



## **Summary: Trump's Executive Actions Escalating Immigration Enforcement and Mass Deportation**

On January 20, 2025, President Donald Trump signed several executive actions relating to immigration, including "[Protecting the American People Against Invasion](#)," an executive order (EO) setting out a series of aggressive interior immigration enforcement actions. Having [campaigned](#) on a platform of "[mass deportation](#)," the Trump administration, through this and other actions, outlines sweeping, executive branch-led changes to immigration enforcement policy, establishing the most formal framework for mass deportation proposed to date.

### **National Emergency, Invasion, and the Use of Military Forces**

As promised during his campaign, President Trump declared a national emergency at the southern border, through his EO "[Declaring a National Emergency at the Southern Border of the United States](#)." In doing so, President Trump seeks to [unlock](#) additional executive authority, including access to appropriated Department of Defense funding to pay for border security and infrastructure, going outside the traditional congressional appropriations process, as he did with a [border emergency declaration in 2019](#). The national emergency declaration and [additional actions separately](#) declare the existence of a state of "invasion" at the U.S. southern border, as detailed further in Christian Penichet's explainer, [U.S. Southern Border: President Trump's Executive Actions on Border Security](#).

The emergency declaration [directs](#) U.S. military forces to support the U.S. Department of Homeland Security (DHS) activities to obtain "complete operational control of the southern border." President Trump also signed "[Clarifying the Military's Role in Protecting the Territorial Integrity of the United States](#)," an EO that formalizes the use of the military in immigration enforcement by having the U.S. Department of Defense modify the Unified Command Plan for the United States Northern Command to include "seal[ing] the borders" and maintaining U.S. sovereignty and security by repelling "invasion" in the form of migration, drug trafficking, and other criminal activities.

Beyond serving at the border, military forces may also conduct operations that involve interior immigration enforcement. During the transition period, President Trump [confirmed](#) he would be utilizing military forces in support of mass deportation operations. The initial executive actions are unclear as to whether these military forces will act in a limited role supporting DHS operations or would be directly carrying out arrest, detention, and removal functions. The latter circumstance would represent a departure from the military's [limited role in domestic law enforcement](#).

### **Reliance on State and Local Law Enforcement**

In addition to utilizing military forces, Trump's executive actions contemplate a significant role for state and local law enforcement personnel in interior immigration enforcement activities. Prior to January 20, Trump transition officials [pressed local law enforcement](#) officials to aid in its expansive enforcement efforts. The EO, "[Protecting the American People Against Invasion](#)" ("PAPAI"), charges the Attorney General and DHS Secretary with taking punitive action against [so-called sanctuary jurisdictions](#) that declined to support its enforcement and deportation plans. During his first term in January 2017, Trump issued an executive order targeting sanctuary jurisdictions by [threatening](#) to withhold federal funding from those not complying with 8 U.S.C.

§ 1373, which prohibits restrictions on sharing immigration status information with federal authorities. Although courts blocked parts of this order, it set a clear precedent for Trump's approach to pressuring sanctuary jurisdictions. The EO separately calls on the DHS Secretary to expand agreements under § 287(g) of the Immigration and Nationality Act (INA), utilizing the [§ 287\(g\) program](#) to "the maximum extent permitted by law." This voluntary program permits DHS to enter into agreements to train and deputize local law enforcement officials to carry out additional immigration enforcement functions, expanding participating agencies' involvement in identifying, detaining, and removing undocumented immigrants.

The EO also calls for Homeland Security Task Forces to be established in all states to coordinate federal, state, and local law enforcement efforts. These task forces will be tasked with a broad mandate, including [ending](#) "the presence of criminal cartels, foreign gangs, and transnational criminal organizations, . . . dismantle cross-border human smuggling and trafficking networks, end the scourge of human smuggling and trafficking . . . and ensure the use of all available law enforcement tools to faithfully execute the immigration laws of the United States."

### **Prioritizing Immigration Enforcement by Federal Personnel**

Trump's initial executive actions take several steps to prioritize immigration enforcement by federal agencies and personnel. "[PAPAI](#)" directs the DHS Secretary to make immigration enforcement the primary mission of U.S. Immigration and Customs Enforcement's Homeland Security Investigations division (HSI), an agency with significant non-immigration functions.

In addition, DHS Acting Secretary Benamine Huffman issued an order [allowing](#) law enforcement officers from the Drug Enforcement Administration, the Bureau of Alcohol Tobacco and Firearms, the U.S. Marshals Service, and the Federal Bureau of Prisons to carry out the functions of an immigration officer, agencies with limited experience in carrying out immigration enforcement.

### **New Enforcement Policies and Priorities**

President Trump revoked numerous Biden-era executive actions via [executive order](#) upon taking office, including nullifying several of former President Biden's immigration-focused executive orders and policy guidance in "[PAPAI](#)," including those prioritizing civil immigration enforcement, creating regional migration frameworks, and "restoring faith" in legal immigration systems.

On January 21, DHS Acting Secretary Huffman [issued additional directives](#) rescinding Biden-era guidelines limiting enforcement actions by Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) in or near [sensitive locations](#), noting that "The Trump Administration will not tie the hands of our brave law enforcement" and would permit enforcement activities in schools, churches, and other previously protected areas. Additionally, the administration is [expected](#) to rescind other Biden administration guidance that [prevented](#) enforcement actions at some worksites and [prioritized](#) serious criminals, national security threats, and recent border arrivals for removal and deprioritized enforcement against individuals with mitigating factors such as long-term residence, prior U.S. military service, or family considerations. On January 23, Huffman issued subsequent [guidance](#) (Guidance Regarding How to Exercise Enforcement Discretion) permitting the removal of individuals granted parole "under a policy that may be paused, modified, or terminated," notably those admitted through the use of [CBP One](#) or through the Biden-era parole program [for Cubans, Haitians, Nicaraguans, and Venezuelans](#), but also potentially programs for nationals from [Afghanistan](#) and [Ukraine](#). The guidance advised DHS personnel to "[t]ake all steps necessary to

review the alien's case and consider, in exercising your enforcement discretion, whether any such alien should be placed in removal proceedings.”

### **Expedited Removal Processes**

“[PAPAI](#)” instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and U.S. Citizenship and Immigration Services (USCIS) to prioritize civil immigration enforcement procedures “that protect the public safety and national security interests of the American people, including by ensuring the successful enforcement of final orders of removal.

On January 21, the administration released a [notice](#) in the Federal Register further [expanding](#) the powers of ICE agents. In addition to rescinding Biden-era procedural limits on expedited removal, DHS had [restored](#) “the scope of expedited removal to the fullest extent authorized by Congress.” Similar to an effort to [expand expedited removal](#) during the first Trump administration, if undocumented persons cannot prove they have resided in the United States for more than two years, they potentially will be subject to expedited removal. Expedited removal [streamlines](#) deportations, permitting rapid removals without traditional immigration court proceedings. To facilitate expanded expedited removal, DHS was directed to significantly [expand](#) its workforce by hiring additional ICE agents and CBP officers to support increased enforcement activities. Moreover, the [guidance memorandum](#) issued by Huffman on January 23 directed DHS personnel to “[t]ake all steps necessary to review the alien's case and consider, in exercising your enforcement discretion, whether to apply expedited removal,” including steps to terminate ongoing removals proceedings or parole status.

### **Expanding Detention Capabilities**

Additionally, “[PAPAI](#)” calls upon DHS to allocate “all legally available resources” for constructing and operating new detention facilities to house “removable aliens” pending their deportation. [Recent](#) practices by DHS and ICE indicate that “soft-sided facilities,” such as tent camps, are often used to address capacity issues during surges in detention needs. For example, CBP has [previously opened](#) temporary soft-sided facilities to process and house migrants during periods of high border crossings. These facilities, which must be weatherproof and climate-controlled, are only [designed](#) for short-term use. A ramp-up of detention capacity necessary to support and end to so-called “catch-and-release” practices, as directed in the “[Securing Our Borders](#)” EO, and more generally to support large-scale mass deportation efforts will require significant funding from Congress.

### **Civil Fines and Penalties & Encouragement of Voluntary Departures**

“[PAPAI](#)” tasks the DHS Secretary with assessing and collecting fines from undocumented immigrants and those facilitating their presence in the U.S. This measure seeks to deter unauthorized entry and incentivize voluntary compliance with immigration laws, mirroring a [similar executive action](#) taken by the Trump administration in 2018. Moreover, “[PAPAI](#)” orders the DHS Secretary to begin taking steps to encourage voluntary departures, consistent with the [voluntary departure provisions](#) of the INA.

### **Enforcement in “Sanctuary” Jurisdictions**

As noted above, “[PAPAI](#)” requests a review of federal funding allocated to [so-called sanctuary jurisdictions](#) that limit cooperation with federal immigration authorities, such as declining to honor [DHS detainer requests](#). While the action is aimed at compelling state and local law enforcement to help carry out large-scale enforcement activities, Trump administration officials have also [threatened to ramp up enforcement](#) in sanctuary jurisdictions.

## **Registration Requirement**

“[PAPAI](#)” also directs the DHS Secretary, in coordination with the Secretary of State and the Attorney General, to take action to announce and publicize a universal requirement that “all previously unregistered aliens” register with federal authorities arising from the World War II-era Alien Registration Act of 1940 or be subject to criminal penalties. The attempted creation of universal registration will likely be subject to litigation, as decades of subsequent statutory and regulatory developments have [exempted](#) non-citizens not eligible for lawful immigration status or other immigration benefits.

## **Conclusion**

The Trump administration’s actions represent an expensive and unprecedented escalation in immigration enforcement policies. They are expected to place substantial operational demands on federal, state, and local law enforcement agencies aimed at facilitating mass deportations. While some of these measures will face legal challenges or require further clarification to implement, they are already reshaping the immigration landscape and creating profound uncertainty for individuals and communities across the country.