

Racism in Immigration Law: Chapter 3 - Discretionary Authority Given to the President that Can Disproportionately Harm Immigrants of Color

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This report provides an overview of Presidential discretionary authority to set refugee quotas and restrict immigration. Congress granted the President certain discretionary authority to set refugee quotas and restrict immigration when it “would be detrimental to the interests of the United States” when it enacted the Immigration and Nationality Act (“INA”) in 1965. See 8 U.S.C. §§ 1157, 1182(f). Additionally, the Executive branch, through the Centers for Disease Control (“CDC”), has discretionary authority to suspend persons’ entry into the U.S. on public health grounds under the Public Health Service Act (“PLSA”). See 42 U.S.C. § 265. This discretionary authority often leads to large variations in immigration policy and practices between presidents.

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Attachments

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