



Executive Order on
[Interior Enforcement of Immigration Laws](#)
Issued January 25, 2017

- **Increases interior enforcement.** The executive action calls for "employ[ing] all lawful means to enforce the immigration laws," possibly including an increase in worksite raids and other enforcement activities, and encourages state and local law enforcement agencies to enforce immigration laws. It authorizes state and local law enforcement to carry out federal immigration responsibilities and encourages the federal partnerships under the 287(g) program and elsewhere. By conflating the role of federal and local law enforcement, community trust is undermined and immigrant victims and witnesses are less likely to report crimes. Also, it would place additional burdens on already stretched law enforcement agencies.
- **Defunds "Sanctuary Cities."** The executive order implies that numerous local law enforcement agencies are violating 8 U.S.C. 1373, which forbids states or localities from barring or restricting the sharing of information regarding the citizenship or information status of individuals. Many jurisdictions maintain community trust policies that bar the collection of such information, but do not restrict information sharing and do not violate section 1373. The executive order presumes these jurisdictions are "sanctuary cities" in violation of 1373 and would strip federal grant funding from them (except for funding "deemed necessary for law enforcement purposes").
- **Reinstates the Secure Communities program.** The executive order ends the prior administration's Priority Enforcement Program (PEP) and reinstates the controversial Secure Communities program. The order attempts to compel jurisdictions to honor federal immigration detainers by reinstating Secure Communities and creating "Declined Detainer Outcome Reports." Numerous federal courts have found federal immigration detainers to have significant legal and constitutional impairments. As a whole, these policies would undermine community policing policies and expose localities to civil liability.
- **Directs federal agencies to redouble efforts to enforce immigration laws.** The executive order notes that the federal government has "failed" in its "sovereign responsibility" to remove undocumented individuals, stating that "we cannot faithfully execute the immigration laws of the United States if we exempt classes or categories of removable aliens from potential enforcement." Accordingly, it directs federal agencies to employ "all lawful means" to carry out federal immigration laws against "all removable aliens," as opposed to prioritizing certain categories of removable individuals. Because the federal government currently lacks the ability to deport the entire undocumented population (of more than 11 million), the result of this order would be to deport significantly more low-priority parents and workers, effectively deprioritizing criminals and threats to public safety.
- **Overhauls enforcement priorities.** The previous administration recognized people with criminal convictions for serious offenses as the highest enforcement priorities. This order dramatically expands enforcement priorities to encompass not only those with convictions for "any criminal offense" (both serious and minor), but also individuals charged with any offenses, individuals who "committed" uncharged acts that "constitute

a chargeable offense," and those who engage in any fraud or misrepresentation in any official matter. This expansion will result in more deportations of individuals with low-level offenses and undermine community trust. Individuals with the most minor infractions, such as jaywalking or driving without a license, may be subject to deportation even if they are not charged.

- **Hires 10,000 additional Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) officers.** ICE currently has about 20,000 employees with an annual budget of about \$6 billion, and only about 5,800 of those employees are ERO officers. Congress would need to appropriate billions of additional taxpayer dollars to hire, train and equip 10,000 ERO officers. Increasing the size of a government agency by such a sizeable number, without proper vetting or training, could lead to unconstitutional operations and more deportations of people with valid claims to remain in the U.S.
- **Creates an Office for Victims of Crimes Committed by Removable Aliens.** The order directs an office to be created within ICE to provide services to victims of crime and their family members and to provide quarterly reports studying the effects of victimization by criminal aliens present in the U.S. It is unclear how this office will differ from the Department of Justice's [Office for Victims of Crime](#) and not duplicate government services.
- **Requires new regulations and guidance to collect fines and penalties from undocumented immigrants and those who facilitate their presence.** Currently, undocumented immigrants may be subject to civil fines. For instance, immigrants who are apprehended while entering or attempting to enter the United States without documentation are subject to a [fine](#) of at least \$50 and not more than \$250 for each entry, or twice those amounts if he or she previously has been subject to a civil penalty under this provision. In addition, employers who knowingly hire an undocumented worker may be [fined](#) from almost \$600 to more than \$21,000 for each undocumented worker hired. These regulations could potentially expand the fines to include fines for sheltering or harboring undocumented immigrants.
- **Encourages sanctions against recalcitrant countries that deny or unreasonably delay accepting a deportable national of that country.** When the secretary of the Department of Homeland Security notifies the Secretary of State that a foreign country will not repatriate an individual, the Immigration and Nationality Act requires that the Secretary of State order consular officers in that country to discontinue granting immigrant visas or nonimmigrant visas, or both, to its residents. Increased use of sanctions has its place, but blanket discontinuance of visas could result in reciprocal discontinuance of visas to the U.S., which would be detrimental to conducting business and to the economy. Currently, [ICE has identified 23 recalcitrant countries](#), including China and India, and monitors more than 60 countries that have shown "strained cooperation" with U.S. repatriation efforts.
- **Excludes those who are not U.S. citizens or lawful permanent residents from protections of the Privacy Act, making their personally identifiable information subject to availability.**
- **Increases transparency by providing data and quarterly reports on status of incarcerated migrants and report to the president on the progress of implementing the executive order.**