



Summary of Executive Order on
Border Security and Immigration Enforcement
Issued January 25, 2017

- **Builds a wall or other physical barrier along the United States-Mexico border.** The United States has already constructed 651 miles of fencing out of nearly 652 miles that the Border Patrol feels are operationally necessary to build. Constructing a border wall in addition to the current fencing is a costly endeavor that will fall on taxpayers. A border wall of 1,000 miles along the U.S.-Mexico border would cost about [\\$25 billion to \\$31.2 billion](#), or about \$25 million to \$31 million per mile. This price tag does not take into account the cost of maintaining the wall, which could amount to [billions of dollars](#). The U.S. Department of Homeland Security (DHS) has only enough funds to begin building parts of the wall, so Congress will need to appropriate additional taxpayer money to complete the project.
- **Detains all unauthorized border crossers and builds more detention facilities.** Congress currently mandates that Immigration and Customs Enforcement (ICE) maintain approximately 34,000 detention beds at a cost of more than \$2.5 billion annually. ICE detention levels are at or above capacity – the beds are full. Detaining additional border crossers for extended periods of time will require a significant investment in new facilities or new contracts with private detention facilities, costing taxpayers billions of dollars. Moreover, ICE has dramatically expanded family detention of women and children, many fleeing extreme violence and persecution. Family detention is wasteful, with our nation spending billions of taxpayer dollars to detain women and children who are not a security threat to our nation. Increased family detention is contrary to our nation’s core values and traditions.
- **Reviews implementation of parole and asylum laws.** Parole and asylum are important provisions that protect some of the most vulnerable people. Already, all asylum seekers must undergo rigorous security checks designed to counter fraud. Additionally, the asylum system discourages fraud by requiring that asylum applications and testimony be provided truthfully, under penalty of perjury. Applicants who provide false information can be prosecuted and permanently barred from receiving any future immigration benefits. The penalties for frivolous or fraudulent asylum applications also extend to attorneys and interpreters. In addition, U.S. Citizenship and Immigration Services (USCIS) already has been issuing parole on a case-by-case basis, based on evidence proving that the individual is eligible for such parole.
- **Hires 5,000 additional U.S. Customs and Border Protection (CBP) agents.** Already, CBP is unable to fill the number of Border Patrol agent positions authorized by Congress to patrol the border, so increasing CBP personnel by 5,000 officers and agents will have little to no impact on increasing our nation's security. Continuing to add CBP personnel is costly and increases the amount of time and resources required for training and equipping new recruits. Furthermore, the number of CBP personnel has doubled since fiscal year (FY) 2000, but apprehensions per agent have decreased from 182 in FY 2000 to 17 in FY 2015. Having more agents does not help us apprehend more immigrants in the border.

- **Allows "all federal officers and employees of the United States, as well as state and local officers as authorized by the Secretary [of DHS]," to access federal land for border security and to enforce immigration laws.** The Border Patrol, the Department of the Interior and the Department of Agriculture already have a memorandum of understanding that allows Border Patrol agents to pursue or apprehend suspected cross-border violators on any federal lands. Border Patrol agents are also allowed to use motorized pursuit at any time when, in their professional judgment, there is a specific emergency involving human life, health or safety of persons within the area, or posing a threat to national security. The executive order expands this understanding by allowing all federal officers and employees, as well as designated state and local officers, to access all 640 million acres of federal land in the U.S. to apprehend undocumented immigrants.
- **Enters into 287(g) agreements with state and local officials to authorize state and local law enforcement officials to perform the duties of immigration officers.** The executive order calls for extensive federal-state agreements to "empower" state and local law enforcement agencies to carry out immigration enforcement through expansion of the 287(g) program and other mechanisms. This policy will sow distrust between local law enforcement and immigrant communities and discourage immigrant victims and witnesses from reporting crimes. It also encourages state and local law enforcement to devote scarce resources to immigration enforcement over other priorities and represents a departure from the federal government's traditional role as the primary enforcer of immigration laws.
- **Prioritizes criminal prosecutions of all border crossers with a nexus to the Southern border.** Unlawful entry through the Southern border can be charged as a criminal offense through "[Operation Streamline](#)." Increasing criminal prosecutions of all Southern border crossers, including first-time border crossers, is enormously expensive. This new priority diverts scarce resources from core law enforcement priorities and community safety and strains U.S. courts and prisons, particularly in the Southwest. Federal judges, prosecutors and defenders report that the explosion in immigration prosecutions siphons resources from other criminal prosecutions such as the trafficking of guns, drugs and money. It also raises concerns about whether due process is being provided during these mass, fast-tracked criminal procedures.
- **Expands use of expedited removals.** Most migrants have an opportunity to present their case to an immigration judge before being removed from the U.S. However, certain categories of migrants are subject to expedited review in which an immigration officer makes a determination that a person is not admissible to the U.S. and decides the person should be removed without presenting their case to an immigration judge. The executive order could expand the use of expedited removal to all undocumented immigrants who are not able to prove that they have lived in the U.S. continuously for at least two years. Expanding expedited removals will result in less due process and more instances of unfair treatment of migrants. It also increases the likelihood that those with a valid claim to remain will be removed.
- **Additional components of this executive order include the following:** Publicly detail all aid being given to Mexico: conduct a comprehensive study of security of the Southern border: publish monthly data on migrants apprehended at or near the border; and report to the President on the progress of implementing these orders.