



# President Trump Issues Immigration-Related Executive Orders

Insights

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Making good on some of his campaign promises, President Trump signed two executive orders relating to immigration on January 25, 2017. He is expected to sign several more within the next few days.

The January 25 orders are entitled “Enhancing Public Safety in the Interior of the United States” and “Border Security and Immigration Enforcement Improvements.” The purpose of the first is to enforce U.S. immigration laws, and the second is to use all resources to secure the U.S.-Mexico border and repatriate those individuals who are in the U.S. without legal status.

The signed orders are summarized below:

## **Border Security and Immigration Enforcement Improvements**

This order directs the U.S. Department of Homeland Security (DHS) to:

- take immediate steps to build a wall on the southern border of the United States;
- fund the wall and project what it will cost to maintain it long-term;
- construct detention facilities at or near the southern border and assign asylum officers and immigration judges to the facilities;
- hire an additional 5,000 Border Patrol agents as soon as possible;
- immediately take action to detain noncitizens apprehended for violations of immigration law pending the outcome of removal proceedings and to promptly remove those whose claim to remain in the U.S. have been lawfully rejected;
- provide a report within 60 days that identifies all federal aid given to the government of Mexico within the past five years;
- enter into agreements with state and local enforcement agencies to delegate authority for immigration enforcement within their jurisdictions; and
- ensure that the parole, asylum and removal provisions of the law are handled within the law, and that DHS personnel are properly trained on the unaccompanied children sections of the

that DHS personnel are properly trained on the unaccompanied children sections of the Trafficking Victims Protection and Reauthorization Act of 2008.

This order is aimed at attempting to stem the surge of immigration at the U.S.-Mexico border by foreign nationals who do not have proper documentation. Where the funding for the wall will come from is unclear at this point.

### **Enhancing Public Safety in the Interior of the United States**

This order directs executive departments and agencies to ensure “faithful execution” of U.S. immigration laws. The DHS is required to:

- prioritize the removal of noncitizens deemed inadmissible for criminal, security, fraud, and misrepresentation grounds;
- hire 10,000 additional Immigration and Customs Enforcement officers;
- in conjunction with the Attorney General, ensure that sanctuary cities are not eligible to receive federal funds (unless required by law);
- terminate the Priority Enforcement Program and reinstitute Secure Communities;
- implement sanctions, in conjunction with the U.S. Department of State, against countries that deny or delay repatriation of their nationals who are ordered removed from the U.S.; and
- establish an office to provide services to victims of “crimes committed by removable aliens.”

The order references the potential threat to national security and public safety posed by foreign nationals who illegally enter the U.S. or overstay or violate the terms of their visas and is aimed at improving security and safety within the U.S. borders.

### **Executive Orders Drafted But Not Yet Signed**

Several executive orders have been drafted and are in review awaiting President Trump’s signature. Based on a review of leaked copies, these orders will require the applicable agencies to:

- suspend entry into the U.S. of foreign nationals from selected countries (reportedly the list of countries under the suspension will be Iran, Sudan, Syria, Libya, Somalia, Yemen, and Iraq) and suspend all refugee admissions for 120 days (except for applications of individuals who are members of “religious minorities” who are being persecuted), create “safe areas” in Syria and surrounding areas for displaced Syrian nationals; and immediately suspend the Visa Interview Waiver Program (thus requiring in-person interviews for all individuals applying for nonimmigrant visas);
- end all “unconstitutional executive amnesties,” which would include ending the program for Deferred Action for Childhood Arrivals (DACA); however, reportedly, work authorization cards already issued would remain valid but will not be renewed

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- to protect the jobs and wages of U.S. workers by reducing the scope of legal immigration by authorizing site visits for L-1 (intracompany transfer) visas and within two years to expand the site-visit program to cover all employment-based visas, reverse the 24 month STEM OPT extension and the H-4 EAD policies; and
- refuse admission to any immigrant likely to become a public charge or to deport any legal immigrant or U.S. visa-holder who use any public benefits.

There are likely to be revisions made to the pending orders, so the final versions may contain substantial changes. if they are issued at all.

## **Conclusion**

We will continue to monitor the status of all immigration-related executive order activity and publish updates as additional action is taken by the Trump White House. We also will watch and report on actions taken by the DHS as they implement these orders, especially as they impact employers.

If you have any questions about this new form or how it may affect your business, please contact any member of our [Global Immigration Practice Group](#), or your regular Fisher Phillips attorney.

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*This Legal Alert provides an overview of recent executive action. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*

## **Service Focus**

Immigration

International