



TRUMP'S 2025 IMMIGRATION POLICIES

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MASS DEPORTATIONS



UNDOING BIDEN ADMINISTRATION PROTECTIONS

- President Trump's January 20, 2025 Initial Rescissions Of Harmful Executive Orders And Actions EO rescinded several of President Biden's executive orders, including those that:
 - Set civil immigration enforcement priorities,
 - created a regional framework to address the causes of migration,
 - strengthened integration and inclusion efforts for new Americans,
 - established a task force to reunify formerly separated families,
- President Trump Deactivated the CBP One mobile application system created by the Biden Administration to process migrants seeking asylum.
- Halted the US refugee resettlement program.
- Ended a major Biden-era program that allowed up to 30,000 migrants per month from Cuba, Haiti, Nicaragua and Venezuela to fly into the US on humanitarian grounds.

FORTIFYING THE US-MEXICO BORDER

- The Declaring a National Emergency At The Southern Border Of The United States EO and Clarifying The Military's Role In Protecting The Territorial Integrity Of The United States EO, both issued on January 20, 2025, together direct the U.S. Armed Forces, Ready Reserve, and National Guard to assist at the southern border.
- They will help Border Patrol by flying helicopters and patrolling to monitor illegal border crossings; and
- They will also help in the construction of barriers to stop migrants from entering the United States.

HALTING THE PROCESSING OF MIGRANTS AND ASYLUM SEEKERS

- The President's January 20, 2025 Guaranteeing the States Protection Against Invasion Proclamation seeks to repel undocumented people at the southern border. In an executive order, Trump suspended the entry of all undocumented migrants to the US, and border patrol agents have been instructed to turn people away without granting them asylum hearings.
- Those who do enter without inspection are barred from seeking or obtaining immigration benefits, including but not limited to fear-based forms of relief such as asylum.
- Reinstated the "Remain in Mexico" policy from Trump's first-term, which forced non-Mexican asylum seekers to wait in Mexico until their asylum claims in the US were resolved.

HALTING THE PROCESSING OF MIGRANTS AND ASYLUM SEEKERS

- The complementary January 20, 2025 Securing Our Borders EO seeks, among other things, to block southern border entry through a variety of means including:
 - the building of a wall (§ 2(a));
 - detention and removal of those entering without inspection, with no more “catch and release” (§§ 2(c), 2(d), and 5);
 - the resumption of the Migrant Protection Protocols (a/k/a Remain in Mexico Policy) (§ 6);
 - the termination of broad grants of humanitarian parole, such as the Cuban, Haitian, Nicaraguan, and Venezuelan parole program (§ 7(b));
 - the termination of parole by U.S. Customs and Border Protection (CBP) through its CBP One app-based appointment system (§ 7(a)), making it more difficult for noncitizens to present themselves to immigration officials to seek asylum.

EXPANDED THE POWERS OF ICE

- Reversed a longstanding guideline that prohibited immigration raids in areas deemed "sensitive", such as schools, hospitals and churches.
- Is pushing states to work the ICE so that can delegate its immigration enforcement duties to state and local police.

EXPANDED THE POWERS OF ICE DEPUTIZING OTHER AGENTS

- DHS Acting Secretary Huffman issued a memorandum titled DOJ Immigration Officer Authorization on January 22, 2025, pressing other federal employees into service. U.S. Marshals, Drug Enforcement Administration employees, Alcohol, Tobacco, and Firearms (ATF) employees, Federal Bureau of Prisons employees, as well as any other DOJ employee whom the Attorney General may designate, are all to assist DHS with investigating, determining the location of, and apprehending anyone present in violation of the INA and its regulations, and enforcing any related requirements of the law.
- Similarly, on February 7, 2025, DHS Secretary Noem issued a memorandum deputizing some law enforcement workers, including Internal Revenue Service (IRS) criminal investigators, to assist in immigration enforcement.

EXPANDED THE POWERS OF ICE DEPUTIZING OTHER AGENTS

- On February 18, 2025, she issued a memorandum deputizing up to 600 special agents within the State Department's Diplomatic Security Service across the country to help with immigration enforcement.
- On March 10, 2025, USCIS employees began volunteering for 60-day "details" to assist ICE with removal efforts.
- On March 22, 2025, it was reported that Federal Bureau of Investigations (FBI) Director Kash Patel plans to move up to 1,000 ATF agents to the FBI, to assist with border-related criminal enforcement duties.

EXPANDED THE POWERS OF ICE

- The January 20, 2025 Protecting The American People Against Invasion EO contains a host of provisions aimed at enforcing removal laws to the fullest extent possible. Some of the harshest provisions include:
 - directing DHS to set enforcement priorities, emphasizing criminal histories (§§ 4 and 5);
 - directing Homeland Security Investigations to prioritize immigration enforcement (§ 4);
 - establishing Homeland Security Task Forces in each state (§ 6);
 - requiring all noncitizens, including and especially undocumented individuals, to register with DHS, with civil and criminal penalties for failure to register (§ 7);
 - collecting civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry, and from anyone assisting with unlawful entry (§ 8);

EXPANDED THE POWERS OF ICE

- expanding the use of expedited removal (§ 9);
- building more detention facilities (§ 10);
- encouraging federal/state cooperation regarding immigration enforcement, such as INA 287(g) agreements (§ 11) and requiring the sharing of information between the federal government and state/local governments (§ 18);
- encouraging removable individuals to avail themselves of Voluntary Departure (§ 12);
- establishing visa bonds, for nonimmigrant visa applicants (§ 14);
- reestablishing the Victims Of Immigration Crime Engagement (VOICE) office, regarding victims of criminal offenses committed by noncitizens (§ 15);
- limiting the grant of humanitarian parole (§ 16(a));
- limiting Temporary Protected Status (TPS) (§ 16(b));

EXPANDED THE POWERS OF ICE

- restricting the availability of employment authorization documents (EADs, or work permits) for undocumented people (§ 16(c));
- denying federal funds for sanctuary cities (§ 17);
- reviewing federal grants to nonprofits helping undocumented/removable people, and freezing funding pending review (§ 19);
- denying public benefits to undocumented individuals (§ 20);
- hiring more U.S. Immigration and Customs Enforcement (ICE) and CBP officers (§ 21).

EXPEDITED DEPORTATIONS

- The administration intends to use the full scope of expedited removal authority under INA § 235(b)(1)(A)(i) and (ii) (8 U.S.C. § 1225(b)(1)(A)(i) and (ii)) against undocumented individuals present for under two years and found anywhere within the U.S.
- Expedited removals were previously limited to areas within 100 miles (160km) of US international borders, and applied to those who did not request asylum or failed to show a legitimate case for asylum.
- **NOW:** Can occur ANYWHERE in the United States for any undocumented foreign national who can't prove they have been in the United States for MORE THAN TWO YEARS.

ENFORCEMENT PRIORITIES

- Prosecutorial discretion is again limited to unusual facts and will likely be unavailable in most cases.
- As in his first administration, we are seeing innocent noncitizens tarnished indiscriminately and falsely with allegations of gang affiliation.
- This administration has created several task forces who are responsible for finding foreign nationals with gang and drug ties.
 - MS 13
 - La Mara Salvatrucha
 - Tren de Aragua

USCIS ENFORCEMENT PRIORITIES

- On February 28, 2025, USCIS issued guidance directing its officers to commence removal proceedings against individuals whose applications for immigration benefits are denied, if the individuals do not have lawful status or other applications for immigration benefits pending.
- On March 25, 2025, it was reported that USCIS was pausing the adjudication of adjustment of status applications for certain refugees and asylees, subject to additional vetting.
 - unclear which applications might be subject to the pause or what criteria are being used for the vetting.

ENFORCEMENT PRIORITIES AGAINST UNACCOMPANIED MINORS

- The Administration is reported to be planning a nationwide operation to locate and potentially deport unaccompanied minors.
- The Administration terminated nearly all services under the Unaccompanied Children Program on March 21, 2025, immediately stripping thousands of children of legal representation in immigration court.
- Field guidance issued by ORR on February 14, 2025 requires all household members of an unaccompanied minor's sponsor to be fingerprinted before ORR will release an unaccompanied minor to a sponsor.
- Additional ORR field guidance, issued on March 14, 2025, requires DNA testing to support proof of relationship between a potential sponsor and an unaccompanied migrant child where a sponsor purports to be biologically related to the child.
- On March 25, 2025, ORR issued an interim final rule that reversed a Biden Administration rule that prevented ORR from releasing immigration information about the sponsors of unaccompanied minors to law enforcement entities.

U.S. DETENTION

- On January 25, 2025, ICE field offices were informed that each office must detain at least 75 noncitizens every day, or more than 1,800 per day nationwide.
- To facilitate an increase in detention, the Expanding Migrant Operations Center at Naval Station Guantanamo Bay to Full Capacity EO, issued on January 29, 2025, authorizes the use of the Guantanamo Bay naval stations to detain up to 30,000 noncitizens facing removal.
 - Initially sent men there, but have since removed them
- For detentions occurring in and around New York City, ICE announced on February 26, 2025 that it was reopening the Delaney Hall Facility in Newark, New Jersey, with bed space for 1,000 detainees.
 - However, Newark issued a stop-work order against ICE on March 31, 2025, on the grounds that ICE had opened the facility without following proper building safety protocols.
- ICE announced on March 7, 2025 that it would resume detaining families with children at the detention facilities in Karnes City, Texas, and Dilley, Texas.

ALIEN ENEMIES ACT AND REMOVAL TO THIRD COUNTRIES

- On March 15, 2025, President Trump invoked the Alien Enemies Act in the absence of a declaration of war
- In his Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua Proclamation, he alleged an invasion by the “hybrid criminal state” comprised of the TdA and the government of Venezuelan President Nicolas Maduro
- DHS has created a form titled Alien Enemies Act: Alien Enemy Validation Guide, which uses a point system based on the presence of tattoos and other unreliable indicators to label Venezuelan men as TdA members.
- On March 15, 2025, the Administration deported over 250 Venezuelan nationals to El Salvador, which has agreed to hold about 300 U.S. deportees per year.
 - One of those men was Kilmar Armando Abrego Garcia, an El Salvadoran national who had been granted withholding of removal in 2019, and thus should not have been deported to El Salvador.

LAKEN RILEY ACT

- Signed into law on January 29, 2025
- Expanded the mandatory detention provisions of INA § 236(c) (8 U.S.C. § 1226(c))
- Certain undocumented noncitizens will now be subjected to mandatory detention if they are ***arrested*** for, or ***convicted*** of, or ***admit to having committed***, or ***admit committing acts which constitute the essential elements of:***
 - burglary, theft, larceny, shoplifting, or assault on a law enforcement officer, or any crime that results in death or serious bodily injury

FINANCIAL PENALTIES

- Noncitizens with final orders of removal who fail to depart the U.S. may soon be fined \$998 per day, including retroactive daily fines for five years, resulting in significant retroactive fines, on top of ongoing daily fines.
- The Administration is also considering civil forfeitures of property of noncitizens who do not pay the fines.

CRIMINAL PROSECUTIONS

- The January 20, 2025 Securing Our Borders EO calls for criminal prosecution for violating civil immigration laws.
 - This provision will likely result in the parent being criminally prosecuted for human smuggling and/or child trafficking, simply for having entered unlawfully with their minor child.
- On February 25, 2025, USCIS announced a registration requirement for all noncitizens who have not already registered with DHS.
 - Registration would presumably lead to the commencement of removal proceedings, or to immediate removal for individuals subject to expedited removal.
 - Failure to register would subject individuals to civil and criminal penalties.

IRS

- IRS reached a data-sharing deal with DHS to help find undocumented immigrants for deportation
- The terms of the deal say ICE will come to the IRS with the names and address of taxpayers that they believe have violated federal immigration laws.
- The IRS would then cross-reference that information with existing taxpayer data and confirm its accuracy.

ATTACKS ON THE BAR

- On March 25, 2025, President Trump issued a memorandum titled Preventing Abuses of the Legal System and the Federal Court, alleging rampant fraud by immigration attorneys and pro bono law firms. The President also issued Executive Orders (EO) targeting specific law firms: Covington & Burling LLP on February 25, 2025, Perkins Coie LLP on March 6, 2025, Paul, Weiss, Rifkind, Wharton & Garrison LLP on March 14, 2025, Jenner & Block LLP on March 25, 2025, and Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale) on March 27, 2025.

DISPENSING WITH NOTICE AND COMMENT RULEMAKING

- Secretary of State Marco Rubio has taken the position that immigration-related regulations are not subject to notice and comment rulemaking, under foreign affairs provisions of the Administrative Procedure Act (APA).
- The Department of State issued a Federal Register notice on March 14, 2025 determining that “all efforts, conducted by any agency of the federal government, to control the status, entry, and exit of people, and the transfer of goods, services, data, technology, and other items across the borders of the United States, constitute a foreign affairs function of the United States under the Administrative Procedure Act, 5 U.S.C. 553, 554.”

LIMITING OVERSIGHT

- On March 21, 2025, the Administration effectively shut down the DHS Office for Civil Rights and Civil Liberties (CRCL), the USCIS Ombudsman's Office, and Office of the Immigration Detention Ombudsman, placing their staffs on leave for 60 days to find other jobs or be fired.

TEMPORARY PROTECTED STATUS

- On February 3, 2025, DHS Secretary Kristi Noem vacated the January 17, 2025 extension of the 2021 and 2023 TPS designations for Venezuelan nationals and terminated the 2023 TPS designation as of April 7, 2025.
 - Presumably the 2021 designation will be terminated as well.
- On February 24, 2025, DHS Secretary Noem partially vacated the June 4, 2024 decision by former DHS Secretary Alejandro Mayorkas to extend TPS for Haiti, instead reducing the designation period by six months, with the designation and first-time registration period both now expiring on August 3, 2025 instead of February 3, 2026
- On March 6, 2025, press reports indicated that Ukrainian TPS would soon be terminated.

HUMANITARIAN PAROLE

- Terminated the parole program for Cuban, Haitian, Nicaraguan, Venezuelan (CNHV) nationals, as well as for Afghan and Ukrainian nationals
- On February 14, 2025, USCIS issued a memorandum titled "Administrative Hold on All USCIS Benefit Requests filed by Parolees Under the Uniting for Ukraine (U4U) Process, Processes for Haitians, Cubans, Nicaraguans, and Venezuelans (CHNV) Process, or Family Reunification Parole (FRP) Process," authorizing an immediate hold on all pending immigration benefit requests filed by noncitizens who are or were paroled into the U.S. under U4U, CHNV, or FRP processing, pending the completion of additional vetting to identify any fraud, public safety, or national security concerns.

BIRTHRIGHT CITIZENSHIP

- On January 20, 2025, the President issued the Protecting the Meaning and Value of American Citizenship EO in an attempt to restrict birthright citizenship.
- This EO seeks to eliminate birthright citizenship for two classes of children:
 - (1) a child of an unlawfully-present mother if the father is not a U.S. citizen or lawful permanent resident (LPR); and
 - (2) a child of a mother with temporary status (e.g., a non-immigrant visa, Temporary Protected Status, etc.) if the father is not a U.S. citizen or LPR.
- The order would become effective for any births occurring after February 19, 2025.

BIRTHRIGHT CITIZENSHIP

- Three federal judges separately issued nationwide injunctions against Trump's birthright citizenship order. They said it blatantly violates the 14th Amendment, which has long been understood to guarantee citizenship to virtually anyone born in the U.S.
- Trump administration filed emergency appeals asking the justices to narrow or lift those injunctions. The administration argued that district judges have no authority to issue sweeping rulings that block policies nationwide.
- On Thursday, April 17, 2025, the Supreme Court agreed to hold a special oral argument on May 15 on the question of district judges' authority to issue such rulings.