



**U.S. Southern Border:
President Trump’s Executive Actions on Border Security**
January 2025

On January 20, 2025, the second Trump administration implemented four major executive actions that relate to the U.S. southern border. In combination, these four actions effectively close the southern border to migrants, including those requesting asylum and humanitarian protection. The orders also re-start several initiatives from the Trump administration’s first term and involve the U.S. military in efforts to close the border to migrants.

Proclaims an Invasion at the U.S. Southern Border

In the presidential proclamation [“Guaranteeing the States Protection Against Invasion,”](#) President Trump states that the current situation at the U.S. southern border qualifies as an “invasion.” The proclamation cites Article IV, Section 4 of the U.S. Constitution, which requires the U.S. government to protect states from invasion. While the existence of a state of invasion is a contested issue – a federal court [recently rejected](#) a similar constitutional “invasion” argument in 2024 - the impact of the proclamation is significant and immediate: it suspends the entry of any migrants across U.S. southern border and their ability to request asylum until the “invasion” has concluded.

Summary:

The “Guaranteeing the States Protection Against Invasion” proclamation asserts that there is an invasion at the U.S. southern border. Utilizing [§ 212\(f\) of the Immigration and Nationality Act \(INA\)](#), the proclamation restricts and blocks the entry of migrants at the southern border and prevents them from requesting asylum. As an overlapping rationale, the proclamation also relies on separate public health and safety grounds to prohibit migrants from requesting asylum protections.

- **Suspension of Entry at the Southern Border.** Suspends the entry of any migrants across the U.S. southern border – including asylum seekers – until the president determines that the “invasion at the southern border has ceased.”
- **Restrictions Based on State of “Invasion”.** Proclaims that migrants “engaged in the invasion at the southern border” are barred from invoking provisions from the INA to seek continued presence in the U.S., including provisions that govern asylum protections (INA § 208).
- **Restrictions Based on Public Health and Safety Grounds.** Requires that migrants who enter the U.S. must provide “sufficient” medical information and “reliable” criminal history and background information to show they are not detrimental to the interests of the United States, applying an expansive reading of INA § 212(a) and 212(f) ([8 U.S.C. § 1182\(a\)\(1\)-\(2\)](#) and (f)). If migrants fail to provide such information, they are barred from entry into the U.S. and cannot invoke provisions from the INA, including provisions governing asylum protections (INA § 208).

- **Other Actions.** Requires that the Department of Homeland Security (DHS), along with the State Department and the U.S. Department of Justice (DOJ), “repel, repatriate, or remove” migrants encountered across the southern border.

Analysis:

Suspending the entry of migrants via a declaration of “invasion” is a novel and untested presidential action as it relates to immigration. The proclamation effectively ends asylum protections at the U.S. southern border. Migrants will in theory no longer be able to request humanitarian protection at the border – at ports of entry and in between – until the “invasion” is deemed by the president to have “ceased.” Starting on January 21, 2025, U.S. border agents [were instructed](#) to summarily deport migrants crossing into the country unlawfully without allowing them to request legal protection. This proclamation comes at a moment when encounters along the southern border have dropped precipitously. In December 2024, there were [47,300 encounters](#) between ports of entry, the second smallest figure since August 2020 (the smallest being the month before, November 2024) and an 81% decrease compared to December 2023.

Restricts Migrants at the U.S. Southern Border

Through a separate executive order (EO) – “[Securing Our Borders](#)” – the Trump administration announces additional overlapping restrictions on migrants, including further limits on asylum and humanitarian protections. The order also implements several border security measures, including re-starting construction of physical barriers (the “border wall”) along the U.S.-Mexico border.

Summary:

Broad in its nature, this executive order begins the process to re-instate “Remain in Mexico,” Asylum Cooperative Agreements, physical barrier construction, prosecutions of unlawful border crossings, and other elements to discourage migration along the southern border. The order contends that these actions are necessary to combat the “invasion” and “end the threats posed by an unsecured border.”

- **Physical Barriers.** Directs the Departments of Defense (DoD) and DHS to construct physical barriers to achieve “complete operational control” of the southern border.
- **“Remain in Mexico.”** Instructs DHS to resume the [Migrant Protection Protocols](#) (MPP, also known as the “Remain in Mexico” program) in all sectors across the southern border. Under MPP, migrants requesting asylum in the U.S. must wait in Mexico through the duration of their immigration court proceedings.
- **Use of Humanitarian Parole.** Limits the use of [humanitarian parole](#) programs.
 - Ceases the use of the [CBP One mobile application](#) that allowed asylum seekers to schedule appointments to be lawfully processed at U.S. Ports of Entry (POEs). All existing appointments are immediately cancelled.
 - Terminates “all categorical parole programs,” including the humanitarian parole program [for Cubans, Haitians, Nicaraguans, and Venezuelans](#) (CHNV). This provision could potentially impact parole programs for nationals from [Afghanistan](#) and [Ukraine](#), among others.

- **Asylum Cooperative Agreements.** Directs the Secretary of State and DHS Secretary to facilitate additional international cooperation and agreements, including Asylum Cooperative Agreements (ACAs). The first Trump administration negotiated ACAs with El Salvador, Guatemala, and Honduras, although these agreements were suspended by the Biden administration before they could go into effect. ACAs permit the U.S. to send certain individuals seeking asylum or other humanitarian protections at the U.S. border to a third country to seek protection there. These agreements are unlikely to have an immediate impact – they will take time to be negotiated and implemented.
- **Prosecution and Detention.** Prioritizes criminal enforcement of immigration violations and limits the release of those apprehended at the border.
 - Requires DOJ and DHS to prioritize the prosecution of migrants crossing the U.S. southern border. This includes offenses related to human smuggling and trafficking, but also likely unlawful entry (misdemeanor) and re-entry (felony).
 - Orders DHS to take “all appropriate actions to detain, to the fullest extent permitted by law,” migrants apprehended crossing unlawfully into the U.S. until their removal from the country. The order purports to end the so-called practice of catch-and-release.

The order includes additional provisions related to deploying DoD and DOJ personnel to the southern border, using DNA collection to determine the validity of familial relationships, and encouraging state and local law enforcement partnerships along the border.

Analysis:

The order immediately ends the Biden administration’s CBP One and CHNV parole programs, which were created as lawful alternatives to irregular migration at the southern border. On January 20, all existing CBP One appointments – about [30,000 scheduled](#) for the next month - were cancelled and the CHNV program was shut down. On January 21, DHS [announced](#) that it is restarting MPP (“Remain in Mexico”) immediately. MPP requires cooperation with Mexico, and while the Mexican government has [repeatedly resisted](#) reimplementing the policy, the Trump administration is expected to pressure it to change its stance, potentially threatening to place tariffs on Mexican imports.

These actions solidify the Trump administration’s push to limit asylum and humanitarian protections at the southern border. But in closing access to existing lawful pathways for protection, including CBP One appointments and humanitarian parole programs, the actions may counterintuitively increase pressure along the southern border, driving migrants to attempt to cross the southern border between ports of entry and evade detection. Due to personnel shortfalls and limited immigration detention capacity, some actions will likely require some time to be operationalized and achieved – “catch-and-release” will be particularly difficult to eliminate absent a rapid and dramatic increase in detention space.

Declares a National Border Emergency and Prioritizes Border Mission in Military Plans

President Trump enacted two additional executive actions related to the use of the military at the U.S. southern border. In [“Declaring a National Emergency at the Southern Border of the United](#)

[States](#),” President Trump proclaims an ongoing emergency at the southern border due to the intrusion of “cartels, criminal gangs, known terrorists, human traffickers, smugglers, unvetted military-age males” and other groups. The presidential proclamation requires the use of the military to combat the border emergency.

The second action, an executive order entitled “[Clarifying the Military’s Role in Protecting the Territorial Integrity of the United States](#),” officially assigns United States Northern Command (USNORTHCOM) the mission to “seal the borders” as a key military priority.

Summary:

The [first executive action](#) declares that a national emergency exists at the U.S. southern border and directs DoD to utilize its vast personnel and resources to support the U.S. government’s response to the emergency.

- **Deployment of Military Personnel and Resources.**

- Directs the Secretary of Defense to order “as many units or members” of the U.S. Armed Forces as deemed appropriate to support the Department of Homeland Security (DHS) in obtaining full operational control of the southern border.
- Broadly requires DoD to support DHS’s operational needs, including through the provision of detention space, transportation (including aircraft), and other logistics services.

- **Building Physical Barriers.** Requires the Secretary of Defense to work with DHS to construct additional physical barriers along the southern border.

The [second action](#) establishes securing U.S. borders as a formal military priority of the U.S. Armed Forces. It requires the Secretary of Defense to assign USNORTHCOM the mission to “seal the borders and maintain the sovereignty” of the U.S., including revisions to the Unified Command Plan. The order requires continuous assessments of progress and operations.

Analysis:

The executive orders permit the use of military personnel and resources to facilitate enforcement and/or operational measures at the U.S. southern border. They also make securing U.S. border a key military priority.

As of January 22, the Department of Defense (DoD) was preparing to immediately send at least [1,500 active-duty troops](#) to the southern border. The forces consist of 1,000 U.S. Army soldiers and about 500 Marines. They will join about 2,500 troops who already were stationed at the border. Overall, President Trump is reportedly planning to [send at least 10,000 troops](#) to the southern border. The border emergency will also permit the president to re-direct DoD funds toward border enforcement, including building physical barriers along the border and expanding detention facilities.