Trump and Immigration: the first two weeks

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SUMMARY:

U.S. border policies have shifted significantly with the Trump Administration. Trump's border strategy emphasizes detention-based policies, rapid deportations, and reinstating "Remain in Mexico." His administration closed remote asylum offices and removed the CBP One app, limiting legal entry options. U.S. negotiations with Latin American countries have complicated deportation efforts, especially with nations under U.S. sanctions – Cuba, Nicaragua, and Venezuela. A major focus has been mass deportation. Trump invoked the "mass influx" provision to deputize local and state police, turning them into auxiliary ICE agents. ICE detention capacity is set to expand from 40,000 to 100,000 beds, doubling weekly enforcement encounters from 750 during Biden to 1,500 individuals. Expedited removal without court appeal applies to individuals in the U.S. for under two years, but those present longer face lengthy court proceedings. Mass deportation efforts face logistical hurdles, including court backlogs and resistance from advocacy groups. Meanwhile, stricter immigration policies, such as the Lakin-Riley Act, criminalize minor infractions to justify detention. Trump has begun to cancel Biden's very large temporary humanitarian visa programs, threatening a million or more with deportation. Cancellation of DACA is quite possible. A legislative solution is not Trump's style.

Background: Immigration in the U.S.

Over the past 60 to 80 years, the global population residing outside their country of origin has increased. While the reasons for this trend are varied and complex, understanding it provides valuable context for discussions on world migration.

The United States stands out in several aspects of immigration. A significant proportion of the U.S. workforce comprises foreign-born individuals, including those who are temporary legal residents, permanent legal residents, or unauthorized workers. Notably, 16% of all international students choose to study in the U.S., and 60% of senior AI experts reside here. Additionally, the U.S. has a relatively high percentage of unauthorized residents compared to other major countries. Historically, Western Europe had unauthorized populations well under 1%, though this may have changed. Currently, the U.S. has about 3% unauthorized

residents, a figure higher than many other major nations; countries like Japan have minimal unauthorized populations.

In the 19th century, formal immigration laws were virtually nonexistent. Significant legislative changes occurred with the restrictive and explicitly racist 1924 law (Immigration Act of 1924, also known as the Johnson-Reed Act), which drastically reduced permanent immigration, and the pivotal 1965 act (Immigration and Nationality Act of 1965, commonly called the Hart-Celler Act) that substantially opened up immigration. It's anticipated that within the next four years, there may be another major law aimed at restricting immigration, though this remains to be seen.

Examining the foreign-born population in the U.S., there were two notable peaks: around 1910, with large waves of European immigrants, and from the mid-1960s through the 1990s, with accelerated immigration. Currently, approximately 13-14% of the U.S. population is foreign-born.

Regarding legal status, many lawful immigrants have naturalized, while others, holding green cards, choose not to. A small segment comprises temporary workers, and there is a notable portion of unauthorized residents. Among the unauthorized, 40% have lived in the U.S. for over 15 years, over a third are parents, and there are about 5 million children under 18 with at least one unauthorized parent. Many unauthorized residents are married and actively participate in the workforce. Their poverty levels are higher than the average for U.S.-born citizens, and 7% are DACA recipients.

Legally, being in the U.S. without authorization constitutes a civil violation. Crossing the border without permission or overstaying one's status is a misdemeanor, while repeated unauthorized entries are considered felonies. The portrayal of all unauthorized immigrants as felons either simplifies or complicates enforcement strategies depending on one's point of view and goals.

In terms of regional origins, recent decades have seen a surge in immigrants from Asia, surpassing those from Latin America. Currently, about half of the U.S. foreign-born population hails from Latin America, with European immigrants constituting a smaller percentage. Recently, there has been rapid growth in immigrants from Africa, including refugees from countries like the Democratic Republic of Congo, Somalia, and professionals from Nigeria.

Different U.S. regions exhibit varied foreign-born populations. The Bronx, for instance, showcases significant diversity among its foreign-born residents. El Paso has a higher concentration of Hispanic and Asian immigrants, while Boulder, Colorado, has a notable presence of European immigrants, largely due to its STEM industries.

The federal institutions involved in immigration are numerous and dispersed, lacking a centralized organization to monitor immigration flows, workforce impacts, or educational

effects. Unlike countries like Canada and the UK, the U.S. does not have a central source for immigration information and analysis. Neither Congress nor the executive branch has established such an office, possibly due to a lack of political will. The U.S. immigration system became notably complex during the 1980s and 1990s, introducing a multitude of visas and exceptions. Today, the immigration code is second only to the tax code in complexity. Given the fact that management of immigration is fragmented among a half dozen organizations, it is fair to say that administration is an elephantine mess which no president or Congress has seriously sought to clean up.

Consequently, the U.S. immigration system is often viewed as untrustworthy and unfair. Few national politicians present a comprehensive vision of immigration that addresses all major issues. While former President Trump advocated for minimal immigration, no prominent Democrat has articulated a detailed stance on the future of American immigration.

Recent years, particularly during the Biden administration, have seen an acceleration in the number of foreign-born individuals entering the country. Previously, the U.S. admitted about a million immigrants annually, a number that decreased under Trump but has risen significantly under Biden, who never explained to the public a strategy, much less vision. The influx has been so substantial that it has made it challenging to track and define these populations accurately, leading to revisions by major sources like the Census Bureau.

The Mexican Border

Starting on the first day of his administration, Trump has issued a flock of executive orders with the goal of drastically changing immigration law enforcement and the number of legal and illegal residents in the country. These orders and their execution tend to focus on three main themes: managing the Mexican border, undertaking mass deportation, and destroying our asylum and refugee programs.

As for the Mexican border, prior to the Biden administration, annual border apprehensions averaged under 500,000. Under Biden, crossings peaked at 3 million per year before declining. By December 2024, the rate had dropped to an annual rate of 600,000 per year. Apprehensions count each attempt separately—meaning if a person crosses five times, they are counted five times in the data. Border encounters mostly occur outside official ports of entry. There are 50 in all: California (11 ports), Arizona (8), Texas (28), and New Mexico (3). Most images of cross-border migrants in the media do not depict ports of entry, but irregular crossings.

Trump aims to further reduce crossings, despite Biden's policy already cutting the numbers. Previously, asylum seekers were released while awaiting court hearings. Trump aims to expand detention centers to hold them instead. "Remain in Mexico" would force migrants to wait in Mexico for their asylum hearings. Biden had removed this policy, but Trump is reinstating and expanding it. He wants to return to building a wall. Substantially

more persons from state and federal sources are to be deployed. Elite military units (e.g., 82nd Airborne Division) are being used for border construction work rather than war preparedness. Tactics include creating physical barriers of cars and trucks along the Rio Grande.

Biden set up overseas offices (e.g., in Costa Rica) where migrants could apply for asylum before reaching the U.S. Trump shut down several of these offices. Under Biden, the "CBP One App" allowed migrants to schedule interviews at legal ports of entry. This app was disabled under Trump, cutting off an official asylum-seeking channel. The U.S. is negotiating with Latin American nations to accept deported migrants, including from countries labeled as "hostile to freedom" like Cuba and Venezuela. This creates contradictions in U.S. foreign policy, as the government has imposed sanctions on these nations while sending migrants back to them.

The border crackdown is framed as an effort to combat "criminals," despite most Mexican border migrants being asylum seekers or economic migrants. Some of the strictest policies face legal and logistical challenges, raising questions about their long-term sustainability.

Mass Deportation

The administration has emphasized mass deportation in recent months, launching efforts almost immediately upon taking office. To break this down clearly, we'll focus on key elements of the deportation strategy without getting too technical, as the legal and logistical complexities can be overwhelming.

Expanded law enforcement authority: A key executive order invoked a "mass influx" provision within existing immigration law, issued just days after inauguration. This allows the President to deputize local and state law enforcement officers, effectively transforming them into auxiliary agents of Immigration and Customs Enforcement (ICE). For instance, under normal circumstances, a local police department, such as Hanover, New Hampshire, Police, would not have the legal authority to detain someone solely on suspicion of being undocumented. However, under the new provision, local officers can be authorized to arrest and detain individuals based on "reasonable suspicion" of unlawful presence. Individuals who have been in the U.S. for less than two years can be subject to expedited removal—meaning they can be detained and deported without a court hearing. Those present for more than two years are entitled to immigration court proceedings, where backlog delays can stretch for three to five years before resolution. This distinction creates a major hurdle for mass deportation, as over 80% of undocumented individuals in the U.S. have been here for more than two years—making immediate deportation impractical under current laws.

There has been a shifting narrative in official rhetoric, with unauthorized immigrants increasingly described as "criminals." While crossing the border illegally is a misdemeanor, and overstaying a visa is a civil offense, public messaging often conflates these with

felonies such as violent crimes. A recent law, the Lakin-Riley Act, passed with bipartisan support, allows for the detention and deportation of undocumented individuals for minor infractions, such as shoplifting.

Under the Biden administration, ICE encountered around 750 individuals per week. The new administration aims to increase this to 1,500 per week—effectively doubling deportation efforts. The current ICE detention system has a capacity of 40,000 beds, but expansion plans target 100,000 beds—raising concerns about detention conditions and costs.

There are two basic classes of encountering unauthorized persons. One is an arrest by ICE. The other is a request by ICE to a local law enforcement agency to detain a person suspected of being unauthorized. ICE depends heavily on the detainment by local law enforcement. So-called sanctuary jurisdictions formally bar their law enforcement agencies from communicating with ICE about possible immigration encounters. The Trump administration is understandably very frustrated that about 80% of all unauthorized persons in the country reside in cities and states that provide this kind of sanctuary.

At the time of this writing, the administration is only two weeks old. The actual effect of its border and mass deportation initiatives is very hard to measure. One reason for this is that the administration has a proclivity for creating stories that can obscure what is actually going on. For instance, much has been made of military aircraft transporting deportees out of the country. During the Biden administration, there were averaged about 10 such flights a day. The Trump administration wants to give the impression that its flights are a radical enhancement of law enforcement.

In earlier periods, ICE conducted high-profile workplace raids—arresting hundreds of individuals at once. For instance, in December 2006, 1,300 ICE officers raided Swift meat processing plants in Colorado, Nebraska; Cactus, Texas, Utah, Iowa, and Minnesota, resulting in the arrests of nearly 1,300 undocumented immigrant workers. About half a dozen very big raids took place during the second George H. Bush term but stopped in the first year of the Obama administration. I speculate that while the Trump administration would love to undertake such for media effect, it is not practical because employers of large workforces are now much more discriminating in whom they hire. Its enforcement strategies focus more on targeted arrests and leveraging local law enforcement partnerships.

There are significant challenges and resistance to these mass deportation efforts. There are logistical limits including court backlogs and detention capacity. Public backlash by advocacy groups and systematic local area resistance, such as hiding individuals, has sprung up almost immediately. Two weeks in, we have yet to see the effect of any legal challenges to the mass deportation program. The administration is waging an aggressive media campaign that it is targeting criminals, a term usually associated with felonies such

as robbery, rape, and murder. It will soon be apparent that most arrests will involve persons with no criminal history.

Asylees, refugees and other humanitarian programs

Turning to asylum and refugee policy, it's useful to first point out how they operate. The following is a highly simplified description.

Asylum seekers are individuals who are already present in the United States and apply for protection due to fear of persecution in their home country. Refugees are people who apply for protection while still outside the United States, typically through designated refugee programs in their home country or a third country.

The legal design of programs involves international conventions as well as U.S. law. The 1951 United Nations Refugee Convention and its 1967 Protocol define a refugee as someone with a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a social group. A key principle is non-refoulement, which forbids returning refugees to places where they may face harm. The Refugee Act of 1980 incorporated the UN's definition into U.S. law. One of the explicit provisions in federal law is that regardless of the way in which a person enters onto American soil, that person has a right for their asylum appeal to be respected.

Refugees do not receive free travel—the U.S. government funds their airfare as a loan, which they must repay over time. Private organizations (ACLU, Global Refuge, American Friends Service Committee) provide assistance, but their funding is not federally controlled, so they continue to operate independently despite government policy changes. Asylum is granted on a case-by-case basis, whereas refugee admissions operate under annual limits set by law. The refugee cap is currently set at 125,000 per year, though actual admissions often fall below this number. There is no fixed limit on asylum seekers, but numbers generally range between 50,000–60,000 per year. Certain groups, such as Afghans, Hmong (Laos), and Vietnamese, have historically been admitted as refugees due to U.S. involvement in conflicts in their regions.

The Trump administration has sought to drastically reduce both asylum and refugee admissions. Proposals include slashing refugee numbers or potentially eliminating refugee admissions altogether. The administration paused all refugee resettlement programs, including funding for organizations like Catholic Charities that assist with refugee integration. This halted travel for about 20,000 refugees, including Afghans, who had already received approval and were preparing to enter the U.S.

The asylum and refugee situation in the United States is dramatically complicated by the existence of two other humanitarian programs, Temporary Protected Status (TPS) and Humanitarian Parole. The Biden administration significantly enlarged the size of these programs in large part to divert migrants from showing up at the Mexican border. The

administration never made a public explanation of these programs, and I believe that its use of these programs, which created some distress to local housing and educational systems, was a key factor in the November 2024 election.

TPS allows individuals already in the U.S. to stay temporarily due to unsafe conditions in their home countries. Humanitarian parole provides temporary admission (typically for two years) for people from specific crisis-hit countries. The Biden administration expanded parole in 2023 to admit 30,000 persons a year from Cuba, Haiti, Nicaragua, and Venezuela. An important feature of Biden's TPS and parole programs is that they involve sponsors living in the United States who guarantee the financial wherewithal of the beneficiaries. This family sponsorship design has become a feature in the United Kingdom and Canada and was brought into the United States without any clear explanation of it to the public. Here in the United States, this has resulted in hundreds of thousands, perhaps over a million individuals residing here with family sponsorships.

The Trump administration has moved to revoke these protections. In the first 2 weeks, it declared that some 350,000 Venezuelans with TPS protection will have their protection expire in April. Another 250,000 Venezuelans will likely end their protection in the early fall. We can expect aggressive measures to cancel or not renew TPS and parole protections. The administration knows exactly where these people are and has a database on them. The administration could very well lower the boom on parole programs set up for Ukrainians and Afghans. To say the least, it is ironic that Trump appears to be throwing out of the United States many persons whose country of origin United States has formally imposed sanctions and carried out other very public hostilities.

DACA (Deferred Action for Childhood Arrivals) has been ruled unlawful by federal courts but remains in limbo. Trump is expected to cease defending DACA in court, meaning 800,000 individuals could lose legal status.

Stepping back from border management, mass deportation, and the cancellation of many humanitarian visas, we can ask where will this all lead. A plausible scenario is something as follows. The administration puts at acute risk the presence of humanitarian Beneficiaries. Republican senators, perhaps led by senator Tom Cotton, introduce a sweeping Immigration bill, the first such bill to have a serious chance of passage since 1965. The bill will reduce overall permanent immigration, now at about 1,000,000 a year and make a major shift towards merit-based immigration such as practiced by Australia, Canada and the United Kingdom. The bill will include a requirement that all employers verify the legal status of workers and applicants through the federal E-Verify system. Persons with unauthorized status or some precarious legal status would be granted some kind of normalized status allowing them to stay in the country. A problem with this plausible scenario is that it is not credible to expect that Trump will want to go through the process of a systematic change of law.