

Immigration Enforcement: Proposed Policies and Tactics

The following policies and tactics have been identified through campaign statements and interviews as being under consideration by the incoming administration:

1. **Military Personnel:** Assign National Guard and/or regular military units to prevent border crossing and make apprehensions. Using the military for immigration enforcement in other parts of the country, and operating detention camps, has also been reported to be under consideration.
2. **Immigration Sweeps:** Shift enforcements efforts from investigation, identification, and apprehension of individuals to sweeps that can scoop up many people all at once.
 - a. **Workplace:** Use sweeps in workplaces that employ large numbers of people who work low-wage, low-skill jobs.
 - b. **Sensitive Locations:** The U.S. Department of Homeland Security (DHS), which oversees both ICE (Immigration and Customs Enforcement) and the USBP (United States Border Patrol), has longstanding policies that restrict immigration enforcement actions near “sensitive locations,” including places of worship, schools, and health care facilities. These policies are based on agency guidance that may be altered by the next administration.
2. **Expand Use of E-Verify:** The E-Verify system intended to prove that employees are eligible to work in the United States. The system has been criticized as being highly error-prone, preventing eligible workers from obtaining employment.
3. **Enlist State and Local Law Enforcement Agencies:** The president-elect has stated that his administration will incentivize state and local law enforcement agencies, using grants and/or penalties tied to federal funds, to gain their assistance with immigration enforcement.
4. **Punish States and Localities for Non-Compliance:** States and localities that fail to comply with federal requirements on immigration enforcement could face the loss of federal funds for programs that are not related to immigration. Examples include:
 - a. Block federal financial aid to all college students from states that allow immigrant groups, like the Dreamers, to access in-state tuition.
 - b. Make aid from the Federal Emergency Management Agency (FEMA) contingent on agreement from state/locality to provide federal law enforcement agencies with access to databases they maintain (DMV, taxpayer, voter registration, etc.).
5. **Expand Number and Capacity of Immigrant Detention Facilities:** Increase to 100,000 the number of immigrants who can be detained while awaiting deportation. Reduce the standards required for migrant detention facilities to allow the use of temporary structures and tents.
6. **Mandatory Deportation:** Require detention and deportation upon arrest of undocumented individuals, regardless of whether immigrants represent a flight or public safety risk.
7. **Separate Families:**
 - a. Detain children and parents in separate locations.
 - b. Deport parents even when it separates them from their children.
 - c. Make it more difficult for family members in other countries to immigrate to the U.S.
8. **Reinstate “Remain in Mexico:”** Require asylum seekers at the Mexican border to remain in Mexico while their applications are investigated and processed.
9. **Detain Unaccompanied Youth:** Transfer responsibility for care of unaccompanied minors from Health and Human Services to DHS.
10. **Expand Expedited Removal:** Deportation is a process that can take months. Expedited removal, which bypasses immigration hearings, is currently limited to apprehensions near the border. The administration may expand this practice to apprehensions made anywhere in the country.

11. **Repeal all Temporary Protected Status (TPS) Designations:** As of March 2024, 863,880 immigrants have TPS authorizations. Many of these people have lived and worked in the US for decades and have children who are U.S. citizens. If repealed, people with TPS authorization would lose their ability to obtain lawful employment and face deportation.
12. **Removal of Deferred Action on Childhood Arrivals (DACA) Protections:** Deferred action is an exercise of prosecutorial discretion to defer removal action against an individual for a certain period of time. Certain people who came to the United States as children and meet specific guidelines have the ability to request consideration of deferred action. Deferred action does not provide lawful status, but DACA recipients are eligible to request work authorizations.
 - a. Approximately 530,000 people may lose their deferrals and work authorizations and become subject to deportation.
 - b. The average DACA recipient arrived in the US at age 7 and has lived here for 20 years.
 - c. Approximately 250,000 US children have a parent who is a DACA recipient.
13. **Reduce Work Visas:** The new administration may wind down H2-A and H2-B “low-skilled” seasonal work visas, with the goal of eliminating both in 10 to 20 years. It may also reduce the number of H1-B “high-skilled” visas.
14. **Restrict Federal Housing Subsidies:** U.S. citizens could be barred from qualifying for federal housing subsidies if they live with anyone who is not a U.S. citizen or a legal permanent resident.
15. **Reinterpret the Meaning of Birthright Citizenship:** Members of the incoming administration have proposed interpreting the language of the 14th Amendment to the U.S. Constitution to mean that children born in the United States do not have a right to birthright citizenship if their parents were undocumented at the time of their birth, and deporting people who were born in the U.S. under those conditions.
16. **Enforcement by Paramilitary Organizations:** Leaders of several militia organizations are reported to have contacted the president-elect to express interest in assisting with enforcement efforts. Civilian militia groups have also been known to patrol the border of their own accord, sometimes taking migrants into custody and turning them over to authorities.
17. **Public Tip Line:** Border czar designee Tom Homan has said that the federal government will set up a phone line for members of the public to alert immigration authorities to undocumented people in their communities.