

COMMUNITY EXPLAINER

WEEK 1 UNDER DONALD TRUMP 2.0

On the first day of his presidency, President Trump signed dozens of Executive Orders (“EO”), including at least twelve that relate directly to immigration. These EOs are filled with racist, xenophobic, and hateful rhetoric. They speak to Trump’s campaign promises of closing the border, increasing the detention of immigrants, and mass deportation.

Most of these EOs have yet to be implemented – but we now know the blueprint. Over the last week, Trump’s administration has started implementing some of these EOs, and one of them has already been put on pause by the courts. In the next few weeks and months, we will learn the details of how they plan to implement these EOs. What we can do now is organize, prepare, and protect our communities. This explainer gives an overview of what’s happened in week 1 and what we can expect next.

WHAT IS AN EXECUTIVE ORDER? WHEN DOES IT GO INTO EFFECT GENERALLY?

An EO is a document issued by the president of the United States that gives instructions to federal government agencies to do something specific or change how they do things. An EO does not need approval from Congress, but it cannot go against laws passed by Congress or the Constitution. EOs often require federal government agencies to take specific actions before anything actually changes. For example, an EO may tell an agency to write a detailed policy or create procedures to implement the goals of the president. In that case, the EO sets the direction for the agency, but implementation of it might take some time.

WHAT EXECUTIVE ORDERS DID TRUMP ISSUE ON IMMIGRATION?

Trump issued dozens of EOs on his first day in office. Here we highlight some of the main points in twelve EOs that impact immigration policy:

Initial Rescissions of Harmful Executive Orders and Actions

This EO reverses almost 100 EOs issued by the Biden Administration on a range of topics, several of which relate to immigration, such as:

- Ending the [Biden Administration’s immigration enforcement priorities](#), which told immigration agencies which people they should prioritize for arrest, detention, and deportation.
- Disbanding a task force focused on reunification of families separated at the border under the first Trump Administration’s Zero-Tolerance Policy.

Citizenship EO

This EO orders government agencies to stop issuing citizenship documents (like passports) to children born inside the United States on or after February 19, 2025, if the father was not a U.S. citizen or a lawful permanent resident (green card holder) and the mother is undocumented or has temporary status (such as a student or work visa).

- **UPDATE:** On January 23, 2025, this EO was put on pause at least temporarily for 14 days by a federal court judge. The judge called the EO “blatantly unconstitutional” because the Fourteenth Amendment to the Constitution guarantees that everyone born inside the United States is a U.S. citizen.

“Invasion” EO #1

This EO declares an “invasion” of the country across the Southern border and orders that anyone who is “engaged in the invasion” and anyone who does not provide enough information about their background, medical records, or criminal history will not be allowed to enter the U.S. This ban on entry applies to those trying to enter the U.S. as of January 20, 2025 and applies regardless of whether the person is seeking asylum. The ban will stay in place until the President declares that the “invasion” is over.

- **UPDATE:** U.S. border agents [have already been told to deport people](#) without allowing them to seek asylum.

“National Emergency” EO

This EO declares that there is a national emergency due to the “invasion” at the Southern border. Due to the national emergency, it directs the military to assist the government’s operations at the border, such as by sending military personnel to the border. This also includes the building of a border wall.

- **UPDATE:** The military is [sending 1,500 troops](#) and military equipment to the border.

“Securing the Border” EO

This EO is focused on actions to “close” the border and prevent the arrival of immigrants into the country. The EO orders agencies to take steps to:

- End various parole programs that allowed people to enter the country and live and work temporarily, like parole programs for immigrants from [Cuba, Haiti, Nicaragua, and Venezuela](#).
 - **UPDATE:** The parole program for Cuba, Haiti, Nicaragua, and Venezuela [has ended](#). There are also [reports of a memo](#) issued by the administration to potentially prioritize for deportation those who entered through this program and similar programs for Afghan and Ukrainian immigrants, but we do not know many details about this memo yet.
- Stop using CBP One, a mobile device application through which people seeking asylum at the Southern border made appointments to enter the country in order to seek asylum.
 - **UPDATE:** CBP One is [no longer functional](#), and all appointments have been cancelled.
- Restart the “Migrant Protections Protocols,” also known as the Remain in Mexico program. This program forces people seeking asylum at the Southern border to remain in Mexico while their asylum case is ongoing.

“Invasion” EO #2

This EO covers a wide range of actions to criminalize immigrants, including:

- Prioritizing [criminal prosecutions](#) related to unauthorized entry.
- Expanding the scale of immigration detention and number of detention facilities.
- Withholding federal funding from [sanctuary cities](#) that do not collaborate with immigration agents.
- [Expanding expedited removal](#), a fast-tracked deportation process through which people are often quickly deported without a hearing in immigration court.
 - **UPDATE:** The Trump administration has released a rule that expands expedited removal effective immediately. This means that the [government can now use this fast-tracked process](#)

to deport undocumented immigrants who crossed the border between ports of entry and cannot prove that they have been in the country for at least two years before the arrest. Immigrants' rights organizations have [sued](#) to stop the implementation of this expansion of expedited removal.

- Increasing use of [287\(g\) agreements](#), which allow local police to act as immigration officers—these agreements already exist in certain areas, but could increase if more police departments agree to enter into these agreements.
- Giving other federal law enforcement, like gun and drug agents, the power to arrest and deport immigrants.
 - **UPDATE:** The government has [started taking steps](#) to implement this.
- Signaling that they will enforce an old law that requires certain noncitizens to register and get fingerprinted by the government—a [registration program](#) that utilized this same law was implemented in the aftermath of 9/11, primarily targeting Muslim, Arab, and South Asian communities.
- Imposing sanctions against countries that refuse to accept deportees.
- Reviewing the Biden administration's policies on Temporary Protected Status (TPS), parole, and work permits.
- Reviewing and suspending funding for nonprofit organizations that provide services to immigrants.
 - **UPDATE:** Organizations that provide legal education to immigrants, including through the Legal Orientation Program for immigrants in detention, have [reported that their funding](#) from the government has been suspended.
- Identifying and stopping public benefits from going to undocumented immigrants.
- Significantly increasing the number of immigration agents.

"Foreign Terrorist Organizations" EO

This EO further entrenches "national security" frameworks into immigration policies. The EO:

- Asks officials to make a recommendation within 14 days (by February 3) to declare certain "cartels" as terrorist organizations. The EO specifically mentions Tren de Aragua and La Mara Salvatrucha, commonly known as MS-13. If these groups are declared as terrorist organizations by the government, it will make it easier for the government to detain and deport immigrants who have interacted with those groups in the past, even if they are only survivors of that organization's violence.
- Makes reference to President Trump potentially using a law from 1798 called the "[Alien Enemies Act](#)," which gives the president broad ability for increased rapid mass deportation when Congress has declared a war or when the president declares an "invasion" or threat of invasion by a foreign government. The EO asks government officials to start making plans to use this law, but no plans have been announced yet.

"Foreign Terrorists" and "National Security Threats" EO

This EO focuses on "extreme vetting" and screening procedures for people considered threats to national security, which is often a label used to target Muslim and Muslim-perceived communities. The EO orders agencies to:

- Identify countries for a possible travel ban (like the [Muslim and African Bans](#) from the first Trump presidency) within 60 days.
- Subject people to increased vetting and screening, including refugees and stateless people as well as anyone trying to come to the United States from countries that are "identified security risks."
 - This "vetting and screening" is often an excuse the government uses to delay and deny immigration applications for people from Muslim countries
- Recommend steps to "protect the American people" from noncitizens based on their political advocacy and speech.
 - This seems to be targeting noncitizens who have been participating in pro-Palestine protests
- Prioritize resources for taking away citizenship of U.S. citizens.

“Gender Ideology Extremism” EO

This EO erases protections for and recognition of transgender, intersex, and non-binary people. It requires government-issued identification documents or IDs (like passports and visas) to stop allowing self-selection of gender. This means that transgender and non-binary people will no longer be able to access new or renewed passports that accurately reflect their gender identity. The EO also tells agencies to issue regulations to force transgender women to be held with men in prisons and detention centers.

- **UPDATE:** The Department of State has [stopped processing](#) applications from trans, intersex, and nonbinary people for passports that accurately reflect their gender.

Death Penalty EO

This EO says that prosecutors in federal criminal cases will seek the death penalty against undocumented immigrants for [crimes that qualify for the death penalty under the law](#). The EO also encourages states to do the same in state criminal cases.

Refugee Admissions EO

This EO [suspends](#) the U.S. Refugee Admissions Program, effectively stopping any refugees from entering the country unless government agencies make an exception. It also directs government agencies to decide every 90 days whether the program should be restarted.

Update: The U.S. agency responsible for refugee processing [told staff that refugee arrivals are suspended until further notice](#), impacting thousands who had already been approved for travel to the U.S.

“Military’s Role” EO

This EO orders the military to create a plan to “seal the borders,” to be submitted by January 30, 2025. It also tasks the military with “repelling forms of invasion,” which the EO describes as including “unlawful mass migration, narcotics trafficking, human smuggling and trafficking, and other criminal activities.”

For more analysis, you can find other resources on Trump’s immigration EOs [here](#), [here](#), [here](#), and [here](#).

OKAY, THAT WAS A LOT... WHAT HAPPENS NEXT WITH THESE EOS?

The President’s goal is to make communities fear for their loved ones’ and their own safety. But while these EOs are scary to read, not all of them have immediate consequences. Many of these EOs tell government agencies to take certain actions to implement the EOs, sometimes within a specific timeline and sometimes not. Some of these actions may happen soon, while others may take months or perhaps even years.

We also expect many of Trump’s immigration policies to be challenged in court. We have already seen [several lawsuits](#) filed against his EO on citizenship, and [one court](#) has already blocked it from being implemented because the court called it “blatantly unconstitutional.” We expect that many more legal challenges will be filed in the next weeks and months.

BESIDES THESE EOS, HAS THE TRUMP ADMINISTRATION DONE ANYTHING ELSE RELATED TO IMMIGRATION IN THE FIRST WEEK?

Yes, the federal government agencies in charge of implementing Trump’s agenda have released additional guidance and memos throughout the week, some of which implement the EOs and some that enact or change policies that are not specifically mentioned in the EOs. Some of the ones implementing the EOs are mentioned above.

In addition to those, immigration agencies are now [no longer following the “sensitive locations” policy](#), which generally did not allow immigration arrests in places that are considered “sensitive,” like schools, places of worship, hospitals, shelters, funerals, weddings, and at protests and rallies. This means that

immigration agents now have more ability to go into these locations to arrest people. Trump's immigration agency has also released a [memo](#) encouraging immigration arrests near or inside courts. But remember that [you still have rights in these locations](#).

ARE THERE ANY OTHER CHANGES I SHOULD KNOW ABOUT?

Unfortunately, that's not all. Congress has also been working on further criminalizing immigrants and forcing more people into detention. One example is the Laken Riley Act, a bill that has passed Congress and will likely be signed by Trump into law shortly. The National Immigration Project has published a separate explainer on this Act.

WHAT CAN I DO RIGHT NOW?

We know this is a scary time, and it is overwhelming and difficult to prepare with so many harmful policies being issued each day, and with more on the horizon. We and many other organizations stand in solidarity and are prepared to fight alongside each other and you! Part of Trump's strategy is to invoke fear in our communities and force people out of our movement. Many of us have been through this before. During Trump's first term, people who were directly impacted fought against their arrests, detention, and deportation alongside support from their community. The most important thing we can do now is organize, stay vigilant, and protect our communities.

There are incredible and inspiring rapid response networks and campaigns set up in cities and states across the country that you can plug into. Find local immigrants' rights organizations and grassroots collectives in your area and reach out to them to offer your time and resources.

If you want to stay up to date with what is happening, we will continue to publish information on new policies as they are announced and provide know your rights presentations and other trainings to community defenders across the country. You can find more [resources](#) and [trainings](#) on our [website](#).