

Immigration under Trump: A Review of Policy Shifts in the Year Since the Election

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Executive Summary

After making immigration the centerpiece of his campaign, President Donald Trump within five days of taking office began issuing a series of executive orders promising major changes to the U.S. immigration system. Both his campaign platform and subsequent executive orders pledged sweeping changes, including sharp cuts to legal immigration, “the wall” across the entire U.S.-Mexico border, and “extreme” vetting of all applicants for admission.

While the full extent of such ambitious promises has yet to be accomplished, the Trump administration has set in motion a range of significant changes during its first year in office, including increasing arrests and removals of unauthorized immigrants within the U.S. interior by, among other things, expanding the priorities for immigration enforcement. During 2017, the administration also banned nationals of eight countries from entering the United States; cancelled the Deferred Action for Childhood Arrivals (DACA) program; ended Temporary Protected Status (TPS) for nationals of several countries; and reduced refugee admissions to the lowest numbers since the statute guiding refugee resettlement was enacted in 1980.

These high-profile policy shifts have been coupled with more subtle adjustments across federal agencies that have an immigration role. Among them: mandating interviews for all visa applicants (including all green-card applicants), limiting the ability of noncitizens to receive continuances of their cases in immigration court, suspending admissions of some spouses and minor children of refugees already in the country, and increasing scrutiny applied to temporary visa applicants. The administration has also threatened to condition some Justice Department grants for states and localities on cooperation with immigration enforcement. All of these actions move the United States towards the administration’s ultimate goals of decreasing immigrant admissions and expanding deportations. Many of these measures have already begun affecting immigrants, their families, employers, and the communities in which they reside.

Even as President Trump has pressed one of the most activist agendas on immigration of any chief executive in modern times, many of the administration’s directives have been slowed or stalled by resistance from other political actors or by the judicial system. Growing numbers of states and localities are refusing to cooperate with federal immigration authorities. A series of court rulings have suspended or enjoined several of the administration’s policies, most notably with regards to the ban on admissions of nationals from several majority-Muslim countries. Protests have emerged all over the country, especially in the immediate aftermath of the administration’s first attempt at implementing a travel ban, when chaos briefly erupted at a number of international airports in the hours and days after the executive order was signed. And none of the administration’s legislative proposals

have been approved by Congress, nor have lawmakers yet appropriated the billions of dollars needed to fund the President's signature initiative, a wall along the U.S.-Mexico border (though testing of newly constructed prototypes is underway).

Nonetheless, the President and his allies have dramatically changed the conversation around immigration. In a complete break from a longstanding general bipartisan consensus in the leadership of both major political parties viewing immigration as a net positive for society and the economy, the White House is framing immigrants, legal and unauthorized alike, as a threat to Americans' economic and national security, and is embracing deep cuts to legal immigration. The President's words and deeds during his first year in office signify a fundamental shift in thinking and policy about the future direction of immigration and America's future.

I. Introduction

U.S. immigration policy has undergone a sea change since the inauguration of Donald Trump on January 20, 2017. The President's framing of immigration as a major threat to the economic and national security of Americans breaks from earlier history. In the past, presidents have largely addressed immigration as a positive force for the economy and an integral part of the country's heritage, even while policies have varied in their real openness to immigration flows and relative emphasis on enforcement. President Trump, in contrast, has endorsed dramatic cuts to legal immigration and is challenging the centrality of family reunification at the heart of the system. His administration's ban on entries of nationals from eight countries is unprecedented, and the reduction in refugee admissions marks the lowest number since the start of the formal program in 1980.¹ The administration is also arguing for vast expansion of immigration enforcement

by adding thousands more Border Patrol agents and immigration enforcement and removal officers, increasing the use of state and local law enforcement as force multipliers, building a wall on the border with Mexico, and making far greater numbers of unauthorized immigrants subject to arrest and removal.

These actions during the first year of the Trump presidency fall far short of the candidate's rhetoric that his administration would swiftly remove 2 – 3 million criminals, terminate the Deferred Action for Childhood Arrivals (DACA) program on his first day in office, and immediately start construction of the border wall—and make Mexico pay for it. Nonetheless, arrests and removals of unauthorized immigrants in the U.S. interior have increased rapidly—but still remain well below their highest levels in the previous two administrations. And Congress has not, so far, shown the ability to tackle a major reshaping of the legal immigration system, or even to appropriate funds for the border wall or vastly expanded immigration enforcement within the country. A growing number of states and localities have also imposed limits on their cooperation with federal immigration enforcement, slowing these efforts down, while the courts have temporarily stayed some of the administration's decisions.

Yet there are key administrative changes underway that could mark a deep shift in the way U.S. immigration policies are carried out far into the future. These include much more broadly defined enforcement priorities, the cancellation of programs providing temporary relief from deportation, reduced caps and country-specific screening for refugee admissions, and more complicated application and renewal procedures for some categories of visas. Taken together, these actions may reshape the composition of immigration flows and of populations currently in the country long into the future, if the administration is consistent in carrying them out over time. As a result, while the

policy shifts so far fall short of the President's rhetoric, they may still have profound and long-lasting effects on the U.S. immigration system in line with the White House's stated agenda on immigration.

II. What Has Changed

The President has signed seven executive orders related to immigration, three of which were on the much contested and litigated travel ban.² Each of the orders promises broad changes to the immigration system, from enforcement actions in the U.S. interior and at the U.S.-Mexico border, to a significant reshaping of refugee vetting and admissions, and efforts to blunt so-called "sanctuary cities," that is, jurisdictions that refuse to cooperate fully with U.S. immigration enforcement officers. Many of the chief directives in these orders require congressional appropriations or other legislation to implement. For others, the administration has been able to implement some broad, but also many more subtle changes, as officials work to accomplish their larger goals.

A. Enhanced Immigration Enforcement

The administration has increased interior enforcement, especially when compared to the final two years of the Obama administration. Between the start of the Trump administration (January 20), and the end of fiscal year (FY) 2017 (September 30), U.S. Immigration and Customs Enforcement (ICE) removed 61,094 noncitizens from the interior of the country, a 37 percent increase over the same period in 2016.³ Over the same timeframe, ICE made 110,568 arrests, a 42 percent increase over that period in 2016.⁴ The administration has significantly broadened the makeup of who is being removed by expanding DHS removal priorities and opening enforcement operations to include people who do not specifically have criminal records or pose a danger to society.⁵ Of the 110,568 arrests, more than 31,888 had

no criminal convictions. This is a sharp break from the end of the Obama administration, which focused interior enforcement almost exclusively on criminals. During FY 2016, more than 90 percent of the individuals removed from the interior had been convicted of what the administration deemed "serious crimes."

Overall, when removals of individuals intercepted at the border are included, the Trump administration carried out 142,818 removals through September 9, 2017, likely bringing the total for all of FY 2017 to slightly less than 220,000.⁶ These numbers are still far lower than the final years of the George W. Bush presidency and all of Barack Obama's presidency, when removals averaged about 347,000 per year.⁷

The difference is partly attributable to the reduction in numbers of individuals crossing the southern border. As explained below, border crossings dropped dramatically during 2017. In addition, increasing the number of removals, especially in the U.S. interior, is a slow process that requires adding resources and establishing cooperation with local law enforcement agencies. Even though the 61,094 interior removals that occurred between January and September 2017 represent an increase from the annual tally during the final two years of the Obama administration, the number remains much lower than the most enforcement-focused Obama years, with interior removals peaking at 237,941 in 2009.⁸

In addition to expanding enforcement priorities and broadening the makeup of who is being removed, the Trump administration has made several other changes to interior enforcement, including:

- **Increasing participation in 287(g) programs.** Section 287(g) of the *Immigration and Nationality Act* allows the federal government to enter into agreements to authorize state and local law enforcement to assist with the investigation, apprehension, or detention of removable noncitizens.

Between January and August, the U.S. government signed 29 new 287(g) agreements, bringing the total to 60.⁹ An additional 23 are slated to begin in early 2018.

- ***Taking on “sanctuary” jurisdictions.*** The administration is pressuring communities that limit their cooperation with ICE by setting conditions on Justice Department grants, which may result in grant money being withheld, and targeting such jurisdictions for enforcement operations.
- ***Limiting deferral of removals.*** Individuals with deportation orders who under prior administrations were allowed to stay in the United States provided they checked in with ICE officials every six months to a year are now being removed.¹⁰
- ***Picking up the pace in immigration courts.*** The administration is seeking to reduce the backlog of more than 650,000 cases in the immigration courts by limiting administrative closures and continuances, rehiring retired immigration judges, holding hearings via video conference, and implementing a “no dark courtroom” policy, which ensures that all courtrooms are being used for removal proceedings during all business hours.¹¹
- ***Targeting the parents of unaccompanied minors.*** Parents who paid for their children to be smuggled across the border are now being identified for removal.¹²
- ***Shrinking the protection space.*** Unaccompanied child migrants reunited with parents in the United States may now lose that designation, with implications for their care and continued ability to remain in the United States.¹³

- ***Taking on “recalcitrant” countries.*** The administration has taken steps to sanction several of the countries that refuse to accept return of their nationals identified for removal.¹⁴

The Justice Department has also focused resources on increasing prosecutions of immigration-related crimes.¹⁵

B. Fewer Refugee Admissions

The administration has also made historic reductions to the number of refugees the United States will accept for resettlement. In recognition of the worldwide refugee crisis, the Obama administration increased the refugee admission ceiling to 85,000 places in FY 2016 and 110,000 in FY 2017, up from the 70,000 level in FY 2013-15.¹⁶ Citing security concerns, the Trump administration immediately took steps to reduce resettlement, temporarily suspending the program for 120 days and reducing the FY 2017 ceiling by 60,000 places.¹⁷ In the end, 53,716 refugees were admitted during FY 2017.¹⁸ For FY 2018, the administration lowered the ceiling even further to 45,000 refugees, making it the lowest level since 1980 and the enactment of the statute governing today’s refugee admissions and resettlement programs.¹⁹ The administration also has increased vetting for refugee applicants from 11 countries deemed high risk, drastically reducing refugee admissions from those countries.²⁰ And it suspended entries of family members of refugees already within the United States.²¹

As part of their review of the U.S. refugee program, administration officials ended a refugee and parole program designated for youth in Central America. The Central American Minors (CAM) Refugee/Parole Program²² was created by the Obama administration in response to the surge in unaccompanied minors from Central America who arrived at the U.S.-Mexico border in rapidly increasing numbers starting in 2014. In an effort to

reach children with legitimate claims for refuge, and to deter them from undertaking the dangerous journey through Central America and Mexico to the United States, the program allowed certain parents from El Salvador, Guatemala, and Honduras who are lawfully present in the United States to request an in-country refugee resettlement interview for their children. As of August, more than 1,500 children and eligible family members had arrived in the United States as refugees under the program.²³ Another 2,700 had been conditionally granted parole, only to have those applications revoked prior to traveling to the United States because of the termination of the program.

C. Vetting and Obstacles for Legal Immigration

While, as explained below, congressional inaction has impeded its ability to substantively reform the legal immigration system, the administration has made several changes that increase vetting of immigrants and slow legal admissions. To fulfill a campaign promise, the administration has increased the security vetting of individuals seeking to come to the United States. In his executive orders, Trump promised “enhanced vetting” that would focus on preventing the entry of foreign nationals deemed to be threats to public safety and ensuring the collection of information necessary to assess applicants’ admissibility. By executive order, the President suspended the Visa Interview Waiver Program, which allowed certain travelers to renew their travel authorizations without an in-person interview with a consular official. The administration also mandated that all applicants for employment-based permanent residency (applicants for a “green card”) must undergo an in-person interview. Previously, such face-to-face interviews were required only if there was a specific concern related to the person’s application.

The government is also expanding vetting by increasing the amount of information applicants for admission must provide. Some applicants must now fill out a supplemental questionnaire, providing 15 years of travel and employment histories and residential addresses. Applicants are also now asked for their usernames on all social media accounts used within the last five years.

In addition, the administration has made smaller changes affecting employment-based immigration, including:

- Attempting to delay an Obama-era program to allow international entrepreneurs parole into the country.²⁴
- Rescinding a policy under which immigration officers gave deference to prior approvals, meaning extensions and renewals now receive much more scrutiny.²⁵
- Temporarily suspending premium processing for H-1B applications.²⁶
- Ending an Obama-era program to give work authorization to spouses of H-1B visa holders who have been working on H-1B visas for more than six years and are in the process of applying for permanent residency but are delayed by backlogs.²⁷

Media reports indicate increasing denials of and requests for evidence for H-1B Specialty Occupation applications.²⁸

D. Ending DACA and Temporary Protected Status

Decrying lax enforcement of immigration laws by prior administrations, the Trump administration is also limiting longstanding

benefits granted to unauthorized immigrants. These include phasing out the DACA program created by President Obama in 2012 and reducing Temporary Protected Status (TPS) designations for nationals of certain countries. Both programs provide work authorization and protection from removal.

On the campaign trail, then-candidate Trump promised to immediately terminate DACA, which he termed an unconstitutional overreach of executive power. While the President seemed to waver on this pledge early in his presidency, expressing sympathy for the unauthorized immigrants who were brought to the United States as children, Attorney General Jeff Sessions in September announced its “unwinding.”²⁹ USCIS is no longer accepting DACA renewal applications, and the 690,000 beneficiaries current as of September 2017 will begin losing their two-year grant of status in full force beginning March 6, 2018, unless Congress agrees to extend their benefits or provides a path to legalization.³⁰ The President has signaled his willingness to support legislation that would legalize this population provided Congress agrees to major increases in immigration enforcement and reforms to the legal immigration system.

TPS is a temporary form of humanitarian protection offered to nationals of certain countries embroiled in violent conflict or suffering from a natural disaster. It currently covers more than 400,000 unauthorized immigrants from ten countries.³¹ TPS beneficiaries receive provisional protection against removal and permission to work in the United States, with renewals dependent on whether the U.S. government continues to designate the country for TPS.

The administration announced in 2017 it would not further extend TPS for Haiti, Sudan, and Nicaragua, saying conditions in those countries had improved enough that nearly 65,000 TPS holders can return. And officials have signaled that they may also end TPS for Honduras, which received a six-month extension until early July 2018, and for El Salvador, which accounts for 60 percent of all TPS

recipients. For those ineligible to transfer to another immigration status, this means they will lose their work authorization and no longer be protected from removal. Immigrant advocates and representatives from many of the countries that have or had TPS designations are expressing doubts about the ability of the home countries to accept and reintegrate their nationals and concerns about what the loss of remittances will mean for these still-vulnerable societies. Lawmakers on both sides of the aisle have introduced bills to extend TPS benefits or give recipients a path to permanent residence, but none of these bills have passed out of committee.

III. The Impact of Expectations and Anxiety

There is strong evidence that the harsh rhetoric employed by the President and his aides, the enforcement changes made to date on the ground, and the subsequent resurgence of restrictive immigration policies in certain states and localities throughout the country have had significant effects on the behavior of individuals both inside and outside the United States. Within the country, as immigrant communities try to stay “under the radar,” there have been reports of a dip in crime reporting, including on domestic violence; fewer applications for the public benefits for which immigrants or their U.S.-born children are entitled; and rising no-shows at health-care appointments.³² While these changes in behavior are hard to document in full, it seems clear the estimated 11 million unauthorized immigrants in the United States are making adjustments in how they live their lives.

In addition, there has been a sharp uptick in the number of individuals, chiefly Haitians who fear loss of TPS, entering Canada from the United States to seek asylum.³³ Canadian asylum applications (processed at land ports of entry) through September 2017 already exceeded totals for all of 2016, while monthly

apprehensions of asylum seekers crossing the border between normal ports of entry peaked in August 2017 at 5,712.³⁴

The recent U.S. rhetoric and policy shifts may also be among the factors that have intensified already dramatically reduced flows of unauthorized immigrants from Mexico and Central America in recent years. In FY 2017, apprehensions at the U.S.-Mexico border fell 26 percent compared to the prior year, bringing illegal crossings to their lowest levels since 1971.³⁵ With no real additional enforcement resources or initiatives at the border to explain such a significant year-to-year shift, this points to a change in perceptions about enforcement among potential unauthorized border crossers.

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In the first six months of 2017, tourism to the United States dropped 3.9 percent, compared to the same period a year earlier.³⁶ According to a survey of officials at nearly 500 universities across the country, there was an average 7 percent decline in newly arriving international students in fall 2017, with 45 percent of campuses reporting drops in new international enrollment.³⁷ Employer demand for H-1B visas declined for the first time since the Great Recession: 199,000 applications were submitted in the capped H-1B category, a 15 percent drop from the prior year.³⁸

IV. Pushback from Local and State Governments

The federal immigration enforcement system has traditionally depended on cooperation and collaboration with state and local jurisdictions. This includes encouraging local and state law enforcement to comply with ICE detain-

ers (requests to hold deportable noncitizens in their custody up to an additional 48 hours), providing time for ICE to take them into custody. The effectiveness of immigration enforcement policy depends largely on these practices. Today, there is increasing variation in the level of cooperation from jurisdiction to jurisdiction, some of which predate this administration.

While some jurisdictions routinely cooperate with immigration detainers, a growing number of state and municipal governments have enacted “sanctuary” policies that limit the compliance that police and jail officials can give ICE. The administration has vowed to punish sanctuary jurisdictions and end noncooperation policies. State legislatures have jumped into the debate, with some passing or considering laws that either limit local law enforcement compliance with ICE, or ban or limit sanctuary policies and practices. In the two most high-profile cases, the state of California in 2017 enacted a law prohibiting any local jurisdiction from collaborating with ICE, while the state of Texas now requires all law enforcement agencies in the state to comply with ICE detainers.³⁹ Indeed, the Texas law, which is being challenged, opens local officials who do not comply with federal immigration enforcement to criminal liability and removal from office.⁴⁰

V. Congressional Inaction and Resistance

Despite the Trump administration’s ambitious plans and unified Republican control of Congress and the White House, there have yet to be any changes to U.S. immigration laws. The President’s legislative goals on immigration include ending the Diversity Visa Lottery, decreasing family-based immigration, and changing employment-based immigration to a merit and points-based system. However, these and other legislative goals, as well as those executive changes that would require new congressional appropriations, have yet to move forward.

Trump did throw his support behind legislation, the RAISE Act, that would cut legal immigration levels in half and implement a points-based visa system that prioritizes education, skills, and English-language proficiency.⁴¹ The President's support for decreasing legal immigration marks a profound moment, upending a longstanding public and political consensus not to cut legal immigration levels. However, the bill has yet to receive a committee hearing or any other action and appears to lack support even among key Republicans. There seems to be little appetite in Congress for the reforms supported by the White House.

VI. The Role of the Courts

The judicial system has blocked some of the White House's immigration changes from being implemented. This is especially true regarding efforts to impose a ban on entry for nationals of several Muslim-majority countries, which the administration has tried to execute three times, only to face a string of court challenges at each turn.

Prior to his inauguration, Trump repeatedly promised a ban on Muslim individuals entering the country, as a means of enhancing national security. By the time he began issuing executive orders, the promised "Muslim ban" had morphed into a travel ban on visitors, immigrants, and refugees from seven countries, all Muslim-majority. However, his first two attempts quickly became entangled in the judicial system. Executive Order 13769, "Protecting the Nation from Foreign Terrorist Entry into the United States," signed January 27, was effective immediately and included a suspension of entries of nearly all nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. Within hours of its signing, the order faced legal challenges, several of which resulted in federal court orders that temporarily restrained or enjoined key parts. As the litigation moved through the court system, the President signed Executive Order 13780, with the same title, on

March 6. In replacing the prior travel ban, the new order removed Iraq from the list of countries, delayed the implementation date, and exempted individuals who were previously authorized to travel to the United States. Despite these attempts to avoid the legal pitfalls of its predecessor, it was also subject to a nationwide temporary restraining order preventing implementation of the travel ban. In both cases, the courts relied on a variety of legal justifications, including finding that the order violated the Constitution's prohibition on the government establishing or favoring a particular religion. The Supreme Court eventually allowed for the partial implementation of the travel ban, except as it applied to visa applicants with "bona fide" relationships to U.S. persons or entities.

On September 24, the administration tried for a third time, issuing Presidential Proclamation 9645, "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats." This time the ban was limited to varying visa restrictions on individuals from Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen. Again, prior to the ban's implementation, courts issued nationwide injunctions, this time suspending the bans of all of the listed countries, except for North Korea and Venezuela. After a Justice Department appeal, the Supreme Court allowed the travel ban to be fully implemented as the case continues to wind its way through the judicial system.⁴²

VII. Conclusion

No administration in modern U.S. history has placed such a high priority on immigration policy or had an almost exclusive focus on restricting flows, legal and unauthorized alike, and further maximizing enforcement. This marks a major departure in how immigration is discussed and administered in the United States, pushing the issue into conversations and communities where it previously received scant attention.

The Trump administration's record on immigration after nearly a year is one of rising enforcement, reduced refugee flows, and the gradual elimination of temporary protection regimes. All signs indicate that this is a down payment on a policy vision and agenda that will result in fewer immigrants entering the country and significantly expanded detention

and deportation of those here without authorization. Yet it remains to be seen how quickly—and to what extent—these efforts will succeed, given the fragmented nature of U.S. policymaking; the pushback from some sectors of U.S. society, politicians, and the courts; and the extreme polarization of immigration in contemporary America.

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Endnotes

- 1 The Trump administration's use of the *Immigration and Nationality Act* (INA) sections 212(f) and 215(a) to ban nationals from individual countries represents the broadest such use to date. Prior to this, use of INA 212(f) was limited to considerably smaller groups, such as unauthorized immigrants arriving by sea or members of specific foreign governments who had committed human-rights abuses. Previous presidents have used INA 215(a) to exclude certain groups of foreign nationals, such as the Carter administration's revocation of visas issued to Iranian citizens during the Iran hostage crisis. See Kate M. Manuel, *Executive Authority to Exclude Aliens: In Brief* (Washington, DC: Congressional Research Service, 2017), <https://fas.org/sgp/crs/homesecc/R44743.pdf>. For a history of the U.S. annual refugee resettlement ceiling, see Migration Policy Institute (MPI), "U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present," accessed December 18, 2017, www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united.
- 2 White House, "Executive Order 13767 of January 25, 2017, Border Security and Immigration Enforcement Improvements," *Federal Register* 82, no. 18 (2017): 8793-97, www.gpo.gov/fdsys/pkg/FR-2017-01-30/pdf/2017-02095.pdf; White House, "Executive Order 13768 of January 25, 2017, Enhancing Public Safety in the Interior of the United States," *Federal Register* 82, no. 18 (2017): 8799-8803, www.gpo.gov/fdsys/pkg/FR-2017-01-30/pdf/2017-02102.pdf; White House, "Executive Order 13769 of January 27, 2017, Protecting the Nation from Foreign Terrorist Entry into the United States," *Federal Register* 82, no. 20 (2017): 8977-82, www.gpo.gov/fdsys/pkg/FR-2017-02-01/pdf/2017-02281.pdf; White House, "Executive Order 13780 of March 6, 2017, Protecting the Nation from Foreign Terrorist Entry into the United States," *Federal Register* 82, no. 45 (2017): 13209-19, www.gpo.gov/fdsys/pkg/FR-2017-03-09/pdf/2017-04837.pdf; White House, "Executive Order 13788 of April 18, 2017, Buy American and Hire American," *Federal Register* 82, no. 76 (2017): 18837-39, www.gpo.gov/fdsys/pkg/FR-2017-04-21/pdf/2017-08311.pdf; White House, "Presidential Proclamation 9645 of September 24, 2017, Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats," *Federal Register* 82, no. 186 (2017): 45161-72, www.gpo.gov/fdsys/pkg/FR-2017-09-27/pdf/2017-20899.pdf; White House, "Executive Order 13815 of October 24, 2017, Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities," *Federal Register* 82, no. 207 (2017): 50055-58, www.gpo.gov/fdsys/pkg/FR-2017-10-27/pdf/2017-23630.pdf.
- 3 U.S. Immigration and Customs Enforcement (ICE), "Fiscal Year 2017 ICE Enforcement and Removal Operations Report," accessed December 13, 2017, www.ice.gov/sites/default/files/documents/Report/2017/iceEndOfYearFY2017.pdf.
- 4 *Ibid.*
- 5 In the January 25, 2017 executive order entitled "Enhancing Public Safety in the Interior of the United States," President Trump expanded the list of unauthorized immigrants prioritized for removal to include all noncitizens with removal orders, those convicted or charged with any criminal offense, and immigrants who have abused public benefits, among others. The President also authorized immigration enforcement officers to enforce immigration laws against most unauthorized immigrants, regardless of whether the noncitizens fall within one of the priority categories. This is a significant departure from the Obama administration, which in its final years trained its enforcement focus almost exclusively on noncitizens who fell into a limited number of priority categories, in particular those with felony or serious misdemeanor convictions, recent border crossers, and those who had violated recent removal orders. For more on the Obama administration's revisions to Department of Homeland Security (DHS) prosecutorial discretion guidelines, see Marc R. Rosenblum, *Understanding the Potential Impact of Executive Action on Immigration Enforcement* (Washington, DC: MPI, 2015), www.migrationpolicy.org/research/understanding-potential-impact-executive-action-immigration-enforcement.

- 6 While ICE removals for all of FY 2017 have been published, the administration had yet, as of this writing, to publicly release removals data for all of DHS, though it provided numbers to news organizations. See Maria Sacchetti, “Deportations from the Interior of the United States Are Rising under Trump,” *Washington Post*, October 7, 2017, www.washingtonpost.com/local/immigration/deportations-from-the-interior-of-the-united-states-are-rising-under-trump/2017/10/07/44a14224-a912-11e7-b3aa-c0e2e1d41e38_story.html?utm_term=.c2cbda15108e.”
- 7 MPI analysis of ICE, *Fiscal Year 2016 ICE Enforcement and Removal Operations Report* (Washington, DC: ICE, 2016), www.ice.gov/sites/default/files/documents/Report/2016/removal-stats-2016.pdf.
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- 9 ICE, “Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act,” accessed December 13, 2017, www.ice.gov/287g.
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- 11 TRAC Reports, “Immigration Court Backlog Tool,” accessed December 18, 2017, http://trac.syr.edu/phptools/immigration/court_backlog/; Justice Department, Executive Office for Immigration Review (EOIR), “Backgrounder on EOIR Strategic Caseload Reduction Plan,” 2017, www.justice.gov/opa/press-release/file/1016066/download; EOIR, Memorandum from Jeff Sessions, Attorney General, “Renewing Our Commitment to the Timely and Efficient Adjudication of Immigration Cases to Serve the National Interest” (memorandum, December 5, 2017), www.justice.gov/opa/press-release/file/1015996/download.
- 12 Caitlin Dickerson, “Trump Administration Targets Parents in New Immigration Crackdown,” *The New York Times*, July 1, 2017, www.nytimes.com/2017/07/01/us/trump-arrest-undocumented-immigrants.html.
- 13 EOIR, Memorandum from Jean King, General Counsel, to James R. McHenry III, Acting Director, EOIR, “Legal Opinion re: EOIR’s Authority to Interpret the term Unaccompanied Alien Child for Purposes of Applying Certain Provisions of TVPRA” (memorandum, September 19, 2017), <https://cliniclegal.org/sites/default/files/resources/King-9-19-17-UAC-TVPRA.pdf>.
- 14 DHS, “DHS Announces Implementation of Visa Sanctions on Four Countries” (news release, September 13, 2017), www.dhs.gov/news/2017/09/13/dhs-announces-implementation-visa-sanctions-four-countries.
- 15 Attorney General Jeff Sessions, Memorandum to all federal prosecutors, “Renewed Commitment to Criminal Immigration Enforcement” (memorandum, April 11, 2017), www.justice.gov/opa/speech/file/956856/download.
- 16 Juliet Eilperin, “White House Raises Refugee Target to 110,000,” *Washington Post*, September 14, 2016, www.washingtonpost.com/news/post-politics/wp/2016/09/14/white-house-plans-to-accept-at-least-110000-refugees-in-2017/?utm_term=.c18d43b1a144.
- 17 White House, “Executive Order 13769 of January 27, 2017.”
- 18 State Department, Refugee Processing Center, “Interactive Reporting: Admissions and Arrivals,” accessed November 14, 2017, <http://ireports.wrapsnet.org>
- 19 White House, “Presidential Determination on Refugee Admissions for Fiscal Year 2018: Memorandum for the Secretary of State,” *Federal Register* 82, no. 203 (2017): 49083-84, www.gpo.gov/fdsys/pkg/FR-2017-10-23/pdf/2017-23140.pdf.

- 20 While the administration did not disclose the names of the 11 countries, officials said they matched a 2015 list of countries identified for tougher screening: Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria, and Yemen. See Ted Hesson, “Trump Targets 11 Nations in Refugee Order,” *Politico*, October 24, 2017, www.politico.com/story/2017/10/24/refugee-nations-trump-administration-muslim-244135.
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