

Immigration Executive Orders: President Trump Keeps His Campaign Promises and Commences the “Fix” on US Immigration



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Following through on his campaign promises, President Donald Trump has issued the first of his Executive Orders on immigration that are directed at enhancing border security, enforcing immigration laws and limiting refugee admissions, among other directives. Below is a summary of these new immigration Executive Orders. We anticipate additional Executive Orders on immigration in the coming days.

1. Border Security and Immigration Enforcement Improvements

The purpose of this Executive Order is stated as securing the southern border of the United States, preventing further illegal immigration and swiftly removing those present here unlawfully. The major directives outlined are:

Construction of Border Wall with Mexico – directs the Department of Homeland Security (DHS) to build a contiguous wall along the US-Mexico border with enhanced surveillance systems and hire additional border patrol agents to physically secure the southern border of the United States from illegal immigration, human and drug trafficking and terrorist acts. The Order references existing law to implement this directive, including the Secure Fence Act of 2006 (Public Law 109 367) and calls for use of federal funds to initially finance project which will likely require additional

legislation by Congress.

Detention for Illegal Entry – directs DHS to take all appropriate actions to detain noncitizens apprehended for immigration violations pending the outcome of their removal proceedings or removal from the US to the extent permitted by law. It also directs the issuance of new policy guidance on appropriate and consistent use of lawful detention authority under the Immigration & Nationality Act (INA), including termination of the “catch and release” practice where noncitizens were routinely released after apprehension for immigration violations.

Federal-State Agreements – directs DHS to enter into [INA §287\(g\) agreements](#) allowing state and local law enforcement officers to enforce federal immigration laws through directives from the DHS which can include investigating, apprehending or detaining noncitizens to the extent permitted by law.

Priority Enforcement – instructs Attorney General to take all appropriate steps to establish prosecution guidelines and allocate resources to ensure priority to prosecute offenses related to the southern border.

2. Enhancing Public Safety in the Interior of the United States

The purpose of this Executive Order is stated as ensuring the national security and public safety of the United States through enforcement of immigration laws in the interior of the country. It directs executive departments and agencies to use all lawful means to efficiently and faithfully execute immigration laws against removable “aliens,” including those who enter illegally, overstay or violate the terms of their visas, or commit any chargeable criminal offense, which could mean very minor offenses as well. It also directs DHS to review existing policies and procedures to ensure consistency with these directives.

Notable points include:

- Restructuring enforcement priorities to focus on removal of those with criminal convictions, charged with crimes [presumably if removal by law], found to have abused any program related to receipt of public benefits or, in the “judgment of an immigration officer” pose a risk to public safety or national security.
- Directs DHS to issue guidance and promulgate regulations to ensure the assessment and collection of all fines and penalties authorized by law to assess and collect from “aliens unlawfully present in the United States and **from those who facilitate their presence** in the United States.”
- Direct hiring of 10,000 additional immigration officers.
- Engage Governors of the States to enter into additional §287(g) agreements.
- Ensure that “sanctuary jurisdictions” that “willfully refuse to comply” with applicable federal immigration laws are not eligible to receive federal grants, except as deemed necessary for law enforcement.
- Suspend granting and issuance of visas to nationals of “recalcitrant countries”

that are not willing to accept the return of removed (deported) individuals who are citizens of such countries.

- Instructs all federal agencies to ensure that their privacy protection policies exclude persons who are not US citizens or lawful permanent residents. [This would presumably impact all individuals present in the US under a valid nonimmigrant visa.]

Obviously, there will much follow-up and clarification by the various federal agencies as these directives are implemented. Please stay tuned.

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