



ANALYSIS OF EXECUTIVE ORDERS ISSUED ON JAN 20, 2025

On January 20, 2025, President Trump rescinded close to 70 orders signed by Biden, and then signed a series of [new executive orders](#). Alliance San Diego has reviewed the potential impact of the orders relating to immigration and border enforcement and is sharing our analysis with the larger justice community to inform conversations. Here is our assessment of 15 actions that the administration plans to attempt but may be impeded by legal, financial and practical constraints.

1. [Declare a national emergency at the southern border](#) in order to draw funds from the Armed Forces for wall construction, transport of immigrants, and detention space. *Analysis: Trump tried this in his first administration and was sued by Southern Border Communities Coalition (SBCC), Sierra Club and ACLU, and the courts stopped him. Without extra funding from Congress, resources drawn from the Armed Forces could affect military operations.*
2. [Declare an “invasion” at the southern border to suspend entry](#) for anyone who engaged in an invasion or who cannot provide “sufficient” medical information, reliable criminal history or background information. *Analysis: While this could lead to a widespread shutdown of the border, that is unlikely for economic reasons, but everyday commuters across the border could face increased scrutiny and harassment.*
3. [Assign the military the mission to “seal” the border](#) and repel mass migration events. *Analysis: We are waiting to see what the plan looks like. The order calls for the military to come up with a plan within 10 days. It is unclear how the military will respond given their competing priorities and no new resources.*
4. [End birthright citizenship](#) on February 20, 2025 for the children of women unlawfully present as well as the children of women present lawfully but temporarily (such as on a visa) if the father is not a US citizen or permanent legal resident. *Analysis: ACLU has already sued to challenge the order as a violation of the US Constitution.*
5. [Re-enforce registration requirements](#) under [8 USC 1302](#) for undocumented immigrants to register, and prioritize enforcement of unregistered immigrants. *Analysis: This requirement has always existed, but is rarely enforced due to capacity constraints. Until and unless Congress appropriates more money for enforcement, there will be no additional capacity. That said, Trump’s focus on this may increase fear and anxiety.*
6. [Expansion of expedited removal](#) from border communities to the whole country, rendering unlawful immigrants here less than 2 years deportable without due process. *Analysis: Expedited removal has existed as part of federal immigration law for years, but was limited in enforcement to the border region (100 miles from the border) under the Biden Administration. This action expands expedited removal to the entire country, as it was previously applied under the first Trump administration.*

7. **Impose mandatory detention** of individuals in deportation proceedings. *Analysis: Without additional resources, detention capacity is limited to current levels, making the implementation of this action impractical. The average daily rate for detention is between \$250 to \$500 per person.*
8. **Withhold funds from “sanctuary” jurisdictions** that interfere with federal immigration enforcement. *Analysis: Trump attempted this during his first term and was defeated in court. Additionally, CA and other elected leaders have made clear that they are not going to interfere or assist with federal immigration enforcement.*
9. **Require employment verification** under existing law at 8 USC 1324a. *Analysis: This is not a change in law, but represents a focus of the Trump administration. As with other proposed actions, there is insufficient funding to enforce employment verification. If it was enforced, it would be devastating to the economy and would lead to mass poverty of workers, citizens and immigrants, affected by a lack or loss of documents such as disaster survivors.*
10. **Terminate categorical parole** (temporary permissions) like for Cubans, Haitians, Nicaraguans, and Venezuelans; paroles will still be available on a case-by-case basis. *Analysis: It is unclear what will happen when parole expires for individuals who are currently on the program here in the US and working lawfully. We need additional details to be able to determine the full impact of this action.*
11. **Suspend the refugee program** effective January 27, 2025. *Analysis: Each year, the President determines whether and how many refugees to admit into the country. Trump slashed refugee admissions to historic lows during his first term, and this a continuation of his previous position that harmed refugee families.*
12. **Impose additional vetting of visa applicants** and possibly suspend visas for certain countries starting on February 20, 2025. *Analysis: This occurred in the first Trump administration and was used to discriminate. It is too soon to know how this will be implemented this round.*
13. **Reinstitute the Remain In Mexico program** (Migrant Protection Protocol) that requires people to wait outside of the country to seek asylum. The order ceases usage of the CBP One app that facilitated asylum applications. *Analysis: If the Trump administration succeeds in implementing all the previously stated actions, there will be no asylum seekers coming into the country to then be placed in this program.*
14. **Review and potentially audit NGOs** assisting undocumented immigrants. *Analysis: Most NGOs receiving federal funding to assist immigrants are already under strict reporting guidelines. This is unlikely to have any impact.*
15. **Denial of public benefits** for undocumented immigrants. *Analysis: Most undocumented immigrants are not eligible for federal public benefits, so this is unlikely to result in the loss of any benefits. Nevertheless, it is likely to create fear and discourage eligible families from applying for benefits.*