

The Intersection of Language Policy and Immigration Law

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ABSTRACT

This paper explores the critical intersection of language policy and immigration law, analyzing how language requirements and practices influence immigrant integration, social mobility, and legal inclusion. Historically, language has functioned both as a mechanism of assimilation and a tool of exclusion, particularly in U.S. immigration frameworks where English has been privileged as a gatekeeping tool in naturalization and citizenship processes. Drawing comparisons with countries like Canada and Australia, the study reveals varying degrees of accommodation or restriction in host country language policies. It also examines the legal, educational, and socio-economic consequences faced by immigrants with limited English proficiency (LEP). Through case studies and legal analysis, the paper highlights how language policies reflect deeper ideological commitments to national identity, and how inclusive language strategies can promote civic participation, social cohesion, and economic integration. Ultimately, the research calls for a reassessment of language mandates in immigration systems, advocating for more inclusive and pluralistic language policies in increasingly multilingual societies.

Keywords: Language policy, immigration law, integration, limited English proficiency (LEP), bilingualism, naturalization, multiculturalism.

INTRODUCTION

Immigration presents a broad array of psychological, economic, legal, physical, and other challenges that relate most immediately to matters of family, community, and social identity. The public law of immigration has accordingly been concerned, among other things, with family reunification with American citizens or permanent residents and with matters of social solidarity and support that encompass related notions of community or belonging. Historically, foreigners arriving in the United States may have spoken a variety of languages and adhered to diverse religious creeds. Yet while these differences might have brought disputes to American courts, they were not generally considered as grounds for exclusion as such. This stand was shifted in the late nineteenth century: linguistic and religious considerations were then brought to bear on immigration policy. Thus, toward the end of the nineteenth century, the arrival of large numbers of migrants who were non-English speaking and non-Protestant prompted renewed interest in policies that would press for the adoption of English, and perhaps Protestantism, in the years ahead, as a condition of admission and/or for naturalization purposes. Indeed, in the early twentieth century, most states required immigrants to be “white” and “English-speaking” as conditions of admission to citizenship, a reflection of the extent to which race and language converged in the public mind and served as a basis for the official exclusion of “nonassimilable” populations. But of course, nothing in official immigration policy prohibited the arrival of non-English speakers. The state, in other words, sought to engage in future language policing through the naturalization process rather than by radically limiting the admitting population at the border itself [1, 2].

Historical Context Of Language Policy

The European Union and the United States have developed a substantial body of directives, statutes, literature, best practices, and judgments addressing language-related issues generated by cross-border commerce and immigration flow. Global opportunities for trade, hiring, and investment in Spanish-speaking countries often lead to tri- (or more) lingual working environments. Beyond business, immigration, stabilization and harmonious incorporation of large minority groups are a central concern. In the US, legalized immigrants possessing limited-English proficiency (LEP) remain marginalized for years and then generate disputes in educational, judicial, health, social, and cultural domains. Demographic changes involving LEP individuals and speakers of other languages can be expected to accelerate contradictions of official monolingualism and bilingual practice. Language policy issues arising from immigration concerns can be expected to be an enduring fixture on the political landscape [3, 4].

Overview Of Immigration Law

Immigration law governs the complex movement of individuals across national or international political borders and frameworks. During the intricate process of entering a new country, or immigration in general, the respective government has a crucial opportunity to thoroughly assess the potential impact and risks that the newcomer may pose to society. Language undeniably plays a critical role in shaping and enhancing the ability of an immigrant to integrate into a new and often unfamiliar society. Consequently, the policy framework that intersects language dynamics and immigration concerns is of vital importance to the overall functioning of a nation. Language policy encapsulates the rights, responsibilities, and expectations associated with the use of language within a defined nationally-political community. This policy intersects directly with immigration law to effectively guide and direct the integration process of immigrants through traditionally established policy areas such as education, health services, and employment opportunities. Governments typically approach this key intersection through two primary mechanisms: First, they can legislate specific language proficiency requirements that are necessary for immigrant entry, visa acquisition, or the eventual pathway to citizenship. Secondly, governments can strategically employ political communication initiatives to actively foster integration among immigrant populations. For instance, this can include mandating the provision of education in the languages relevant to immigrant communities, which can significantly aid in their adaptation and success within the broader societal context [5, 6].

The Role Of Language In Immigration

Language and immigration are closely linked. The U.S. is linguistically diverse due to constant immigration, reflecting varied language policies. It lacks an official language but requires a "reasonable" degree of English for naturalization, with lawful permanent residents needing to prove English proficiency on a test. Canada has two official languages, English and French, requiring citizens to understand one to access key social rights. It promotes learning these languages as vital for participation in society, and proficiency leads to better wages. Language influences migration patterns strongly, as seen in America's largest cities, where over 200 languages are spoken, and nearly half the residents are foreign-born or descendants of immigrants. Historically, language laws targeted specific immigrant groups for exclusion, notably from China, Mexico, Japan, and Eastern Europe, who faced conflicting demands for cultural and linguistic loyalty. Bilingual education laws endorsed Spanish but not Polish. Californians pressured schools to emphasize English, while federal policies barred Eastern Europeans but allowed Mexican workers as cheap labor during the Interwar Years. Language shapes immigration processes; immigrants in welcoming communities face fewer barriers and greater opportunities. They often align their movements with the linguistic and cultural context of the host country, a trend documented across various locations. Local policies, job availability, and bilingual infrastructure play significant roles; accessible bilingual resources such as jobs, education, and cultural organizations are crucial in encouraging immigration to certain communities [7, 8].

Language Proficiency Requirements

Language proficiency requirements are incorporated into the immigration admissions process to ensure that immigrants admitted into the United States possess sufficient knowledge of one or both official English or Spanish, thereby facilitating their integration and participation in American society. The Immigration Act of 1917 established the first language test for adult immigrants, aiming to exclude those who could not pass it. Until the early 1990s, the English language requirement was rarely applied, but the Immigration Act of 1990 incorporated language proficiency into the selection criteria for visa applicants seeking preference. Since 1995, passing an English language test has become a mandatory condition for admission at ports of entry for most adult immigrants, with applicants required to demonstrate the ability to speak, read, and write in English or in Spanish. Certain categories of immigrants remain exempt from

the language requirement, and most immigrants are expected to acquire competency in English in the United States as part of their integration process. Language proficiency requirements vary from country to country; for example, Canada balances English and French language statuses to promote integration, while Australia and New Zealand have adopted more inclusive approaches with reduced emphasis on English proficiency as a barrier to citizenship [9, 10].

Language And Integration Policies

Demographic changes have resulted in an increased linguistic diversity. Language has become a subject of public concern, with governors criticizing the failure of newcomers to acquire the official language. Whereas immigration policies in the nineteenth and early twentieth centuries aimed at populating the States, recent legislation seeks instead to expedite the assimilation and integration of newcomers. Language planning and policy address specific challenges posed by population flows. Most programs are concerned with newcomers only and tend to limit the existing linguistic repertoire instead of building on it. Many of these plans intend to reduce the status of minority languages or to enforce the acquisition of the majority language. Citizenship tests in the United States and in Australia have included requirements on language proficiency, separately from content or historical aspects. Integration policies targeting immigrant populations thus not only make language a tool of social inclusion, but they also restrict linguistic rights, whereas traditional policies on immigrant linguistic minorities aimed rather at linguistic protection and development [11, 12].

Case Studies

During WWII, federal agencies relied on multilingual workers for the war effort. Concerns about conspiracy and sabotage grew, especially in California, where the Office of War Information managed many programs. This reframes non-English languages from enabling to constraining, presenting their use ideologically. The Chinese American Citizens Alliance shared campaign materials supporting international alliances but ignored local anti-racism efforts. The Immigration and Naturalization Service assessed immigrants' language skills without explicit congressional policies. Naturalization tests required proficiency in reading, writing, and speaking English. Policies regarding Japanese Americans were unclear until June 1945, when the Department of Justice's Evacuation and Resettlement Branch ended, affecting resettlement advisory capacities. Countries like Japan, Germany, and Italy required specific language speakers for government roles, while the U.S. upheld English proficiency prerequisites, revealing ideological motivations beyond practicality. In the late 1960s and early 1970s, essential developments led to a focus on language material policies, influenced by the need for non-English resources in urban federal programs and the Heritage Language Protection Movement, prompting supportive regulations. Conversely, civil rights and Black Power movements endorsed English-only instruction to foster political unity. After the Immigration Act of 1965, few advocated for a national English requirement, facing political opposition, resulting in minimal enactments since. Although debates over national English law continue, many language rights advocates consider the issue settled. Post-Vietnam War, the treatment of multilingual workers declined; federal agencies reduced non-English operations, with the National Security Education Program emphasizing elite language training. The U.S. reverted to English monolingualism, establishing a legal framework that privileges English, which holds de facto official status. Attempts to formalize this have been largely unpopular and ineffective nationally. In contrast, several immigrant-receiving nations incorporate language rights into multicultural policies [13, 14].

Impact Of Language Policy On Immigrants

Language policy has a significant impact on immigrants during the integration process. For individuals with limited English proficiency (LEP), barriers arise across essential aspects of life, including diminished awareness about Medicaid and tax credits, limited wage levels, and obstructed avenues for job advancement. A substantial wage disparity exists between English proficient and LEP individuals. LEP children also tend to attend schools in areas with a higher incidence of student poverty. Immigrants challenge the traditional linkage between language and ethnicity, opening up new civic and plural ways of belonging. While they may legitimately claim the language, they do not necessarily adopt the ethnicity or identity associated with it, thereby permitting fluid movement between communities of speakers. Nonetheless, ethnolinguistic categorizations continue to prevail within host communities, with segmented immigrant claims occasionally rejected by native members. Immigrants may perceive themselves as illegitimate speakers due to the lack of a native accent or limited access to learning resources. The increase in migration and language education has generated a need for host communities to respond accordingly; policy changes and community initiatives have played a role in ameliorating

attitudes. Nevertheless, immigrants face ongoing challenges in accessing legitimate language use and achieving recognition as accepted members of their new linguistic communities [15, 16].

Legal Challenges

Legal challenges to the treatment of languages other than English in the United States have taken various forms. Immigration law and policy have served as an underappreciated but significant tool in efforts not to accommodate other languages but to exclude their use altogether or to achieve particular goals by manipulating the language-immigration link. If other countries show what states committed to democratic values generally do with respect to language, the United States reflects the opposite, with its language practices being in some respects the very model of undemocratic governance. Far from the Canadian model, more than 300 years after the nation's founding, English is still the de facto official language of the United States. Yet even with its universal standing, English also retains a more recent connotation, as many of the specific immigration controls erected over the past century rely on a country-specific concept that can be described as "English-language sovereignty." Canada never emphasized the special status of English in such a way when it was implementing broadly language-protective policies. As is the case with broader policy development in the country, the United States remains, in several respects, the world leader in Faith-based Initiatives. Perhaps the same is true of language. Unwilling to embrace accommodation, the United States instead focuses on concentrated immigrant-exclusion and deportation systems [17, 18].

Best Practices In Language Policy

Important shifts in immigration doctrine for the uneven political realities of the 1960s and beyond have tended to be expressed in "reform" bills and Supreme Court decisions addressed to the political mainstream rather than to "unjust suburbs." Thus, concerned as it was with eliminating discrimination on the basis of national origin, the Court's response to the uniting of immigration law and language policy in the 1960s came in the famous Decision of *Meyer v. Nebraska*. Because the national origin of the plaintiff's son was not particularly important to the Court, the right to learn an additional language early in life took center stage in the rationale for the decision, which held that children who were "successful in two languages" would be "better equipped to meet future relationships in our complex civilization" both inside and outside the borders of the United States. At times, congressional constitutional powers and Court principles come into conflict. When that happens, the Court's primary and virtually uncontrolled capacity to invalidate statutes of large political constituencies becomes an issue. But it must always be borne in mind that the ultimate responsibility for any distortion of constitutional principles and consequent injustice rests squarely on Congress [19, 20].

Future Trends In Language Policy And Immigration Law

Governments integrate language issues into immigration legislation, as seen in Catalonia, where language is vital for social integration. The Generalitat approved Law 10/2010 on the Reception of Immigrants to formalize the language's role in migrant reception. In the U.S., language diversity shapes national identity, with the colonies showcasing linguistic variety, such as German in Pennsylvania and Spanish in New Mexico. Early policies promoted the anglicization of immigrants, contributing to the marginalization of non-English languages. Late nineteenth and early twentieth-century immigration heightened linguistic diversity, with the Immigration Act of 1965 significantly impacting American language use. While the English requirement for naturalization facilitated immigration from Latin America and Asia, it also resulted in many non-English-speaking immigrants becoming linguistic minorities. Today, the U.S. remains one of the most linguistically diverse nations, with over three hundred languages spoken, as newcomers often settle in cities with no prior immigrant communities. Civil rights regulations for linguistic equality face public resistance, but they highlight the importance of language rights, which ensure immigrants can access vital programs. Despite lacking legislative authority, language rights are expanding in areas like healthcare, legal processes, education, and social benefits. Language policy reflects ongoing struggles over the cultural and political value of linguistic diversity and the participation of linguistic minorities in American life [21, 22].

CONCLUSION

The intersection of language policy and immigration law reveals a complex, often contradictory landscape in which language serves as both a bridge to and a barrier against full societal participation. In the United States, the privileging of English proficiency within immigration and naturalization frameworks has historically marginalized non-English-speaking immigrants, creating systemic inequities across legal, educational, and economic domains. Comparatively, countries that recognize multilingualism within their national identity, such as Canada, offer more inclusive pathways to integration. The persistent elevation of English as a gatekeeping tool in the U.S. reflects not only practical communication concerns but also

deeper ideological imperatives about national identity and social conformity. However, emerging demographic realities and globalization necessitate a paradigm shift. Policies must move beyond assimilationist models and toward inclusive language practices that respect linguistic diversity while equipping immigrants with the tools to participate fully in civic life. By embedding linguistic equity into immigration policy, nations can promote integration, reduce marginalization, and strengthen democratic engagement in increasingly multicultural societies.

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CITE AS: Ahairwe Frank (2025). The Intersection of Language Policy and Immigration Law. NEWPORT INTERNATIONAL JOURNAL OF RESEARCH IN EDUCATION 5(2):52-57
<https://doi.org/10.59298/NIJRE/2025/525257>