



Why “Illegal Alien” is the Correct Term

By Matt O’Brien, Spencer Raley and Casey Ryan | July 2018

Introduction

Any person who resides in the United States of America but is not a U.S. citizen, is classified as an “alien.” Aliens who do not enter the United States through proper channels, or who overstay their visas, are in the country illegally. Therefore, those aliens who are in the United States unlawfully are correctly known as “illegal aliens.”

The Immigration Reform and Control Act (IRCA) federally codified the term “illegal alien” into federal law when President Ronald Reagan signed it in 1986. However, the term was already being used in legal conversation and the media for decades.

The mainstream media and the pro-amnesty lobby have recently pushed to end the usage of “illegal alien” or even “illegal immigrant.” They prefer the term “undocumented immigrant.” The usage of “undocumented immigrant” dates back to the 1960s. While the term has never been used in federal law, the media, illegal alien advocates, and open-borders government officials gradually incorporated it into their discourse from the 60s onward.

The increased use of “feel good” terms like “undocumented immigrant” is of particular concern to those who care about the integrity of America’s borders. Fluffy, inaccurate terminology implies that violating our immigration laws is no big deal. It also creates the false impression that immigration violations fall into a distinct category that should be judged by lower standards than other areas of the law.

“Fluffy, inaccurate terminology implies that violating our immigration laws is no big deal.”

But that isn't the case. U.S. immigration laws are subject to the same rules of interpretation as all other American laws. Accordingly, we should refer to foreigners who break our immigration laws using appropriate legal terms – like “illegal alien” – not feel-good labels that absolve them of any responsibility for their unlawful acts.

History of “Illegal Alien”

“Alien” has been used for hundreds of years as a non-derogatory term to describe someone who is a foreigner. The term originates from the Latin word “alius,” which means “another.” “Alien,” used to describe a foreigner, had its first recorded usage in the English language in the 14th century and meant “a person who does not belong to a particular family, community, country, etc.” or “a foreigner, a stranger, an outsider.” In the 15th century, it became the primary English term for individuals who were not naturalized citizens of the country in which they were residing.¹ In the United States, the term has been used in federal law as far back as the Naturalization Act of 1790.

According to the Google Books Ngram Viewer, which tracks the usage of various terms in published material, Americans began using the term “illegal alien” in literature as early as 1924.² This was the same year the federal government established the U.S. Border Patrol via the Labor Appropriation Act.³ In one of the earliest occurrences of “illegal alien” in the press, *The New York Times* used the term in a 1926 article titled “Over Border on Bicycle.”⁴

The Supreme Court has consistently used “illegal alien” in its opinions, with former Justice Lewis Powell employing the term in the 1976 case *United States v. Martinez-Fuerte*.⁵ Even U.S. presidents regularly used the term, including President Bill Clinton who mentioned “illegal aliens” in his 1995 State of the Union address.⁶

“Alien” is still used today, in federal statutes and regulations, to refer to “any person not a citizen or national of the United States.”⁷

Introduction of “Undocumented Immigrant”

In an effort to portray immigration violations as minor transgressions, open-borders advocates developed the term “undocumented immigrant.” This implies that, rather than violating American law, illegal aliens have merely neglected a minor administrative requirement, like applying for a fishing license or letting a parking meter expire.

“In an effort to portray immigration violations as minor transgressions, open-borders advocates developed the term ‘undocumented immigrant.’”

According to the previously mentioned Ngram Viewer, usage of “undocumented immigrant” first appeared in publishing no later than 1967, soon after the Immigration

and Nationality Act of 1965 became law. However, former President Jimmy Carter helped popularize the term in the late 1970s when his administration ordered immigration employees to use “undocumented immigrant” instead of “illegal alien.”⁸ *The New York Times* also began using the term around the same time.⁹

Arthur Milikh, associate director of The Heritage Foundation’s B. Kenneth Simon Center for Principles and Politics, articulated the pro-amnesty lobby’s goal best in a 2017 report about bias in the press. “Whatever one’s view of immigration policy might be, the press, by relentlessly calling ‘illegal aliens’ ‘undocumented immigrants’ for years, has subtly altered public sympathies against would-be enforcers of the law,” he wrote.”¹⁰

Some in the pro-amnesty lobby are honest about that objective. “Language has power,” wrote Careen Shannon in a *Salon* op-ed about the term “alien.” “Changes in how language is used can lead to changes in how power is wielded.”¹¹ Apparently, that notion has rubbed off on influential members of the judiciary. Supreme Court Justice Sonia Sotomayor used the term “undocumented immigrants” in the Court’s 2009 opinion on *Mohawk Industries, Inc. v. Carpenter*. This appears to be the first time a Supreme Court justice used the term in a formal opinion.¹² Justice Sotomayor would later say that referring to foreign law-breakers as “illegal aliens seemed and does seem insulting to me.”¹³ However, Justice Sotomayor’s belief that the term is politically incorrect does not render it legally inaccurate.

“Undocumented Immigrant” in the Press

In April 2013, the Associated Press (AP) revised its journalistic guidelines to avoid calling any person “illegal” and to adopt more politically correct language. The AP recommended using the term “undocumented immigrant” instead.¹⁴ This was a significant development, as most media outlets tend to follow the AP Stylebook. Some of the pro-amnesty media had already adopted it, but this change led to the vast majority of mainstream media outlets abandoning the legally correct term “illegal alien” in favor of the politically correct “undocumented immigrant.”

“...The vast majority of mainstream media outlets [have abandoned] the legally correct term ‘illegal alien’ in favor of the politically correct ‘undocumented immigrant.’”

The New York Times has its own stylebook that, in 2015, followed the trend set by the AP. The editors of the *Times Stylebook* explicitly stated that their intention is to “avoid the sinister-sounding ‘alien.’”¹⁵ Of course, they fail to provide any explanation as to why they consider “alien” to be a term that carries sinister connotations.

The following are just a few recent headlines from mainstream media organizations using improper immigration terminology:

- “Judge Temporarily Stops U.S. from Blocking Undocumented Teenagers’ Abortions” – *The New York Times*¹⁶
- “Illegal, Undocumented, Unauthorized: The Terms of Immigration Reporting” – *The New York Times*¹⁷
- “In Liberal Md. Suburb, a Heated Debate over Legal Aid for Undocumented Immigrants” – *The Washington Post*¹⁸
- “The Long Struggle over What to Call ‘Undocumented Immigrants’ or, as Trump Said in His Order, ‘Illegal Aliens’” – *The Washington Post*¹⁹
- “Editorial: Florida Sheriffs Reach Reasonable Stopgap Deal on Detaining Undocumented Immigrants” – *Tampa Bay Times* (Operated PolitiFact until 2018)²⁰
- “DeVos Comments on Undocumented Schoolchildren Strike a Nerve with Democrats” – *The Hill*²¹

Media outlets that don’t hold an explicit open-borders bias (along with those that are openly pro-enforcement) typically buck the AP Stylebook and continue to use the proper language: “alien” and “illegal alien.”

Why “Undocumented Immigrant” Is Wrong

Replacing “illegal alien” with “undocumented immigrant” is just one way the pro-amnesty lobby pushes its open-borders agenda. The point of the sanitized term is to transform public perception on the issue by removing any indication that illegal aliens are engaged in unlawful activity. Instead, advocates for illegal aliens want the public to view immigration law-breakers as rightful immigrants who aren’t yet “documented” by the federal government. This, in turn, implies that the true error is upon the part of the U.S. government, which simply isn’t “documenting” aliens quickly enough. Of course, the real-world immigration process puts the onus for complying with immigration law on intending migrants, not on the United States government. And illegal aliens are actively engaged in violating American law.

“Regardless of intent, the term “undocumented immigrant” is incorrect... because illegal aliens are foreigners (i.e., aliens) who are unlawfully present in the United States (i.e., illegal).”

Regardless of intent, the term “undocumented immigrant” is incorrect on its face because illegal aliens are foreigners (*i.e.*, aliens) who are unlawfully present in the United States (*i.e.*, illegal). “Immigrant,” as used in the Immigration and Nationality Act, and related statutes, is a legal term of art that specifically refers to an alien who has completed the process of applying for lawful permanent resident status, has been granted permission to reside in the United States permanently, and has been issued a document confirming that status – *i.e.*, a green-card. Therefore, it is legally, and logically, impossible to be both an immigrant and to be illegally present in the U.S.

Conclusion

Using the term “alien” is not sinister or xenophobic. It is the correct legal term to describe a foreigner in the United States. Therefore, an “illegal alien” is simply a foreigner who is in the country illegally. Both of these terms have an established history in Anglo-American legal parlance and were never intended to be derogatory terms. Open-borders proponents are attempting to manufacture outrage over what we call illegal aliens so they can push a false narrative that minimizes the threats to national security and public safety that accompany massive illegal migration.

¹ Jessie Strasbaugh, “Little green men to the men in black: alien words in the OED,” *Oxford Dictionaries*, Accessed May 18, 2018, <https://blog.oxforddictionaries.com/2013/07/02/aliens/>.

² (Undocumented Immigrant)(Illegal alien), *Google Books Ngram Viewer*, https://books.google.com/ngrams/graph?content=undocumented+immigrant%2Cillegal+alien&year_start=1800&year_end=2008&corpus=15&smoothing=3&share=&direct_url=t1%3B%2Cundocumented%20immigrant%3B%2Cc0%3B.t1%3B%2Cillegal%20alien%3B%2Cc0.

³ U.S. Department of Homeland Security, Customs and Border Protection, “Border Patrol History,” <https://www.cbp.gov/border-security/along-us-borders/history>.

⁴ “OVER BORDER ON BICYCLE.” *The New York Times*, August 15, 1926, <https://timesmachine.nytimes.com/timesmachine/1926/08/15/104211201.pdf>.

⁵ “United States v. Martinez-Fuerte, 428 U.S. 543 (1976),” *Justia*, Accessed June 7, 2018, <https://supreme.justia.com/cases/federal/us/428/543/case.html>.

⁶ The American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=51634>.

⁷ U.S. House of Representatives, United States Code, “8 USC 1101: Definitions,” <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1101&num=0&edition=prelim>.

⁸ Michael Cutler, “JIMMY CARTER: ORIGINATOR OF THE ORWELLIAN TERM 'UNDOCUMENTED IMMIGRANT,’” *FrontPage Magazine*, Accessed June 7, 2018, <https://www.frontpagemag.com/fpm/264219/jimmy-carter-originator-orwellian-term-michael-cutler>.

⁹ “Illegal Immigrants Stir a Controversy,” *The New York Times*, March 18, 1979, <https://www.nytimes.com/1979/03/18/archives/new-jersey-pages-illegal-immigrants-stir-a-controversy.html>.

¹⁰ Arthur Milikh, “Franklin and the Free Press,” *The Heritage Foundation*, Accessed May 18, 2018, <https://www.heritage.org/american-founders/commentary/franklin-and-the-free-press>.

¹¹ Careen Shannon, “Stop calling people ‘aliens,’” *Salon*, Accessed May 18, 2018, https://www.salon.com/2013/05/27/stop_calling_people.aliens/.

¹² “Mohawk Industries, Inc. v. Carpenter, 558 U.S. 100 (2009),” *Justia*, Accessed June 18, 2018, <https://supreme.justia.com/cases/federal/us/558/100/opinion.html>.

¹³ “Supreme Court Justice Sonia Sotomayor returns to Yale to give lectures,” *New Haven Register*, Accessed June 18, 2018, <https://www.nhregister.com/colleges/article/Supreme-Court-Justice-Sonia-Sotomayor-returns-to-11385812.php>.

¹⁴ Paul Colford, “‘Illegal immigrant’ no more,” *Associated Press*, Accessed May 18, 2018, <https://blog.ap.org/announcements/illegal-immigrant-no-more>.

¹⁵ “What Racial Terms Make You Cringe?” *The New York Times*, Accessed June 8, 2018, <https://www.nytimes.com/2017/03/26/us/cringeworthyraceterms.html>.

¹⁶ Matt Stevens, "Judge Temporarily Stops U.S. From Blocking Undocumented Teenagers' Abortions," *The New York Times*, Accessed May 31, 2018, <https://www.nytimes.com/2018/03/31/us/abortion-immigrant-teens.html>.

¹⁷ Stephen Hiltner, "Illegal, Undocumented, Unauthorized: The Terms of Immigration Reporting," *The New York Times*, Accessed June 6, 2018, <https://www.nytimes.com/2017/03/10/insider/illegal-undocumented-unauthorized-the-terms-of-immigration-reporting.html>.

¹⁸ Jennifer Barrios, "In liberal Md. suburb, a heated debate over legal aid for undocumented immigrants," *The Washington Post*, Accessed May 31, 2018, https://www.washingtonpost.com/local/md-politics/dozens-speak-about-public-funding-for-immigration-defense/2018/05/01/3589bf70-4ca3-11e8-af46-b1d6dc0d9bfe_story.html?utm_term=.4d8869c228de.

¹⁹ Derek Hawkins, "The long struggle over what to call 'undocumented immigrants' or, as Trump said in his order, 'illegal aliens,'" *The Washington Post*, Accessed June 6, 2018, https://www.washingtonpost.com/news/morning-mix/wp/2017/02/09/when-trump-says-illegals-immigrant-advocates-recoil-he-would-have-been-all-right-in-1970/?utm_term=.bb2c50bc7a04.

²⁰ "Editorial: Florida sheriffs reach reasonable stopgap deal on detaining undocumented immigrants," *Tampa Bay Times*, Accessed May 31, 2018, http://www.tampabay.com/opinion/editorials/Editorial-Florida-sheriffs-reach-reasonable-stopgap-deal-on-detaining-undocumented-immigrants_164627330.

²¹ Rafael Bernal, "DeVos comments on undocumented schoolchildren strike a nerve with Democrats," *The Hill*, Accessed May 31, 2018, <http://thehill.com/latino/389122-devos-comments-on-undocumented-schoolchildren-hit-a-nerve>.