

## **Trump's Immigration Executive Orders and Memos: Mass Deportation, Making Children Second Class Citizens, and Ending Asylum**

The Trump administration released a slew of Executive Orders to facilitate their mass deportation agenda, manufacture a new second class citizenship for American children, and end asylum. These cruel policies will harm families, stifle economic and labor force growth, and result in a repeat of one of the most heartbreaking tragedies in our nation's history: children torn from their parents' arms and locked in cages. While Trump and his surrogates talk about crime, drugs, and cartels, it is clear that their mass deportation agenda extends to millions of our loved ones, neighbors, and co-workers.

### **Executive Actions Related to Mass Deportations and Birthright Citizenship**

**Second Class Citizenship (Taking Citizenship from Children Born in the U.S.):** The Executive Order on "[Protecting the Meaning and Value of American Citizenship](#)" attempts to revoke birthright citizenship, a right guaranteed by the Constitution. It would require a child born in the U.S. after February 20, 2025, to have at least one parent who is a U.S. citizen or lawful permanent resident. The order requires Department heads to implement the order through agency action.

#### ***Analysis:***

The [14th Amendment](#) is enshrined in our Constitution precisely to ensure that no politician can ever decide who among those born in our country is worthy of citizenship. President Trump does not get to decide who is "American enough" to deserve U.S. citizenship.

- This provision will create second class citizen children in the U.S. The 14th amendment to the Constitution guarantees citizenship to all people born in the U.S. This was hard-won progress after the Civil War moved America closer to realizing its founding principles that all people are created equal.
- This measure ignores 150 years of precedent and brings us back to the shameful Dred Scott era. We will not go back to that dark time in our history when lawmakers tried to strip the descendants of slaves of their birth-right and when citizenship depended on the color of a person's skin.
- The practical implications of this provision would be more big government meddling, bureaucracy, and chaos from a lack of documentation. It will mean more big government intrusion into people's lives, bureaucratic hurdles and investigating of newborns and hospitals.

**Dangerous Entanglement of the U.S. Military in Domestic Law:** Trump issued several Executive Orders that increase the Department of Defense (DoD) role in civil immigration enforcement. These include declaring a [National Emergency](#) to deploy

armed forces to the southern border, directing [USNORTHCOM](#) to add to its mission the “sealing of” the southern border, and augmenting DHS personnel, constructing physical border barriers, and using drones and other surveillance measures at the border. The administration has begun using military planes to deport immigrants. These actions go far beyond the use of the National Guard to allow the military itself and DoD to engage in border and interior enforcement.

#### ***Analysis:***

- **The U.S. military defends the nation—not political agendas.** Using troops on U.S. soil undermines the Constitution and weakens our democracy. It is also likely to undermine the morale and readiness of the military itself, which for years has [struggled with recruitment](#) and retention issues.
- **The military doesn’t belong in domestic law enforcement.** Our service members’ primary duty is to protect our nation from foreign threats and to defend our Constitution – not to intimidate communities at home.

**Mass Deportation:** It is all too clear that Trump’s mass deportation agenda extends to millions of our loved ones, neighbors, and co-workers. Mass deportation would target hardworking families, teachers, nurses, doctors, union workers, and essential laborers who are integral to the everyday functioning of our communities. Mass deportation is about creating chaos and destruction, not solving it. Mass raids and deportations, detention camps, and other extreme measures create terror in our communities and do nothing to make our immigration system function more effectively.

#### ***Analysis of the [Executive Order on Protecting the American People from Invasion](#):***

- **Revocation of the Biden enforcement priorities and Day One Executive Orders:** Enforcement priorities help to guide ICE and CBP to focus on the most serious national security threats. Trump’s Executive Orders do not target national security threats but instead cast a wide dragnet. Harkening back to the treatment of Arabs and Muslims post 9/11, the EO states that failure to “register” makes any individual a criminal and civil enforcement priority. This means any undocumented person is a target.
- **Targeting border crossers for prosecution:** The EO seeks to expand criminal prosecutions of families crossing the border. These prosecutions led to family separation under Trump 1.0.
- **Targeting NGOs:** The EO requires a review of all federal contracts with NGOs providing services, ceasing the distribution of funds to NGOs and terminating any contracts that do not pass the review.
- **Hiring of more CBP and ICE agents:** The EO mandates the hiring of agents without more accountability or increased training.
- **Removing immigrants without due process:** The EO instructs DHS to apply Expedited Removal and similar procedures that lack due process to individuals present in the U.S. for less than two years.
- **The EO effectively commandeers state and local law enforcement in furtherance of mass deportation scheme** by, among other things, establishing Federal Homeland Security Task Forces in each state, encouraging

voluntary departure of migrants, punishing so-called “sanctuary cities”, and expanding 287(g) agreements to deputize local law enforcement as immigration officials.

- **DHS revoked the previous administration’s [Sensitive Locations](#) policy** which will allow ICE and CBP to target hospitals, churches, schools and other sensitive locations.
- DHS issued a [memo](#) allowing components of DOJ including DEA, ATF and the U.S. Marshals to participate in raids.

**Ending Community Policing (Sanctuary Cities):** This [provision](#) directs DOJ and DHS to undertake any actions to force state and local authorities who have their own community policing policies to cooperate with DHS or they will not be eligible to receive federal funding.

***Analysis:***

- To promote community cooperation with law enforcement, many jurisdictions have determined that a sanctuary policy encourages crime-reporting and safety. Indeed, reportings of serious crimes like rape and assaults decreased during the first Trump administration as several localities pulled back from these policies.
- It is clear that Trump’s policy of punishing sanctuary cities by withholding federal grants harms the whole community and not only immigrants. The policy harms U.S.-born children, barring them from receiving federal nutritional, healthcare, and educational assistance, disproportionately impacting low-income children and their families.
- The ability of the federal government to withhold funding from sanctuary jurisdictions is legally questionable, as the 10th Amendment of the Constitution prohibits the federal government from forcing or coercing states to assist in federal immigration enforcement.

**Increased Use of Detention:** This [provision](#) states that the DHS Secretary shall immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain migrants. The EO also states that migrants shall be detained pending removal, at the same time that it requires the full use of the expedited removal authority. This would lead to tens of thousands of more immigrants being detained each year.

***Analysis:***

- **Detention conditions are poor and the facilities are overcrowded, unsanitary, and unsafe.** Detention is often used as a punitive measure, even against people who are not a threat to public safety. Detainees may experience sleep deprivation, inadequate food, and verbal and physical abuse. **Detention also harms vulnerable populations** including LGBTQ+ people and children.
- In passing the Laken Riley Act, Congress will have also **significantly expanded the mandate for prolonged detention** to include minor offenses, including cases where conduct is suspected but the person has not been convicted. It has also given restrictionists State AGs unchecked power to enforce these measures.

## **State and Local Law Enforcement as Immigration Agents (287(g)**

**Expansion):** This [provision](#) empowers State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the U.S.

### ***Analysis:***

- **The 287(g) program undermines public safety and exhausts local resources:** Deploying local law enforcement to serve as immigration enforcement agents reduces trust in local law enforcement and deters immigrant families from coming forward when they are the victims of crime. It also diverts resources away from investigation of serious crimes. Many of the program's biggest critics are state and local law enforcement leaders who have seen first hand in their communities how 287(g) hurts relationships and public safety.
- **The 287 (g) program encourages racial profiling:** It is unacceptable for officers who enforce our laws to stereotype people based on the color of their skin, religion, or nation of origin. Law enforcement should act on facts and evidence, not racial bias. If one group can be singled out based on race or ethnicity or religion, none of us will be safe to enjoy the rights that the United States stands for. No one should have to live in daily fear of being stopped, arrested, and deported away from their loved ones and long-time friends and community.

**Impacts on nonimmigrant visa holders:** Several of the EOs, when taken together, would impose new vetting procedures and other red tape on those seeking admission on non-immigrant work and family visas. The Birthright citizenship EO, for example, would bar citizenship for the U.S.-born children of parents who entered the U.S. on high skilled visas, like H-1B visas. Many of these workers serve as the backbone to the technology and other sectors.

**Attacks on long-term residents:** The [\*Executive Order on Protecting the American People from Invasion\*](#) includes several attacks on individuals who have been living in the U.S. for many years with lawful status.

### ***Analysis:***

- **Denying public benefits to undocumented immigrants:** The EO orders OMB to ensure that all agencies are not providing public benefits to “illegal aliens” who are not authorized to receive them. This could point to future actions related to public education, emergency medical care and other important benefits.
- **The EO seeks to limit the use of Temporary Protected Status and parole:** Many individuals with TPS and parole have lived in the U.S. for many years and even decades.

## **Border Related Executive Actions and Provisions**

According to the [Washington Post](#), border crossings between ports of entry at the U.S.-Mexico border dropped more than 80 percent in 2024. Over the past few weeks, the number of migrants taken into custody along the U.S.-Mexico border has fallen to roughly 1,000 per day, a level far lower than when Trump left office four years ago. Yet,

Trump is falsely claiming that there is currently a border crisis to justify draconian actions.

**Ending Asylum and Suspending Entry Into the U.S.:** The [Executive Order on Guaranteeing the States Protection Against Invasion](#) seeks to end asylum and other protections by stating that the asylum provisions do not apply if DHS does not have information about the individual prior to entry. This essentially means that only immigrants placed in the Remain in Mexico program would be permitted to claim asylum. The EO also states that all entry into the U.S. through the southern border is suspended.

***Analysis:***

- Like most of the provisions in the Trump EOs, these provisions violate current law by seeking to end the entire asylum system as it was designed by Congress in 1980.
- This is a very extreme measure that is premised on an “invasion” of the U.S. that is not actually occurring.

**Ending Parole at the Border (so-called Catch and Release), CBP One, the CHNV Sponsorship Program and Other Parole Programs:** Border Patrol uses its authority under current law to parole individuals into the U.S. who require humanitarian assistance or who they are unable to process for asylum. In addition, DHS implemented a new program called CBP One to create an appointment system at the border that helped to manage the flow of individuals coming to ports of entry. The [Executive Order](#) ends the use of both parole for certain groups and CBP One for border management.

***Analysis:***

- **The CHNV Sponsorship program allowed thousands of Americans to sponsor individuals from Cuba, Haiti, Nicaragua and Venezuela to come to safety in the U.S., support them with housing, employment and other needs with their private resources.** This lawful pathway promoted orderly migration to the U.S. reunited families, spurred the economy and honored our commitments to those seeking humanitarian protection under our laws. The CHNV program promoted order along the border by allowing migrants to apply in advance for lawful admission to the U.S. It helped migrants from Cuba, Haiti, Nicaragua and Venezuela, all countries with serious humanitarian concerns, to come to the U.S. in an organized manner.
- **The parole program was also used to help Afghans and Ukrainians come to the U.S. for safety.** This Executive Order seeks to terminate those parole programs. Already, the Trump administration has refused entry to Afghans seeking to board planes to settle in the U.S.
- **The Border Patrol needs more tools for the safe and efficient management of border crossings, not fewer tools.** CBP used parole to make sure that immigrants seeking asylum were treated humanely and the ports of entry were managed in terms of capacity.
- On January 23, 2025, the Acting Secretary issued a memo, “Guidance Regarding How to Exercise Enforcement Discretion,” which directs officers to consider taking steps to terminate people’s parole status to place them into expedited



removal; terminate standard deportation proceedings to subject people to expedited removal; and terminate people's parole and place them into regular deportation proceedings.

**Halting Refugee Resettlement:** Trump is [suspending refugee admissions](#), including Welcome Corps (a private sponsorship program that allowed Americans to sponsor refugees to safety), into the U.S. indefinitely, subject to review every 90 days.

***Analysis:***

- **This provision tears apart the largely faith-based system for welcoming refugees.** The first Trump administration tore apart the refugee resettlement infrastructure and after four years of rebuilding, the program was finally able to resettle over 100,000 refugees from war-torn countries. The refugee resettlement program is run primarily by faith-based organizations that have operated for decades and these programs will be severely curtailed due to this provision.
- **Destroying the US refugee resettlement program harms the states and cities that depend upon refugees for economic growth.** Reduced refugee resettlement is directly impacting towns across the country where refugees have previously been welcomed and integrated into the community. In Erie, Pennsylvania, recent population decline has been [slowed down](#) by new refugee arrivals. By stifling refugee resettlement, places like Erie will face accelerated population loss, resulting in reduced federal funding and tax revenue as well as excessive housing and job vacancies.

**Remain in Mexico:** This policy forces asylum seekers to wait in dangerous conditions in Mexico for asylum processing.

***Analysis:***

- **This program requires children and families to wait in danger in Mexico.** Under this plan, asylum-seeking families are indefinitely stuck in Mexico for months or even years on end while their case is processed in the United States. Many individuals seeking protection are not safe in Mexico and make easy targets for smugglers and organized crime. As extensive research by Human Rights First and other [human rights groups](#) have documented, the U.S. government's RMX policy (in addition to the Title 42 policy) returns people to highly dangerous regions of Mexico where they have subsequently faced, or are likely to face, horrific danger, including murder, rape, torture, kidnapping, human trafficking, and other violence.
- **Forcing families seeking asylum to wait in Mexico undermines due process and access to legal counsel.** The plan puts asylum seekers in legal limbo and makes it extremely difficult to seek legal counsel. Accessing legal services is [crucial to securing asylum](#). This program forces many families with legitimate claims to be erroneously returned to the dangerous situations they fled.

**Border Wall:** President Trump is instructing officials to ramp up construction of the border wall.

***Analysis:***

- **Trump is relaunching a massive, multi-billion-dollar government project despite little evidence that border walls reduce crossings.** Security experts know walls are ineffective compared to modern strategies that protect better while respecting the environment, wildlife, and private property. The prior administration entered into hasty contracts riddled with cronyism through contracting shortcuts and did not evaluate border security measures using objective data.
- **The wall causes damage to the environment and private property.** More border wall, fencing or other physical barriers, including gates, vehicle barriers and levees, threaten irreparable damage to fragile ecosystems, harm transborder trade relationships, risk life-threatening floods, trample sacred indigenous land, and involve the unjust taking of private property.

**National Emergency Declaration:** The Executive Order declares a national emergency at the southern border. The Department of Defense will be required to send personnel to the border, erect barriers, and provide and operate drones and other surveillance measures.

**Analysis:**

- The Constitution expressly grants Congress the power of the purse. According to the [Anti-Deficiency Act](#), the federal government cannot spend money without a congressional appropriation. By attempting to divert military funding to border and interior enforcement without Congressional approval, the President is not only jeopardizing the well-being of military families, but is also likely violating the ADA and the separation of powers. According to [legal scholar Ilya Somin](#), even if the President declares a national emergency, he may not automatically have the authority to build the border wall with military funding. The authorization for the use of military funding for civil projects, like the wall, still rests with Congress.

**Extreme Vetting and Screening:** Extreme vetting for immigrants threatens to impose religious or cultural tests on intending immigrants, similar to the Muslim Ban under the first Trump administration.

**Analysis:**

- The EO on [Protecting the U.S. from Terrorists](#) states that there could be a full suspension of admission of nationals from certain countries after a review of vetting procedures and there is concern that this could be applied primarily to Muslim and Arab countries.
- The EO also recommends taking “any actions necessary to protect the American people from the actions of foreign nationals who have undermined or seek to undermine the fundamental constitutional rights of the American people, including, but not limited to, our Citizens’ rights to freedom of speech and the free exercise of religion protected by the First Amendment, who preach or call for sectarian violence, the overthrow or replacement of the culture on which our constitutional Republic stands, or who provide aid, advocacy, or support for foreign terrorists.” This broad language could have significant consequences for peaceful protestors, and others, in or outside the US. United States immigration officials already conduct vetting on potential immigrants to the country and

- consent to background checks.
- The EO on “[Protecting the American People Against Invasion](#)” contains poorly drafted language that could be interpreted to be a ban on most nonimmigrant visas and the administration has not yet clarified how this should be interpreted or whether it is a drafting error.

**Rescinded the Executive Order on Establishment of the Task Force on the Reunification of Families:** The Task Force was created to help identify parents of children who were separated by the first Trump administration. The Task Force helped to reunify nearly 800 children with their parents.

**Classifying Drug Cartels as Foreign Terrorist Organizations (FTOs):** The Executive Order on Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists requires the Secretary of State to determine whether certain drug cartels and other organizations should be designated as “foreign terrorist organizations.”

**Analysis:**

- The EO justifies the use of the Alien Enemies Act in response to a “qualifying invasion or predatory incursion”