

# ALEX PADILLA

U.S. SENATOR *for* CALIFORNIA

## Land of the Free Act of 2026

### What the problem is:

Since January, the Trump Administration has invoked Section 237(a)(4)(C) of the *Immigration and Nationality Act (INA)* to initiate deportation proceedings against visa-holders and legal permanent residents, based on a determination by the Secretary of State that their presence or activities “would have potentially serious adverse foreign policy consequences.” The Trump Administration has weaponized this rarely used, Cold War-era provision of the *INA* in deportation attempts that have targeted individuals exercising their constitutionally protected right to free speech and for being perceived political enemies.

This provision has been used only 15 times in its 35-year existence and only twice in the last 20 years. In preliminary hearings, [courts](#) have [found](#) the Trump Administration’s use of this *INA* section as retaliation for protected speech they disagree with is likely unconstitutional. In the only reported federal judicial opinion on the constitutionality of *INA* Section 237(a)(4)(C), U.S. District Court Judge Maryanne Trump Barry [found the law](#) invoked by President Trump was unconstitutional in 1996.

Since the enactment of this *INA* section, numerous grounds for deportation have been added by Congress and provide avenues for the deportation of individuals who pose a real threat to American national security, unlike the Trump Administration’s invocation to target speech it disfavors.

### What the bill would do:

- Amend the *Immigration and Nationality Act* by repealing Section 237(a)(4)(C), which would **remove the Secretary of State’s authority** to deport visa holders and legal permanent residents.
- **Limit the Executive Branch’s power** to detain and initiate deportation proceedings against residents of the United States who engage in speech the President opposes.
- **Provide much-needed protection** from weaponization of the provision against visa-holders and legal permanent residents who are exercising their constitutionally protected right to free speech or who are perceived enemies of the administration.

**Introduced in the House by:** Representatives Ross (D-NC-02); Balint (D-VT-AL); Tlaib (D-MI-12); Simon (D-CA-12); Johnson (D-GA-04); Scanlon (D-PA-05); Ocasio-Cortez (D-NY-14); Lee (D-PA-12); Nadler (D-NY-12); Foushee (D-NC-04); Kamlager-Dove (D-CA-37); Randall (D-WA-06), Garcia (D-IL-4), Ramirez (D-IL-3), and McGovern (D-MA-2).

### Endorsing Organizations:

The *Land of the Free Act* is endorsed by American Civil Liberties Union, Knight Institute, and Immigrant Legal Resource Center.