

On January 20, 2025, President Trump issued [a series of executive orders](#) upon returning to the White House for his second term. Ten of these executive orders resume his administration's blistering weaponization of the White House authority to order federal agencies to wage an assault on immigrant communities and asylum seekers. These orders demonstrate the administration's brazen disregard for law and fact, and their inflammatory language signals an overtly adversarial approach toward all immigrants and refugees, including families and children. Below are eight ways immigrants, cities, and communities will be impacted by the executive orders issued on Trump's first day back in office:

1. People seeking refuge are under renewed attack.

During his first term, President Trump unleashed a [torrent of inhumane attacks on asylum seekers](#). These attacks systematically violated decades of U.S. and international law and placed asylum seekers — including small children — directly in harm's way, resulting in a series of court battles and [bicameral opposition from Congress](#).

Trump now has ordered:

- **A mass, indefinite expulsion policy.** This policy, which NIJC is planning to challenge in court, suspends entries anywhere along the U.S.-Mexico border, including at ports of entry, and instructs agencies to turn away asylum seekers and anyone seeking relief until Trump determines that his racist and factually unsubstantiated declaration of an "invasion" at the southern border has concluded. This policy mimics [a prior the "Title 42" expulsion policy](#) Trump used to expel and deny asylum access during his first term, under the false pretenses that asylum seekers presented a health risk.
- **A [return](#) of the "Remain in Mexico" program,** which forces people seeking asylum in the United States to remain in dangerous conditions in Mexico while their cases proceed in the United States. The federal courts previously [ruled](#) the program to likely violate asylum law by returning people to harm. The Supreme Court [affirmed](#) Biden's decision to end Remain in Mexico, noting in part the policy's foreign relations implications with its southern neighbor. This policy will also be challenged in court.
- **Cancellation of the "CBP One" mobile application for asylum seekers.** Under the Biden administration, the app was the primary way for people to make an appointment at a U.S. point of entry to seek asylum. The Department of Homeland Security's (DHS) removal of the app [canceled long-awaited appointments for 30,000 people](#) and leaves no avenue for people stranded in Mexico waiting to seek asylum. NIJC is challenging the existence of [two Biden era rules](#) that were justified by the existence of CBP One and will be arguing that the termination of that program makes those rules even more unlawful.
- **The Secretary of State to enter into third-country agreements forcing people to seek asylum in another country.** During the first Trump administration, DHS entered into an agreement with Guatemala and sent nearly 1,000 asylum seekers (mostly women and children) there, [none of whom were granted asylum](#) by the Guatemalan government. These sham agreements falsely claim to afford access to asylum, but really serve only to expose asylum seekers to more danger. NIJC, along with others, challenged this policy during the first Trump Administration and is planning to do so again.

- **The nationwide expansion of expedited removal**, which allows DHS officers to deport people without judicial review or access to counsel. Current regulations allow expedited removal to apply only within 100 miles of the U.S. border to anyone who cannot prove they have been present in the United States for 14 days. Under Trump’s new order, any noncitizen found *anywhere* in the United States who cannot prove to the satisfaction of a U.S. Immigration and Customs Enforcement (ICE) agent that they have been in the country for *more than two years* can be deported immediately unless they show that they have a credible fear of persecution. The acting DHS secretary already issued a [regulatory notice](#) implementing this expansion as of January 21, 2025.
- **The indefinite suspension of refugee resettlement**. The resettlement program allows people who have experienced persecution and torture to seek refuge in the United States from abroad. The program’s suspension has already caused devastation among [Afghan families](#), who have waited for years to find safety in the United States. The orders claim that the admission of these persecuted people, which lies at the foundation of our immigration laws and reflects the worldwide post-Holocaust consensus on the need to provide shelter to refugees, is against the interests of the United States.

Remember: It is unlawful to return people fleeing persecution and torture to harm. The United States joined the international community in developing asylum laws as a direct response to genocide and persecution during World War II. The United States then incorporated these principles into domestic law through the Refugee Act of 1980.

See Executive Orders: “[Securing our Borders](#)”; “[Guaranteeing the States Protection Against Invasion](#).”

2. Immigrant communities will be criminalized to the maximum extent.

The first Trump administration prioritized the use of criminal [prosecutions for immigration related offenses](#) to tear families apart and fill prisons that enrich [private prison corporations](#). Prosecutions for such offenses are layered on top of the punitive civil immigration detention and deportation processes, add barriers to asylum access, and are [rooted in racist laws](#) plagued with due process and fairness concerns. Trump instructed federal agencies to use criminal statutes to arrest and detain immigrant communities on a large scale; swell mass incarceration; and deploy state and local forces under agreements that [fuel racial profiling](#).

Trump now has ordered:

- **Immigration authorities to detain people “to the fullest extent possible.”** This will drastically increase the number of people in ICE and Customs and Border Protection (CBP) facilities, which were found “[barbaric](#)” and [unconstitutional](#) by government experts and a federal court. Detention also poses a nearly insurmountable barrier to [accessing attorneys](#), all but dooming asylum seekers’ chances to fight their cases. People in immigration detention are not guaranteed access to counsel or other protections provided for people in the criminal legal system.
- **An increase in federal prosecutions for immigration-related offenses**, including for simply entering or remaining in the United States without permission. Such [prosecutions](#) lead to family separations, fuel mass incarceration, and are applied disparately along racial and ethnic lines.
- **The DHS secretary and U.S. attorney general to impose criminal and civil penalties on immigrants who fail to register as being undocumented**, putting millions at risk for simply failing to provide proper paperwork. The full impact of the registration provisions and other [policy changes](#) are

yet to be seen. However, a prior registration requirement, targeting Muslim immigrant men, proved deeply [ineffective and discriminatory](#).

- **The re-establishment of ICE’s Victims of Immigration Crime Engagement (VOICE)**, a fear-mongering office that during Trump’s first term encouraged people to accuse immigrants of crimes and perpetuated [false narratives demonizing](#) immigrant communities.
- **Federal agencies to “maximize” 287(g) agreements**, authorizing state and local law enforcement to carry out federal immigration enforcement programs which are known for [racial profiling](#) and [undermining public safety](#). These agreements erode trust in communities, causing immigrant witnesses and victims of crime to avoid law enforcement, and create liability for police departments that misapply inscrutable immigration laws and wrongly detain people not subject to immigration enforcement.
- **Increased use of the death penalty**, including for capital crimes committed by undocumented immigrants.

Remember: The United Nations Refugee Agency [admonished](#) that the detention of asylum seekers should be avoided and a “measure of last resort,” because detention runs afoul of the fundamental rights to liberty and freedom of movement. U.S. law gives immigration authorities discretion as to when to refer someone for criminal prosecution, send them to detention, or release people to pursue their immigration cases from the safety of their community.

See Executive Orders covered: [“Protecting the American People Against Invasion](#); [“Securing our Borders](#)”; [“Restoring the Death Penalty and Restoring Public Safety.”](#)

3. Military and taxpayer resources will be diverted to militarize the border.

During his first term in 2019, amidst widespread [criticism](#), Trump declared a [national emergency](#) to bypass [bipartisan opposition in Congress](#), unlock military funding for a border wall, and deploy the National Guard to the border. He sought to [divert \\$8 billion of funds](#) to build a physical barrier along the nearly 2,000-mile border between the United States and Mexico, and diverted [\\$2.5 billion](#) from [counterdrug programs](#) for border wall construction. President Biden [rescinded](#) that order upon taking office in 2021.

Trump now has ordered:

- **Declaration of a “border emergency” invoking the National Emergencies Act** to order military personnel to the border, increase detention capacity, and build barriers along the border, including a border wall. The order also directs a review and revision of “use of force” policies that will open the door to more [impunity for deadly abuses](#) against migrants by border patrol agents and the military. The new national emergency declaration revokes a previous proclamation that terminated Trump’s first 2017 emergency declaration and uses [racist and factually unsupported “invasion” rhetoric](#) that has fueled violence against immigrant communities.
- **Using the military to “seal the border.”** Trump instructs the secretary of defense to reassign the U.S. Northern Command (USNORTHCOM), which normally is tasked with providing civil support for domestic disaster relief, to the southern border. Ordering the deployment of the military to carry out civil immigration enforcement is in plain violation of U.S. law and [undermines the military’s own mission](#).

While wildfires burn in California, Trump is electing to unleash the military on families seeking asylum at the border.

Remember: While national emergency declarations give the president the authority to allocate resources and take certain actions, the [Posse Comitatus Act](#) prohibits the military from directly engaging in law enforcement on U.S. soil.

See Executive Orders: "[Declaring a National Emergency at the Southern Border of the United States](#)"; "[Clarifying The Military's Role in Protecting The Territorial Integrity Of The United States.](#)"

4. Cities, states, and nonprofits that support immigrants may face funding cuts and criminal prosecution.

During his first term, Trump sought to [strip state and local governments from eligibility for federal funding if they did not cooperate with civil immigration enforcement](#). Those efforts were largely unsuccessful.

Nevertheless, Trump now has ordered:

- **The U.S. attorney general and DHS secretary to condition cities' eligibility for federal funds**, "to the maximum extent possible under law," on cooperation with immigration enforcement. However, jurisdictions which prohibit local law enforcement from engaging in immigration enforcement have [lower crime rates](#) compared to cities where local police have immigration-related responsibilities.
- **Criminal and civil penalties against sanctuary cities.** Trump ordered the attorney general and DHS secretary to undertake "any other lawful actions, criminal or civil, that they deem warranted," based on his own false allegations that sanctuary city policies interfere with enforcement of immigration laws. This order builds on the legal theories of Stephen Miller, the [white supremacist](#) architect of Trump's anti-immigrant policies. It also ignores the fact that research shows that communities are [safer and more economically vibrant](#) in sanctuary jurisdictions.
- **Reviews of federal contracts and grants for nonprofits that defend the rights of immigrants.** Trump has ordered the targeting of nongovernmental, nonprofit organizations that serve immigrants, to determine whether these organizations "promote or facilitate" violations of immigration laws. This dangerous rhetoric is designed to block legal and social services to immigrants and asylum seekers by attacking their advocates, mirroring Texas' attempts to shut down [faith-based charities protecting immigrants](#).

Remember: Sanctuary jurisdictions [do not violate federal law](#). Research shows that communities are [safer and more economically vibrant](#) in sanctuary jurisdictions.

See Executive Order: "[Protecting the American People Against Invasion](#)."

5. Immigrants and asylum seekers will face new and baseless "terrorism" designations that block them from protection.

Trump continues to make [sweeping, unsupported claims](#) about migration and national security risks, even as a comprehensive empirical study spanning decades shows [no correlation](#) between undocumented people and terrorist activity.

Trump now has ordered:

- **The designation of cartels and gangs as terrorist organizations.** This designation poses threats to bar asylum access for people fleeing violence inflicted by those organizations. For example, people who pay a cartel or gang for the release of a kidnapped family member may be barred from asylum on the ground that they provided “material support” to a terrorist organization. Many women and children are forced to work for gangs and cartels while they are held hostage. This forced activity under duress and threat of harm, including rape and other torture, could cause survivors of this persecution to be ineligible for protection under U.S. asylum laws. More fundamentally, the designations ignore both the factors driving the rise and sustained power of cartels and gangs and the human rights violations and human suffering that those groups cause.
- **Introduce additional extreme “vetting” policies as a pretext to paint all immigrants as a national security risk.** This type of sweeping enforcement that presumes all foreigners guilty has dire [consequences](#), severely harming people fleeing persecution inflicted by their own governments. NIJC has worked with other legal service providers and experts to [document](#) how [false and unreliable foreign data](#) is persistently used to prejudice immigrants and asylum seekers.
- **Federal agencies to lay the groundwork for the likely return of discriminatory travel bans, such as the Muslim and African ban.** Trump directs the secretary of state, the attorney general, the secretary of homeland security, and the director of national intelligence to draft a report within 60 days identifying which nationals to ban from entry into the United States. This builds on Trump’s record of [Islamophobia](#) and [anti-Black racism](#) that tore families apart during his first term.

Remember: Creating new terrorist designations and [demonizing](#) migrants is a strain on government resources and [does not](#) advance national security interests.

See Executive orders: [“Designating Cartels And Other Organizations As Foreign Terrorist Organizations And Specially Designated Global Terrorists”](#); [“Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats”](#); [“Realigning the United States Refugee Admissions Program.”](#)

6. Children could face family separation and be barred from protection.

The first Trump administration provoked international condemnation for separating thousands of children from their parents at the U.S. border—about [1,400 of whom remain separated](#) to this day. Under the administration’s family separation policy, children were a target, not simply collateral damage. Families were permanently damaged by this cruelty and many children continue to suffer from the experience of having been forcefully separated from their parents.

Trump now has ordered:

- **The rescission of the Family Reunification taskforce**, which President Biden [convened](#) in 2021 to reunite children stripped from their parents by border officials under Trump. Trump's "border czar" Tom Homan, who oversaw the family separations during Trump's first term, has revealed plans to [resume jailing children and families](#) together. Physicians have copiously documented how both family separation and detention inflict severe, [lifelong harm on children](#).
- **Criminalization of children and their parents, which will lead to family separations.** Designating cartels and gangs as terrorist organizations will allow CBP to exploit a vulnerability in the federal court settlement that sets rules intended to prevent family separations at the border. The settlement allows government officials to separate families if they determine that the parent or legal guardian poses a "[public safety or national security risk](#)" to the United States, including being suspected of terrorism activities. Cartels and gangs commonly target children and families for trafficking or to seek ransom from kidnappings. When children and families are forced into compliance, often by threat of severe harm or death, they will now be exposed to accusations by the U.S. government that they have supported foreign terrorist organizations. This risk is not speculative; NIJC fought for 10 months for a 10-year-old child to be reunified with his parents in 2023, who were [falsely accused](#) of supporting terrorist activities.
- **Children to be stripped of their constitutionally guaranteed right to U.S. citizenship.** In contravention of the [plain text of the Fourteenth Amendment](#), Trump ordered federal agencies not to recognize the U.S. citizenship of children born in the United States when one parent does not have permanent status here. This will effectively create an entire subclass of newborns whose families will not be able to procure basic health, food, and other benefits available to all U.S. citizen children upon birth. If permitted to take effect, this executive order will be devastating. Per the Migration Policy Institute, the undocumented population could balloon to [25 million people by 2050](#) if children of mixed status parents are not granted U.S. citizenship at birth. Stripping children of protections vital to their wellbeing and health will inflict lifelong harm and wreak havoc on our country's future generations. The administration is already facing [suits](#) to halt this unconstitutional order before it goes into effect in 30 days.
- **Children to be turned away at the U.S. border.** Trump's new cruel asylum policies will return children to danger, whether they travel to the border with their families or unaccompanied. Congress recognized nearly two decades ago that turning unaccompanied children away exposes them to [trafficking and violence](#). Families forced to wait in Mexico due to anti-asylum policies under the first Trump administration also faced [kidnappings and extortion](#), as well as [rape, sexual assault, robbery, and murder](#). Trump's new orders, if implemented, will lead to unspeakable harms to children and will violate cornerstone child welfare protections.
- **Renewed attacks on public benefits that sustain children and families.** Trump also directed his agencies to resume his first-term policy to restrict access to public benefits for undocumented immigrants. Most undocumented people already are ineligible for most public benefits. However, the effect of this policy during Trump's first term was a [lasting chilling effect](#) on families, impacting children's access to food, health, and other vital benefits.

Remember: In 2008, the Senate recognized [unanimously](#) that children were uniquely vulnerable and deserving of protection regardless of their immigration status.

See Executive Orders: "[Initial Rescissions of Harmful Executive Orders and Actions](#)"; "[Protecting the Meaning and Value of American Citizenship](#)"; "[Initial Rescissions of Harmful Executive Orders and Actions](#)"; "[Designating Cartels And Other Organizations As Foreign Terrorist Organizations And Specially Designated Global Terrorists](#)"; "[Protecting the American People Against Invasion](#)."

7. Tired, racist tropes against immigrants will pose a danger to all of our communities.

Trump has an [alarming track record of spreading lies](#) about immigrants, stoking xenophobia and fear about migration. The latest executive orders are stained by considerable racial bias against immigrant communities.

In particular, the new orders:

- **Promote “invasion” rhetoric, which is a staple of the white supremacist great replacement theory:** Great replacement theory fueled mass shooters in [Buffalo](#) and [El Paso](#), killing dozens of Black and Latino/Latina people, under the premise that their existence is meant to “replace” white people in the United States. This racist theory also [underpins invasion rhetoric](#) that views migration as an existential threat to the United States.
- **Continue his first term’s trend of criminalizing people on the basis of their immigration status:** Donald Trump has a [grim history of falsely accusing Black and Brown people](#) of crimes they did not commit, including his calls in the 1990s for the death penalty to be used against five innocent youth. In recent years, he has shifted this same approach to immigrants. His executive orders call for the use of the death penalty, indefinite jailing, and vilification of people based on their national origin.

Remember: The United States has a dark history of using racism to shape immigration laws. The first hallmark requirement for naturalization was to be a “[free white](#)” person of good moral character. In the early 20th century, a U.S. senator and defender of lynching and segregation helped criminalize [crossing the border](#). Racial quotas and [arbitrary incarceration](#) of non-Europeans continued to define immigration law until the 1960s. The executive branch should reject, rather than revive, this shameful history.

See Executive Orders: "[Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats](#)"; "[Guaranteeing the States Protection Against Invasion](#)."

8. All of us will be hurt by executive orders that exacerbate the climate crisis and attack immigrants, LGBTQ+ people, and Black, Indigenous, and other people of color.

Trump attacks immigrant communities alongside other vulnerable groups and our shared planet. In his first-day executive orders, he rescinded protections and enacted policies that will harm people based on their sexual

orientation, gender identity, race, and Indigenous identity, and issued additional orders that will aggravate the climate crisis.

Trump ordered that:

- **Federal policies and documents recognize only male and female genders.** This requires agencies to align with these definitions in all aspects of governance, impacting areas such as housing, education, and immigration documentation. In addition, it also requires DHS to ensure that “biological males” are not detained in women's detention centers—paving the path for increased ICE and CBP detention of trans women in men’s units. This will aggravate the ongoing [abuse and mistreatment](#) LGBTQI+ people receive on a daily basis in ICE and CBP detention.
- **Federal agencies dismantle efforts to combat the climate crisis:** Trump also instructed the U.S. ambassador to the United Nations to withdraw from the Paris Agreement, an international climate treaty, which will lead to [cascading harms](#) for decades to come in the United States and beyond. Climate disasters will continue to increase displacement of people [forced to leave their homes](#).
- **Federal agencies end initiatives aimed at protecting diversity and equity,** harming people marginalized on the basis of race, LGBTQI+ status, Indigeneity, and/or disability. Trump also ordered review of funding and programs that were created to protect these groups. Immigrants have rich identities and backgrounds, inclusive of [LGBTQI+ people](#), [Black](#), [Brown](#), and [Indigenous](#) communities; these orders will exacerbate ongoing discrimination and forced migration.

See Executive Orders: [“Initial Rescissions of Harmful Executive Orders and Actions”](#); [“Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”](#); [“Ending Radical and Wasteful Government DEI Programs and Preferencing”](#); [“Putting America First In International Environmental Agreements.”](#)

NIJC will continue our work to extend access to legal counsel to as many people as possible, defend rule of law and due process, and always remember that our communities are stronger when we welcome immigrants and promote policies that ensure the wellbeing and access to justice for all. We urge lawmakers and concerned community members to join us in pointing a spotlight on the many harms announced in the executive orders and demand justice for all, regardless of immigration status.

For more information, contact aerfani@immigrantjustice.org.