



# TRUMP & BIDEN ON KEY IMMIGRATION POLICY AREAS

As the 2024 election approaches, immigration remains a central issue. President Joe Biden and former President Donald Trump, the two leading candidates for president, have presented markedly different approaches to immigration and its value to the United States. Voters will have an opportunity to study each candidate's views and decide our nation's approach to immigration policy for the foreseeable future.

The chart below provides a top-level overview of eight positions Trump and Biden have taken during their tenure as President and their general election campaigns. Then read on for greater detail on each.

ISSUE AREA		
Uses dangerous rhetoric to disparage immigrants	YES	NO
Border security and “shutting down” the U.S. border	YES	YES
Dignified treatment of asylum seekers	NO	MIXED
Mass deportation of undocumented immigrants in the U.S.	YES	NO
End birthright citizenship	YES	NO
Protect and support DACA and Dreamers	NO	YES
Values legal immigration to the U.S.	NO	YES
Support refugee resettlement and other humanitarian programs	NO	YES



## 1.

### USES DANGEROUS RHETORIC TO DISPARAGE IMMIGRANTS

Disparaging migrants and immigrants through demeaning rhetoric is an affront to human dignity. Negative political rhetoric does not solve problems and undermines our shared values. Rather than vilifying immigrants, candidates have an opportunity to stand up for America's history as a welcoming nation of immigrants.



#### TRUMP: YES

Former President Trump launched his 2016 presidential campaign by stating that many migrants from Mexico were violent criminals. In 2018, as president, Trump referred to El Salvador, Haiti, and African nations as “s---hole countries.”

More recently, he said in an October 2023 interview that immigrants were “poisoning the blood of our country.” He went on to argue that immigrants were coming in with “diseases ... every possible thing that you could have.” The comments are similar to other comments he has made and continues to make in campaign speeches, including saying immigrants are “destroying the blood of our country” and comparing immigrants to the fictional murderer Hannibal Lecter.

Civil rights leaders and historians have noted that “poisoning the blood” reflects language often used by white supremacists and has a racist and antisemitic legacy. The phrase echoes a line in “Mein Kampf” in which Hitler wrote that Germans should “care for the purity of their own blood.”

Similarly, the former president has alluded to the “great replacement” conspiracy theory by arguing that the Biden administration is waging a “conspiracy to overthrow the United States,” allowing “millions” of immigrants to enter the U.S. to “establish a new base of power.”



#### BIDEN: NO

President Biden has condemned Trump's remarks, saying his predecessor is “the guy who thinks we're polluting the blood of America these days.” He went on to say that the economy and the U.S. is stronger “when we're tapping into the full, full range of talents in this nation.”

In his March 2024 State of the Union address, Biden expanded on these themes, stating, “I will not demonize immigrants saying they ‘poison the blood of our country,’ as [Trump] said in his own words ... because unlike my predecessor, I know who we are as Americans. We are the only nation in the world with a heart and soul that draws from old and new .... That's America, where we all come from somewhere, but we are all Americans.”



# 2.

## BORDER SECURITY AND “SHUTTING DOWN” THE U.S.-MEXICO BORDER

Increases in migration at the U.S.-Mexico border, which reached a record of 2.5 million border encounters in fiscal year 2023, have placed significant pressure on border authorities, the U.S. asylum process, and receiving communities across America. Republican and Democratic administrations over the past 30 years have attempted to stem the flow of migration, often through deterrence and enforcement. With global migration at record levels and as migration patterns across the Western Hemisphere and the world change, future administrations will continue to contend with people on the move. A more realistic approach — congressional action to modernize the U.S. asylum process and create more lawful pathways for migration — likely remains the most adequate answer to the challenges at the U.S.-Mexico border.



### TRUMP: YES

Trump would reportedly revive and expand on his first-term border security policies. The former president proposes to continue building a wall at the U.S.-Mexico border. He also plans to reinstate a travel ban to the U.S. from certain “troubled” countries, similar to a policy during his first term that included mostly Muslim-majority countries.

Most notably, Trump promises to “shut down Biden’s border disaster.” The former president would once again invoke Title 42, a public health emergency authority that allowed both the Trump and Biden administrations to rapidly expel arriving asylum seekers during the COVID-19 pandemic without providing them an opportunity to seek humanitarian protection. According to Stephen Miller, an adviser to Trump during his first term, Title 42 would be invoked citing “severe strains of the flu, tuberculosis, scabies, other respiratory illnesses ... or just a general issue of mass migration being a public health threat and conveying a variety of communicable diseases.”



### BIDEN: YES

President Biden halted the construction of most physical barriers along the U.S.-Mexico border on his first day in office, arguing it was not “a serious policy solution.” However, the administration reversed course, at least in part, by October 2023. The administration has closed gaps of current border barriers and, in 2022, detailed plans to build 86 miles of border wall in the Rio Grande Valley in Texas. The Biden administration has not implemented a travel ban from Muslim-majority countries. It did, however, keep Title 42, the public health law that federal authorities to turn away migrants at the border to address the “spread of communicable disease,” for an extended period, only lifting the restrictions in 2023 when the COVID-19 public health and national emergencies came to an end.



However, after the number of border encounters subsequently spiked, the Biden administration took a more restrictive posture. It issued a presidential proclamation on June 4, 2024, that “shuts down” the U.S. southern border when encounters reach specified thresholds. The proclamation, when paired with a new interim final rule, gives officials the authority to quickly deport migrants and bar them from returning to the United States for at least five years. These executive actions suspend the entry of migrants and asylum seekers at the southern border any time the average daily number of encounters in a week reaches 2,500 or more, with a handful of exceptions. They apply to migrants attempting to enter the U.S. between and at ports of entry, unless they have an appointment through the CBP One app or fall into an exempt category. To end the suspension, the average daily migrant encounters must drop to fewer than 1,500 for seven days, then remain below a seven-day daily average of 2,500 for another 14 days.

The executive actions, which took effect June 5, have been harshly criticized by immigration advocacy organizations and challenged in federal court.

### 3.

#### **DIGNIFIED TREATMENT OF ASYLUM SEEKERS**

Under U.S. law, asylum seekers have a right to request protection regardless of their manner of entry into the U.S., with eligibility based on “persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” Despite U.S. law, increases in migration at the U.S.-Mexico border have led both the Trump and Biden administrations to implement policies that limit asylum access and, as a result, have major humanitarian implications. The asylum process is complex in and of itself, and the ever-changing policy landscape at the U.S.-Mexico border has further contributed to confusion and has created obstacles to fair, efficient adjudications. With global migration at record levels, there remains a need for the U.S. to prioritize an orderly border and asylum process that respects the human dignity of those seeking protection.



#### **TRUMP: NO**

The Trump administration implemented policies that significantly limited the right to asylum at the U.S. southern border, including “Remain in Mexico” and the use of family separation. In December 2018, the Trump administration implemented the Migrant Protection Protocols (MPP), generally known as the “Remain in Mexico” policy. Under MPP, certain migrants seeking asylum at the U.S.-Mexico border were returned to Mexico after making an asylum claim in the U.S. and expected to wait near the border for the duration of their immigration proceedings. Asylum seekers waiting in Mexico faced dangerous conditions, including kidnappings, murder, and other violence. The Trump campaign indicates that a second Trump administration would “restore Remain in Mexico,” working with Mexico to re-establish such an agreement.



The Trump administration also implemented a “zero tolerance” policy that required criminal prosecution for those who enter the U.S. unlawfully, leading to family separation. The Trump administration required the prosecution and detention of adults either in criminal or immigration jails, including adults traveling with children. Because of existing, court-ordered limitations on holding children in custody, migrant children were removed from their parent or guardian’s custody and placed into the custody of the Department of Health and Human Services (HHS). The policy was stopped after significant public pushback. In 2023, the Family Reunification Task Force identified 4,227 children who had been separated from their families from 2017 to 2021 during the Trump administration, not all of whom have been reunited.

The Trump administration also proposed rulemaking to restrict access to asylum significantly, making it more difficult for asylum seekers to pass initial fear screenings and requiring asylum seekers to have requested and have been denied protection in at least one country they traveled through before reaching the U.S. According to reports, Trump in his second term would seek to revive and expand “safe third country” agreements with several nations in the Western Hemisphere and around the world. Under such agreements, the countries would agree to take asylum seekers and let them apply for asylum there, instead of the U.S.



### **BIDEN: MIXED**

The Biden administration has implemented policies that dramatically limit the right to asylum at the U.S. southern border, while at the same time expanding orderly pathways to come to the U.S. The Biden administration released an interim final rule, “Securing the Border,” on June 4, 2024, that significantly limits access to the right to seek asylum at the U.S.-Mexico border. The rule was released alongside the presidential proclamation that “shuts down” the U.S. southern border and is in effect unless migrant crossings substantially decline over a prolonged period. Under the interim final rule, when the presidential proclamation’s suspension of entry is in place, most people who ask for protection will be disqualified from asylum — whether they have crossed the border between ports of entry or have walked up to an official port of entry without a prescheduled appointment. In addition, individuals fleeing persecution or torture will have to affirmatively “manifest” their fears, which is known as a “shout test.” The rule also heightens the initial screening standard for protection.

Already, through the “Circumvention of Lawful Pathways” rule in May 2023, the Biden administration had generally rendered most migrants at the U.S. southern border ineligible for asylum. Under that rule, asylum seekers traveling through a third country on their way to the U.S.-Mexico border are presumed ineligible for asylum, with limited exceptions. In practice, this rule had limited impact because of a lack of resources and operational capacity to process migrants. The Biden administration also announced a proposed rule



proposed rule and other actions to speed up the processing of asylum claims at U.S. borders.

Although it has fallen short in many ways, the Biden administration has taken some positive steps impacting asylum seekers and others in need of protection. It effectively ended MPP in January and February 2021, and the administration does not have plans to revive the policy (though migrants might face some of the same dangerous conditions while stranded in Mexico under the June 2024 executive actions).

The Biden administration created a task force to reunify families separated during the Trump administration and does not plan to institute family separation as a policy. It also has implemented humanitarian processes to allow up to 30,000 migrants per month from Cuba, Haiti, Nicaragua, and Venezuela to come to the U.S. in a lawful manner and has increased the number of CBP One appointments at ports of entry to encourage orderly processes.

## 4.

### MASS DEPORTATION OF UNDOCUMENTED IMMIGRANTS IN THE U.S.

The U.S. is home to an estimated 11 million undocumented immigrants. Of those, 8.7 million (79 percent) have lived in the U.S. since at least 2009. At least 10 states have more than 250,000 undocumented residents, with California (2.6 million) and Texas (2.1 million) leading the pack. Undocumented workers are important in key industries across the U.S., including agriculture, construction, and hospitality. Mass deportation would carry an enormous cost for taxpayers and would have major negative economic impacts on the broader economy. It would likely entail the building and operation of massive detention camps holding hundreds of thousands of people along the border, which not only would entail significant costs to taxpayers, given the costs of immigration detention generally, but also would set a dangerous precedent.



#### TRUMP: YES

Advisers to Trump envision a program of mass deportations. A second Trump administration would reportedly dramatically expand the use of expedited removal — which allows officials quickly to deport undocumented individuals who have lived in the U.S. for less than two years, without their cases first coming before an immigration judge. The administration would also expand ICE’s enforcement measures, carrying out workplace raids and arresting undocumented immigrants in public places. In reference to the controversial 1954 “Operation Wetback,” Trump said in September 2023, “Following the Eisenhower model, we will carry out the largest domestic deportation in American history.” Tom Homan, former acting director at ICE, has agreed to return in a second term and said he would “help to organize and run the largest deportation operation this country’s ever seen.” Such actions could require the participation of state and local law enforcement agencies, and potentially the U.S. military.



Trump wants to construct massive immigrant detention camps near the border to detain people while their cases are processed and they await deportation flights. If Congress does not provide the funding to build the camps, the administration likely would redirect money from the military budget. According to Trump adviser Stephen Miller, the new camps would be built “on open land in Texas near the border.”



### **BIDEN: NO**

President Biden released an immigration legislative framework on January 20, 2021, that would provide “hardworking people who enrich our communities every day and who have lived here for years, in some cases for decades, an opportunity to earn citizenship.” Rather than calling for mass deportation of undocumented immigrants, the plan sought to provide a pathway to lawful permanent residence. This followed the president’s platform for 2020, which called for “a roadmap to citizenship for the millions of undocumented workers, caregivers, students, and children who are an essential part of our economy.”

Today, even as the Biden administration implements additional border enforcement policies and has increasingly relied on expedited removal, nothing resembling mass deportation is under consideration, and Biden does not plan to significantly expand immigration detention by building new camps along the border. In addition, in June 2024, the Biden administration announced executive actions that promoted family unity through the use of parole-in-place that could allow about 500,000 spouses of U.S. citizens to obtain permanent status while remaining in-country — most of whom otherwise could face multiyear bars from the U.S. and could be subject to mass deportation under Trump. The Trump administration also implemented a “zero tolerance” policy that required criminal prosecution for those who enter the U.S. unlawfully, leading to family separation.

## 5.

### **END BIRTHRIGHT CITIZENSHIP**

Birthright citizenship is a foundational principle of American democracy, enshrined in the 14th Amendment to the U.S. Constitution. Since 1898, the U.S. Supreme Court has held that this clause applies to children born on U.S. soil, regardless of the immigration status of their parents.

### **TRUMP: YES**



Trump would attempt to end birthright citizenship. A second Trump administration would reportedly order agencies to cease issuing documents that affirm a baby’s U.S. citizenship, like Social Security cards and U.S. passports, in cases where parents are undocumented, and possibly go further in denying birthright citizenship to all children born to noncitizens, including legal residents. Trump said in a 2023 campaign video that if elected president again, he would “discourage illegal immigration by ENDING automatic citizenship for the children of illegal aliens.”





### **BIDEN: NO**

The Biden campaign said in November 2023 that Trump's promise to end birthright citizenship is "an affront" to the U.S. Constitution. President Biden has criticized the proposal to end birthright citizenship in campaign speeches.

## 6.

### **PROTECT AND SUPPORT DACA AND DREAMERS**

Dreamers are undocumented immigrants who came to the U.S. as children. Deferred Action for Childhood Arrivals (DACA) is a policy implemented by the Obama administration in August 2012 that is aimed at protecting Dreamers. DACA does not confer lawful status and does not provide the opportunity for Dreamers to stay permanently — it temporarily shields them from deportation and provides work authorization with possible renewal every two years. As many as 3.6 million Dreamers reside in the United States, but only about 530,000 are currently protected under DACA.

The Trump administration attempted to end DACA in 2017. The attempt was ultimately stopped by the U.S. Supreme Court on procedural grounds, but new DACA applications have been halted since 2017 while the policy continues to face legal challenges and its future is in question. On September 13, 2023, U.S. District Court Judge Andrew Hanen ruled against DACA, holding that the program was unlawful, but permitted DACA recipients to retain their protections while litigation is ongoing. The Biden administration appealed Hanen's decision to the Fifth Circuit and, eventually, the case may end up again before the U.S. Supreme Court.



### **TRUMP: NO**

Trump will attempt to end DACA again in a second term, according to adviser Stephen Miller. In addition, the president's plan to start a mass deportation campaign does not include exceptions for Dreamers, potentially leading to their removal from the U.S. Trump previously opposed bipartisan legislation during his first term that would provide Dreamers with a path to legal status in the U.S. if they met certain requirements.



### **BIDEN: YES**

President Biden stated in May 2024 that he remains committed to "protecting and preserving DACA and providing Dreamers with the opportunities and support they need to succeed," while expanding DACA recipients' access to health care. The Biden administration's immigration legislative framework would make Dreamers who meet specific requirements "eligible for green cards immediately under the legislation." Additionally, in June 2024, President Biden announced administrative actions to make it easier for some Dreamers to become eligible for work visas.



# 7.

## VALUES LEGAL IMMIGRATION TO THE U.S.

The U.S. has a wide variety of visa programs, both immigrant and nonimmigrant, through which foreign nationals can apply to enter the country. There are roughly a million immigrant visas issued each year, and hundreds of thousands of nonimmigrant visas. Through executive orders, memoranda, and policy guidance, the president can play an important role in managing how accessible legal-immigrant visas are for foreign nationals. Legal immigration is crucial to the U.S. economy and workforce. Expanded legal immigration pathways also serve as alternatives to unlawful migration, which in turn can help in securing the border. The success of legal immigration depends on how federal agencies implement the law and apply the process.



### TRUMP: NO

The Trump administration implemented more than 400 executive actions that transformed the U.S. immigration system, including changes that greatly reduced legal immigration. The administration generally made it harder to come to the U.S. as a permanent immigrant, temporary foreign worker, international student, and through other visa categories, cutting legal migration almost in half between FY 2016 and FY 2021, although some effects were muted until the onset of the COVID-19 pandemic.

In June 2024, in what would be a different approach from efforts to limit student visas during his administration, Trump called for providing green cards to all graduating international students.



### PRESIDENT BIDEN: YES

President Biden has largely restored legal immigration channels to the U.S. The Biden administration issued a final rule reverting some of the Trump administration's changes. The Biden administration's immigration legislative framework would aim to eliminate employment-based visa backlogs, recapture unused visas, reduce lengthy wait times, and eliminate per-country visa caps. These actions would increase legal immigration to the U.S.

# 8.

## SUPPORT REFUGEE RESETTLEMENT AND OTHER HUMANITARIAN PROGRAMS

The U.S. refugee resettlement program provides individuals fleeing violence with the opportunity to seek protection in the U.S. from outside the country, in contrast to asylum seekers, who seek protection inside the U.S. or at a port of entry. The refugee resettlement program is a longstanding humanitarian effort consistent with America's core values. However, the refugee resettlement system has struggled to rebuild from the COVID-19 pandemic and budgetary and capacity cuts during the Trump administration.





### **TRUMP: NO**

Trump would suspend the U.S. refugee resettlement program. A second Trump administration would also revoke protections for those allowed to stay in the U.S. temporarily for humanitarian reasons, including Afghans who were evacuated and paroled into the U.S. after the U.S. withdrawal from Afghanistan in 2021. The administration also would revoke TPS for most, if not all, individuals living in the U.S. with those protections.



### **BIDEN: YES**

As a candidate in 2020, President Biden pledged to raise the U.S. refugee “ceiling” to 125,000 and reverse the Trump administration’s trend of historic resettlement lows. Since fiscal year 2022, the Biden administration has set a refugee resettlement ceiling of 125,000 refugees. The administration has worked to rebuild the program and has made significant progress, though resettlements have not approached the ceiling. The Biden administration also created and/or continues to maintain protections for humanitarian parolees, including individuals from Afghanistan and Ukraine, and TPS holders.