



Post-Cold War Immigration and the Reconstruction of American National Identity, 1991- 2026: A Constructivist International Relations Analysis

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ABSTRACT

The purpose of this article is to analyze the immigration's role in rebuilding the American national identity in the United States from 1991 to 2026. It understands immigration as an identity construction space in which the law, discourse, institutions, the courts and border practices shape the discourses of citizenship, illegality, asylum, security and belonging. The article is based on the theoretical framework of constructivist International Relations theory and uses a qualitative historical-interpretive research design using structured periodization and process tracing for the post-Cold War era. A short history from 1783 to 1991 sets the longer trajectory of the American immigration identity, and the central argument posits that immigration politics, from the managed openness of the Cold War era, have transformed into securitized boundary making and contested citizenship in the post-Cold War period. The article contends that post-Cold War immigration was as much a challenge to America's national identity as it was an exposure and reproduction of its unresolved contradiction between America as a civic and America as a romanticized notion. A territorial bounded security community and a constitutional nation.

1. Introduction

The study of immigration and American national identity is best studied in the post-Cold War period. Post-1991 the United States was a liberal international order leader, was quickly demographically diversifying, had the security threat of 9/11, and then had immigration become a major arena of contestation in a populist way of life. It is therefore remarkable how much immigration shifted from a traditional arena of domestic politics to one of a major arena of reconstruction of American identity, sovereignty, legality and liberal credibility in the period from 1991 to 2026.

The main idea is that immigration after the Cold War period didn't just add to the number of foreign-born Americans. It transformed the nature of "American identity" in society. Constructivism is helpful since it bases identity on a socially constructed notion. From this perspective, migration is not only a political fact, but also a political event, as migration is given meaning by the state institutions or political actors themselves. Immigrants can be made the workers, the refugees, the citizens-in-waiting, the demographic threat, the illegal body, the national security threat, or the symbol of democratic openness. Immigrants can become the workers, the refugees, citizens-in-waiting, the demographic threat, illegal bodies, national security threats, or symbols of democratic openness. The various constructions generate various forms of the nation.

The article contributes to the field of International Relations with the inclusion of immigration as a part of the research of the state identity. The debate that happens in the public sphere is around immigration as border management or as a domestic policy issue. This article starts by looking at immigration as a domestic-international linkage, as it is shaped by global inequality,

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global conflict, labor markets, flows of asylum seekers, transnational families and foreign policy credibility; in turn, it reshapes the internal identity of the receiving state. The United States is a case in point because it has professed to have a universal civic identity while policing of belonging repeatedly by race, religion, language, legal status and national origin.

2. HISTORICAL BACKGROUND: IMMIGRATION AND AMERICAN IDENTITY, 1783-1991

The post-Cold War era can be understood only against the longer history of American boundary making. After independence, the United States described itself in universal civic language, but early membership was racially restricted. The Naturalization Act of 1790 limited naturalization to “free white persons,” revealing that American civic ideals were embedded in racialized assumptions about belonging. During the nineteenth century, Irish Catholics, German immigrants, Chinese laborers, and later Southern and Eastern Europeans were repeatedly represented as threats to the cultural and political character of the republic.

The Chinese Exclusion Act of 1882 marked an important turning point in the development of the United States as a “gatekeeping state. Lee (2003) demonstrates that Chinese exclusion produced new methods of identification, surveillance, documentation and deportation. The immigration act of 1924 further institutionalized a racialized national identity by the creation of national-origins quotas that favored immigration from northern and western Europe. Ngai (2004) shows how this law played a role in bringing about the “illegal alien” as a legal and political entity. These pivotal moments are significant as an indication that the American national identity was not exclusively civic. It was also the result of prohibition.

The Immigration and Nationality Act of 1965 officially ended the so-called “national-origin” quota system. By 1991, the immigration law of this nation had become more formally universal, but it was an identity conflict that still did not get solved. The nation did not do away with ethnocultural nationalism, it only took some of its legalized manifestations. This older conflict, however, was revived by post-Cold War immigration in the face of new global, terrorist, demographic and partisan challenges.

Table 1. Major immigration identity phases before the post-cold war era, 1783-1991

Period	Identity logic	Significance for post-1991 debates
1783-1870	Civic language with racialized citizenship	Established the contradiction between universal ideals and restricted membership.
1870-1924	Mass immigration and racialized exclusion	Produced nativist anxieties and deferral border-control institution.
1924-1965	National-origins restrictions	Defined Americanness through ethno-racial hierarchy and European preference.
1965-1991	Formal civic opening and demographic diversification	Created the legal basis for the post-cold war multiethnic immigration regime.

Note. Historical synthesis based on Smith (1997), Lee (2003), Ngai (2004), Tichenor (2002) and Zolberg (2006).

3. THEORETICAL FRAMEWORK: CONSTRUCTIVISM AS THE GOVERNING IR THEORY

The theoretical approach is based on constructivism International Relations theory. Constructivism is suitable as the problem to be solved in this research is not only the material flows, but also the process of construction of identity. According to Wendt (1992), identities and interests are not predetermined too. These are built with social interaction and are made up of shared meanings. Wendt's phrase “anarchy is what states make of it” is not only applicable to politics between states, but also to politics within states. It has a more general theoretical significance in revealing the social nature of the meaning of political reality. In the context of immigration, it is argued that migration is not only of political importance because migrants make a move across borders, but because states and societies make a move across borders.

In the context of migration, constructivism elicits the question of how a migrant can be understood as a potential citizen, a productive economy, an asylum seeker, an illegalized subject or a security risk. These categories are not a fact of nature. They are created in the legal, political, media, bureaucratic and historical processes. Here, Hopf (1998) is helpful as he notes that identities enable certain actions and not others; enable some actions and non-others to be legitimate. Identity narratives frame the possible spectrum of policies in immigration: amnesty, deportation, militarization of the borders, admission of refugees, naturalization, family reunification or exclusion.

The article also adopts a constructivist approach to the concept of norms and identity. Katzenstein (1996) shows that national security policy is shaped by norms and culture. Finnemore and Sikkink (1998) explain how norms emerge, cascade, and become internalized. Abdelal et al. (2006) strengthens the operationalization of identity by defining collective identity through content and contestation. This article therefore treats American national identity as a contested social category. Its content includes civic ideals, constitutionalism, English-language public culture, racial memory, religious pluralism, border sovereignty, and the American Dream. Its contestation appears when different political actors define immigrants either as part of the nation's future or as evidence of national decline.

4. RESEARCH PUZZLE, QUESTION AND CONTRIBUTION

The research puzzle is not whether immigration changed the United States; it plainly did. The question is, though, why immigration emerged as a major field of contestation defining the meaning of American national identity at a time when the United States was claiming to be the most liberal of all nations Post-Cold War order's strength. Although these are helpful explanations, they fall short in understanding how immigrants became workers, refugees, threats to the security of the nation, bodies that have crossed the border, conditional citizens, or future citizens.

How then, the question goes, did post-Cold War immigration policies, legal definitions, debates, and decisions redefine the borders surrounding national identity in America from 1991 to 2026?

There are three subsidiary questions which guide the analysis. How were immigrants portrayed as civic members, conditional insiders, humanitarian subjects or threats to sovereignty and security through legal, executive, judicial and public-discursive processes? Second, how did key post-Cold War moments of the 'illegalization', 'securitization', 'delayed inclusion', 'sovereignty performance', 'humanitarian management', and 'citizenship-boundary conflict' change the connection between American civic identity and territorial membership? Third, what can the U.S. case tell us about accounts of state identity, sovereignty and migration in the field of constructivist International Relations?

By framing the inquiry this way, the article treats immigration as a mechanism of identity construction rather than a merely demographic variable. The contribution is to show that post-Cold War American identity was reconstructed through the interaction of population change, law, executive authority, courts, media narratives, and public incidents, all of which converted immigration into a site where the United States negotiated the limits of its civic self-image.

5. RESEARCH DESIGN AND DATA

The article uses a qualitative single-case study design. The single case is the United States in the post-Cold War era from 1991 to 2026. The case is theoretically appropriate because the United States is both the world's most important immigrant-receiving democracy and a state whose global identity is tied to liberal constitutional claims. The analysis is interpretive and historical-institutional. It is interpretive because the article examines meanings, classifications, and narratives; it is historical-institutional because those meanings are embedded in laws, bureaucratic categories, and policy regimes.

The unit of analysis is the American national identity. Units of observation are immigration statutes, executive orders, presidential proclamations, Supreme Court decisions, lower court litigation (where applicable), policy categories, demographic trends and public opinion data. These materials are used in a way that is seen as evidence of identity. They are not just about who can and can't move across borders; they define who is 'in' and who is 'conditional', who can be legally 'removed' or who can be put forward as a humanitarian claimant, and who can be shown as a security or sovereignty issue.

Descriptive statistics are merely contextual evidence and not as evidence of causation. They help to pinpoint the hot spots on which political significance is formed. The main analytical part of the article, however, is interpretive, viewing post-Cold War policy moments as occasions when the state and political actors appealed to the concept of membership and exclusion to establish American identity.

Statistical profile of US Immigration

Statistical evidence supports the decision to focus on the post-Cold War era. The foreign-born population rose from 19.8 million in 1990 to more than 50.2 million in 2024. As a share of the total population, immigrants increased from 7.9% in 1990 to 14.8% in 2024, matching the historic high recorded in 1890 ((Frequently Requested Statistics on Immigrants and Immigration in the United States, 2026).

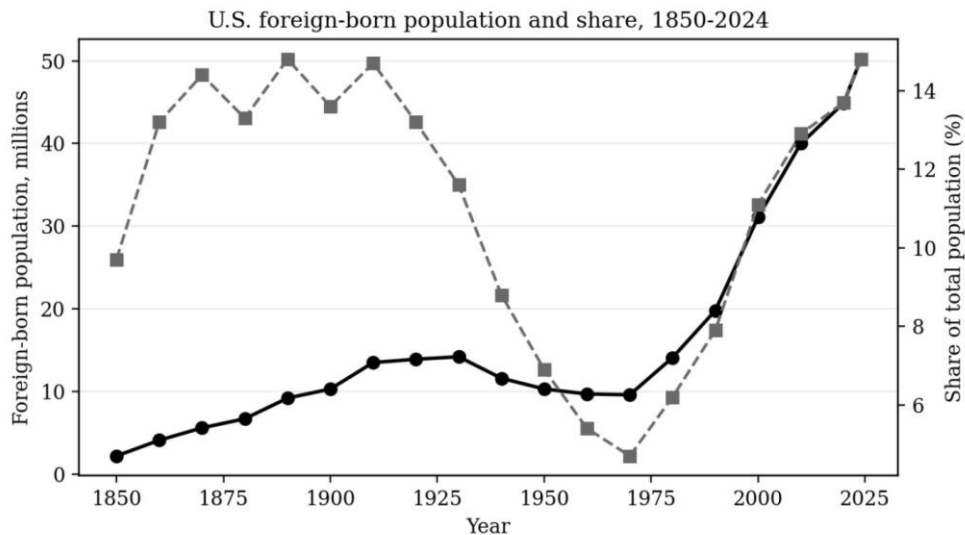


Figure 1. U.S. foreign-born population and share, 1850-2024

Note. Data compiled from Migration Policy Institute tabulations using U.S. Census Bureau and American Community Survey data. Historical values draw on Gibson and Jung (2006) and *Frequently Requested Statistics on Immigrants and Immigration in the United States*, (2026)

Figure 2. Post-Cold War immigrant population and share, 1990-2024

Note. Data from (*Frequently Requested Statistics on Immigrants and Immigration in the United States*, (2026) and related MPI historical foreign-born population tables. Values are rounded.

Unauthorized migration became especially important in post-Cold War identity politics because it connected legal status to national belonging. Pew Research Center estimated that the unauthorized immigrant population reached 14 million in 2023, the highest level in its series, and represented 27% of the U.S. foreign-born population (Passel & Krogstad, 2025). MPI’s separate estimate was 13.7 million in mid-2023, representing 26% of the foreign-born population (Gelatt et al., 2025). The difference between these estimates is not a contradiction; it reflects different methodologies, timing, and rounding.

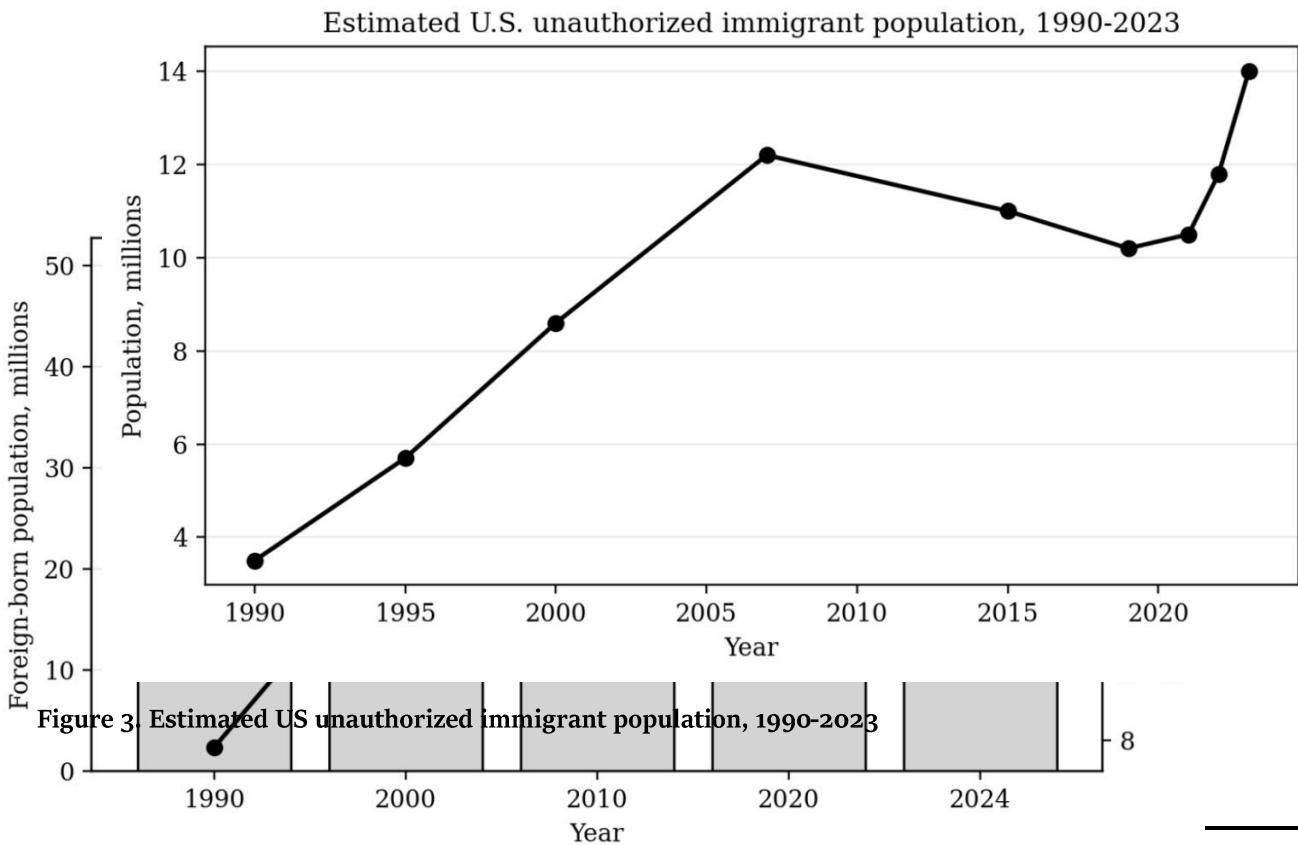


Figure 3. Estimated US unauthorized immigrant population, 1990-2023

Note. Selected estimates from Pew Research Center. Values are rounded to the nearest tenth of a million. Source: Passel and Krogstad (2025).

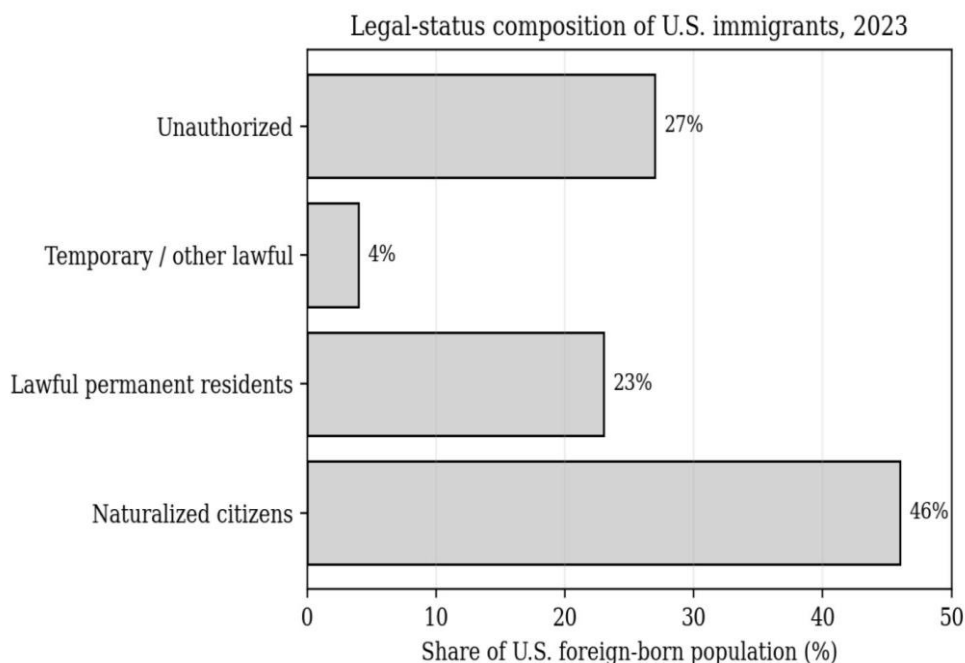


Figure 4. Legal-status composition of U.S immigrants, 2023

Note. Pew estimates report that in 2023 unauthorized immigrants were 27 percent of the foreign- born population and naturalized citizens were 46 percent. Lawful permanent residents and temporary or other lawful categories are rounded from the remaining legal-status composition described in Pew and MPI sources. Sources: (Passel and Krogstad, 2025; Gelatt et al., 2025; (Frequently Requested Statistics on Immigrants and Immigration in the United States, 2026).

Table 2. Selected post-Cold War immigration indicators

Indicators	1990	2000	2010	2023/2024
Foreign-born population, millions	19.8	31.1	40.0	50.2 (2024)
Foreign-born share of U.S. population	7.9%	11.1%	12.9%	14.8% (2024)
Unauthorized immigrants, population millions	3.5	8.6	--	14.0 (2023, Pew)
Unauthorized share of foreign- born population	--	--	--	27% (2023, Pew)

Note. Foreign-born data from (Frequently Requested Statistics on Immigrants and Immigration in the United States, (2026). Unauthorized immigrant estimates from Passel and Krogstad (2025). Dash indicates not reported in the same table here.

Legal and Judicial Construction of Immigration Identity, 1991-2026

A post-Cold War International Relations analysis of immigration and American national identity is incomplete without law and courts. Immigration law is not only an administrative mechanism for visas, detention, asylum, removal, or citizenship. From a constructivist perspective, law is one of the principal languages through which the state constructs membership. Congressional acts and executive orders create official categories such as lawful permanent resident, unauthorized immigrant, refugee, asylum seeker, alien terrorist, Dreamer, removable noncitizen, and birthright citizen. Courts then decide how far the political branches may go in producing and enforcing those categories.

The legal history of the period 1991-2026 indicates that it has been a journey from openness to boundary hardening. The Immigration Act of 1990 provided for a rise in legal immigration and opened up the employment and diversity-based visas,

which came after the Cold War era and were based on the belief in managed pluralism. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, on the other hand, further cemented the link between illegality, deportability, and punishment. But following 9/11, the USA PATRIOT Act, the Homeland Security Act, and the REAL ID Act cemented the link between immigration, national security, identity verification and the bureaucratic monitoring of citizens. This increasingly central role in the executive branch was due to Congress's repeated inability to pass comprehensive immigration reform.

Theoretically, this is a change that makes a difference. It was not just a reaction to migration flows that the post-Cold War immigration state has created competing identities. DACA constructed a sympathetic identity category around childhood arrival and social incorporation. Travel-ban and border-emergency policies constructed migration through national-security and territorial-sovereignty frames. Biden-era executive orders briefly re-centered integration, refugee resettlement, and regional cooperation, but the 2024 border proclamation and 2025 second-Trump executive actions showed that even liberal administrations may adopt restrictionist instruments when public legitimacy is under pressure.

Table 3. Selected congressional and executive immigration measures, 1991-2026

Year	Law/Executive Action	Critical Identity Function
1990/1991	Immigration Act of 1990	Expanded legal immigration and diversity channels; projected a managed, plural, skills-oriented civic identity.
1996	Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	Hardened removal, inadmissibility, and unlawful-presence consequences; strengthened illegality as a national boundary.
2001	USA PATRIOT Act	Linked immigration control with counterterrorism; intensified the figure of the noncitizen as a security risk.
2002	Homeland Security Act	Moved immigration bureaucracy into DHS; split service, border, and enforcement functions under a security architecture.
2005	REAL ID Act	Tied identity documents and asylum credibility standards to national security and verification.
2012	DACA Memorandum	Constructed Dreamers as conditionally deserving insiders without creating citizenship or lawful permanent status.
2017	Executive Orders 13769 & 13780 and Presidential Proclamation 9645	Framed entry restrictions through terrorism and national-security language; made religion, nationality, and security central to identity conflict.
2021	Executive Orders 14010, 14012, and 14013	Reframed immigration through regional cooperation, integration, and refugee resettlement.
2024	Presidential Proclamation 10773 and Border IFR	Used emergency border authority to restrict asylum access; showed convergence between humanitarian rhetoric and deterrence logic.
2025	Second-Trump border, invasion, refugee, and birthright citizenship actions	Reasserted sovereignty, deterrence, and citizenship restriction as central national-identity claims.

Note. Legal synthesis based on the Immigration Act of 1990, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the USA PATRIOT Act of 2001, the Homeland Security Act of 2002, the REAL ID Act of 2005, DHS DACA memoranda, Federal Register executive orders, presidential proclamations, and White House presidential actions cited in the References.

Judicial decisions are equally important because they show the constitutional limits and permissions of immigration identity making. The Supreme Court has not followed one simple line. It has sometimes constrained executive detention or agency reasoning, as in *Zadvydas* and *Regents*. It has also granted broad discretion to the political branches in entry and national-security contexts, as in *Trump v. Hawaii*. The result is a post-Cold War legal order in which immigrants may be treated as constitutional persons in some contexts, administratively removable subjects in others, and foreign-policy objects at the border or consular gate.

Court cases are used here as evidence for the constructivist argument rather than as doctrinal legal commentary for its own sake. Judicial decisions help stabilize, challenge, or authorize the meanings produced by immigration policy. The judiciary is therefore part of the identity- construction process, not merely a neutral referee standing outside politics.

Table 4. Selected judicial decisions and their identity relevance, 1991-2026

Year	Judicial Decision	Identity Relevance
1993	Reno v. Flores	Established the detention and release framework for immigrant minors, framing child migrants through administrative custody rather than constitutional liberty.
2001	Zadvydas v. Davis	Limited indefinite post-removal detention and recognized constitutional constraints on immigration detention, even for noncitizens.
2003	Demore v. Kim	Upheld mandatory detention during removal proceedings, reinforcing congressional authority over deportability and immigration enforcement.
2012	Arizona v. United States	Confirmed federal primacy in immigration enforcement while limiting state efforts to construct independent immigration sovereignty.
2018	Trump v. Hawaii	Upheld broad presidential authority to restrict entry on national security grounds, strengthening executive discretion over external membership and border control.
2020	Department of Homeland Security v. Regents of the University of California	Blocked the rescission of DACA as arbitrary and capricious, proceduralizing the legal status of Dreamers while preserving executive discretion over immigration policy.
2022	Biden v. Texas	Allowed termination of the Migrant Protection Protocols (MPP), affirming executive flexibility in border governance and immigration administration.
2023	United States v. Texas	Restricted state standing to challenge federal immigration enforcement priorities, reinforcing executive authority over removal priorities and immigration policy implementation.
2024	Department of State v. Muñoz	Reinforced the doctrine of consular non-reviewability and limited constitutional review of visa refusals, preserving executive discretion over external border membership.
2025	Trump v. CASA, Trump v. J.G.G., and A.A.R.P. v. Trump	Did not finally resolve the merits of birthright citizenship and related immigration disputes, but made questions of citizenship, emergency removal, due process, and nationwide injunctions central to post-2025 national identity debates.

Note. Cases are used here for their relevance to identity construction and institutional authority, not as full doctrinal legal analysis.

Period	Dominant Policy Development	Constructivist Identity Meaning
1991–1995	Implementation of the Immigration Act of 1990; post-Cold War globalization; expansion of legal immigration and diversity-based admission channels.	Immigration was framed as managed openness, emphasizing talent attraction, multiculturalism, and civic pluralism.
1996–	Illegal Immigration Reform and Immigrant	Illegality became a central boundary category,

2000	Responsibility Act (IIRIRA); welfare reform; strengthened border enforcement; increasing political focus on unauthorized migration.	with membership increasingly tied to discipline, documentation, and deservingness.
2001–2008	September 11 attacks; USA PATRIOT Act; creation of the Department of Homeland Security (DHS); REAL ID Act; expansion of counterterrorism bureaucracy.	Immigration became partially securitized, with Muslim, Arab, South Asian, and Middle Eastern identities increasingly filtered through narratives of suspicion, risk, and loyalty.
2009–2016	Failure of comprehensive immigration reform; Deferred Action for Childhood Arrivals (DACA); expanded enforcement discretion; refugee and immigrant integration debates.	Dreamers were constructed as socially incorporated but legally conditional insiders, reflecting a distinction between social belonging and formal citizenship.
2017–2020	Travel-ban executive orders; refugee admissions reductions; border wall initiatives; DACA litigation; family separation policy.	Immigration became a test of civilizational belonging, sovereignty, executive authority, and national identity, with security and cultural narratives becoming increasingly intertwined.
2021–2024	Biden administration integration initiatives; humanitarian parole programs; post-pandemic border pressures; 2024 asylum restrictions.	Immigration policy combined humanitarian rhetoric with deterrence measures, illustrating the convergence of liberal inclusion and border restriction within a single governance framework.
2025–2026	Second Trump administration executive actions; birthright citizenship litigation; renewed emergency border declarations; expanded enforcement measures.	Citizenship itself became a contested object of executive reinterpretation and judicial review, making sovereignty, constitutional membership, and national identity central to immigration politics.

5.1. Post-Cold War Immigration as Identity Reconstruction: Periodized Analysis, Public Debate, and Incidents, 1991-2026

This section is the heart of the empirical analysis of the article. It is not a series of immigration policy administrative history documents, but rather, looks at the post-Cold War era as a series of identity making moments. This analysis is structured around seven phases that immigration had different public interpretations: liberal globalization, illegalization, homeland security, deferred belonging, civilization filtering, humanitarian management, and citizenship contestation.

The section employs discursive evidence in the form of public debates in newspapers, magazines, legal commentary and the major incidents. These sources are not considered to be an alternative to legislation, case law or demographic information. They can help to see how immigration narratives were constructed publicly, at pivotal moments. From a constructivist perspective, these debates are relevant not just because of the legal aspects of state identity, but also because of the ways migrants are referred to in public discourse—through media frames, symbolic incidents, public language and law—in terms of “worker,” “welfare burden,” “security risk,” “humanitarian subject,” or “future citizen” (Doty, 1996; Wendt, 1999).

Process tracing is used in empirical logic. In each phase, three interrelated questions are explored: What institutional development took place, what narrative or incident brought immigration to the forefront of American politics, and how was the nature of American national identity changed? This provides the analysis under a constructivist research design without reductionism to immigration numbers.

5.2. Managed Openness and Liberal Globalization, 1991-1995

The first post-Cold War period started with the enactment of the Immigration Act of 1990. The program's growth of legal immigration, employment-based visas, diversity visas and temporary protected status (TPS) reflected the liberal state's “self-confidence” post-Cold War. Immigrating was not yet the primary means of securing. The sense of 'managed openness' was strongly federal, envisioning immigrants as workers, family members, diversity entrants and contributors to the globalizing economy.

There was an openness, though, but with its roots in early identity anxiety. American immigration politics has swung back and forth over the years between expansion and restriction, Tichenor (2002) states. This was the case in the early 1990s. The state that made it easier to enter the country via formalized routes simultaneously tightened the borders with Mexico with the

implementation of Operation Gatekeeper and other border-control measures. The state that loosened the entry restrictions for the U.S. at the Mexican border also tightened the border with Mexico, implementing Operation Gatekeeper and other border-control measures. For Nevins (2010) this change in the border is rather one of national boundaries making than just a neutral enforcement. This phase was ultimately defined by California Proposition 187. It was approved by the voters in California in 1994 to prohibit undocumented immigrants from using public services, education or non-emergency health care. According to the Library of Congress, Proposition 187 was created in an economically turbulent time, which saw undocumented immigrants being blamed for many issues (Library of Congress, n.d.). Alvarez and Butterfield (2000) also view support for the measure as cyclical nativism related to an economic downturn, perceptions of race and place.

The constructivist importance of Proposition 187 has to do with the shift from legal to civic value that it represented. It didn't just question if the state had the authority to regulate illegal immigration. I asked myself if the undocumented could be part of the social community at all. The controversy in the public sphere, with all the street protest and the amount of press attention in California, was a first for the national politics of illegality. Globalization thus had an internal contradiction during the "liberal" post-Cold War moment, in which the United States could be happy with globalization, and label some migrants as civic outsiders.

5.3. Illegalization, Welfare Politics, and the Border, 1996-2000

During the second phase this unauthorized migration was moved from an administrative designation to a more punitive one. Three bills from 1996 were pivotal: the Illegal Immigration Reform and Immigrant Responsibility Act, the Personal Responsibility and Work Opportunity Reconciliation Act and the Antiterrorism and Effective Death Penalty Act. These laws, combined, expanded deportability, tightened up detention and deportation, curtailed use of welfare, and connected immigration to criminality and terrorism.

Here, Ngai's term "impossible subjects" is helpful as it helps to show how immigration law creates the illegal alien as both present and rejected. The undocumented becomes an economic asset, but a politically disenfranchised one. This is not a legal state. It turns into an identity category that is relevant to public recognition, access to rights and symbolic boundaries of the nation. This change is reflected in a magazine debate that occurred in the late 1990s. Immigration was treated in the essay *The Melting-Pot Myth* by *The New Yorker* in 1997, in four competing frames of economic contribution, fiscal burden, demographic change, and assimilation. For this article, it is not significant whether the essay settled the debate. It indicated that the melting pot older rhetoric was being challenged by elite public discourse about whether it could integrate the mass and diversity of the post-1965 immigration.

The 1999-2000 Elián González controversy also showed that immigration identity was not just a legal issue but a memory and an ideology of the Cold War as well. Through the case of a Cuban child who was at the heart of a custody and asylum battle, Cuban migration had a privileged place in U.S. political culture for years, and it became a symbol of the case. Toward the end of the 1990s, however, the conventional refugee-as-anti-communist story had become decreasingly able to solidify the definition of immigrant belonging. In this phase, there was thus a shift from ideological asylum politics to a more severe politics of legality and deservingness.

5.4. Homeland-Security Turn After 9/11, 2001-2008

The terrorist attacks of September 11, 2001, were the impetus for the third phase. The USA PATRIOT Act, Homeland Security Act, establishment of a Department of Homeland Security, reorganization of immigration agencies, and the REAL ID Act changed the identity implication of migration. This was the end of the "labor, welfare and cultural assimilation" approach to immigrants. They were increasingly read in terms of security, terror, documentation, and surveillance.

However, Adamson's (2006) argument is that international migration has become a national security issue as it is located at three intersections: territory, identity and state authority. This is what we can see happening in the United States after 9/11. The crossing body at the border was no longer the immigrant alone, but a database, a database watchlist, a program of registration, verification of identity. Muslim, Arab, South Asian and Middle Eastern communities were particularly affected by this change.

The era also saw the greatest immigrant-rights mobilization in recent U.S. history. In 2006, millions of immigrants and supporters protested H.R. 4437 and other enforcement measures. Voss and Bloemraad (2011) see these protests as a large-scale conflict over inclusion in the twenty first century America. The "Day Without an Immigrant" boycott was described at the time as "an effort to show the economic and social indispensability of immigrant labor" (*The Guardian*, 2006).

Talk radio and cable television, ethnic press and television, blogs and partisan framing were significant influences in the debates over immigration in 2006-2007, according to a media analysis conducted by Brookings and USC Annenberg (Akdenizli, 2008). This is important on a theoretical level, since the immigrant was not only

The immigrant was told by a transforming media ecology and was governed by state institutions. In a constructivist sense, the security state and the media system have created a public space, a field in which immigration could be constructed as an invasion, labor, family, illegality or civil rights.

5.5. Deferred Belonging and Executive Humanitarianism, 2009-2016

The fourth stage was about the paradox of social inclusion and legal exclusion. Many of these young people were raised, educated, and socialized in the United States without, however, becoming American citizens. Young people were many and they had been raised, educated and socialized in the United States, but were not legally citizens. In 2012, the DACA program was established but it did not lead to citizenship. It established an "indirect" and "conditional" sense of belonging. The Dreamer was one of the most overt cases of a constructivist identity formation post-Cold War, as the individual could be a citizen of the United States and an illegal citizen in the eyes of the law, socially and culturally.

As one of the Latino Forum's most interesting and informative books, Chávez (2008) helps to illuminate the background of this discourse, demonstrating how Latino immigrants were framed as a threat to the nation, despite their social incorporation. The restrictionist side of the debate was the "Hispanic challenge?" argument of Huntington (2004), which characterized Latino immigration as a threat to American national identity, particularly Mexican immigration. The "Latino threat" is not a reality, but a myth, and Chavez's reply to notes that.

This discussion was further heightened by incidents from the Journalistic profession. Undocumented status became a story of civic participation, fear and invisibility in 2011 when Jose Antonio Vargas published his New York Times Magazine essay labeled "My Life as an Undocumented Immigrant" (Vargas, 2011). To shift the undocumented from a shadow identity to a public one, TIME's 2012 cover story on undocumented immigrants also tried to do just that (2012). These publications were not laws, but rather they shifted the cultural vocabulary of the debate, making immigrants undocumented subjects who recount the American experience about immigrants—rather than just enforcement targets.

State-level restrictions occurred during the same time. The Supreme Court's decision in *Arizona v. United States* (2012) and Arizona's S.B. 1070 demonstrate how immigration became a federalism issue regarding who is allowed to control and restrict who is in and who is out of a nation. The Court curtailed several state provisions to allow for some status-check authority to continue intact, but with provisions removed. Importance of case is that it demonstrated that immigrant identity was negotiated through a variety of institutional settings – federal agencies, state governments, courts, police and media.

5.6. Sovereignty and Civilizational Filtering, 2017-2020

The fifth phase became more explicit in sovereignty performance and resulted in a heightened focus on immigration. The Trump administration's travel ban policies, politics on the border walls, the new restrictions on refugee numbers, the changes to the public-charge definition, family separation and the limitations on asylum did more than just change the rules. Immigration was a civilizational boundary problem as they noted. The question of "who" could be admitted soon gave way to "who is the "American" religion and "who is the "American" race and culture?

An example of this change is travel-ban litigation. Under a national-security justification, the restrictions on entries were upheld in *Trump v. Hawaii* (2018) in a later version. It is a relevant case from a constructivist perspective because it demonstrates a deferral of executive meaning making around entry, security and foreign affairs. The law was not just about travel; it also gave the government permission to designate specific groups of people as controlled, or potentially controlled, threats to national security, based on their national origin and religion.

While warning against the assumption that all immigration policy is a racist policy, Srikantiah and Sinnar (2019) suggest that some immigration policies enacted by Trump should be seen as motivated by the political logic of white nationalism. It is helpful that their intervention brings legal policy in touch with national identity. It demonstrates in neutral terms how immigration restrictions can have racialized and religiously selective effects and how these effects can be justified in immigration restrictions.

The power of the most significant incident of this phase was family separation. The reaction to the policy was based on a public outcry over the body price of deterrence. Lee (2019) views family separation as a "slow death" and Dickerson's Atlantic report rewinds the bureaucratic and political decisions involved in creating the policy (Dickerson, 2022; Lee, 2019). Regarding the identity argument, the family-separation issue was at the heart of the debate, as it raised questions about the possibility of border sovereignty that could conflict with the liberal moral narrative the U.S. purports to hold for itself.

As well, the migrant-caravan debate of 2018 is a good example of the way in which things are turned into spectacles. The motifs of mass approach, border pressure, invasion, asylum and vulnerability were used to tell the story of migrant movement. It was not an "even-handed" environment for reporting. This was a symbolic ground where anxiety over sovereignty, race, security and demographic changes lay on the surface of the border.

5.7. Humanitarian Management and Restrictionist Convergence, 2021-2024

The sixth phase is analytically significant as it makes bipartisan interpretation more difficult. The Biden administration first, and then the Trump administration, adopted a new agenda for immigration, one of the main focuses being the restoration of immigration, regional cooperation, and refugee processing, as well as family reunification and legal processing reform, among others. In 2021, executive orders were issued to re-gain the trust in the legal immigration system and to rebuild refugee resettlement. But the pressure on the border, the accumulation of asylum cases, an extension of parole, opposition by the states and congressional inaction drove the administration to tools of restriction.

In 2021, it was symbolized as an incident of migrants from Haiti in Del Rio. The scene of mounted Border Patrol agents confronting Haitian migrants caused a national controversy and sparked an official investigation. The White House got some hefty criticisms, both from Democrats and Republicans, according to Associated Press reporting. Subsequently, as the images went viral, and later, official investigation, distinguished between “public perception of whipping” and “unnecessary force or misconduct” (AP, 2021; US Customs and Border Protection, 2024). The incident is significant because it demonstrates the potential for emergent identity conflict through racial memory, border enforcement and the visual media.

In 2022, Martha's Vineyard was another identity making moment as migrants were transported to the island. As migrants were once again pawns in a political battle between the governors of border states and liberal sanctuary jurisdictions, as reported in *The New Yorker* (2022). The event transposed migrants from legitimate to symbolic means of intergovernmental enacting sovereignty, hypocrisy and burden sharing.

The Biden border proclamation of 2024, which is based on emergency authority, allows for the suspension and/or restriction of entry of aliens in specific border conditions. The decision to suspend and limit entry in sections 212(f) and 215(a) of the Immigration and Nationality Act during emergency border conditions was outlined in the Federal Register (Securing the Border, 2024). The theoretical importance is convergence: even those administrations which speak humanitarian rhetoric can enact a restrictionist boundary process in the event of immigration being publicly narrative as an administrative failure.

5.8. Citizenship, Emergency Authority, and Foundational Boundary Politics, 2025-2026

The seventh phase elevated the discussion from the border management to the meaning of citizenship in the Constitution. Executive Order 14160, "Protecting the Meaning and Value of American Citizenship," tried to redefine the definition of birthright citizenship for children of parents who are in specific “parental” status (Executive Order No. 14,160, 2025). This was a departure from the regulation of entry to redefining the underpinning to a national membership.

It is significant that the order is an official one, in the sense that its language is important. It referred to citizenship as “a priceless and profound gift” and tried to alter the constitution's definition of citizens being “subject to the jurisdiction” of the United States (Executive Order No. 14,160, 2025). Constructivist analysis considers this not only to be legal argument but symbolic politics. The order tried to build citizenship from the automatic territorial to a citizenship that was dependent on parental legality and state recognition.

Trump v. CASA (2025) did not definitively answer the question of the constitutionality of the citizenship order. Instead, the Supreme Court instead narrowed the scope of nationwide injunctions, and continued challenges to the underlying citizenship claim. The case remains relevant as a reminder of how the processes of court action can affect the real-world effectiveness of identity making executive action. Courts are not simply a forum for the after-the-fact adjudication of the rules; they shape the institutional landscape that citizenship, executive power, and immigrant belonging is contested upon.

This last step is an illustration of the main thesis of the article. Post-Cold War immigration was a process that redefined the nature of American national identity, as immigration was the site of the United States' redefinition of the relationship between territory, law, race, religion, security, humanitarian obligation, and citizenship so many times. The categories of immigrant, alien, refugee, Dreamer, asylum seeker, removable noncitizen and citizen were not social facts of reality. They have been built by law, public discussion, the executive, judicial decision and by dramatic events. They have been built by law, public discussion, the executive, judicial decision, and dramatic events. This is the one that brought migration into political significance.

5.9. Critical Analysis

One does not simply have to face the fact that the United States saw a huge flow of immigrants in the post-Cold War era in American immigration politics; the critical problem is that. The more fundamental issue is that the state has always built immigration in an inconsistent and/or contradictory way of identity frames. Emergency, suspicion, constitutionalism, removability, inclusion, and conditional belonging were all legal categories that emerged from the same national project which had been known for opening up, constitutionalism, and civic incorporation.

The perspectives of a constructivist critique also reveal the difficulties of using demographic determinism. The percentage of immigrants in the population in 2024 was the same as that in 1890, but the political significance was quite different due to the different racial, religious, legal and geopolitical circumstances. Anxiety was focused primarily on ethnicity of Europeans and exclusion of Asian in the late 19th century. During the post-Cold War period, anxieties were restructured to focus on the Latino migration, Muslim identity, illegal immigration, asylum demand, and the symbolic U.S.-Mexico border. It was not the number, per se, that caused the identity crisis. The crisis was brought about by the significance of the number.

This is particularly the case when considering unauthorized migration. Illegal, or unauthorized, is a legal term but is also used as a self-assignment label. It can transform workers, parents, students, asylum seekers, long-term residents and so on into a generic icon of lawlessness. The post-Cold War era was testament to Ngai's argument of the history of illegality, as illegality is not just created by the state, it is also created by the law, priorities in the enforcement of the law, visa regimes, and administrative classifications. So, then the identity line of "citizen/noncitizen" is reduced to a line of moral value/political rejection

.But there's a credibility issue with U.S. foreign policy, too. The way immigration is ruled over impacts on the international image of American liberalism. Such a state is not only depraved linguistically, by employing dehumanizing terms, but is also weak in terms of the normativity of its laws. A state that is promulgating universal rights and yet denigrating migrants linguistically also undermines the normativity of its laws. Rather, it is not a case of borders being of no importance. Instead, it is a language and institutional mode of governance over the border that is an aspect of the state's identity performance. The enforcement of immigration law is possible in an advanced liberal democracy, but it can be conditioned on a racialized and/or civilizational frame of reference, which reframes national identity in exclusionary terms.

The critique is mentioned in legal-institutional evidence. The United States was not only struck with an immigration debate, but it was also legally created an order of belonging. Elected into citizenship, tolerated as future citizens, instrumentalized as workers or talent, accepted as refugees by humanitarian decision, filtered through deterrence, and turned into the symbol of national anxiety, unauthorized immigrants were the objects of citizenship and immigration processes. The objects of citizenship and immigration processes were unauthorized immigrants who were elected into citizenship, tolerated as future citizens, instrumentalized as workers or talent, accepted as refugees by humanitarian decision, filtered through deterrence, and turned into the symbol of national anxiety. The concept of "illegality" thus was transformed into a legal status as well as a political identity.

Other than 1996, immigration identity making was also moving to the presidency and courts, due to the inadequacies of Congress. From DACA to travel bans, refugee camps, asylum restrictions, parole programs, border proclamations, and birthright-citizenship litigation, the American immigration regime is in disarray.

increasingly plays by ear and goes to court. This provides a useful model for International Relations as it demonstrates that sovereignty is not the exclusive property of the state, but is instead regularly enacted in legal terms, during times of crisis and under judicial supervision.

This system is weak in that it is the creation of conflicting national identities. The State that has been presenting itself internationally as a liberal constitutional democracy has repeatedly made the use of law for the purpose of restricting asylum, increasing detention, making removal harder, securitizing nationality as well as turning humanitarian issues into border management issues. This isn't a sign of the United States' particular hypocrisy, but rather a demonstration of the way liberal states deal with the problem of the universal rights language and territorial control of membership.

6. DISCUSSION: FINDINGS AND THEORETICAL IMPLICATIONS

The analysis yields a few results. The findings presented here are analytical, rather than administrative, since the aim of the article is to account for the ways in which immigration became significant in America's politics of identity and state practice. The implications are thus theoretical and empirical, and only discussed where it follows from the analysis as a policy implication.

The first is that immigration in the post-Cold War era cannot be considered as one policy continuum. It passed through various periods of identity: openness managed, being illegal, securitization, deferred belonging, performance of sovereignty, humanitarian management, and citizenship- boundary conflict. This periodization is important to this article's contribution because it demonstrates shifts in the significance of immigration as they relate to institutional context, security context and political talk.

The second is a shift of legal status to a new central identity boundary. Naturalized citizens were added to the civic nation, legal permanent residents had a "temporary" status, temporary migrants were "conditioned," and unauthorized immigrants were

"politically present but legally deficient. This resulted in a multiple national identity with social and legal identities not being entirely synonymous.

The third discovery is that the politics of security after 9/11 altered the meaning of migration in terms of identity. Muslims and Middle Easterners' identity was more closely linked to terrorism, while the migration of Mexicans and Central Americans was more increasingly linked to the border crisis, illegality, and sovereignty. Migration was a space in which national security identity was publicly enacted as illustrated by the security legislation of 2001-2005 and subsequent travel-ban litigation.

The fourth finding is that the law and judicial review are not just a matter of the periphery of the identity argument. Formal documents such as congressional acts, executive orders, presidential proclamations, and court decisions designate and allocate political meaning and immigrant populations. That is why the same individual can be a worker, alien, refugee, Dreamer, terrorist-entry risk, family member and future citizen based on the governance discourse of the law.

The fifth finding is that executive unilateralism has become an important characteristic of the post-Cold War immigration governance. Because Congress has failed to provide comprehensive reform that lasts over the years, presidents have begun to rely on executive memoranda, orders, proclamations, and enforcement priorities to establish the nation's borders and its membership. It is then up to the courts whether these expressions of sovereignty are procedurally valid, constitutionally acceptable, or institutionally "over the top".

The theoretical implication is that migration should be better integrated into the constructivist IR research on state identity. Immigration is not just a domestic-policy arena, it is one area where the state is delineating itself with respect to the world. Borders are more than just geographical boundaries. They are symbolic institutions which help to shape who can get into the imagined national community.

7. CONCLUSION

This post-Cold War era (1991–2026) is analytically coherent because it starts with the liberal hegemony of the United States and ends with a period of high border tension, citizenry and national identity, which is a period of contestation. The short history of 1783–1991 reveals that the civic-ethnocultural tension was not a novelty but rather was sharpened and reconfigured in the post-Cold War era in the context of globalization, security politics, demographic shifts and polarization of the political. The argument in the article is constructivist, arguing that immigration was a process of reconfiguring American national identity through altering the meanings of citizenship, illegality, sovereignty, security, asylum and belonging. Legal and judicial analysis reinforces this argument by providing insights into the locations of the creation of those meanings. Statutes and executive orders, presidential proclamations and court decisions are not background issues; they are first-class places where the American state determines who is an insider, who is conditional and who might be excluded. There are three implications of the conclusion. The first is theoretical: immigration should be seen as an important space in which state-identity is being formed, in the constructivist IR perspective. The second is empirical: in the American case, the results of demographic diversity are neither civic renewal nor national decline but depend on the political meaning. The third is policy-related but still analytical: immigration governance will be more likely to create a stable sense of nationhood if it decreases long-term partial membership, provides accurate data, doesn't dehumanize migrants and makes domestic practices more consistent with the U.S. liberal international rhetoric.

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