamics, it is important to acknowledge that intergroup contact produces varied outcomes of perceived threat. As a result, differences including prior beliefs about an outgroup and views on the outgroup's status, as compared to the in-group, all influence the degree of perceived threat. *E.g.* GORDON W. ALLPORT, *The Nature of Prejudice* Unabridged (Addison-Wesley Publ'g Co. 1979).

⁷⁶ Marilynn B. Brewer, Jorge M. Manzi, and John S. Shaw, *In-Group Identification as a Function of Depersonalization, Distinctiveness, and Status,* 4 *PSYCH. SCI.* 88, 88 (1993).

⁷⁷ Alberto Voci, *Relevance of social categories, depersonalization and group processes: Two field tests of self-categorization theory,* 36 *EUROPEAN J. OF SOC PSYCH.* 73, 75 (2006).

⁷⁸ *Id.*

history, culture, economy, and legal rights.⁷⁹ In the process of marking one's identity to citizenship or nationality—and demarcating links of commonality—an “other” is defined.⁸⁰ The “others,” which often consist of foreigners, are seen as sharing less of a common identity than those that are considered to be within the bounds of the “in-group” (in this case, immigrants forming the out-group while American Citizens form the in-group.)

An understanding of the interactions between in-groups and out-groups helps provide a theoretical foundation to understand how Christian nationalism operates in relation to the rhetoric and its stances on immigration. Christian nationalism exemplifies how religious identity can be weaponized to strengthen intergroup division, even when such divisions contradict the very religious principles being invoked. Proponents of Christian Nationalism, viewing their social order threatened, conceptualize an American identity as further distinguishing and rejecting outsiders on the basis of religion, race, and citizenship status.⁸¹ Social scientists have noted that “Christian nationalism embraces beliefs, public policies, and politicians that have the potential to exclude those from outside of their group from entering the United States, entering civic life, and gaining power since those outside their group will potentially upset their preferred established order.”⁸² This process of othering becomes particularly apparent in how Christian nationalists' rhetoric homogenizes immigrants, depicting them as a monolithic threat regardless of their individual circumstances.⁸³ As a result, by taking into consideration Turner's framework of intergroup social competition, the link between the nations' increasingly more restrictive

⁷⁹ Anna Triandafyllidou, *National identity and the 'other,'* 21 ETHNIC & RACIAL STUD. 593, 595 (2010).

⁸⁰ *Id.* at 596.

⁸¹ Zachary D. Broeren & Paul A. Djupe, *The ingroup love and outgroup hate of Christian Nationalism: experimental evidence about the implementation of the rule of law,* 17 POL. & RELIGION 40, 42 (2024).

⁸² *Id.* at 42.

⁸³ WHITEHEAD & PERRY, *supra* note 25, at 89-120.

immigration laws and Christian Nationalism becomes apparent.

V. POLITICAL ELITES & THE LEGITIMIZATION OF CHRISTIAN NATIONALISM

The strategic use of Christian nationalist rhetoric by American politicians and lawmakers is not a novel concept but instead represents a calculated escalation by conservative politicians that has spanned decades.⁸⁴ For instance, former President Ronald Reagan alluded to the idea that the United States was divinely established and guided culturally, politically, and legally by Christian faith.⁸⁵ Similarly, former president George W. Bush advanced Christian nationalism's framework by not only endorsing narratives of America's religious origins but also through his administration's policies.⁸⁶ Scholars have pointed to the Bush administration's post 9/11 policies, where religion was used as a moral justification for militarism, as the greatest indicator of the influence of right wing religiosity in the administration.⁸⁷ By the time Trump launched his 2024 presidential campaign, the groundwork had been laid for his far more explicit embrace of Christian nationalism.

Trump's deliberate embrace of Christian nationalist rhetoric and causes was first seen during his first presidential run in the 2016 elections, where he successfully campaigned for the support of Christian nationalist leaders and voters and positioned himself as a

⁸⁴ Green, *supra* note 34, at 434; Scott Hibbard, *Religion, Politics, and Trump's Christian Nationalism*, U. NOTRE DAMEKEOUGH SCH. GLOB. AFF. (Aug. 11, 2022), <https://contendingmodernities.nd.edu/global-currents/religion-politics-and-trumps-christian-nationalism/> [https://perma.cc/H63K-HSVB].

⁸⁵ *Id.*

⁸⁶ Green, *supra* note 34, at 434.

⁸⁷ Paul T. McCartney, *American Nationalism and U.S. Foreign Policy from September 11 to the Iraq War*, 119 POL. SCI. Q. 399 (2004).

champion for Christian values.⁸⁸ Scholarly research also demonstrates that the rhetoric present in Trump's 2016 campaign strategically fused American national identity and heritage with Christian religious identity, leveraging the narrative of a once-Christian nation that has been corroded and requires restoration.⁸⁹ To implement this vision of national renewal, Donald Trump aligned himself with leaders of the Christian Nationalist movement, giving speeches to this sector of voters while framing Muslims and undocumented immigrants as existential threats to America's Christian heritage and cultural fabric—thus positioning immigration restrictions as a crucial mechanism for reclaiming the nation's supposed Christian heritage.⁹⁰

President Trump's endorsement and alignment with the Christian Nationalist movement only became clearer as his first term in office progressed. Trump began surrounding himself and appointing leaders and other prominent figures of the Christian Nationalist movement.⁹¹ This included his spiritual advisor, Reverend Jeffries, who is a Southern Baptist Pastor and a firm believer that America was founded as, and must remain, a Christian nation.⁹²

By the time of the second Trump administration, the Trump administration's alignment with Christian Nationalism had evolved from rhetorical strategies to garnish voters to institutional commitments. For

⁸⁸ WHITEHEAD & PERRY, *supra* note 26, at 89–120; Fresh Air, *Tracing the rise of Christian nationalism, from Trump to Ala, Supreme Court*, NPR (Feb. 29, 2024, at 13:31 ET), <https://www.npr.org/2024/02/29/1234843874/tracing-the-rise-of-christian-nationalism-from-trump-to-the-ala-supreme-court> [https://perma.cc/7YCK-LEM9].

⁸⁹ Andrew L. Whitehead, Samuel L. Perry, Joseph O. Baker, *Make America Christian Again: Christian Nationalism and Voting for Donald Trump in the 2016 Presidential Election*, 79 SOCIO. RELIGION 147, 150-153 (2018).

⁹⁰ *Id.*; KRISTIN KOBES DU MEZ, JESUS AND JOHN WAYNE: HOW WHITE EVANGELICALS CORRUPTED A FAITH AND FRACTURED A NATION 4-6 (Illustrated ed., Liveright 2020).

⁹¹ Green, *supra* note 34, at 431.

⁹² *Id.*

instance, while speaking at the “Believers Summit” in West Palm Beach, Florida, Trump promised those attending the event that, were he to be elected, they would not have to vote or be politically engaged again because he would fix all of the issues facing the United States in a way which would once again align that nation with Christianity.⁹³ In his campaign discourse, he further promised to create an anti-Christian bias federal task force.⁹⁴ Trump followed through with his promises. Only weeks into his second term, President Trump signed an executive order establishing a White House Faith Office intended to root out “anti-Christian bias” in the United States.⁹⁵ This task force is headed Christian nationalist Paula White, whose beliefs align with Christian Nationalism.⁹⁶

VI. CHRISTIAN NATIONALISM’S INFLUENCE ON IMMIGRATION LAWS & POLICIES IN THE UNITED STATES

During Trump’s first administration, Christian nationalism’s influence in the political and legal sphere

⁹³ *Id.* Although at the time it was unconfirmed whether the President Trump was referring to maintaining leadership past a second term, such a stance has been now confirmed, the president stating he would run for a third time, something explicitly banned by the 22nd Amendment.

⁹⁴ Sarah McCammon & Juliana Kim, *Trump tells Christian voters they ‘won’t have to vote anymore’ if he’s elected*, NPR (July 27, 2024, at 13:19 ET), <https://www.npr.org/2024/07/27/nx-s1-5054272/trump-christian-wont-vote-anymore-speech> [<https://perma.cc/VH4V-63MP>].

⁹⁵ Aamer Madhani & Peter Smith, *Trump signs executive order to establish a White House Faith Office*, PBS NEWS (Feb. 9, 2025, at 14:07 ET), <https://www.pbs.org/newshour/politics/watch-live-trump-signs-executive-orders-related-to-faith-announcement> [<https://perma.cc/5VJ4-PBVM>]; *President Trump Announces Appointments to the White House Faith Office*, THE WHITE HOUSE (Feb. 7, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/president-trump-announces-appointments-to-the-white-house-faith-office/> [<https://perma.cc/2PMN-NHTF>].

⁹⁶ Jerney W. Peters & Elizabeth Dias, *Paula White, Newest White House Aide, Is a Unique Trumpian Pastor*, N.Y. TIMES (Nov. 2, 2019), <https://www.nytimes.com/2019/11/02/us/politics/paula-white-trump.html> [<https://perma.cc/Q4TM-KCH5>].

was particularly evident in its responses to the migration originating from the United States-Mexico border. During the first Trump administration, the United States Department of Homeland Security upheld a policy of “zero tolerance.”⁹⁷ In 2018, during the course of a few months, the Trump administration separated more than 5,000 children from their parents as families were apprehended at the southern border.⁹⁸ When questioned about the policy, then-Attorney General Jeff Sessions used religious rhetoric, citing Romans 13 to justify the policy.⁹⁹ Romans 13 is a biblical passage historically used to defend governmental authority.¹⁰⁰

Since then, Christian nationalism’s influence on immigration policy has evolved from enforcement tactics like family separation to more comprehensive deportation strategies informed by the framework promoted in Christian Nationalist circles.¹⁰¹ While the first Trump administration’s “zero tolerance” policy and its religious justifications marked a significant moment in Christian nationalist influence on immigration enforcement, this ideological underpinning remained largely implicit, largely operating beneath a guise of secular security concerns.¹⁰² The second Trump administration, however, has abandoned this subtlety in favor of an explicit religious framing of immigration laws and enforcement.

⁹⁷ *Family Separation & Detention*, AM. BAR ASS’N, https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/immigration/familyseparation/ [https://perma.cc/QP4N-6W6Q] (last visited Apr. 21, 2025).

⁹⁸ Ankush Khardori, *How America Forgot About One of Trump’s Most Brutal Policies*, POLITICO (Oct. 28, 2024), <https://www.politico.com/news/magazine/2024/10/28/trump-immigration-family-separation-00185512> [https://perma.cc/BG9T-CX7V].

⁹⁹ Al-Kire et al., *supra* note 33.

¹⁰⁰ *Id.*

¹⁰¹ See, DAREN BAKST ET AL., MANDATE FOR LEADERSHIP: THE CONSERVATIVE PROMISE 135 (Paul Dans & Steven Groves eds., 2023).

¹⁰² *Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry*, ARCHIVES: U.S. DEPT. OF JUST. (Apr. 6, 2018), <https://www.justice.gov/archives/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry> [https://perma.cc/39JP-2YF3].

Throughout the 2024 presidential campaign, President Trump publicly distanced himself from Project 2025 despite its development by conservative allies.¹⁰³ Project 2025, developed in 2023 by the Christian nationalist organization, the Heritage Foundation, lays out the laws and policies of a 2025 conservative administration guided by such values.¹⁰⁴ Within the mandate, Project 2025 provides a blueprint for the implementation of restrictive immigration policies.¹⁰⁵ Specifically, the project called for the federal government to facilitate mass deportation through several mechanisms: expanded use of state and local police to enforce federal immigration laws, expedited removal proceedings that bypass traditional due process protections, and conducting immigration enforcement raids in previously protected areas such as churches, schools, and hospitals.¹⁰⁶

Two months prior to the 2024 elections, Vice President J.D. Vance openly acknowledged that Christianity, specifically Christian nationalist principles, would inform the second Trump administration's immigration policies.¹⁰⁷ Using a Christian Nationalist approach to the religion's teachings, the Vice President explained that the second Trump administration's stance on immigration, including plans for mass deportation, was based on the religious teaching of "ordos amoris,"

¹⁰³ Ben Giles, *Trump again distances himself from Project 2025*, NPR (Aug. 22, 2024, at 21:57 ET)

¹⁰⁴ DAREN BAKST ET AL., MANDATE FOR LEADERSHIP: THE CONSERVATIVE PROMISE 135 (Paul Dans & Steven Groves eds., 2023).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ Jack Jenkins, *Vance at Christian nationalist revival, says immigration stance is in keeping with faith*, NCR (Sept. 30, 2024), <https://www.ncronline.org/news/vance-christian-nationalist-revival-says-immigration-stance-keeping-faith> [<https://perma.cc/CC5T-NCKM>].

which translates to “the order of love.”¹⁰⁸ Under this premise, the second Trump administration’s justifications for anti-immigrant policies rely on the idea that leaders of Christian faith must place the people of their country, in this case American Citizens, before immigrants.¹⁰⁹

Upon the formal inauguration of the second Trump administration, Vice President Vance reaffirmed that the administration’s restrictive enforcement actions and policies stemmed directly from interpretations of Christian beliefs and teachings.¹¹⁰ Further confirmation of Christian Nationalism’s leading role in the second Trump administration was also made clear through the president’s choice to bring many key authors and contributors of Project 2025 into his administration.¹¹¹ One such contributor to Project 2025 includes the current “border Czar” Tom Homan.¹¹² Tom Homan has served as one of the main architects for the second Trump administration’s immigration and border enforcement policies.¹¹³ Prior to the commencement of the second Trump administration, Homan made comments stating that, in carrying out mass deportations, he would deport families together.¹¹⁴ Such comments seemingly referred to

¹⁰⁸ *Id.*; Peter Smith, *Vance acknowledges Pope Francis’ criticism of U.S. immigration crackdown*, PBS (Feb. 28, 2025, 16:03 ET), <https://www.pbs.org/newshour/politics/vance-acknowledges-pope-francis-criticism-of-u-s-immigration-crackdown> [<https://perma.cc/CBT8-79LK>].

¹⁰⁹ *Id.*

¹¹⁰ *What is ‘ordo amoris?’ Vice President JD Vance invokes this medieval Catholic concept*, ASSOCIATED PRESS (Feb. 6, 2025, at 8:03 ET), <https://apnews.com/article/jd-vance-catholic-theology-migration-e868af574fb2e742c6ed3d756c569769> [<https://perma.cc/6GQG-3BLH>].

¹¹¹ Faith Wardwell, *The Key Project 2025 authors now staffing the Trump administration*, NBC NEWS (Mar. 12, 2025, at 5:00 ET), <https://www.nbcnews.com/politics/trump-administration/key-project-2025-authors-now-staffing-trump-administration-rcna195107> [<https://perma.cc/4KAA-F6GK>].

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ Cecilia Vega, *Trump’s mass deportation plan for undocumented immigrants could cost billions a year*, CBS NEWS (Oct. 27, 2024), <https://www.cbsnews.com/news/trump-mass-deportation-plan-cost-consequences-60-minutes-transcript/> [<https://perma.cc/4DSH-EYSU>].

the handling of mixed status families, which include families composed of undocumented parents and U.S. born children.¹¹⁵ These comments only further indicate, and continue to show, that since the beginning, the second trump administration's immigration policies were not merely reactions to concerns about national security or public safety. Instead, it indicates a stance on American belonging and how views of what makes someone American—views directly shaped by Christian Nationalism—have become institutionalized.

This explicit endorsement of Christian nationalist principles provided context for the then-incoming administration's subsequent actions. Following his electoral victory, President Trump announced plans to declare a national emergency, mobilizing the National Guard to enforce his plans of mass deportation.¹¹⁶ In justifying these actions, Trump employed rhetoric that characterized immigrants as existential threats, stating that mass deportation efforts were designed to "rescue every city and town that has been invaded and conquered, and we will put these vicious and bloodthirsty criminals in jail, then kick them the hell out of our country as fast as possible."¹¹⁷ As a result, the second Trump administration's immigration plans, like the Christian Nationalist framework, framed mass deportation not merely as an enforcement of immigration laws, but rather, as a necessary step to protect what is viewed to be an American traditional culture and demographic under threat.¹¹⁸ Such language of purification and invasion, coupled with the vilification of immigrants, directly

¹¹⁵ Cecilia Vega, Camilo Montoya-Galvez, Aliza Chasan, Andy Court, & Annabelle Hanflig, *Trump vows to deport millions. Would it mean family separation?*, 60 MINUTES OVERTIME (Oct. 27, 2025, 19:45 ET), <https://www.cbsnews.com/news/family-separation-immigration-60-minutes/> [<https://perma.cc/8EQP-BD9N>].

¹¹⁶ Alexandra Hutzler, *Trump confirms plan to declare national emergency, use military for mass deportation*, ABC NEWS (Nov. 18, 2024), <https://abcnews.go.com/Politics/trump-confirms-plan-declare-national-emergency-military-mass/story?id=115963448> [<https://perma.cc/6A55-W33P>].

¹¹⁷ *Id.*

¹¹⁸ WHITEHEAD & PERRY, *supra* note 26, at 89-120.

reflects the Christian nationalist framework that portrays immigration as a threat to America's cultural and religious identity rather than a matter of mere legal compliance.¹¹⁹

The development of the incoming second Trump administration's immigration policies—which would affect millions of immigrants, including many from predominantly Christian nations in Latin America—reveals how Christian nationalism prioritizes ethnic and cultural considerations over religious affiliation.¹²⁰ By targeting immigrants regardless of their Christian faith, the administration's actions demonstrate that Christian nationalism is not primarily concerned with advancing Christianity per se, but rather with preserving a particular ethno-cultural vision of American identity that views certain immigrant populations as inherently threatening despite shared religious beliefs¹²¹. The combination of Vance's explicit religious framing, Trump's rhetoric of invasion and purification, and the administration's promised implementation of Project 2025's policies marked a significant transformation in how Christian nationalism has shaped American immigration policies, turning it from an implicit justification to explicit one.

VII. TURNING PROMISES INTO ACTION: THE IMMIGRATION POLICIES OF AN EARLY SECOND TRUMP ADMINISTRATION

During the first three months of the second Trump administration, the rhetoric of Christian nationalism has manifested in concrete federal immigration related actions and policies. Within weeks of taking office, the administration has begun implementing a series of

¹¹⁹ *Id.*

¹²⁰ *Religion in Latin America*, PEW RSCH. CTR. (Nov. 13, 2014), <https://www.pewresearch.org/religion/2014/11/13/religion-in-latin-america/> [<https://perma.cc/56NX-GSC3>]; Samuel L. Perry, et al., *Race over Religion: Christian Nationalism & Perceived Threats to National Unity*, 10 SOCIO. OF RACE & ETHNICITY 193, 96, 207 (2024).

¹²¹ *Id.*

restrictive immigration enforcement measures that reveal how the Christian nationalist framework has transitioned from campaign rhetoric to governmental practice aimed at enacting the administration's plans for mass deportation. Having promised the largest mass deportation in American history during his campaign, the administration has begun delivering on this pledge, official reports confirming that the administration has carried out more than 32,000 arrests in the first 50 days of the second Trump administration.¹²²

The institutionalization of this agenda commenced immediately upon President Trump's return to office. On January 20, 2025, his first day in office, Trump signed an executive order titled "Protecting the American People Against Invasion."¹²³ Within the executive order, Trump ordered the Federal government to "faithfully execute the immigration laws of the United States."¹²⁴ As a justification for the order, the president generally characterized undocumented immigrants residing in the United States as "significant threats to national security and public safety", echoing the language and sentiment present in Christian Nationalism views.¹²⁵

¹²² Laura Barrón-López, Shrai Popat, & Ian Couzens, *How the Trump administration's deportation policies have affected migrants and citizens*, PBS (Mar 13, 2025, at 18:30 ET), <https://www.pbs.org/newshour/show/how-the-trump-administrations-deportation-policies-have-affected-migrants-and-citizens>.

¹²³ The rhetoric of "invasion" used in the executive order's title deliberately evokes Christian nationalist discourse that portrays immigrants as an existential threat to America's cultural and religious identity. It does not leave room to consider the circumstances which push immigrants to enter the United States but instead generalizes all immigrants as one thing: bad. Such framing reinforces the Christian nationalist conception that certain immigrants represent an incompatible foreign presence fundamentally at odds with what adherents consider an authentic American heritage and values. *Protecting The American People Against Invasion*, THE WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/> [https://perma.cc/FN5J-4UG6].

¹²⁴ *Id.*

¹²⁵ *Id.*

As part of its mass deportation agenda, the Trump administration has deployed several unprecedented legal mechanisms that provide a formal structure for the restrictive enforcement of immigration laws in the United States. One such action includes the invocation of the 1798 Alien Enemies Act—a wartime measure which was last used during World War II.¹²⁶ The redeployment of this dormant wartime power, alongside other more contemporary measures such as the Laken Riley Act, demonstrates a comprehensive strategy to reshape immigration enforcement through a Christian nationalist framework that—through its enactment—fundamentally redefines and restricts the rights afforded to non-citizens under the premise of maintaining a policy of placing “America first.”

A. The Alien Enemies Act: Resurrecting Wartime Powers for Immigration Enforcement

On March 15, 2025, the Trump administration issued a proclamation invoking the 1798 Alien Enemies Act.¹²⁷ Within the proclamation, the President kept the scope of the newly invoked Act seemingly limited, its application pointed at one specific sector of unregulated immigrants within the United States—members of the criminal organization El Tren de Aragua.¹²⁸ Providing as

¹²⁶ Tim Sullivan & Mark Sherman, *The Alien Enemies Act: What to know about a 1798 law that Trump has invoked for deportations*, AP (Apr. 9, 2025, at 13:20 ET), <https://apnews.com/article/alien-enemies-trump-immigration-deportations-21a62ede23b8c493b60d00a9c125722f> [<https://perma.cc/MDG2-SCQE>].

¹²⁷ Although the proclamation was made public on March 15, 2025, the executive order had actually been made a day before on March 14, 2025. *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua*, THE WHITE HOUSE (Mar. 15, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-act-regarding-the-invasion-of-the-united-states-by-tren-de-aragua/> [<https://perma.cc/TSZ6-3L5P>]; 50 U.S.C.S. § 21.

¹²⁸ *Id.*

justification the administration's findings that El Tren de Aragua was actively attempting and threatening an invasion or predatory incursion into the United States, the proclamation called for the invocation of the Act.¹²⁹ As such, all Venezuelan citizens¹³⁰ 14 years of age or older, residing in the United States without a regularized immigration status, would be, "apprehended, secured, and removed as Alien Enemies."¹³¹ Furthermore, under the proclamation, any Venezuelan citizen apprehended under the Act would face an expedited removal process and remain in detention until the completion of. Their removal.¹³² The proclamation further indicated that the United States government holds discretion in determining the place of detention for such undocumented Venezuelan immigrants until they are formally deported by the United States government.¹³³

In providing the factual basis for the use of the Alien Enemies Act, the Trump administration provided that—in having designated el Tren de Aragua as a foreign Terrorist organization, coupled with an internal analysis of the organization's transnational activities—the

¹²⁹ *Id.*

¹³⁰ Despite the proclamation's focus on the dangers posed by the El Tren de Aragua, the language of the proclamation is general and, at face value, seemingly applies to all undocumented immigrants from Venezuela, not just those pertaining to the criminal organization itself. As such, the law makes a generalization of all Venezuelan undocumented immigrants, categorizing them as criminal threats to the United States. Such a characterization within the invocation of the Alien Enemies Act is not surprising given the historical context of the Act's prior uses. For instance, during WWII the Act was used broadly to justify the mass internment in the United States of people from Japanese ancestry, regardless of their status. See, Lindsey Wasson & Ed Komenda, *People who make pilgrimages to a World War II Japanese Americans incarceration camp and their stories*, AP (Nov. 9, 2023, at 10:29 et), <https://apnews.com/article/minidoka-idaho-pilgrimage-japanese-americans-incarcerated-wind-25e120139bc6ffad3d627513a33abb81> [<https://perma.cc/RJ8F-4832>].

¹³¹ THE WHITE HOUSE, *supra* note 127.

¹³² *Id.*

¹³³ *Id.*

President has the authority to invoke the law.¹³⁴ Such an explanation makes reference to an executive order implemented on January 20, 2025—the first day of the second Trump administration.¹³⁵ Within the executive order, the administration specifically points to Mexican cartels, El Tren de Aragua, and La Mara Salvatrucha as threats to the United States because of their involvement in destabilizing countries and for their role in flooding the United States with “deadly drugs, violent criminals, and vicious gangs.”¹³⁶ Under the executive order, it became policy of the United States to “ensure the total elimination of these organizations’ presence in the United States and their ability to threaten the territory, safety, and security of the United States through their extraterritorial command-and-control structures, thereby protecting the American people and the territorial integrity of the United States.”¹³⁷

Under the Alien Enemies Act, the president holds the authority to deport and detain unnaturalized foreign nationals of a hostile nation or government through two methods: (1) during a declared war between the United States and any foreign nation or government or (2) as a response to “any invasion or predatory incursion [which] is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government...”¹³⁸ Historically, the Act has been invoked exclusively during times of War and major conflicts, the final invocation occurring during the Second World

¹³⁴ *Id.*; *Designating Cartels And Other Organizations As Foreign Terrorist Organizations And Specially Designated Global Terrorists*, THE WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/designating-cartels-and-other-organizations-as-foreign-terrorist-organizations-and-specially-designated-global-terrorists/> [https://perma.cc/P2FQ-J48F].

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ 50 U.S.C.S. § 21.

War.¹³⁹ Invoking the Alien Enemies Act, in essence means that the United States is allowed to detain and deport foreign nationals from a specified country—in this case foreign nationals from Venezuela—without having to provide these individuals with the typical rights granted to them under due process.¹⁴⁰

Language found within the proclamation that invokes the Alien Enemies Act during the second Trump administration makes it clear that the Act is not a response to War.¹⁴¹ Instead, it is based on the powers granted to a president when there is an invasion or predatory incursion.¹⁴² Such a use is novel, not only because it is the first of its kind in American history, but because of the legal implications such a use holds.¹⁴³ For instance, the language of the Alien Enemies Act is explicit in maintaining that the powers provided to the president pursuant to the Act are only applicable when deterring the threats of hostile nations or governments.¹⁴⁴ The

¹³⁹ Katherine Yon Ebright, *The Alien Enemies Act, Explained*, BRENNAN CTR. FOR JUST. (Oct. 9, 2024), <https://www.brennancenter.org/our-work/research-reports/alien-enemies-act-explained> [https://perma.cc/6UZA-33AH].

¹⁴⁰ *President Trump Illegally Invokes Alien Enemies Act; Brennan Center Reacts*, BRENNAN CTR. FOR JUST. (Mar. 15, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/president-trump-illegally-invokes-alien-enemies-act-brennan-center-reacts> [https://perma.cc/SBH2-CTVQ].

¹⁴¹ THE WHITE HOUSE, *supra* note 123.

¹⁴² *Id.*; Additional information, including memos from the Justice Department, indicate that one of the main goals of the present use of the Alien Enemies Act is to circumvent judicial review of deportations and removals made under the Alien Enemies Act. Furthermore, the Justice Department has indicated that, it is the Government's stance, that the Alien Enemies act allows warrantless arrests including warrantless arrests of suspected member of El Tren de Aragua in their homes. Such a stance goes against the fundamental due process rights provided under the 4th Amendment. Nick Penzenstadler & Will Carless, *Exclusive: DOJ memo offers blueprint to Tren de Aragua deportation plan*, USA TODAY (Apr. 28, 2025, at 15:17 ET), <https://www.usatoday.com/story/news/politics/2025/04/25/trump-venezuelan-gang-deportations-alien-enemies-act/83253074007/> [https://perma.cc/BAS6-HG47].

¹⁴³ Yon Ebright, *supra* note 139.

¹⁴⁴ 50 U.S.C.S. § 21.

Trump administration's proclamation, on the other hand, primarily points to the hostile acts of the criminal organization El Tren de Aragua rather than that of a country writ large.¹⁴⁵ Although the proclamation attempts to establish a link by characterizing Venezuela as a "hybrid criminal state" and claiming the el Tren de Aragua has infiltrated the Maduro regime, the core justification centers on the criminal organization's independent actions rather than state-sponsored actions of hostility.¹⁴⁶ This shift in focus from sovereign state actions to those of non-state actors, despite alleged governmental connections, represents a significant expansion of the Act's scope, making it vulnerable to legal challenges. By emphasizing el Tren de Aragua as the primary threat, rather than Venezuela as a hostile nation, the proclamation potentially stretches the Act beyond its potential applications.

Additionally, the use of the Alien Enemies Act brings into question what can be defined as an invasion or predatory incursion. The scope of defining what encompasses an invasion or predatory incursion, and whether it must be a physical attack on the United States, has not been previously settled.¹⁴⁷ Within the proclamation, the second Trump administration points to drug trafficking operations that have brought drugs into the United States and mass illegal migration to the United States as the form of hostility which permits the President to use the Act.¹⁴⁸ This is a seemingly more expansive interpretation of "invasion" and "predatory incursion." Immigrant rights advocates, and detractors of the Trump administration, point to the idea that such a broad construction transforms a law originally designed for war time emergencies into a flexible immigration enforcement tool.¹⁴⁹ Such a suspicion, although unconfirmed, would not be surprising and align with the second Trump administration's goals to enact mass

¹⁴⁵ THE WHITE HOUSE, *supra* note 127.

¹⁴⁶ *Id.*

¹⁴⁷ Yon Ebricht, *supra* note 139.

¹⁴⁸ THE WHITE HOUSE, *supra* note 127.

¹⁴⁹ BRENNAN CTR. FOR JUST., *supra* note 140.

deportations. Thus, such actions would further align the Trump administration's immigration agenda with Christian Nationalism's views of immigrants.

The legal merits behind the invocation of the Alien Enemies Act, including its use against alleged members of El Tren de Aragua and its use outside of the context of warfare are still being litigated in court.¹⁵⁰ For instance, on April 7, 2025, the Supreme Court issued a split decision in which it overturned a lower court's pause on the use of the Alien Enemies Act by the Trump administration.¹⁵¹ The per curium decision handed down by the justices did not address the merits of the administration's use of the Act but rather spoke on issues of proper venue, ruling that since the litigating detainees were located in Texas, the cause could not be brought into or decided by a D.C. judge.¹⁵² The Supreme Court further held that detainees subject to removal under the Alien Enemies Act are entitled to notice and an opportunity to challenge their removal.¹⁵³ In a subsequent order by the Supreme Court, the Trump Administration's attempted deportation of Venezuelan's held in a Texas detention center under the Alien Enemies Act was temporarily blocked.¹⁵⁴ Although at the time of writing this article, there have been no further decisions by lower courts or the Supreme Court, the invocation of the Act has, and will likely continue to be, litigated throughout the courts.

¹⁵⁰ See, eg., Nicholas Riccardi & Mark Sherman, *Supreme Court blocks, for now, new deportations under Alien Enemies Act*, ABC NEWS (Apr. 18, 2025, at 14:50 ET), <https://abcnews.go.com/US/wireStory/aclu-claims-administration-restarting-deportations-18th-century-wartime-120957485> [<https://perma.cc/N4GX-X4RG>].

¹⁵¹ *Trump v. J.G.G.*, 604 U.S. 1, 1-4 (2025).

¹⁵² *Id.*

¹⁵³ *Id.* at 673.

¹⁵⁴ Nicholas Riccardi & Mark Sherman, *Supreme Court blocks, for now, new deportations under Alien Enemies Act*, ABC NEWS (Apr. 18, 2025), <https://abcnews.go.com/US/wireStory/aclu-claims-administration-restarting-deportations-18th-century-wartime-120957485> [<https://perma.cc/GSR5-PLGU>].

B. Implications of the Use of the Alien Enemies Act

The invocation of the Alien Enemies Act arguably contains concerning racialized elements that extend beyond the administration's stated security objectives. The proclamation, which, on its face, was only intended to detain and deport undocumented immigrants who are members of el Tren de Aragua, has been used in a far more sweeping manner.¹⁵⁵ In fact, the administration's use of the Alien Enemies Act has opened the door for the government to target and deport individuals, mainly those originating from Latin American countries, regardless of their criminal record or status.¹⁵⁶ Adding to the concern of the Act's true motives are reports that these individuals have not been afforded the opportunity to contest being members of gangs before being removed from the country and placed in prisons located in El Salvador.¹⁵⁷

Early reports by the Trump administration indicated that the first round of deportees, consisting of two hundred thirty-seven men detained and deported to Salvadorian maximum-security prisons under the Alien

¹⁵⁵ THE WHITE HOUSE, *supra* note 127 ("Based on these findings, and by the authority vested in me by the Constitution and the laws of the United States of America, including 50 U.S.C. 21, I proclaim that all Venezuelan citizens 14 years of age or older who are members of TdA, are within the United States, and are not actually naturalized or lawful permanent residents of the United States are liable to be apprehended, restrained, secured, and removed as Alien Enemies.")

¹⁵⁶ Jonathan Blitzer, *The Makeup Artist Donald Trump Deported Under the Alien Enemies Act*, THE NEW YORKER (Mar. 31, 2025), <https://www.newyorker.com/news/annals-of-immigration/the-makeup-artist-donald-trump-deported-under-the-alien-enemies-act> [<https://perma.cc/F2ST-CTAS>].

¹⁵⁷ *Id.*

Enemies Act, were members of El Tren de Aragua.¹⁵⁸ Some of these individuals removed to Salvadorian prisons had no removal orders, yet were boarded onto a plane and departed the United States, many of them being left without means of contacting their families or attorneys.¹⁵⁹ Later reports began indicating that most of the men who were labeled “alien enemies” and taken to Salvadorian maximum security prisons had no criminal records in the United States.¹⁶⁰ Reports further indicated that very few of the deported individuals had documented links to Venezuelan gangs.¹⁶¹

One case that exemplifies this includes Andry José Hernández, a makeup artist from Venezuela, who was seeking asylum in the United States.¹⁶² As an asylum seeker, Andry José Hernández had gone through initial screenings, which he had passed.¹⁶³ He then progressed through a physical exam, where officers found a tattoo of a snake which extended from a bouquet.¹⁶⁴ Additionally, the officers found a crown tattoo with the words “mom” and “dad” next to it.¹⁶⁵ Despite the tattoos maintaining no

¹⁵⁸ Marco Alemán, *Venezuelan migrants deported by the US ended up in Salvadorian prison. This is their legal status*, AP (Mar. 25, 2025, at 20:38 ET), <https://apnews.com/article/el-salvador-trump-tren-de-aragua-venezuela-dde4259e5dcd502101b7b8fbd3c03659> [<https://perma.cc/Z2U6-VEBX>]; It took the Trump administration 3 hours and 43 minutes from the publication of the proclamation to begin deporting the first two hundred thirty-seven men. Plans and preparation to deport the men to Salvadorian prisons had begun the day before when the government began putting Venezuelans who were under federal custody on planes and began preparing them for deportation. Jule Turkewitz, Jazmine Ulloa, Isayen Herrera, Hamed Alezaziz & Zolan Kanno-Youngs, ‘*Alien Enemies*’ or *Innocent Men*? Inside Trump’s Rushed Effort to deport 238 Migrants, N.Y. TIMES (Apr. 15, 2025), <https://www.nytimes.com/2025/04/15/world/americas/trump-migrants-deportations.html> [<https://perma.cc/H65Z-QZUL>]; Blitzer, *supra* note 156.

¹⁵⁹ *Id.*; Blitzer, *supra* note 156.

¹⁶⁰ Turkewitz et al., *supra* note 159.

¹⁶¹ *Id.*

¹⁶² Blitzer, *supra* note 157.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

gang affiliated meaning, Andry remained in custody awaiting hearings because of the officer's suspicions regarding the tattoos.¹⁶⁶ Andry was later removed to El Salvador and accused of having gang affiliations despite a lack of a removal order. Andry was never given the opportunity to contest the allegations and was not told where he was being transferred to.¹⁶⁷

Tattoos were also the basis under which a Salvadorian Maryland man, Abrego Garcia, was detained and deported to a maximum-security prison in El Salvador.¹⁶⁸ In 2019, Abrego Garcia was accused of being a gang member because of police informant information and his choice of wearing a Chicago Bulls hat and hoodie. Ultimately, Abrego Garcia was released and not charged, nor was he charged with any crime related to the 2019 arrest.¹⁶⁹ In the years that followed, Abrego Garcia obtained protected status in the United States.¹⁷⁰ On March 12, 2025, Abrego Garcia was detained and deported to a Salvadorian prison despite his protected status.¹⁷¹ Initially, the administration had indicated that the deportation had been a mistake caused by an administrative error.¹⁷² As litigations continued, the government has taken the stance that Abrego Garcia has been lawfully sent to a prison in El Salvador.¹⁷³ In standing by their decision, the government has further maintained that, despite Abrego Garcia's protected

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ Ben Finley, *An 'administrative error' sent a Maryland man to El Salvador prison, ICE says*, AP (APR. 1, 2025), <https://apnews.com/article/el-salvador-deportation-maryland-man-trump-error-818a0fa1218de714448edcb5be1f7347> [<https://perma.cc/X8RE-X7AW>]; Alan Feuer & Karoun Demirjian, *What to Know About the Deportation of Abrego Garcia to El Salvador*, N.Y. Times (Apr. 21, 2025), <https://www.nytimes.com/article/abrego-garcia-trump-deportations-el-salvador.html> [<https://perma.cc/T3W4-47DS>].

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

status, they have no obligation to facilitate his return to the United States.¹⁷⁴

The invocation of the Alien Enemies Act exemplifies how Christian nationalist ideology has shaped immigration enforcement under the second Trump administration. The Act's implementation reflects core Christian Nationalist beliefs: the proclamation employs language of invasion, and the justifications for the government's actions are based on a notion of purification and public safety. The second Trump administration has played into fears of immigrant criminality that is often promoted in Christian Nationalist rhetoric and used it to justify mass deportations. Despite the administration's expressed intended goals, the Alien Enemies Act has not only been employed on undocumented immigrants with criminal records but has been used to deport individuals without criminal records or ties to criminal organizations. The administration's decision to double down, even when evidence makes it clear that the Alien Enemies Act has deported an innocent man, further shows that lowering criminality was never a concern. Instead, the Alien Enemies Act has been used as a tool to circumvent due process protections in favor of expedited removal of any immigrant.

By targeting Latin American immigrants through mechanisms like the Alien Enemies Act, the government demonstrates how Christian nationalism's concepts of American identity are fundamentally racialized rather than religious in nature. The cases of individuals like Andry José Hernández and Abrego Garcia reveal a pattern of enforcement that prioritizes cultural homogeneity over constitutional rights. This approach, including the attribution of criminality to Latin American immigrants, aligns with Christian nationalist views that

¹⁷⁴ Although the Supreme Court has now ruled that the administration must facilitate Mr. Abrego Garcia's release, the administration has not done so, and the Justice department has argued that it can take a passive approach to the Supreme Court's ruling. As a result, at the time of writing this note, Abrego Garcia is yet to be released from Salvadorian prisons or to be returned to the United States. *Id.*

immigrants are existential threats to what adherents believe is an authentic American identity.¹⁷⁵ When placed in the broader context of the administration's immigration agenda, the Alien Enemies Act serves not merely as an enforcement tool but as a mechanism to advance Christian Nationalist goals of cultural preservation through demographic focused policies.

Coupled with other immigration policies, such as the administration's attempts to end birthright citizenship, the second Trump administration's policies reflect the movement's core belief that true American belonging is inherently linked with a narrow ethno cultural identity.¹⁷⁶ An identity that must be defended through increasingly aggressive state actions that the second Trump administration has begun championing within its first one hundred days. These policies collectively establish a systemic framework for redefining American identities in a way that privileges certain cultural and ethnic backgrounds over others—a conception directly aligned with Christian nationalist ideologies views of what constitutes a “true American.”

C. A Second Trump Administration's Attempts of Re-defining Birth Right Citizenship

On January 20, 2025, in an executive order titled “Protecting the Meaning and Value of American Citizenship,” the Trump administration began its

¹⁷⁵ Journalists have pointed to the fact that Trump and his allies have pushed a narrative of an invasion by criminal immigrants without much evidence to back the claims. This includes Trump's unproven claims that countries, such as Venezuela, are emptying their prisons and mentally ill and sending them to the United States. Maria Briceño & Maria Ramirez Uribe, *How falsehood drove Trump's immigration crackdown in his first 100 days*, AL JAZEERA (Apr. 29, 2025), <https://www.aljazeera.com/news/2025/4/29/how-falsehoods-drove-trumps-immigration-crackdown-in-his-first-100-days> [https://perma.cc/Y6B5-UQAW].

¹⁷⁶ Tara Watson & Jonathon Zars, *100 days of immigration under the second Trump administration*, BROOKINGS (Apr. 29, 2025), <https://www.brookings.edu/articles/100-days-of-immigration-under-the-second-trump-administration/> [https://perma.cc/5N5V-X6X3].

attempts to redefine citizenship under the Fourteenth Amendment.¹⁷⁷ In the executive order, the Trump administration maintained that the Fourteenth Amendment does not, generally, provide automatic citizenship to all individuals born within the boundaries and jurisdiction of the United States of America.¹⁷⁸ Instead, the Trump administration proposed and imposed a new interpretation of the Fourteenth Amendment: Under the Constitution, birthright citizenship is only applicable if the child born in the United States has at least one parent who is a citizen or legal permanent resident.¹⁷⁹ Such a reading of the Fourteenth Amendment strays from the interpretation that has been applied in the United States for over 100 years.¹⁸⁰

The Fourteenth Amendment States that, “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.”¹⁸¹ Historically, the phrase “subject to the jurisdiction thereof” has provided some exceptions to the citizenship clause of the Fourteenth Amendment.¹⁸² For instance, historically the phrasing has precluded the children of foreign diplomats, children born of “alien enemies” in hostile occupation, and Native Americans who are subject to tribal law.¹⁸³ At the time of the Fourteenth

¹⁷⁷ *Protecting the Meaning and Value of American Citizenship*, THE WHITE HOUSE (Jan 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/> [https://perma.cc/TG9V-S79N].

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ U.S. Const. amend. XIV, § 1.

¹⁸² *United States v. Wong Kim Ark*, 169 U.S. 649, 682 (1898).

¹⁸³ *Id.*; *Elk v. Wilkins*, 112 U.S. 94, 102 (1884). Although historically birthright citizenship did not apply to Native Americans, birthright citizenship was later expanded to Native Americans born within the territorial limits of the United States under the Indian Citizenship Act of 1924. 8 U.S.C. § 1401(b).

Amendment's passage, the citizenship clause's application to children on non-United States citizens was unclear.¹⁸⁴

The overall applicability of the Fourteenth Amendment's birthright citizenship to the children of non-citizens was settled in the 1898 Supreme Court decision *United States v. Wong*.¹⁸⁵ The case involved an individual born in San Francisco to Chinese national parents.¹⁸⁶ After leaving the United States for a trip to China, Wong Kim was detained and not permitted re-entry into the United States under the premise that he was not an American Citizen.¹⁸⁷ As a result, Wong Kim claimed that, in being born in the United States, regardless of his parents' citizenship, he was an American citizen.¹⁸⁸

The court sided with Wong Kim maintaining that birthright citizenship extended to individuals born in the United States with parents who are foreign nationals because, "[t]o hold that the fourteenth amendment of the constitution ex-cludes from citizenship the children born in the United States of citizens or subjects of other countries, would be to deny citizenship to thousands of per-sons of English, Scotch, Irish, German, or other European parentage, who have always been considered and treated as citizens of the United States."¹⁸⁹ As a result, for the past one hundred and twenty-seven years, the Fourteenth Amendment has been interpreted to provide the children on non-citizens, including those with undocumented parents, American citizenship.¹⁹⁰

The idea of re-interpreting and applying a narrower interpretation to the Fourteenth Amendment's citizenship

¹⁸⁴ John W. Guendelsberger, *Access to Citizenship for Children Born within the State to Foreign Parents*, 40 AM. J. COMPAR. L. 379, 385 (1992).

¹⁸⁵ *Wong Kim Ark*, 169 U.S. at 649.

¹⁸⁶ *Id.* at 652.

¹⁸⁷ *Id.* at 653.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* at 694.

¹⁹⁰ *Id.*

clause is not new.¹⁹¹ Legal scholars have pointed to the phrase “subject to the jurisdiction thereof” to be an indicator that, in order for birthright citizenship to apply, a child born in the United States must not be born to parents who hold an irregular status in the United States.¹⁹² The executive order made by the second Trump administration presents the same line of argument. Within the executive order, the President indicates that the children of noncitizens born in the United States are not subject to the jurisdiction of the United States.¹⁹³ This interpretation challenges the version of *jus soli* that the United States has followed since the Supreme Court’s *Wong* decision.¹⁹⁴

Despite giving agencies and government entities thirty days to begin enforcing this new interpretation of the Fourteenth Amendment, President Trump’s executive order on birthright citizenship remains unenforced due to ongoing legal challenges.¹⁹⁵ The Supreme Court will weigh in on the issue, with oral arguments scheduled for May 15, 2025.¹⁹⁶ For the time being, children born in the United States with undocumented parents are still considered Citizens of the United States.¹⁹⁷

¹⁹¹ See Dan Stein & John Bauer, *Interpreting the 14th Amendment: Automatic Citizenship for Children of Illegal Immigrants?*, 7 STAN. L. & POL’Y REV. 127, 127 (1996).

¹⁹² See generally Peter H. Schuck & Roger M. Smith, *Citizenship Without Consent* (1996).

¹⁹³ THE WHITE HOUSE, *supra* note 177.

¹⁹⁴ *Jus soli* meaning that citizenship follows as a result of being born within a national territory.

¹⁹⁵ THE WHITE HOUSE, *supra* note 177; Mike Catalini, *22 states sue to stop Trump’s block on birthright citizenship*, PBS NEWS (Jan 21, 2025, at 17:23 ET), <https://www.pbs.org/newshour/politics/18-states-sue-to-stop-trumps-block-on-birthright-citizenship> [<https://perma.cc/QHW5-43QF>]. By January 21, 2025 twenty-two states had sued to block Trump’s executive order on birthright citizenship.

¹⁹⁶ Amy Howe, *Justices will hear arguments on Trump’s effort to end birthright citizenship*, SCOTUSBLOG (Apr. 17, 2025), <https://www.scotusblog.com/2025/04/justices-will-hear-arguments-on-trumps-effort-to-end-birthright-citizenship/> [<https://perma.cc/FW8U-VCLR>].

¹⁹⁷ *Id.*

The second Trump administration's attacks on birthright citizenship demonstrate how his administration's immigration policies, largely informed by Christian Nationalism, go beyond addressing issues of national safety.¹⁹⁸ Early actions taken by Trump have instead demonstrated how immigration laws are being used and reinterpreted by an administration that seeks to fundamentally redefine American identity. The Fourteenth Amendment's language on birthright citizenship, and its potential revocation, does not progress the administration's expressed goals of making the United States "safer" through its immigration policies. Instead, the measures appear as a purely a reactionary measure that is seemingly caused by the demographic changes of modern America.¹⁹⁹ This directly aligns with Christian Nationalism, which views racial demographic changes, including those brought upon by immigration, as a threat to its historically privileged status within the United States.²⁰⁰

The administration's efforts to challenge the Fourteenth Amendment's birthright citizenship guarantees that have been provided to all individual, regardless of their parents' status, redefine what it means to be American. This redefinition would effectively create a permanent underclass of individuals who, despite being born and raised within the border of the United States,

¹⁹⁸ *Making America Safe Again*, HOMELAND SECURITY, <https://www.dhs.gov/making-america-safe-again>[<https://perma.cc/CCU9-NHMM>] (last visited Apr. 29, 2025) ("Under Secretary Noem's leadership, the hardworking men and women of DHS are fulfilling President Trump's promise to Make America Safe Again by removing violent criminal illegal aliens.").

¹⁹⁹ PEW RSCH. CTR., Chapter 2: Immigration's Impact on Past and Future U.S. Population Change (Sept. 28, 2015), <https://www.pewresearch.org/race-and-ethnicity/2015/09/28/chapter-2-immigrations-impact-on-past-and-future-u-s-population-change/> [<https://perma.cc/7P9L-2G45>] ("The arrival of new immigrants and the births of their children and grandchildren account for 55% of the U.S. population increase from 193 million in 1965 to 324 million today.").

²⁰⁰ Brooklyn Walker & Donald P Haider-Markel, *Fear & Loathing: How Demographic Change Affects Support for Christian Nationalism*, 88(2) PUB. OP. Q. 382 (Apr. 4, 2024)

would be denied full membership in the national community solely based on their ancestry.²⁰¹ Scholars have indicated that, within society, citizenship and nationality are viewed as one of the many baseline markers of national membership and belonging.²⁰² In attempting to redefine citizenship as a factor determined by lineage, the administration transforms a tool of integration and belonging into a mechanism that helps further goals of reducing demographic changes. These desires serve as an extension to Christian Nationalist fears that immigrants will not fulfill the American standards which have been developed in the United States and may instead challenge their national identity.²⁰³

VIII. CONCLUSION

The immigration policies enacted by the second Trump administration in the first one hundred days reveal a shift in the way the government defines American belonging and identity. Through the guidance of Christian Nationalist leaders and their rhetoric, the Trump administration has used the law in an effort to redefine what it means to be American.

The implementation of policies, which include the invocation of the Alien Enemies Act & challenges to birthright citizenship, demonstrates that Christian Nationalism has served as a justification for the administration's cultural movement that has one goal: Preserving a particular ethnic and cultural vision of the United States. As the Trump administration's policies

²⁰¹ Michael Fix, *Repealing Birthright Citizenship: The Unintended Consequences*, MPI (Aug. 2015), <https://www.migrationpolicy.org/news/repealing-birthright-citizenship-unintended-consequences> [<https://perma.cc/QX87-76MS>] ("The reality is this: Repealing birthright citizenship would create a self-perpetuating class that would be excluded from social membership for generations").

²⁰² Angus Stewart, *Two Conceptions of citizenship*, 46 THE BRIT. J. OF SOCIO. 63, 63 (1995).

²⁰³ Eric Leon McDaniel, Ifran Nooruddin, & Allyson Faith Shortle, *Divine Boundaries: How Religion Shapes Citizens' Attitudes Toward Immigrants*, 39 AM. POL. RSCH. 205 (2011).

continue to shape American legal discourse, Christian Nationalism has transformed into a powerful cultural-religious rhetoric shaping American laws.