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HIGHER EDUCATION MUST STOP UNDERMINING IMMIGRATION LAW

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TOPLINE POINTS

- ★ Many colleges and universities offer “immigrant clinics,” which are courses where undergraduate and graduate students provide legal services to illegal aliens, including assistance with asylum claims, Temporary Protected Status (TPS) claims, and with requests for release from detention.
- ★ Immigrant clinics are part of a larger “open borders complex.” They purposefully or inadvertently facilitate mass illegal migration to the U.S.—both directly, through their legal work, and indirectly, by cultivating a pipeline to future careers at open borders non-governmental organizations.
- ★ The Department of Education and other federal departments should ensure federal grant funding is not used to support immigrant clinics.
- ★ The Department of Education should issue a warning to these schools, reminding them that aiding, harboring, or shielding illegal aliens to reside in the United States violates federal law.
- ★ The Departments of Justice and Education should ensure immigrant clinics and their sponsoring universities are in compliance with the law and President Trump’s Executive Orders.

Introduction

Elite and public universities are partnering with progressive organizations working to undermine American sovereignty—and giving students school credit for their participation. College and university “immigrant clinics,” “immigrant justice labs,” and “immigrant justice clinics” encourage undergraduate and graduate students to provide pro bono legal services to illegal immigrants. Together with [pro-migration non-governmental organizations \(NGOs\)](#), these taxpayer-subsidized



higher education programs encourage illegal migration by working within the legal system to undermine lawful efforts to remove illegal aliens.

From 2021–2024, pro-migration NGOs, together with the Biden Administration and the drug and human smuggling cartels (hereafter, “cartels”), formed a *de facto* “open borders complex.” This alliance of convenience placed effective operational control over much of the U.S. southern border in the hands of the cartels and flooded the U.S. with at least [11 million](#) illegal immigrants. Tragically, many of those aliens went on to commit additional crimes against the American public, including [murder, rape, and other violent crimes](#).¹

To put this historic number in context, states like Ohio, North Carolina, and Georgia each have populations of around 11 million. In effect, the Biden Administration’s [systematic dismantling](#) of immigration enforcement added a 51st “state” comprised of illegal aliens, known or suspected terrorists, cartel members, and other violent criminals.

Pro-migration NGOs played an important role in this crisis. In effect, these organizations stepped in where the cartels [left off](#)—and where the Biden Administration abdicated its law enforcement duties—to facilitate mass illegal migration by providing illegal immigrants with a range of supportive [“intake” services](#), including transportation from the border into the interior of the U.S., translation services, housing, instructions for avoiding apprehension, and, of course, legal services.² This broad array of migration “pull factors” helped to exacerbate the scale of the migrant crisis and, with it, all the associated crimes and abuses committed against Americans *and* migrants alike.

President Trump took decisive action to end the migrant crisis immediately upon taking office in 2025; however, elements of the broader open borders complex remain. This includes immigrant clinics; indeed, colleges and universities appear to be [expanding their services](#) to illegal immigrants through these clinics in defiance of [federal policy](#) aimed at preserving U.S. sovereignty.³

Immigrant Clinics Overview

Immigrant clinics—sometimes called “immigrant labs” or “immigrant justice” labs/clinics—are courses in which students provide [pro bono legal services](#) to illegal aliens in exchange for college credit. They are offered at both undergraduate and graduate levels (i.e., law school). Common activities include:

¹ On September 25, 2024, U.S. Immigration and Customs Enforcement (ICE) reported it had released [662,566](#) “non-detained non-citizens” with criminal histories into the U.S. over approximately four decades. This list included at least [13,000 illegal immigrants](#) apprehended and released by ICE despite *documented prior homicide convictions*. Research suggests the violent crime commission rate by noncitizens is much higher than previously estimated. The cost of such crime over this period is estimated at [\\$166.5 billion](#).

² Illegal aliens are often erroneously referred to as “asylum seekers;” however, [historically](#), a majority of asylum seekers are never granted asylum as they do not qualify.

³ For example, law schools at [UC Berkeley](#) and [Southern Illinois University](#) have announced expansions of immigrant clinic programs. The University of Minnesota’s [Federal Immigration Litigation Clinic](#) has announced expanded litigation in response to counter the Trump Administration’s immigration reforms.

- Developing legal, research, writing, and advocacy skills.
- Learning immigration law.
- Drafting and presenting legal briefs, petitions, applications and other legal products related to asylum, refugee admission, temporary protected status, and removal proceedings.
- Presenting arguments to district and federal courts.
- Data collection to support these and related efforts.

Many Americans may be surprised to learn how commonplace immigrant clinics are. They are advertised by large and small private (non-sectarian and religious) and public colleges and universities (see **Table 1**). The presence of immigrant clinics at *public* institutions is of particular concern, given that such institutions theoretically operate on behalf of the *citizens* of their states. Consider, for example, the following self-description by the [Immigrant and Non-citizens Rights Clinic](#) at the City University of New York’s (CUNY) School of Law:

“The clinic empowers the rising generation of social justice lawyers to confront the degradation of the rights of citizens and non-citizens alike under the guise of homeland security and public safety and motivated by oppressive and discriminatory forces. The Clinic’s objectives are carried out in our legal representations—where we press for progressive, humane and fair interpretations of the law on behalf of members of the most excluded, marginalized, and criminalized groups—as well as through policy and advocacy projects in partnership with community-based organizations.”

CUNY’s clinic characterizes immigration enforcement as “motivated by oppressive and discriminatory forces.” By “marginalized, and criminalized groups,” it refers to aliens who knowingly entered the U.S. illegally or violated the terms of their visas to stay in the U.S. illegally.⁴ On the same page, the clinic asserts “... the U.S. government is the actor denying rights and using the law to deliberately and swiftly create harsh and unjust consequences such as detention and deportation.” It also declares the clinic’s commitment to “the belief that rights should not be bestowed or denied based on citizenship or geographic location.” This is a position that, if implemented, would negate national sovereignty and federal immigration law.

This program’s premises and goals are explicitly antithetical to American sovereignty. Its assertion of an unfettered right to migrate across international borders rejects popular sovereignty by denying Americans the right to determine membership within their own political community and thus, to govern themselves as a people. Offering this course at a public institution is inconsistent with due regard for taxpayers and the public interest.

⁴ Entering the U.S. illegally is a federal crime under [8 U.S.C. § 1325](#) (“Improper entry by an alien”). Overstaying a visa to the U.S. constitutes “unlawful presence” under [8 U.S.C. § 1182\(a\)\(9\)\(B\)](#) (“Inadmissible aliens”), rendering an individual removable and potentially inadmissible, depending on the length of their overstay.



The unique consideration in this case is the role these organizations play in undermining U.S. sovereignty through their services and connections to pro-migration NGOs.⁵ Admittedly, the point is primarily one of *policy* rather than *law*—both immigrant clinics and pro-migration NGOs have the right, within the confines of law, to resist efforts by the federal government to secure America’s borders and remove illegal aliens. It is also worth emphasizing the humanitarian disaster these policies recently inflicted on the American people and migrants alike. The costs of these policies were borne, in part, by [Angel Families](#) who lost their loved ones and by children whose innocence was [stolen from them](#). Indeed, the chaos wrought by the recent migrant invasion continues today, as cartels recently enriched by the mass trafficking of drugs and people across America’s southern border [continue to wreak havoc](#).

How Immigrant Clinics Support the Larger Open Borders Complex

Immigrant clinics and pro-migration NGOs share a common goal of undermining American sovereignty, and they cooperate towards this end. Both groups of organizations provide legal representation to illegal aliens, including asylum advocacy and deportation defense. Indeed, some immigrant clinics emphasize their advocacy on behalf of illegal migrants with [criminal convictions](#) and their efforts to [cancel final removal orders](#)—i.e., orders issued after migrants have received their full due process in U.S. courts. Most immigrant clinics also appear to engage in political activism oriented towards thwarting immigration enforcement.

Consider, for example, the University of Michigan’s [Immigrant Justice Lab](#), which “trains and supervises interdisciplinary teams to create materials for use in immigrant advocacy.” Their lead NGO partner is the Michigan Immigrant Rights Center (MIRC), which provides “pro bono legal services” and “advocacy” to illegal aliens. According to their [website](#), MIRC also “builds coalition and relationship among immigrant advocacy and other social justice and civil rights organizations statewide.” MIRC additionally [publishes](#) a “Guide to Defending Yourself In Immigration Court,” [represents](#) individuals currently in deportation proceedings, and advocates for policies that would shield illegal immigrants from legal accountability.

The two groups of organizations—pro-migration NGOs/non-profits and immigrant clinics—frequently advertise [their associations](#). Today, in the wake of the Trump Administration’s successful restoration of effective border security policies, these groups continue to undermine immigration enforcement through their legal efforts and activism, including activities directed at abolishing U.S. Immigration and Customs Enforcement (ICE). President Trump, empowered by the will of the American people, has targeted the open borders complex in numerous ways; however, the battle to defend American sovereignty continues.

Table 1 Immigrant Clinics and Partner Organizations

⁵ For example, several NGOs identified by the [Center for Renewing America](#) as major contributors to the migrant crisis have relationships with immigrant clinics. These include Catholic Charities ([Gonzaga University](#), [St. John’s University](#), and [Catholic University](#)), The U.S. Conference of Catholic Bishops (Catholic University), and the Hebrew Immigrant Aid Society ([University of Pennsylvania](#)).



College/University	Lab/Clinic Name	Partner Organizations
American Univ.	<u>Immigrant Justice Clinic</u>	Centro de los Derechos del Migrante, D.C. Language Access Coalition, & Defending the AU Dream Initiative
Brown Univ.	<u>Student Clinic for Immigrant Justice</u>	Center for Human Rights & Humanitarian Studies
Catholic Univ.	<u>Immigrant and Refugee Advocacy Clinic</u>	U.S. Conference of Catholic Bishops & Catholic Charities
CUNY, Law	<u>Immigrant & Non-Citizen Rights Clinic</u>	Immigrant Defense Project & Las Americas Immigrant Advocacy Center, Abolish ICE NY–NJ Coalition, NYC Rapid Response Legal Collaborative, American Civil Liberties Union (ACLU) of New Mexico
Fordham Univ., Law	<u>Feerick Center Immigrant Justice Project</u>	New York Legal Assistance Group, American Friends Service Committee of Newark, NJ; Catholic Legal Immigration Network, Inc., The Catholic Shelter Network Annunciation House, & Las Americas Immigrant Advocacy Center
George Washington Univ., Law	<u>Immigration Clinic</u>	
Gonzaga Univ.	<u>Immigration Clinic</u>	Catholic Charities
Harvard Univ.	<u>Immigrant Justice Lab</u>	Mabel Center
Loyola, Law	<u>Immigrant Justice Clinic</u>	Homeboy Industries Inc., & Dolores Mission Church
NYU, Law	<u>Immigrant Rights Clinic</u>	Washington Square Legal Services & NYU Immigrant Defense Initiative
Northeastern Univ., Law	<u>Immigrant Justice Clinic</u>	PAIR Project
Oklahoma City Univ., Law	<u>Immigration Clinic</u>	Latitude Legal Alliance in Oklahoma City
Pace Univ., Law	<u>Immigration Justice Clinic</u>	Empire Justice Center, Neighbors Link in Mount Kisco, The El Centro Hispano in White Plains, New York Immigration Coalition, The Hudson Valley Community Coalition, The Westchester Peace & Action Coalition, The Pace Law School Immigration Law Society & Pace Immigration Law Practitioners
St. John's Univ., Law	<u>Refugee and Immigrant Rights Litigation Clinic</u>	Catholic Charities



St. Thomas Univ., Law	<u>Immigration Clinic</u>	Probono.net, Catholic Legal Immigration Network, Inc., American Immigration Lawyers Assn., National Immigration Law Center, Unidos U.S., Immigrant Legal Resources Center, ASISTA, American Immigration Council, ACLU, American Bar Association (ABA) Commission on Immigration, National Immigration Project, The Advocates for Human Rights, & Lutheran Immigration & Refugee Services
Suffolk Univ., Law	<u>Immigrant Justice Clinic</u>	
UC Berkeley, Law	<u>Immigrant Community Justice Clinic</u>	Asian Law Caucus, Asian Pacific Islander Legal Outreach & Asian ABA
University of MD	<u>Immigration Clinic</u>	Maryland Immigrant Legal Assistance Project, World Relief Baltimore, Lutheran Social Services, & Catholic Legal Immigration Network
Univ. Michigan, Law	<u>Immigrant Justice Lab</u>	Michigan Immigrant Rights Center, Michigan Coalition for Immigrant and Refugee Rights, Protecting Immigrant Families Michigan, & Detroit Immigration Task Force
Univ. Minnesota, Law	<u>Detainee Rights Clinic</u>	Robina Foundation, Immigrant Law Center of Minnesota, The Advocates for Human Rights & Mid-Minnesota Legal Aid
Univ. Minnesota, Law	<u>Federal Immigration Litigation Clinic</u>	Robina Foundation, Immigrant Law Center of Minnesota, The Advocates for Human Rights & Mid-Minnesota Legal Aid
Univ. Minnesota, Law	<u>Immigration and Human Rights Clinic</u>	Robina Foundation, Immigrant Law Center of Minnesota & The Advocates for Human Rights & Mid-Minnesota Legal Aid
Univ. Minnesota, Law	<u>Rural Immigrant Access Clinic</u>	Robina Foundation, Immigrant Law Center of Minnesota & The Advocates for Human Rights & Mid-Minnesota Legal Aid
Univ. Pennsylvania, Law	<u>Transnational Legal Clinic</u>	Hebrew Immigrant Aid Society Pennsylvania; Capital Area Immigrant Rights Coalition, Nationalities Service Center, & the Pennsylvania Immigration Resource Center
Univ of the Pacific, Law	<u>Immigration Law Clinic</u>	Kids in Need of Defense
Univ. Washington, Law	<u>Immigration Law Clinic</u>	Northwest Immigrant Rights Project, Colectiva Legal del Pueblo, Refugee Women’s Alliance, Lutheran Community Services Northwest, & International Rescue Committee–Seattle

Use Federal Authorities and Presidential Policy to Eliminate Immigrant Clinics



Given the public interest in preventing mass illegal migration, the federal government should regard pro-migration NGOs and their immigrant clinic allies as operating contrary to the public interest—yet there are limits to what the federal government can do to counter these groups. As noted, undermining immigration enforcement is unlawful only when it crosses the line into *specific crimes*—such as violations of [Title 8 Section 1324](#), which makes it a federal crime to knowingly conceal, harbor, or shield an illegal alien from detection. The federal government cannot prohibit these organizations from engaging in lawful activities.

Fortunately, the federal government is also not obliged to support these organizations, financially or otherwise. This point bears on the issue of taxpayer funding for immigrant clinics through federal grants. However, even here, funding restrictions cannot abridge constitutional protections. For example, the federal government most likely cannot prohibit universities from hosting immigrant clinics as a condition of receiving federal funds. Doing so could run afoul of universities’ First Amendment free speech rights, given that such funding restrictions would be linked to a policy (and therefore a viewpoint) disagreement.

However, the federal government enjoys broad discretion when imposing viewpoint-neutral restrictions within the scope of its statutory authorities. Under the framework established by [South Dakota v. Dole \(1987\)](#), the federal government is permitted to attach clear, relevant, constitutional, and non-coercive conditions to grant funding. Indeed, it routinely [shapes public policy](#) on a range of issues, for example, by linking:

- Highway funds to [minimum drinking ages](#) and [drunk driving laws](#).
- Public health funds to restrictions on [underage tobacco purchases](#).
- Education funds to student [testing and outcomes](#) reporting.
- Law enforcement funds to maintaining [sex offender registries](#).
- Election administration funds to [modernization requirements](#)
- Welfare funds to recipient [time limits and work requirements](#).

On day one of President Trump’s second term, he signed the *Protecting the American People Against Invasion* [executive order](#), which, among other policies, directed the Attorney General and Secretary of Homeland Security to review funding for “contracts, grants, or other agreements providing federal funding to NGOs supporting or providing services, either directly or indirectly, to removable or illegal aliens.” It is probable that the funding mechanism of immigrant clinics falls into the scope of this executive order.

Pursuant to this direction, the Office of Management and Budget (OMB) should issue government-wide guidance clarifying that grant funds may only be used for authorized purposes, and in compliance with federal law. This guidance should task federal agencies with strengthening certification and auditing requirements to this end.⁶

⁶ This guidance would operate within existing grant administration authority under 2 C.F.R. Part 200 (Uniform Guidance), which already requires that federal funds be used only for authorized purposes and in compliance with

Regarding [institutional aid](#) and [federal work-study grants](#), the Department of Education should—consistent with statutory authorities—adopt program-specific grant conditions to ensure that federal funds are used exclusively for authorized purposes within the scope of their respective programs. To guard against legal challenges, these conditions should be framed in a viewpoint-neutral manner and enforced through existing compliance and audit mechanisms.

Finally, the Departments of Education and Justice should issue a letter reminding universities that aiding illegal immigration or shielding illegal aliens from federal law enforcement violates federal law, and should warn them that any such violations will be investigated and fully prosecuted. The Departments of Education and Justice should also investigate whether such probes are immediately warranted, given the noted connections between immigrant clinics and those NGOs implicated by the recent migrant crisis, or any other apparent violations of federal law.

Conclusion

By restoring meaningful control over the southern border and ending the migrant invasion, President Trump dealt a devastating blow to opponents of American sovereignty, including the cartels and their de facto partners in the homeland. However, elements of the open borders complex continue to work to thwart immigration enforcement, including pro-migration NGOs and university immigrant clinics. The Trump Administration should take all appropriate action within the scope of its authorities to prevent American taxpayers from supporting these organizations, and it should ensure that any violations of law by these organizations are fully prosecuted.

By implementing strong border security measures and initiating mass deportation, President Trump's second term has been marked by historic success after the chaos of the Biden Administration's open borders policy. The next steps should ensure that a Biden-like disaster can never occur again. That starts with dismantling the open borders complex that encouraged it, profited from it, and now lies in wait to resume those same disastrous policies if given the same opportunity again.

federal law, and permits agencies to impose risk-based conditions, conduct audits, and enforce remedies for noncompliance. See generally, 2 C.F.R. §§ [200.300](#), [200.303](#), [200.403](#), [200.404](#), [200.405](#), [200.206](#), [200.208](#), [200.339](#), and [200.340](#).

