



## Trump's First 100 Days: Potential Immigration Actions

### I. Introduction

When Donald Trump first took office in 2017, his administration enacted a sweeping set of actions on immigration in its early days and weeks, marking a dramatic shift in U.S. immigration policy that can still be felt today. These early actions included the imposition of a [travel ban](#) targeting predominantly Muslim countries, a significant reduction in [refugee admissions](#), the introduction of "[extreme vetting](#)" for visa applicants, and a robust [expansion of immigration enforcement](#), both at the U.S.-Mexico border and within the interior of the U.S. Such measures were emblematic of the hardline stance President-elect Trump took on immigration during the 2016 campaign and became a defining feature of his first administration.

During the 2024 election campaign, Trump's rhetoric intensified, focusing even more aggressively on immigration, with promises of "mass deportation," impenetrable borders, and extreme restrictions on asylum access. As a candidate, Trump [vowed](#) to initiate "the largest domestic deportation operation in American history," targeting not only undocumented immigrants but also, potentially, individuals currently protected under programs such as Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), Deferred Enforced Departure (DED), and humanitarian parole programs established during the Biden administration. These proposed actions represent an unprecedented escalation of immigration enforcement and new restrictions, and the new administration could implement them swiftly through executive orders and administrative actions.

Trump's second-term immigration agenda builds upon his first term's foundation but seeks to intensify those efforts by expanding deportation operations, reviving controversial policies such as [Title 42](#) and the [Migrant Protection Protocols](#), and using [military resources](#) to assist with border enforcement and deportation processes. His administration also has signaled its intention to dismantle legal pathways the Biden administration created that allowed more than [1.3 million](#) migrants to enter the U.S. legally. The scope and scale of these proposed actions are becoming increasingly apparent as Trump's transition team [outlines](#) strategies for detention and deportation.

As Trump's cabinet appointments take shape, it is evident that the administration will pursue rapid, high-impact actions designed to reshape U.S. immigration policy and redefine the nation's approach to newcomers. Although it is impossible to predict precisely which actions it will prioritize and/or seek to implement in the early days of his second term, Trump's desire to deliver on immigration campaign promises and his advisors' detailed planning indicates a flurry of activity on the issue beginning on January 20, 2025. In this context, this memo outlines the potential steps a second Trump administration could take on immigration during its first 100 days in office.

### II. Border Security and Enforcement

To accomplish much of his second-term immigration agenda swiftly, Trump has said he intends to [declare](#) a national emergency at the southern border, allowing him to deploy [the National Guard](#) and military resources to assist with border enforcement. Although this potential move has drawn [criticism](#) from some in the Republican Party and such an action's legality is

[contested](#), declaring a national emergency would enable him to close key entry points and militarize the border quickly. In his first term, Trump similarly [used](#) emergency authority to access military funds to build sections of a border wall with Mexico.

Despite the COVID-19 health emergency formally [ending](#) in 2023, Trump also has [indicated](#) he plans to reinstate [Title 42](#), a public health authority that allows for the rapid expulsion of migrants at the U.S.-Mexico border without [providing](#) them an opportunity to seek asylum or obtain other forms of humanitarian relief. Although Title 42 was first invoked in response to the COVID-19 pandemic, Trump advisors had [sought](#) without success to use the health authority even before the onset of the pandemic as a way to tighten border controls. In his second term, Trump [could attempt to justify](#) a non-pandemic use of Title 42 by claiming that other infectious diseases are related to mass migration and are public health threats. Such actions would face legal challenges and draw criticism from public health experts, who have previously [argued](#) that there is little evidence that Title 42 expulsions effectively prevent disease spread.

Trump has promised to resume and expand the U.S.-Mexico border wall construction, likely utilizing an [executive order](#) to expedite the process. As in his first term, Trump is expected to face [funding](#) and [legal challenges](#) related to land acquisition for the border wall. However, expected support from the new Republican majorities in both houses of Congress means that Trump can expect swift passage of [appropriations legislation](#) to provide significant funding, potentially through the [reconciliation](#) process.

### **III. Mass Deportation and Increased Interior Enforcement**

Trump [campaigned](#) on a platform of “mass deportation” and promised that he would begin the “[largest mass deportation operation](#)” in American history beginning on Day 1 of his second administration. Trump has stated that he will seek to deport [15 to 20 million people](#), a much larger number than [reliable estimates](#) that place the undocumented population at about 11 million. Of course, logistical challenges relating to personnel, detention space, and funding represent limits to what Trump’s second administration can do to carry out mass deportations, especially in the first half of 2025.

Trump’s advisors have [indicated](#) they will target people with criminal records,<sup>i</sup> as well as individuals who have gone through the immigration court process and have received final orders of removal. This population, while significant, represents only a relatively small proportion of the overall undocumented population. Per Immigration and Customs Enforcement (ICE) estimates, about [660,000](#) noncitizens with criminal histories are on ICE’s national docket, a number that includes individuals with convictions and those with pending charges. Additionally, about [1.4 million](#) people with final orders of removal remain in the U.S. Trump administration officials have indicated that they intend to conduct highly visible, large-scale enforcement actions to locate and arrest undocumented residents. Trump’s newly minted “border czar,” Tom Homan, [said](#) that extensive workplace raids targeting unauthorized workers would resume early in the administration.

To take steps toward mass deportation, Trump again may issue an executive order directing ICE to begin planning large-scale deportations targeting undocumented immigrants across workplaces, homes, and public spaces, as he did in 2017. Issued just five days after Trump first took office, his executive order “[Enhancing Public Safety in the Interior of the United States](#)” represents a clear starting point for his second administration. While [mass deportations](#) on such a scale cannot be executed immediately nor be expected to conclude during his first 100 days, Trump can lay the groundwork for these operations and execute a series of what Homan has referred to as “[shock and awe](#)” actions designed to send a message to immigrant communities about more significant enforcement actions likely to follow, sowing fear among undocumented populations and others.

Within the first days of his new administration, Trump will [roll back](#) the Biden administration’s memorandum on Department of Homeland Security (DHS) priorities for deportations, which [focused](#) primarily on individuals who pose national security or public safety threats. By revoking this memo, as it revoked similar Obama-era guidance in 2017, Trump will expand ICE’s authority to target all undocumented immigrants for removal, regardless of criminal background. However, in shifting attention toward a large population, this move could threaten the ability of federal immigration authorities to focus their limited resources on those who pose the most significant threats to public safety or national security.

The second Trump administration is sure to seek to expand the use of [expedited removal](#) processes, which allow for faster deportations without judicial review for individuals who have been in the U.S. for less than two years. This could enable ICE to bypass immigration courts and remove individuals more quickly while limiting access to due process. As a result, meritorious claims for protection are likely to go unheard. Trump’s mass deportation strategy is expected to require his administration to [recruit](#) and [pressure](#) local law enforcement agencies to cooperate with federal immigration authorities. Expanding programs such as [287\(g\)](#), which deputizes local law enforcement officers to act as immigration agents, will likely be a key part of this strategy. His administration could also threaten to withhold federal funding from jurisdictions with immigrant-friendly welcoming or trust policies or that refuse to comply with ICE detainer requests — a tactic that met with [legal challenges](#) during Trump’s first term.

On multiple occasions, Trump has [suggested](#) using military resources as part of mass deportation efforts. Military involvement would face legal [hurdles](#) under the [Posse Comitatus Act](#), the post-Civil War statute that limits the use of the military in domestic law enforcement efforts, and could be seen as improperly redirecting appropriations. Trump likely would attempt to justify the military’s involvement in mass deportation as a valid use of emergency authority, possibly under the 1807 [Insurrection Act](#), which permits the president to order military forces into service to combat “unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States.” Relying on this law outside of wartime or a situation of violent domestic unrest would represent a [sharp break from precedent](#) that has [raised alarms](#) from advocates and members of Congress.

Even if the second Trump administration were to stop short of having military forces directly engage in immigration enforcement, it might utilize military resources for nonenforcement roles related to deportations, including logistical support such as transportation, infrastructure building, and intelligence gathering. For instance, military planes might be used to transport migrants, and military personnel could assist in constructing detention facilities. Redirecting military resources for immigration enforcement could face legal challenges as an [improper](#) use of appropriations intended for defense purposes. Legal challenges to Trump’s first-term actions in redirecting military funding toward border wall construction were ultimately [dismissed](#) by the U.S. Supreme Court without a final resolution.

Trump has threatened immediately to [invoke](#) the Alien Enemies Act of 1798 — an unrepealed provision of the [Alien and Sedition Acts](#) — to sidestep due process protections and expedite removals by designating certain groups as national security threats. This would allow his administration to bypass legal constraints that typically slow deportation processes and inhibit interior enforcement actions. The Alien Enemies Act has been invoked sparingly throughout U.S. history, most notably during World War II, when it was used to justify the internment of Japanese Americans and some German and Italian nationals following the attack on Pearl Harbor. President Franklin D. Roosevelt [invoked](#) the act to detain “enemy aliens,” leading to the internment of about [120,000](#) Japanese Americans, including children, many of whom were U.S. citizens or legal residents. Legal experts [warn](#) that using the Alien Enemies Act in this manner could lead to widespread civil rights violations and undermine the due process protections the

Constitution guarantees. Advocates also [note](#) that such actions could disrupt communities, harm families, and damage the economy by targeting both undocumented immigrants and legal residents.

#### **IV. Limiting Asylum Access**

A second Trump administration will also seek to limit asylum access through several mechanisms aimed at reducing claims made at the southern border, which [increased](#) dramatically during the Biden administration until it introduced significant restrictions on asylum in 2024.

A second Trump administration could use several tools to restrict asylum further. Trump has promised to reimplement the so-called [Migrant Protection Protocols](#) (MPP), also known as “Remain in Mexico,” which would require asylum-seekers to wait in Mexico while their claims are processed. Reinstating MPP would reduce the number of migrants released into U.S. communities while they await court dates but would place many migrants in danger as they wait, likely in squalid conditions, near the U.S.-Mexico border. Reinstatement of MPP would require the assent of the Mexican government, requiring the Trump administration to negotiate an agreement with the newly elected administration of President Claudia Sheinbaum.

As during the first Trump administration, his second one may try to negotiate (or reinstate) so-called [safe third country agreements](#) with Central American nations or other countries willing to accept asylum-seekers before they reach the U.S. This would redirect asylum claims away from U.S. borders but is likely to face diplomatic [challenges](#) from countries unwilling or unable to handle large numbers of asylum-seekers. Trump previously negotiated such an agreement with Guatemala in 2019, but its implementation was [limited](#). If facing resistance to reimplementing MPP or safe third-country agreements, the incoming Trump administration may resort to pressuring regional partners, including threatening trade restrictions and limiting visa access to countries that resist these deals.

Trump will likely place new restrictions on asylum eligibility, issuing executive orders and policy guidance to further limit who qualifies for protection under U.S. law. This could involve [narrowing](#) the definition of what constitutes a credible fear of persecution — one of the key [criteria](#) for qualifying for asylum in the U.S. — and imposing stricter evidentiary requirements on applicants. During his first term, Trump [attempted](#) to implement policies that would deny asylum claims based on domestic violence or gang violence, arguing that these issues did not meet the legal threshold for persecution under U.S. law. Although these efforts were [blocked](#) in court at the time, Trump is expected to revisit these restrictions in his second term. Trump is also likely to further restrict asylum-seekers' ability to request relief when entering the U.S. between ports of entry, requiring all humanitarian petitioners to apply through official ports of entry. Additionally, the incoming Trump administration has signaled it will [eliminate](#) the use of the CBP One phone app, a [flawed](#) but valuable tool that allows asylum-seekers to preschedule asylum interviews and other appointments.

#### **V. Revoking Immigration Protections and Eliminating Humanitarian Pathways**

Within the first 100 days, the second Trump administration swiftly could revoke or seriously jeopardize protections for more than [2.7 million](#) people with temporary protections through executive actions and by withdrawing opposition to legal challenges. Though large-scale removals will take time to carry out because of logistical constraints — including personnel shortfalls, limited detention capacity, and finite transportation resources — Trump immediately could begin to rescind protections for certain groups of immigrants, making them ineligible to work and live in the United States. Trump has [said](#) he will end Biden-era humanitarian [parole](#) programs for individuals from Cuba, Haiti, Nicaragua, and Venezuela. The future of similar

parole programs, such as those providing temporary admittance to migrants fleeing Ukraine and Afghanistan, is also uncertain, and the incoming Trump administration may opt not to offer [re-parole](#) to current parolees or go as far as canceling the parole protections of those who already have them. The incoming administration has broad authority to terminate parole, as the federal government retains the ability to “[revoke](#) parole at any time” if it “determine[s] that parole is no longer necessary.”

Vice President-elect JD Vance has [promised](#) to “stop doing mass grants of [Temporary Protected Status](#)” (TPS). Thus, the incoming Trump administration appears unlikely to issue new TPS designations for nationals of countries facing armed conflicts or natural disasters and may allow existing TPS grants to lapse. The new administration may also attempt to revoke TPS for individuals before it expires, including people from Haiti, El Salvador, and elsewhere, potentially affecting hundreds of thousands who currently reside and work legally in the United States. Such a move almost certainly would face legal challenges. The incoming administration may also take steps against Deferred Enforced Departure (DED), similar to TPS.

Trump’s incoming deputy chief of staff for policy, Stephen Miller, repeatedly has [expressed](#) his desire to end [Deferred Action for Childhood Arrivals](#) (DACA), which protects Dreamers — undocumented individuals brought to the U.S. as children — from deportation.

DACA is the subject of ongoing litigation in federal courts, and the Supreme Court likely will decide its future within the next two years. Even before the federal courts issue a final determination on its legality, Trump may attempt to end DACA through the rulemaking process, just as he unsuccessfully [attempted](#) to end an earlier iteration of DACA via executive action. Ending DACA would remove work authorization from [hundreds of thousands](#) of Dreamers, including many in essential industries. It potentially would leave them vulnerable to removal, igniting significant public backlash and lengthy legal battles.

However, in a [recent interview with NBC News](#), Trump indicated he would like to find a legislative solution to allow Dreamers to remain. Trump said he “will work with the Democrats on a plan” to protect them. He noted that Dreamers “were brought into this country . . . many years ago. Some of them are no longer young people. And in many cases, they’ve become successful. They have great jobs. In some cases they have small businesses. Some cases they might have large businesses. And we’re going to have to do something with them.”

Trump will likely [pause](#) refugee admissions in the early days of his new term, then issue new [limits](#) on refugee admissions and reduce the annual refugee resettlement cap from the Biden administration’s [125,000](#) for fiscal year 2025. During his first term, Trump drastically cut refugee admissions, settling at a [historically](#) low cap of [15,000](#) per year (and admitting fewer than that) while [inaccurately depicting](#) refugees as a security [threat](#) and an economic [burden](#). These actions decimated the refugee resettlement system, which again will be at risk during Trump’s second term. According to reports during his first term, some Trump advisors [proposed](#) “zeroing out” refugee admissions entirely, which could be on the table once more.

## **VI. Reducing Legal Immigration and Work Authorization**

Trump has repeatedly expressed his desire to [limit](#) legal immigration. His administration will likely tighten visa issuance across various categories, such as work visas (including [H-1B](#)), green cards for [immediate relatives](#), and other qualifying family “[preference](#)” programs. Trump has long argued that the U.S. immigration system should prioritize “[merit-based](#)” immigration as opposed to immigrants entering the country through family reunification and humanitarian programs. His second administration may pursue changes to increase the proportion of skilled immigrants admitted to the U.S., potentially exclusively by [curtailing](#) other programs. Trump



previously supported legislation such as [the RAISE Act](#), which sought to overhaul the immigration system toward merit-based criteria while reducing legal immigration levels overall.

A second Trump administration may take steps to slow down and otherwise reduce the processing of green cards, nonimmigrant visas, and work authorization documents. It may transfer personnel and funding away from U.S. Citizenship and Immigration Services processing, moving them to enforcement and other uses. It also may require [stricter vetting](#) processes for immigrant and nonimmigrant visas through executive orders or other policies, purportedly to enhance security but with the impact of reducing the number of foreign workers. At the same time, the use of “immigration diplomacy” aimed at pressuring countries that refuse to accept deportees from the U.S. could lead to limiting visas and workers from countries that resist receiving deportees, decline to enter into safe third country agreements, or otherwise are seen as noncooperative by the administration.

The president has considerable [authority](#) to shape immigration policy through executive actions, including temporary work visas, as the president’s authority over foreign relations gives him authority to determine how U.S. visas should be issued to foreign nationals. Trump is likely to take steps to reduce or even eliminate temporary and [nonimmigrant work visas](#), such as those provided by the [H-2A](#) and [H-2B](#) programs. His administration may severely restrict the eligible country list, set restrictive visa caps, increase program requirements, or otherwise slow processing for work visas.

As president, Trump utilized [executive orders and presidential proclamations](#) to restrict various visa categories, [citing](#) the need to protect American jobs. Trump’s policies during his first term [reshaped](#) employment-based immigration, introducing stricter wage thresholds, compliance measures, and eligibility criteria, actions the Biden administration subsequently rolled back. Reimposing these restrictions could severely impact the agricultural industry and other sectors that struggle to attract U.S.-born workers, many of which are already grappling with labor shortages that only would worsen with mass deportation efforts. However, these actions will face legal headwinds if they conflict with written laws or treaties promising visas to specific groups of people, and similar actions during Trump’s first term [drew legal challenges](#).

Trump has suggested he may seek to end the [Diversity Immigrant Visa](#) program, commonly known as the diversity visa lottery, through which [55,000](#) green cards are set to be issued in fiscal year 2026 to individuals from countries with historically low rates of immigration to the United States. Trump has repeatedly criticized this program, claiming it brings in immigrants who are not adequately vetted, and he is expected to try to eliminate it through an executive order, as he first [attempted](#) in 2019. Any renewed attempt to eliminate or significantly alter the visa lottery through executive action likely would face legal challenges, as Congress [established](#) the program, and changes to its structure typically require legislative action. Courts previously [intervened](#) when the Trump administration tried to restrict visa processing for diversity lottery winners during the COVID-19 pandemic.

Trump also may place new restrictions [on international students](#), including new limits on [Optional Practical Training \(OPT\)](#), which allows international students to seek temporary work authorization in their chosen field after graduation to gain experience. In his first term, Trump’s advisors considered and drafted a rule to eliminate the program, but the rule was ultimately not released. The draft rule [may be resurrected](#) in his second term.

The Trump administration could attempt to undermine the issuance of [T and U visas](#), which provide legal status and work authorization to victims of human trafficking (T visas) and victims of certain crimes who assist law enforcement (U visas). While Trump himself has not said much

about T or U nonimmigrant programs, Trump administration advisors who [contributed to the Project 2025 framework](#) suggested that Trump [eliminate](#) or minimize these pathways. The U visa program, in particular, is subject to significant [backlogs](#), with processing times [surpassing](#) five years. During this waiting period, applicants often [receive](#) deferred action, which provides temporary protection from deportation and eligibility for work authorization. If deferred action were eliminated or restricted, visa applicants would lose these protections while waiting for their cases to be adjudicated.

Finally, a second Trump administration could seek to reimpose or expand restrictive “[public charge](#)” policies, seriously affecting many immigrants’ ability to secure legal permanent status in the United States. During Trump’s first term, the administration [expanded](#) the definition of a “public charge” to include not only those who primarily relied on cash assistance but also those who might use noncash benefits relating to health care or nutrition assistance. The rule change was intended to restrict immigration by making it harder for low-income immigrants to become lawful permanent residents, but it also led to widespread fear among immigrant communities. The rule caused a measurable “[chilling effect](#)” during the first three years of the Trump administration —many immigrants [avoided](#) accessing public benefits even when they were eligible, out of concerns about jeopardizing their immigration status.

## VII. Attacking Citizenship

Trump has reiterated his promise, most recently during a sit-down [interview](#) with NBC News, to take immediate action to end [birthright citizenship](#), a constitutional right enshrined in the 14<sup>th</sup> Amendment that grants citizenship to any child born on U.S. soil, regardless of their parent’s immigration status. Ending birthright citizenship would fundamentally [alter](#) the fabric of U.S. immigration policy by creating a population of stateless individuals born in the U.S. without citizenship, increasing rather than reducing the undocumented population.

Although executive orders cannot override constitutional provisions, Trump has indicated that he could issue an executive order on Day 1 of his second term aimed at reinterpreting the amendment to deny citizenship to children born in the U.S. whose parents are undocumented or noncitizens, finding that such noncitizens are not “subject to the jurisdiction” of the United States. The Supreme Court has [interpreted](#) the language of the 14<sup>th</sup> Amendment to include nearly all individuals born in the U.S., excluding only specific groups such as children of foreign diplomats.

Trump has [contended](#) that the “subject to the jurisdiction” language is intended to exclude undocumented immigrants, a view not only that existing legal precedent contradicts but also that could limit the applicability of other laws to the undocumented population. This unusual and ahistorical reading of the amendment would face immediate legal [challenges](#). Still, Trump has expressed confidence that the Supreme Court would [reject](#) precedent and rule in his administration’s favor. Trump may take additional executive actions to prevent U.S.-born children of noncitizens from receiving birth certificates, Social Security numbers, or other proof of citizenship, creating [new barriers](#). Such steps could lead states to limit access to state-issued documentation such as birth certificates, although such actions likely would face legal challenges.

A second Trump administration may undertake other kinds of attacks on citizenship. Trump is expected to revitalize denaturalization efforts, [targeting](#) naturalized citizens for deportation if they are found to have committed fraud during their naturalization process or engaged in criminal activity after becoming U.S. citizens. Denaturalization was ramped up during Trump’s first term under “[Operation Janus](#),” a wide-ranging effort to identify individuals who had obtained citizenship “improperly,” including individuals with minor errors or misrepresentations on immigration paperwork. These efforts marked a significant [break](#) from

past practice in which only the most egregious and intentional misrepresentation could lead to denaturalization.

## **VIII. Conclusion**

A second Trump administration is poised to enact extensive changes aiming to restrict immigration, dramatically altering the existing immigration system beginning Jan. 20. Many executive orders and administrative actions will have an impact within the administration's first 100 days, even without accompanying legislation from Congress. These actions will focus on reinstating restrictive and enforcement-focused policies from Trump's first term — such as Title 42 expulsions, deportations, and limiting asylum access — and introducing new measures, including expanding expedited removal processes and revoking protections for Dreamers, TPS holders, and other long-term U.S. residents.

While these policies align with President-elect Trump's longstanding immigration agenda centered on securing borders and limiting pathways into the country, they will face significant logistical challenges and legal obstacles and are likely to lead to economic repercussions, social upheaval, and public outcry. Even in the absence of substantial funding from Congress, the second Trump administration could have a disruptive, damaging impact on the immigration system immediately, dramatically reducing both illegal and legal immigration flows into the United States.

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<sup>i</sup> During the presidential campaign, Trump and various political allies asserted that DHS recently had released tens of thousands of immigrant criminals and that such individuals were ripe targets for deportation. See Camilo Montoya-Galvez, “Trump and allies mischaracterize data on immigrants with criminal convictions. Here's context on what the numbers actually show,” CBS News, Sept. 30, 2024, <https://www.cbsnews.com/news/immigrants-criminal-convictions-trump-ice/> (accessed Jan. 10, 2025). The reality is more complex. These so-called “criminal releases” occurred over several decades and often refer to individuals from countries that do not have repatriation agreements with the U.S., such as Venezuela. Deporting these individuals would require either persuading their home countries to accept them or arranging for third countries to take them — a diplomatic challenge that could slow down enforcement efforts.