

MIGRATION

Trump sets out his policy on immigration for the next few months

Juan José Li Ng / Carlos Serrano

The border wall with Mexico is a priority in Trump's immigration policy. Other far-reaching measures to be implemented on the basis of the executive orders signed by the US president are: a) Quantifying the financial support that Mexico has received from the US in the past five years, b) Hiring 5,000 more Border Patrol officers and 10,000 new Immigration and Customs Enforcement (ICE) agents, c) Empowering State and local law enforcement agencies to perform the functions of immigration officers, d) Withholding federal funds from "sanctuary jurisdictions", and e) Reinstating the Secure Communities programme.

The executive orders make no significant changes as regards the policy on refugees and asylum, the inflow of unaccompanied minors or the time and form in which immigration-related hearings and procedures take place.

Other important subjects such as the flow of remittances to Mexico, DACA (Deferred Action for Childhood Arrivals) and immigration from Cuba were not addressed.

In his working meeting with the Department of Homeland Security (DHS) on Wednesday 25 January, President Donald J. Trump signed two executive orders regarding immigration:

- "Border Security and Immigration Enforcement Improvements", on the construction of the border wall and on border security; and
- "Enhancing Public Safety in the Interior of the United States", on measures to detect and deport illegal aliens from the interior of the country.

Trump's priorities on immigration

- **Building the wall along the border with Mexico is the priority.** President Trump asked the Department of Homeland Security (DHS) to take immediate steps to plan, design and build a wall along the entire border with Mexico. Building the border wall was certainly one of the president's key campaign promises, and he intends to keep it. The DHS was asked to identify and reassign federal resources for allocation to the border wall and to include items for this work in the coming years' budget requests.

Additionally, it was asked to carry out a study on the current security situation along the US border with Mexico so as to provide a better overview for the implementation and construction of the wall. It is not yet known what kind of wall President Trump's administration will build or what it might cost. President Trump reiterated that Mexico would end up paying 100% of the cost of building the wall, directly or indirectly.

- **Report on US financial support to Mexico.** The executive order instructs all secretaries to provide the president within 60 days with a report on all direct and indirect US aid to the Mexican government in the past five years. We believe the purpose of quantifying this aid is to reassign a substantial part of these resources to the financing of the promised wall and use this as the basis for claiming that Mexico is paying for it. One of the biggest sources of US direct aid to Mexico is that granted by U.S. AID, the Agency for International Development. In the five years between 2011 and 2015, the US authorised US\$1,979 million in aid to Mexico, US\$1,596 million was executed.
- **5,000 more officers for the Border Patrol and 10,000 more ICE agents.** Subject to availability of financial resources, the Border Patrol will seek to hire 5,000 additional officials to reinforce its vigilance and detention of undocumented immigrants on the US border with Mexico. In 2016, the Border Patrol had nearly 20,000 officials, so adding 5,000 would represent a 25% increase in its workforce. Additionally 10,000 agents will be hired for the Immigration and Customs Enforcement (ICE), to take charge of seeking, investigating and detaining undocumented immigrants in the interior of the country. These officials are the people mainly responsible for splitting up families and deporting some of immigrants that have been in the US longest. The ICE has an estimated 5,000 immigration officials, so this order would triple its workforce.
- **Federal–State agreement on performance of immigration officials' functions.** As far as the law allows, State and local authorities will be empowered to perform the functions of immigration officials. This state and local authorities, with the consent of the DHS, will be able to investigate, arrest and detain foreigners, such actions being in addition to, not instead of, the activities obligatorily carried out at federal level.
- **“Sanctuary jurisdiction”.** The Trump administration has no illusions about the difficulties it will face in applying its new immigration policies if it does not have the collaboration and cooperation of bodies that openly declare that they are going to protect undocumented immigrants. As a first step, to the extent permitted by law, the executive order seeks to withhold contributions of federal resources from states, cities, universities, organisations, etc. that openly protect undocumented immigrants. It leaves it to the DHS to determine which are “sanctuary jurisdiction” for undocumented immigrants.
- **Secure Communities.** The Secure Communities programme is reinstated. This programme enables the ICE to have information on the biometric data of all persons in a detention centre or prison in the United

States. If its suspects that anyone's immigration status is irregular, it can instigate enquiries and, if appropriate, deport the person.

Ambiguous positioning

- **Refugees and asylum.** Applications will be more closely reviewed and stricter criteria applied for granting asylum, but there is no indication as to whether there will be restrictions or quotas. Thousands of Haitian migrants are currently stranded in Tijuana awaiting their turn to present their applications for asylum to the US immigration officials. It seems there are no significant changes in US policy on this matter.
- **Unaccompanied minors.** As with refugees and asylum seekers, there is only an indication that the status of unaccompanied minors applying for protection under the William Wilberforce Trafficking Victims Protection Reauthorization Act will be studied more rigorously.
- **Speeding up immigration hearings and procedures.** More personnel and resources will be assigned to speed up deportation hearings and asylum applications and resolve cases of unaccompanied minors; however it is not clear how this will be achieved.

Subjects not directly addressed

- **Remittances to Mexico.** Neither of the executive orders that Trump signed makes any direct mention of remittances from the US to Mexico, which amounted to nearly US\$27 billion in 2016. Thus it is not clear what restrictions the new US administration might impose on these remittances or whether there is likely to be some form of tax on them.
- **"Dreamers".** The executive orders make no reference to young, undocumented immigrants who benefit from DACA, Deferred Action for Childhood Arrivals act. This programme originated from another executive order, made by then President Obama in 2012, not from a law, which means that the current administration can terminate the programme without having to involve Congress. Up until 2016, more than 750,000 young people had signed up for deferred action, nearly 590,000 of them born in Mexico. To obtain this relief, these young people had to register their personal (including biometric) particulars, which becomes a very delicate matter if the government decides to revoke the benefits of DACA.
- **Cuban migration** The US government sees Cuban migration and relations with Cuba as a foreign policy priority, not an immigration one. It remains to be seen what the Trump administration's positioning will be in relation to Cuba and how it will treat Cubans arriving on US soil.

Final considerations

We consider that there were some positive elements in the presentation that President Trump gave to the press after the signing of executive orders, among them the promise to curb the flow of arms from the US to Mexico (something that Mexico had asked the US government to do on numerous occasions, without success), the commitment to promoting economic development on both sides of the border and the assertion that if Mexico did well economically, so would the US. In reaction to these declarations the peso appreciated yesterday. However, these gains were partly diluted following the news that President Trump had suggested cancelling his meeting scheduled for next week with the Mexican president if Mexico did not agree to pay for the wall.

Sources

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