

President Biden's Executive Actions on Immigration

Center for Migration Studies

On his first day in office, President Joseph R. Biden Jr. issued a number of orders, proclamations, and directives that reversed policies enacted by the Trump administration and sought to put the US immigration system on a far different course. President Biden also sent the US Citizenship Act of 2021 [\[cdn.com/uploads/chorus_asset/file/22246670/Fact_Sheet__America_s_Citizenship_Act_of_2021.pdf\]\(https://cdn.vox-cdn.com/uploads/chorus_asset/file/22246670/Fact_Sheet__America_s_Citizenship_Act_of_2021.pdf\) to Congress. If passed by the Senate and House, this bill would represent the most sweeping immigration reform legislation in decades and lead to the largest legalization program in US history. Biden's administrative actions will reshape the US immigration system and federal agencies after four years of **aggressive actions to restrict immigration** \[.\]\(https://cmsny.org/trumps-executive-orders-immigration-refugees/\)](https://cdn.vox-</p></div><div data-bbox=)

On January 20, 2021, the Biden administration announced the following measures *(Click the title below to jump to a description of each measure):*

- **[Proclamation on Ending Discriminatory Bans on Entry to The United States](#)**
- **[Executive Order on the Revision of Civil Immigration Enforcement Policies and Priorities](#)**
- **[Preserving and Fortifying Deferred Action for Childhood Arrivals \(DACA\)](#)**

- [Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction](#)
- [Executive Order on Ensuring a Lawful and Accurate Enumeration and Apportionment Pursuant to the Decennial Census](#)
- [Memorandum Reinstating Deferred Enforced Departure for Liberians](#)
- [US Citizenship Act of 2021](#)
- [DHS Statement on the Suspension of New Enrollments in the Migrant Protection Protocols Program](#)

President Biden has since issued additional Executive Orders (EOs) and administrative policy changes (*Click the title below to jump to a description of each EO/policy change*):

- [Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border](#)
 - [Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New American](#)
 - [Executive Order on the Establishment of Interagency Task Force on the Reunification of Families](#)
 - [Executive Order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration](#)
 - [Proclamation on the Suspension of Entry as Immigrants and Non-Immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease](#)
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Proclamation on Ending Discriminatory Bans on Entry to The United States

[*<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-ending-discriminatory-bans-on-entry-to-the-united-states/?ct=t\(AgencyUpdate_012120\)>*](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-ending-discriminatory-bans-on-entry-to-the-united-states/?ct=t(AgencyUpdate_012120))

From 2017-2020, former President Trump issued a series of travel bans preventing nationals of Muslim-majority and select African countries from entering the United States. President Biden rescinded the travel bans (Executive Order 13780 [*<https://www.dhs.gov/publication/executive-order-13780-protecting-nation-foreign-terrorist-entry-united-states-initial?ct=t\(AgencyUpdate_012120\)>*](https://www.dhs.gov/publication/executive-order-13780-protecting-nation-foreign-terrorist-entry-united-states-initial?ct=t(AgencyUpdate_012120)),

Proclamation 9645 [*<https://www.hsdl.org/?abstract&did=825693&ct=t\(AgencyUpdate_012120\)>*](https://www.hsdl.org/?abstract&did=825693&ct=t(AgencyUpdate_012120)),

Proclamation 9723

[*<https://www.hsdl.org/?abstract&did=825693&ct=t\(AgencyUpdate_012120\)>*](https://www.hsdl.org/?abstract&did=825693&ct=t(AgencyUpdate_012120)), Proclamation 9983 [*<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/presidential-proclamation-archive/presidential-proclamation9645.html?wcmode=disabled&ct=t\(AgencyUpdate_012120\)#:~:text=Presidential%20Proclamation%209645%20and%20Presidential%20Proclamation%209983,-Presidential%20Proclamation%209645&text=On%20January%2031%2C%202020%2C%20a,nationals%20of%20six%20additional%20countries.>*](https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/presidential-proclamation-archive/presidential-proclamation9645.html?wcmode=disabled&ct=t(AgencyUpdate_012120)#:~:text=Presidential%20Proclamation%209645%20and%20Presidential%20Proclamation%209983,-Presidential%20Proclamation%209645&text=On%20January%2031%2C%202020%2C%20a,nationals%20of%20six%20additional%20countries.>)) effective immediately. In his proclamation,

Biden characterized the travel bans as “a stain on our national conscience.”

The initial travel ban (Section 3 of the “Executive Order 13769 [*<https://www.nytimes.com/2017/01/27/us/politics/refugee-muslim-executive-order-trump.html>*](https://www.nytimes.com/2017/01/27/us/politics/refugee-muslim-executive-order-trump.html)”) suspended the issuance of visas to nationals from Iran, Iraq, Sudan, Syria, Libya, Somalia, and Yemen for 90 days. The ban drew sharp criticism because it targeted Muslim-majority countries, and led to protests at airports [*<https://www.nytimes.com/2017/01/28/nyregion/jfk-protests-trump-refugee-ban.html?_r=0>*](https://www.nytimes.com/2017/01/28/nyregion/jfk-protests-trump-refugee-ban.html?_r=0) across the country and legal challenges [*<https://blog.harvardlawreview.org/the-overlooked-legal-challenge-to-trumps-travel-ban/>*](https://blog.harvardlawreview.org/the-overlooked-legal-challenge-to-trumps-travel-ban/). In

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suspended the issuance of visas to nationals from Iran, Iraq, Sudan, Syria, Libya, Somalia, and Yemen for 90 days. The ban drew sharp criticism because it targeted Muslim-majority countries, and led to

protests at airports [*<https://www.nytimes.com/2017/01/28/nyregion/jfk-protests-trump-refugee-ban.html?_r=0>*](https://www.nytimes.com/2017/01/28/nyregion/jfk-protests-trump-refugee-ban.html?_r=0) across the country and legal challenges

[*<https://blog.harvardlawreview.org/the-overlooked-legal-challenge-to-trumps-travel-ban/>*](https://blog.harvardlawreview.org/the-overlooked-legal-challenge-to-trumps-travel-ban/). In

subsequent versions of the travel ban, the Trump administration added non-Muslim-majority countries and extended the timeframe for the ban. In a 5-4 decision, the Supreme Court ultimately upheld (in *Trump v. Hawaii* <<http://cdn.cnn.com/cnn/2018/images/06/26/travel.ban.pdf>>) the third version of the travel ban, Presidential Proclamation 9645. The bans have halted admissions of targeted groups and prevented families from reunifying <<https://www.nbcnews.com/news/us-news/trump-travel-ban-thousands-desperate-families-remain-separated-n988636>> or even from visiting one another. Muslim Americans <<https://www.freep.com/story/news/local/michigan/2021/01/21/muslims-react-joe-biden-removes-travel-ban/4221866001/>> and religious leaders <<https://www.usccb.org/news/2021/usccb-chairmen-welcome-end-ban-prohibiting-immigrants-and-refugees-certain-muslim>> of many faiths praised Biden for ending the ban.

The proclamation lifts certain restrictions

<<https://www.fragomen.com/insights/alerts/president-biden-revokes-travel-bans-affecting-primarily-muslim-majority-and-african-countries>> on immigrant visas for nationals of Burma, Eritrea, Iran, Venezuela, Kyrgyzstan, Libya, North Korea, Somalia, Sudan, Syria, Tanzania, and Yemen. US Embassies and Consulates in those countries can resume visa processing and must ensure that pending visa and waiver applications are not prejudiced by the previous bans.

Executive Order on the Revision of Civil Immigration Enforcement Policies and Priorities

<<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-the-revision-of-civil-immigration-enforcement-policies-and-priorities/>>

This order revised immigration enforcement policies and priorities and rescinded Trump administration Executive Order 13768

<[https://www.govinfo.gov/content/pkg/DCPD-201700072/pdf/DCPD-201700072.pdf?ct=t\(AgencyUpdate_012120\)](https://www.govinfo.gov/content/pkg/DCPD-201700072/pdf/DCPD-201700072.pdf?ct=t(AgencyUpdate_012120))> , which called for the prompt removal of all

undocumented immigrants living in the United States and which withdrew federal funding from so-called sanctuary states. Biden's executive order directs relevant federal agencies to issue new guidance about immigration enforcement priorities.

Former administrations prioritized removal of immigrants convicted of serious crimes, those who threatened national security, and recent border entrants. A 2019 analysis <https://trac.syr.edu/immigration/reports/585/> from the Transactional Records Access Clearinghouse (TRAC) at Syracuse University on Trump-era enforcement found that "despite rising numbers of individuals detained by Immigration and Customs Enforcement (ICE), fewer and fewer individuals who have committed and been convicted of serious crimes are among them." The Trump administration's enforcement priorities were so broad that they effectively set no priorities at all.

They also came at an enormous cost <https://cmsny.org/deportation-in-the-trump-era-separated-families-and-devitalized-communities/> to mixed-status families; i.e., those with undocumented and US citizen members. Using data from the Center for Migration Studies (CMS), a Marshall Project report estimated that 909,000 mixed-status families <https://www.themarshallproject.org/2020/06/18/the-true-costs-of-deportation> would face financial hardship and risk falling into poverty if their undocumented breadwinners were deported. The costs of deportation to families include financial hardship <https://journals.sagepub.com/doi/10.1177/233150241700500101> and the trauma <https://cmsny.org/publications/jmhs-communities-in-crisis/> of their separation and division.

In response to Biden's Executive Order, Acting Department of Homeland Security (DHS) Secretary David Pekoske immediately issued a memorandum https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf directing

DHS agencies to review enforcement policies and provide recommendations for revised policies within 100 days. The memorandum ordered a 100-day pause on the removal of noncitizens, with exceptions for noncitizens who pose a danger to national security; who were not in the United States before November 1, 2020; who voluntarily waive any rights to remain in the United States; and who the acting ICE Director determines must leave the country. The memorandum also established the following enforcement priorities effective February 1, 2021:

- Those who have engaged in or are suspected of terrorism or espionage, or whose arrest is otherwise necessary to protect national security;
- Individuals apprehended at the border or ports of entry while attempting to unlawfully enter the United States on or after November 1, 2020; and
- Individuals released from incarceration on or after January 20, 2021, who have been convicted of an aggravated felony and who pose a threat to public safety.

On January 26, 2021, Judge Drew Tipton of the US District Court of the Southern District of Texas granted

[https://www.dallasnews.com/news/politics/2021/01/26/federal-judge-temporarily-halts-bidens-](https://www.dallasnews.com/news/politics/2021/01/26/federal-judge-temporarily-halts-bidens-deportation-freeze-in-response-to-texas-ag-paxtons-lawsuit/)

[deportation-freeze-in-response-to-texas-ag-paxtons-lawsuit/](https://www.dallasnews.com/news/politics/2021/01/26/federal-judge-temporarily-halts-bidens-deportation-freeze-in-response-to-texas-ag-paxtons-lawsuit/) a 14-day temporary restraining order blocking the 100-day pause on removals ordered in Pekoske's memorandum. The ruling, however, does not block the administration's enforcement priorities.

Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA)

<https://www.whitehouse.gov/briefing-room/presidential->

[*actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/?ct=t\(AgencyUpdate_012120\)*](https://www.dhs.gov/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/?ct=t(AgencyUpdate_012120))>

This memorandum directs the DHS Secretary and Attorney General to take all actions necessary and consistent with applicable law to preserve and fortify the DACA program. DACA provides relief from deportation, work authorization, and advance parole for unauthorized immigrants who were brought to the United States as children. Established in June 2012, the program has more than 600,000 active recipients who are “deeply integrated in US communities and enjoy long standing connections to the United States, the country that most of them know as their only home. [*<https://cmsny.org/publications/daca-supreme-court-alulema-111119/>*](https://cmsny.org/publications/daca-supreme-court-alulema-111119/)”

The Trump administration took several actions to dismantle the DACA program. It first announced [*<https://www.govinfo.gov/content/pkg/DCPD-201700609/html/DCPD-201700609.htm>*](https://www.govinfo.gov/content/pkg/DCPD-201700609/html/DCPD-201700609.htm) that it would end the program in September 2017, and DHS stopped processing new applications. In June 2020, the US Supreme Court ruled [*<https://www.supremecourt.gov/opinions/19pdf/18-587_5jfl.pdf>*](https://www.supremecourt.gov/opinions/19pdf/18-587_5jfl.pdf) that the administration’s attempt to terminate [*<https://www.youtube.com/watch?v=WAo-OS1JPfs&feature=youtu.be&ab_channel=CatholicLegalImmigrationNetwork%2CInc.%28CLINIC%29>*](https://www.youtube.com/watch?v=WAo-OS1JPfs&feature=youtu.be&ab_channel=CatholicLegalImmigrationNetwork%2CInc.%28CLINIC%29) the program was unlawful. However, instead of resuming the program, former Acting DHS Secretary Chad Wolf issued a memorandum [*<https://www.dhs.gov/sites/default/files/publications/20_0728_s1_daca-reconsideration-memo.pdf>*](https://www.dhs.gov/sites/default/files/publications/20_0728_s1_daca-reconsideration-memo.pdf) curtailing DACA and barring first-time applications. On November 14, 2020, a federal district court judge ruled [*<https://www.justsecurity.org/wp-content/uploads/2020/11/Garaufis.DACA_.decision.pdf>*](https://www.justsecurity.org/wp-content/uploads/2020/11/Garaufis.DACA_.decision.pdf) that the memorandum was illegal because Wolf had been improperly appointed to his position and lacked the authority to issue the order. The judge ordered [*<https://www.npr.org/2020/12/04/943355234/judge-orders-trump-administration-to-restore-daca-as-it-existed-under-obama>*](https://www.npr.org/2020/12/04/943355234/judge-orders-trump-administration-to-restore-daca-as-it-existed-under-obama) the administration to reinstate DACA in December

2020, after DHS did not take actions to do so after his November ruling. The January 20, 2021 memorandum stated that: “DACA reflects a judgment that these immigrants should not be a priority for removal based on humanitarian concerns and other considerations, and that work authorization will enable them to support themselves and their families, and to contribute to our economy, while they remain.”

Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction

<<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/>>

President Biden halted construction of the wall along the US-Mexico border and stated that funds for border wall construction would be reallocated following a review of construction contracts.

Throughout his presidency and the 2016 campaign, President Trump promised to build a wall spanning the US-Mexico border. He also promised that Mexico would pay for the wall. However, this did not occur, and work on the wall cost American taxpayers approximately \$15 billion dollars *<<https://www.nbcnews.com/politics/donald-trump/fact-check-mexico-never-paid-it-what-about-trump-s-n1253983>>* . Moreover, a disagreement between Congress and the administration over funding for the wall triggered the longest government shutdown in US history *<<https://www.politico.com/story/2019/01/25/trump-shutdown-announcement-1125529>>* .

In order to fund the wall without consent from Congress, Trump issued Proclamation 9844, “Declaring a National Emergency Concerning the Southern Border of the United States

<https://www.federalregister.gov/documents/2019/02/20/2019-03011/declaring-a-national-emergency-concerning-the-southern-border-of-the-united-states> .” CMS raised questions about the need for a wall and the national security rationale for declaring an emergency. <https://cmsny.org/publications/essay-warren-022719/> It found that the multiyear decline in US undocumented population had been driven by Mexican nationals returning to Mexico, and since 2010, about two-thirds of new arrivals <https://journals.sagepub.com/doi/full/10.1177/2331502420906125> into the US undocumented population had overstayed temporary visas, a practice the wall would do nothing to stop.

Border communities <https://www.hopeborder.org/ff-wall-imposed-in-el-paso> and environmentalists <https://fronterasdesk.org/content/1652868/president-biden-halts-border-wall-environmentalists-want-sections-gone> have called on Biden to take steps to remediate environmental and cultural destruction caused by construction of the wall. Hundreds of miles of borderlands, including sacred Native American sites and protected public lands, have been bulldozed, blasted, and parched over the past four years due to construction of the wall, with little environmental assessment or oversight <https://www.theguardian.com/environment/2021/jan/28/border-wall-reverse-environmental-cultural-destruction> .

“Like every nation, the United States has a right and a duty to secure its borders and protect its people against threats,” Biden wrote in the proclamation. “But building a massive wall that spans the entire southern border is not a serious policy solution.”

Executive Order on Ensuring a Lawful and Accurate Enumeration and Apportionment Pursuant to the Decennial Census

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-ensuring-a-lawful-and-accurate-enumeration-and-apportionment-pursuant-to-decennial-census/>

President Biden reversed <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-ensuring-a-lawful-and-accurate-enumeration-and-apportionment-pursuant-to-decennial-census/> a Trump administration order issued in July 2020 that sought to exclude undocumented immigrants from the 2020 Census. Under the 14th Amendment of the US Constitution, the census counts the number of people in each state every 10 years. Between January 3 and January 10 following a census year, the president is required to submit a statement with census numbers to Congress, which Congress uses to apportion seats among the states for the House of Representatives.

Trump's executive order stated <https://immigrationimpact.com/2020/07/22/census-executive-order/?emci=0126fd99-bd5c-eb11-a607-00155d43c992&emdi=b44ba499-d75c-eb11-a607-00155d43c992&ceid=9181644#.YBQ0tWRKg3h> his intentions to submit a reapportionment plan to Congress that would have excluded all undocumented immigrants in January 2021. Trump requested two sets of numbers: one set with the whole number of persons in each state and the other with the number of undocumented immigrants in each state, which would be subtracted from the whole number for the purposes of apportioning House seats by state. Experts say it is not possible <https://www.washingtontimes.com/news/2020/aug/2/trump-census-order-cant-be-done-accurately-experts/> to offer an accurate count in the way Trump requested.

The order seemed to be retaliatory <https://immigrationimpact.com/2020/07/22/census-executive-order/?emci=0126fd99-bd5c-eb11-a607-00155d43c992&emdi=b44ba499-d75c-eb11-a607-00155d43c992&ceid=9181644#.YBRFRmRKjY> towards sanctuary cities and states that disagreed with his immigration priorities. It provided that states adopting policies that encourage undocumented immigrants to enter

the country and those that have a large population of undocumented immigrants should not be rewarded with greater representation in the House of Representatives.

In July 2020, 23 states, immigrant rights advocates, and other groups filed several lawsuits challenging Trump's executive order

<https://www.npr.org/2020/12/18/946875796/supreme-court-punts-in-census-case-says-its-premature-to-decide-the-issue> in federal court, blocking the plan from going into effect.

The Trump administration appealed those rulings to the US Supreme Court, which ruled in December 2020 that it was premature to consider the matter because states had not yet been injured. Biden's executive order ensures that undocumented immigrants are included and states will not lose congressional representation or federal funding due to an incomplete census count.

Memorandum Reinstating Deferred Enforced Departure for Liberians [<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/reinstating-deferred-enforced-departure-for-liberians/?ct=t\(AgencyUpdate_012120\)>](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/reinstating-deferred-enforced-departure-for-liberians/?ct=t(AgencyUpdate_012120))

President Biden reinstated Deferred Enforced Departure (DED) for Liberians through June 30, 2022. The memorandum also restores DED for those who were previously protected before it expired on January 10, 2021. DED provides temporary protection against deportation and work authorization to nationals of designated countries authorized by the president at his discretion.

Certain Liberians were first offered Temporary Protected Status (TPS) <https://fas.org/sgp/crs/homesecc/RS20844.pdf> by the George H.W. Bush administration because of the Liberian Civil War. Subsequent administrations extended TPS or DED to Liberians due to ongoing violence and later the Ebola crisis. The National Defense Authorization Act for Fiscal Year 2020 [<https://www.congress.gov/bill/116th-congress/senate-bill/1790/text>](https://www.congress.gov/bill/116th-congress/senate-bill/1790/text)

established the Liberian Refugee Immigration Fairness (LRIF) program. LRIF is the first US legalization program in many years. However, USCIS did not approve [a single application in the first four months of the program, which was originally set to expire in December 2020. COVID-19 further slowed](https://cliniclegal.org/resources/humanitarian-relief/liberian-refugee-immigration-fairness-lrif/report-failing-our) [application processing. On December 27, 2020, President Trump signed into law the Consolidated Appropriations Act](https://www.propublica.org/article/a-once-in-a-lifetime-chance-for-liberian-immigrants-has-been-hamstrung-by-covid-and-trumps-dysfunctional-immigration-bureaucracy) [which extended the deadline to apply for LRIF relief to December 20, 2021. Biden’s memorandum extending DED provides Liberians with protection against deportation and work authorization as they apply for permanent residence.](https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-116HR133SA-RCP-116-68.pdf?ct=t(AgencyUpdate_121620_COPY_01))

The memorandum also directs the DHS Secretary to ensure ease of application and timely adjudication of applications for LRIF benefits. In order to qualify for the LRIF program, applicants must: (1) properly complete a Form I-485 Application; (2) be a national of Liberia; (3) have been continuously physically present in the United States during the period between November 20, 2014 and the date they file a Form I-485 Application; and (4) have not been convicted of an aggravated felony, two or more crimes involving moral turpitude, or persecution of any person on account of race, religion, nationality, political opinion, or membership in a particular social group. CMS has estimated that potentially 10,000 Liberians [are eligible for LRIF relief.](https://cmsny.org/the-liberian-refugee-immigration-fairness-program-estimates-of-the-potentially-eligible/)

On January 29, 2021, DHS Acting Secretary Pekoske also extended and **“re-designated” Syria for TPS** [. This decision allows more](https://www.dhs.gov/news/2021/01/29/acting-dhs-secretary-pekoske-extends-temporary-protected-status-syria)

than 6,700 Syrians and persons without nationality who last resided in Syria, to retain TPS through September 2022. It also permits an additional 1,800 persons to submit applications to secure TPS for the first time.

US Citizenship Act of 2021 <https://cdn.vox-cdn.com/uploads/chorus_asset/file/22246670/Fact_Sheet__America_s_Citizenship_Act_of_2021.pdf>

On January 20, 2021, President Biden sent the US Citizenship Act of 2021 <https://cdn.vox-cdn.com/uploads/chorus_asset/file/22246670/Fact_Sheet__America_s_Citizenship_Act_of_2021.pdf> to Congress. If passed by the Senate and House, the bill would represent the most sweeping immigration reform package since 1990 and would create the largest legalization program in US history, including the Immigration Reform and Control Act of 1986 <<https://cmsny.org/event/kamasaki-book-talk/>>. In particular, the Act would:

- Provide an eight-year pathway to citizenship for approximately 10.6 million undocumented immigrants <<https://journals.sagepub.com/doi/10.1177/2331502420906125>>. Undocumented persons physically present in the United States on or before January 1, 2021 would be able to apply for temporary legal status immediately and permanent residence after five years. After three years of permanent residence, these immigrants and all other green card holders would be eligible to apply for naturalization. Currently, green card holders can only apply for naturalization after five-years of continuous permanent residence.
- Allow DACA recipients, TPS holders, and immigrant farmworkers to apply for permanent residence immediately.
- Eliminate bars that prohibit immigrants from returning to the United States for 3 years or 10 years if they lived without status in the

United States for more than 180 days but less than one year or over one year, respectively.

- Change the word “alien” to “noncitizen” in all immigration laws in an effort to recognize the United States as a nation of immigrants.
- Reform family- and employment-based immigration by recapturing millions of previously unused visas to reduce green card backlogs and eliminating per-country visa caps.
- Allow immigrants with approved family-based petitions <https://journals.sagepub.com/doi/full/10.1177/2331502419852925> to join petitioning family members in the United States, while they wait for their green cards to become available.
- Eliminate the one-year deadline for filing asylum applications in the United States and provide funding to reduce asylum application backlogs.
- Prohibit discrimination based on religion and limit presidential authority to issue discriminatory travel bans in the future.
- Supplement existing border resources with technology and infrastructure to expedite screening, enhance the ability to process asylum seekers, and detect narcotics and other contraband.
- Provide funding for training and continuing education for Border Patrol agents to promote safety and professionalism <https://cmsny.org/publications/border-enforcement-developments-since-1993-and-how-to-change-cbp/>.
- Create the DHS Office of Professional Responsibility to investigate criminal and administrative misconduct by agents.
- Seek to reduce immigration court backlogs <https://cmsny.org/publications/strengthening-the-us-immigration-system-through-legal-orientation-screening-and-representation-recommendations-for-a-new-administration/>, expand training

for immigration judges, and improve technology for immigration courts.

- Provide funding for legal orientation programs <https://cmsny.org/publications/strengthening-the-us-immigration-system-through-legal-orientation-screening-and-representation-recommendations-for-a-new-administration/> and counsel for children and vulnerable individuals.
- Address underlying causes of migration <https://www.hopeborder.org/root-causes-framework> by increasing assistance to El Salvador, Guatemala, and Honduras, and establishing processing centers throughout Central America for individuals that are eligible for lawful migration to the United States or other partner countries.
- Reinstatement of the Central American Minors program to reunite children with their relatives living in the United States and create a Central American Family Reunification Parole Program to unite families with approved family-based petitions.
- Increase the number of diversity visas <https://www.uscis.gov/green-card/green-card-eligibility/green-card-through-the-diversity-immigrant-visa-program> from 55,000 to 80,000 and raise the cap on U visas <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status> from 10,000 to 30,000.
- Provide dependents of H-1B visa <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-dod-cooperative-research-and-development-project-workers-and-fashion> holders with work authorization and prevent their children from aging out of the system and being forced to leave the United States.
- Provide foreign graduates of US universities with advanced STEM degrees more opportunities to remain in the United States after graduation.

- Create a pilot program to stimulate regional economic development by allowing DHS to adjust green cards based on macroeconomic conditions and incentivizing higher wages for non-immigrant high-skilled worker visas to prevent unfair competition with American workers.
- Require DHS and the Department of Labor (DOL) to establish a commission of labor, employer, and civil rights organizations to make recommendations to improve the employment verification process.
- Provide immigrant workers who suffer serious labor violations with greater access to U visa relief and protect workers who are victims of workplace retaliation from deportation to allow labor agencies to interview them and investigate the situation.

DHS Statement on the Suspension of New Enrollments in the Migrant Protection Protocols Program

[*<https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program?ct=t\(AgencyUpdate_012120\)>*](https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program?ct=t(AgencyUpdate_012120))

DHS announced [*<https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program?ct=t\(AgencyUpdate_012120\)>*](https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program?ct=t(AgencyUpdate_012120)) that it was suspending the Migrant Protection Protocols (MPP), effective January 21, 2021. MPP, also known as the Remain in Mexico policy, was established by the Trump administration in January 2019. It allowed border officers to send non-Mexicans who sought asylum at the US southern border to Mexico to await their immigration hearings. Prior to the MPP, asylum seekers were able to wait for their hearings in the United States. Over 67,000 migrants [*<https://www.vox.com/policy-and-politics/2021/1/20/22241651/biden-remain-mexico-mpp-migrant-protection-protocols>*](https://www.vox.com/policy-and-politics/2021/1/20/22241651/biden-remain-mexico-mpp-migrant-protection-protocols) have been subject to the program and many are still waiting for their hearings in camps along the southern border. Under the DHS announcement, no

new individuals will be enrolled in the program. DHS advised current MPP participants to remain where they are and await additional guidance.

In its first week, the Biden administration reversed several Trump-era policies. However, additional administrative actions [could further](https://cmsny.org/publications/immigration-recommendations-biden/) strengthen the US immigration system. In addition, Congress should swiftly review the US Citizenship Act of 2021 and should pass legislation that “serves the nation’s interests, reflects its democratic ideals, and [allows the United States to] benefit from the contributions of immigrants [.”](https://cmsny.org/publications/jmhs-sc-usimmigrationsystem/)

Executive Order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/executive-order-on-rebuilding-and-enhancing-programs-to-resettle-refugees-and-planning-for-the-impact-of-climate-change-on-migration/>

On February 4, 2021, President Biden issued an **Executive Order** [on fortifying programs to resettle refugees and to examine the impact of climate change on migration.](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/executive-order-on-rebuilding-and-enhancing-programs-to-resettle-refugees-and-planning-for-the-impact-of-climate-change-on-migration/) In advance of signing the order, Biden stated his intent to lift the annual cap on refugee admissions in the United States to **125,000**

[for fiscal year 2022 and to increase the cap for 2021 as well.](https://www.cbsnews.com/news/refugees-125k-allocation-biden-executive-order/) Former President Trump lowered the cap on refugee admissions each year of his presidency and set the cap at 15,000 admissions for 2021.

The US Refugee Admissions Program (USRAP) was established by the The Refugee Act of 1980. In the program's 40-year history, the United States has resettled more than 3.1 million refugees. Over time, refugees have been highly **successful** <https://cmsny.org/publications/us-refugee-resettlement-program/> in the United States. They become US citizens, homeowners, English speakers, workers, business owners, college-educated, insured, and computer literate at high rates. Resettled refugees are also the **most heavily vetted** <https://cmsny.org/multimedia/cmsonair-secretary-michael-chertoff/> entrants into the United States, and they can enhance US **economic and security interests** <https://journals.sagepub.com/doi/pdf/10.1177/233150241600400304> . USRAP formerly enjoyed bipartisan support. However, the Trump administration cast this life-saving program as threat, a burden, and at odds with his America First ethic. Beyond setting record low admissions ceilings, Trump issued orders on extreme vetting (**EO 13815** <https://www.federalregister.gov/documents/2017/10/27/2017-23630/resuming-the-united-states-refugee-admissions-program-with-enhanced-vetting-capabilities>) and **Presidential Memorandum on March 6, 2017** <http://federalregister.gov/documents/2017/04/03/2017-06702/implementing-immediate-heightened-screening-and-vetting-of-applications-for-visas-and-other>), and that required the consent of states and localities to the resettlement of refugees in their jurisdictions (**EO 13888** <https://www.federalregister.gov/documents/2019/10/01/2019-21505/enhancing-state-and-local-involvement-in-refugee-resettlement>). The later policy was **declared unlawful** <https://www.documentcloud.org/documents/6656673-Messitte-HAIS-ORDER.html> by a federal judge, after many states and localities said they would **continue to welcome** <https://www.voanews.com/usa/immigration/more-us-states-welcome-refugees-under-new-trump-rule> refugees.

Biden's February 4th order revoked EO 13815, EO 13888, and the Presidential Memorandum on March 6, 2017, which directed DHS and DOS to implement more rigorous vetting processes for visa applicants. It also directs relevant agencies to enhance and review the refugee

resettlement program, strengthen refugee vetting, and build the program's adjudication capacity to ensure an efficient, safe and timely process. It also commits to prioritizing the resettlement of women, children, and others facing persecution because of their gender or sexual orientation. It calls for an interagency examination of the impact of climate change on migration and how to address the needs of immigrants displaced by climate change. The order also directs a review of the **Special Immigrant Visas (SIV)** <https://travel.state.gov/content/travel/en/us-visas/immigrate/siv-iraqi-afghan-translators-interpreters.html> program for Iraqi and Afghan Allies to ensure these visas are issued efficiently and to evaluate if the United States should extend SIV programs to persons who assist the US government in conflict areas, regardless of their nationality.

Executive Order on the Establishment of Interagency Task Force on the Reunification of Families

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-on-the-establishment-of-interagency-task-force-on-the-reunification-of-families/>

Hundreds of children are still separated from their families in the aftermath of the Trump administration's **"zero tolerance"**

<https://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry>

border policy. In April 2018, Attorney General Jeff Sessions directed US Attorney's Offices along the southwest border to prosecute and detain every adult caught crossing the border illegally. Migrant children

cannot be in US custody [https://justiceformigrants.org/what-we-are-working-](https://justiceformigrants.org/what-we-are-working-on/unaccompanied-children/what-is-the-flores-settlement-agreement-and-what-does-it-mean-for-family-separation-and-family-detention/)

[on/unaccompanied-children/what-is-the-flores-settlement-agreement-and-what-does-it-mean-for-](https://justiceformigrants.org/what-we-are-working-on/unaccompanied-children/what-is-the-flores-settlement-agreement-and-what-does-it-mean-for-family-separation-and-family-detention/)

[family-separation-and-family-detention/](https://justiceformigrants.org/what-we-are-working-on/unaccompanied-children/what-is-the-flores-settlement-agreement-and-what-does-it-mean-for-family-separation-and-family-detention/) for more than 20 days, unless they are in licensed childcare facilities. In order to keep parents in detention

centers indefinitely, the Trump administration separated children from their parents. Children were taken into custody by the Department of Health and Human Services (HHS).

The policy was roundly criticized as **cruel and inhumane**

<https://www.propublica.org/article/children-separated-from-parents-border-patrol-cbp-trump-immigration-policy> . Dr. Colleen Kraft, president of the American Academy of Pediatrics, described the policy as “**government-sanctioned child abuse** <https://www.cnn.com/2018/06/14/health/immigrant-family-separation-doctors/index.html>” after visiting one of the facilities housing separated children. A **2019 report** <https://www.cnn.com/2019/09/04/politics/read-ig-report-mental-health-unaccompanied-minors/index.html> from the HHS Inspector General found that “separated children exhibited more fear, feelings of abandonment, and post-traumatic stress than did children who were not separated,” and “some separated children expressed acute grief that caused them to cry inconsolably.” The report highlighted the challenges facing HHS staff and their inability to meet the mental health needs of children traumatized by family separation.

After **months of protests** <https://www.npr.org/2018/06/01/616257822/immigration-rights-activists-protest-trump-administration-child-separation-policy> , Trump issued **Executive Order 13841** [https://www.federalregister.gov/documents/2018/06/25/2018-13696/affording-congress-an-opportunity-to-address-family-separation?ct=t\(AgencyUpdate_020320\)](https://www.federalregister.gov/documents/2018/06/25/2018-13696/affording-congress-an-opportunity-to-address-family-separation?ct=t(AgencyUpdate_020320)) on June 20, 2018 to halt family separation. However, in practice, the policy **continued covertly** <https://www.splcenter.org/news/2020/06/18/family-separation-policy-continues-two-years-after-trump-administration-claims-it-ended> . Overall, more than **5,500** <https://www.nytimes.com/2020/10/21/us/migrant-children-separated.html> **children** <https://www.nytimes.com/2020/10/21/us/migrant-children-separated.html> were separated from their parents, and hundreds remain separated.

On January 26, 2021, the Department of Justice (DOJ) **rescinded** <https://apnews.com/article/politics-immigration-only-on-ap-mexico-b04e63264cd13f248c94f1e90200460a> the “zero tolerance” policy. Acting Attorney General Monty Wilkinson issued a memorandum to federal

prosecutors nationwide stating the DOJ would return to its longstanding policy of making individual assessments on whether to bring criminal charges against border crossers.

Biden's February 2nd EO establishes a Family Reunification Task Force that will work to reunite families. The Task Force consists of department heads of the DHS, DOS, HHS, the Attorney General, and other officers from those agencies. The task force will:

- Identify all children who were separated from their families at the US-Mexico border between January 20, 2017 and January 20, 2021.
- Facilitate the reunification of each of the identified children with their families.
- Consult with the children, their families and representatives or other stakeholders concerning the families' preferences, parental rights, and the children's well-being.
- Provide regular reports to the President including an initial progress report within 120 days and interim reports every 60 days.

The EO also revoked [Executive Order 13481](#)

[<https://www.federalregister.gov/documents/2018/06/25/2018-13696/affording-congress-an-opportunity-to-address-family-separation?ct=t\(AgencyUpdate_020320\)>](https://www.federalregister.gov/documents/2018/06/25/2018-13696/affording-congress-an-opportunity-to-address-family-separation?ct=t(AgencyUpdate_020320)) and condemned “the human tragedy that occurred when our immigration laws were used to intentionally separate children from their parents or legal guardians (families).”

Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans <https://www.whitehouse.gov/briefing-room/presidential->

actions/2021/02/02/executive-order-on-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>

This order aims to improve the US immigration system, to ensure applications and petitions are adjudicated efficiently, and to develop strategies to promote integration, inclusion, and citizenship. The order:

- Directs the Secretary of State, Attorney General, and DHS Secretary to review all recent regulations, policies, and guidance that have limited immigration. Within 90 days of the executive order, they are charged with submitting a plan to the President describing the steps their respective agencies will take to advance this policy.
- Directs the White House Domestic Policy Council (DPC) to convene a Task Force on New Americans that will focus on promoting immigrant integration and inclusion.
- Establishes an Interagency Working Group to develop a national strategy to promote naturalization.
- Directs the DOS Secretary, Attorney General, and DHS Secretary to develop a plan to improve the naturalization process and present it within 60 days.
- Revokes the **Presidential Memorandum of May 23, 2019** [*<https://www.govinfo.gov/content/pkg/DCPD-201900334/pdf/DCPD-201900334.pdf?ct=t\(AgencyUpdate_020320\)>*](https://www.govinfo.gov/content/pkg/DCPD-201900334/pdf/DCPD-201900334.pdf?ct=t(AgencyUpdate_020320)), which called for more stringent enforcement of immigration sponsorship requirements.

The Trump administration took numerous steps to impede legal immigration. According to a **2019 report from CMS** [*<https://journals.sagepub.com/doi/10.1177/2331502419894286>*](https://journals.sagepub.com/doi/10.1177/2331502419894286), immigrants advance in employment, income, and education as they graduate to permanent residence and citizenship. These advances, in turn, allow them to

contribute more to their communities. Yet, a number of regulations and policies have made it more difficult for immigrants to become permanent residents and US citizens, including:

- **A DHS rule, which expanded**

<https://www.federalregister.gov/documents/2019/08/14/2019-17142/inadmissibility-on-public-charge-grounds> the public charge grounds for inadmissibility. The rule sought to consider for the first time non-cash medical, housing, and food benefits in making public charge determinations. It also heavily weighed factors such as income and education against admission, with the intended effect of denying permanent to lower-income, working class persons. The rule faced **numerous legal challenges** <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/inadmissibility-on-public-charge-grounds-final-rule-litigation> and had a “**chilling effect**” <https://www.urban.org/research/publication/one-five-adults-immigrant-families-children-reported-chilling-effects-public-benefit-receipt-2019>” – even before it went into effect — on families seeking public assistance for their children. CMS **estimated that** <https://cmsny.org/publications/2018-proposed-public-charge-rule/> 25 million undocumented persons and 212,000 nonimmigrants would be directly affected by the rule because they live with a US citizen or LPR family member who can petition for a visa for them.

- A **proclamation** <https://www.aila.org/infonet/presidential-proclamation-immigrants-health-care> requiring green card applicants to prove they will have access to health insurance or the financial resources to cover all their health needs.

- **USCIS fee hikes** <https://www.aila.org/infonet/final-rule-altering-uscis-fee-schedule>, **which** <https://www.aila.org/infonet/final-rule-altering-uscis-fee-schedule> the US District Court of the Northern District of California **blocked** <https://www.govinfo.gov/content/pkg/FR-2020-08-03/pdf/2020-16389.pdf> in September 2020.

These and other policies caused **a decline in legal immigration**

<https://www.forbes.com/sites/stuartanderson/2020/07/21/trump-cuts-legal-immigrants-by-half-and-hes-not-done-yet/?sh=5bc67a9e6168> and had particularly negative consequences for the **US citizen children** <https://thehill.com/opinion/immigration/478052-how-america-first-policies-put-us-citizens-last> of immigrants.

Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-on-creating-a-comprehensive-regional-framework-to-address-the-causes-of-migration-to-manage-migration-throughout-north-and-central-america-and-to-provide-safe-and-orderly-processing/>

On February 4, 2021, President Biden issued an Executive Order outlining a multi-pronged approach to managing migration from Central and North America. Biden said his administration would work closely with civil society groups, international organizations, and governments in the region. The EO seeks to strengthen the asylum and refugee protection systems in North and Central American countries and to restore the US asylum system, particularly along the US-Mexico border.

The order directs an interagency team to prepare a “Root Causes Strategy” to address the underlying factors leading to migration and a “Collaboration Management Strategy” to enhance protection and create more legal migration avenues for those in need of protection. It also directs:

- The Secretaries of DOS and DHS to review mechanisms to identify and process individuals from Northern Triangle countries (El Salvador, Guatemala, and Honduras) who are eligible for refugee resettlement in the United States and to consider reinstating and expanding the Central American Minors (CAM) Program, which permits Central American children to reunify with their legally present parents in the United States.
- The DHS Secretary and the Director of the Centers for Disease Control and Prevention (CDC) to develop policies to facilitate safe and orderly processing of asylum claims at the US southern border and to review procedures for individuals who were placed in expedited removal proceedings at the border.
- The DHS Secretary to review and determine whether to terminate or modify the Migration Protection Protocols (MPP) program and consider a phased strategy for individuals who were subject to the program to safely enter the United States. On January 20, 2021, **DHS suspended** [*<https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program?ct=t\(AgencyUpdate_012120\)>*](https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program?ct=t(AgencyUpdate_012120)) MPP, which returned non-Mexicans who sought asylum at the US southern border to Mexico to wait for their immigration hearings.
- The DHS Secretary to stop implementing the **Prompt Asylum Case Review** [*<https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border>*](https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border) and **Humanitarian Asylum Review Process** [*<https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border>*](https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border), programs that lessen the amount of time asylees have to prepare for credible fear interviews and limit their contact with legal representatives.
- The DHS Secretary to submit a report within 120 days to the President with recommendations for creating a more efficient and

timely process, which adheres to standard of fairness and due process.

- The Attorney General and DHS Secretary to examine rules, regulations, decisions, and internal guidelines for adjudicating asylum claims and to produce joint regulations addressing the circumstances in which a person should be considered a member of a “**particular social group**” <https://www.unhcr.org/en-us/1951-refugee-convention.html> .”

The executive order announces the administration’s intention to terminate **Asylum Cooperative**

https://www.dhs.gov/sites/default/files/publications/19_1028_opa_factsheet-northern-central-america-agreements_v2.pdf agreements between the United States and Northern Triangle countries. These agreements allow the United States to remove certain migrants seeking asylum at US borders to Northern Triangle countries where they will have to seek protection. The **agreements** <https://justiceforimmigrants.org/what-we-are-working-on/asylum/asylum-cooperative-agreement-backgrounder/> severely restricted access to asylum because the Northern Triangle countries do not have comparable asylum systems to the United States. On February 5, 2021, the United States **withdrew** <https://www.law360.com/immigration/articles/1352962/us-exits-trump-admin-s-guatemala-asylum-agreement> from its agreement with Guatemala.

The EO also revoked the following executive actions:

- **Executive Order 13767** [https://www.federalregister.gov/documents/2017/01/30/2017-02095/border-security-and-immigration-enforcement-improvements?ct=t\(AgencyUpdate_020320\)](https://www.federalregister.gov/documents/2017/01/30/2017-02095/border-security-and-immigration-enforcement-improvements?ct=t(AgencyUpdate_020320)) , issued on January 25, 2017, which directed executive agencies to secure the southern border and prevent illegal immigration into the United States, and called for immediate construction of a wall along the southern border.

- **Proclamation 9880** <[<https://www.federalregister.gov/documents/2019/05/13/2019-09992/addressing-mass-migration-through-the-southern-border-of-the-united-states?ct=t\(AgencyUpdate_020320\)>](https://www.federalregister.gov/documents/2019/05/13/2019-09992/addressing-mass-migration-through-the-southern-border-of-the-united-states?ct=t(AgencyUpdate_020320))> , issued on May 8, 2019, which deemed immigrants who entered the United States without inspection ineligible for asylum.
- **Presidential Memorandum of April 29, 2019**
<[<https://www.govinfo.gov/content/pkg/DCPD-201900251/pdf/DCPD-201900251.pdf?ct=t\(AgencyUpdate_020320\)>](https://www.govinfo.gov/content/pkg/DCPD-201900251/pdf/DCPD-201900251.pdf?ct=t(AgencyUpdate_020320))> , which prevented certain asylum seekers from pursuing any other form of immigration relief, required adjudication of asylum cases within 180 days of filing, imposed an application fee for asylum claims, and barred asylum seekers who entered the United States without inspection from receiving work authorization while their applications were pending.
- **Presidential Memorandum of April 6, 2018**
<[<https://www.govinfo.gov/content/pkg/FR-2018-04-13/pdf/2018-07962.pdf?ct=t\(AgencyUpdate_020320\)>](https://www.govinfo.gov/content/pkg/FR-2018-04-13/pdf/2018-07962.pdf?ct=t(AgencyUpdate_020320))> , which prevented DHS from releasing immigrants from detention while their immigration cases were pending.
- **Presidential Memorandum of April 4, 2018**
<[<https://www.govinfo.gov/content/pkg/DCPD-201800218/pdf/DCPD-201800218.pdf>](https://www.govinfo.gov/content/pkg/DCPD-201800218/pdf/DCPD-201800218.pdf)> , which deployed the National Guard to secure the southwest border.

Biden’s EO also directs review of the following policies to determine whether to terminate or modify them:

- **Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exist**
<[<https://www.federalregister.gov/documents/2020/10/16/2020-22978/order-suspending-the-right-to-introduce-certain-persons-from-countries-where-a-quarantinable?ct=t\(AgencyUpdate_020320\)>](https://www.federalregister.gov/documents/2020/10/16/2020-22978/order-suspending-the-right-to-introduce-certain-persons-from-countries-where-a-quarantinable?ct=t(AgencyUpdate_020320))>

- **Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right to Introduce and Prohibition of Introduction of Persons into the United States from Designated Foreign Countries or Places for Public Health Purposes**

<<https://www.federalregister.gov/documents/2020/09/11/2020-20036/control-of-communicable-diseases-foreign-quarantine-suspension-of-the-right-to-introduce-and-introduction-of-persons-into-the-united-states-from-designated-foreign-countries-or-places-for-public-health-purposes>>
ct=t(AgencyUpdate_020320)>

- **Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims**

<<https://www.federalregister.gov/documents/2018/11/09/2018-24594/aliens-subject-to-a-bar-on-entry-under-certain-presidential-proclamations-procedures-for-protection>>
ct=t(AgencyUpdate_020320)>

- **Asylum Eligibility and Procedural Modifications**

<<https://www.federalregister.gov/documents/2020/12/17/2020-27856/asylum-eligibility-and-procedural-modifications>>ct=t(AgencyUpdate_020320)>

- **Implementing Bilateral and Multilateral Asylum Cooperation Agreements Under the Immigration and Nationality Act**

<<https://www.federalregister.gov/documents/2019/11/19/2019-25137/implementing-bilateral-and-multilateral-asylum-cooperative-agreements-under-the-immigration-and-nationality-act>>
ct=t(AgencyUpdate_020320)>

- **Designating Aliens for Expedited Removal**

<<https://www.federalregister.gov/documents/2019/07/23/2019-15710/designating-aliens-for-expedited-removal>>ct=t(AgencyUpdate_020320)>

Proclamation on the Suspension of Entry as Immigrants and Non-Immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease

<<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/25/proclamation-on-the-suspension-of-entry-as-immigrants-and-non-immigrants-of-certain-additional-persons-who-pose-a-risk-of-transmitting-coronavirus-disease>>

immigrants-and-non-immigrants-of-certain-additional-persons-who-pose-a-risk-of-transmitting-coronavirus-disease/?

utm_source=Center+for+Migration+Studies+Mailing+List&utm_campaign=53db17f8dc-

EMAIL_CAMPAIGN_2018_12_03_05_58_COPY_01&utm_medium=email&utm_term=0_74e5cba118-53db17f8dc-115667206>

On January 25, 2021, the Biden administration reinstated **COVID-19 travel restrictions** <[https://www.whitehouse.gov/briefing-room/presidential-](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/25/proclamation-on-the-suspension-of-entry-as-immigrants-and-non-immigrants-of-certain-additional-persons-who-pose-a-risk-of-transmitting-coronavirus-disease/?utm_source=Center+for+Migration+Studies+Mailing+List&utm_campaign=53db17f8dc-EMAIL_CAMPAIGN_2018_12_03_05_58_COPY_01&utm_medium=email&utm_term=0_74e5cba118-53db17f8dc-115667206)

actions/2021/01/25/proclamation-on-the-suspension-of-entry-as-immigrants-and-non-immigrants-of-certain-additional-persons-who-pose-a-risk-of-transmitting-coronavirus-disease/?

utm_source=Center+for+Migration+Studies+Mailing+List&utm_campaign=53db17f8dc-

EMAIL_CAMPAIGN_2018_12_03_05_58_COPY_01&utm_medium=email&utm_term=0_74e5cba118-53db17f8dc-115667206> on most non-US citizen travelers from Brazil, Ireland,

the United Kingdom, 26 European countries in the Schengen zone, and South Africa. These restrictions were issued in response to rising cases of COVID-19 globally, and recently discovered variant strains of the virus found in the United Kingdom, South Africa, and Brazil. Any foreign nationals who have been to these countries within 14 days of their scheduled travel to the United States will be denied entry. These travel restrictions will not apply to:

- US lawful permanent residents (LPRs);
- Noncitizen spouses, children, parents, or legal guardians of US citizens or LPRs;
- Noncitizen siblings of US citizens or LPRs who are unmarried and under the age of 21;
- Prospective adoptees seeking to enter the United States pursuant to IR-4 or IH-4 visas;
- Noncitizens traveling at the invitation of the US government for purposes related to containment or mitigation of the coronavirus;

- Noncitizens with C-1, D, or C-1/D nonimmigrant visas as air or sea crewmembers;
 - Noncitizens with A-1, A-2, C-2 or C-3 visas (foreign government officials and their family members), E-1 visas (employees of Taipei Economic and Cultural Representative Office (TECRO), also known as Taipei Economic and Cultural Office (TECO) and their family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 visas (employees of international organizations and NATO); or whose travel falls within the scope of Section 11 of the United Nations Headquarters Agreement;
 - Noncitizens who are members of the US Armed Forces and their spouses and children;
 - Noncitizens whose entry would further certain US law enforcement objectives; and
 - Noncitizens whose entry would be in the national interest.
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February 2, 2021, Updated: February 11, 2021

RELATED EVENT -



<https://cmsny.org/event/biden-agenda/>

Venue: Virtual

Biden's Immigration Agenda: Immediate Actions Taken <https://cmsny.org/event/biden-agenda/>

Please join the Center for Migration Studies of New York and Zolberg Institute on Migration and Mobility for a panel discussion about the Biden administration's immigration agenda on Thursday, February 4, 2021 from 2:30 p.m. to 4:00 p.m. (EST). This free, virtual event is open to students, researchers, and practitioners of all disciplines.

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<https://cmsny.org/publications/immigration-recommendations-biden/>

Date of Publication: November 10, 2020

Authors: T. Alexander Aleinikoff and Donald Kerwin

Improving the U.S. Immigration System in the First Year of the Biden Administration

<https://cmsny.org/publications/immigration-recommendations-biden/>

The Biden administration will face substantial challenges in putting immigration and refugee policy back on track—not just reversing ill-advised policies of the past four years but also improving a system that was in need of reform well before the current administration took office. In this paper, T. Alexander Aleinikoff and Donald Kerwin highlight a number of reforms that should be prioritized by the Biden administration in its first year.

...

<HTTPS://CMSNY.ORG/PUBLICATIONS/IMMIGRATION-RECOMMENDATIONS-BIDEN/>

Date of Publication: May 2018

JMHS Special Collection | The US Immigration System: Principles, Interests, and Policy Proposals to Guide Long-Term Reform

<https://cmsny.org/publications/jmhs-sc-usimmigrationsystem/>

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The Center for Migration Studies (CMS) announces the release of The US Immigration System: Principles, Interests, and Policy Proposals to Guide Long-Term Reform, a special collection of the Journal on Migration and Human Security (JMHS). The collection seeks to look beyond recent and current US immigration debates to outline a flexible,.....

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President Trump's Executive Orders on Immigration and Refugees

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<https://cmsny.org/trumps-executive-orders-immigration-refugees/>

President Trump signed three executive orders the week of January 23 which offend the dignity and threaten the rights of immigrants and refugees both in the United States and globally. On January 25 at the Department of Homeland Security (DHS), Trump signed executive orders on border security and interior enforcement. On January 27, he signed an executive order at the Pentagon on refugees and visa holders from designated nations.

READ MORE <[HTTPS://CMSNY.ORG/TRUMPS-EXECUTIVE-ORDERS-IMMIGRATION-REFUGEES/](https://cmsny.org/trumps-executive-orders-immigration-refugees/)>



<<https://cmsny.org/deportation-in-the-trump-era-separated-families-and-devitalized-communities/>>

Deportation in the Trump-Era: Separated Families and Devitalized Communities

<<https://cmsny.org/deportation-in-the-trump-era-separated-families-and-devitalized-communities/>>

A new featured story from The Marshall Project profiles three families in northeast Ohio who have faced “financial ruin, mental health crises—and even death” after one member of each family was deported. Using extensive analysis of census data from the Center for Migration of New York (CMS), the feature concludes that about 909,000 mixed-status families, those with undocumented and US citizen members, would face financial hardship and risk falling into poverty if their undocumented breadwinners were deported.

READ MORE <[HTTPS://CMSNY.ORG/DEPORTATION-IN-THE-TRUMP-ERA-SEPARATED-FAMILIES-AND-DEVITALIZED-COMMUNITIES/](https://cmsny.org/deportation-in-the-trump-era-separated-families-and-devitalized-communities/)>



<https://cmsny.org/publications/mass-deportations-impoverish-us-families-create-immense-costs/>

Date of Publication: 2017

Authors: Robert Warren, Donald Kerwin

Mass Deportations Would Impoverish US Families and Create Immense Social Costs

<https://cmsny.org/publications/mass-deportations-impoverish-us-families-create-immense-costs/>

This paper provides a statistical portrait of the US undocumented population, with an emphasis on the social and economic condition of mixed-status households – that is, households that contain a US citizen and an undocumented resident. The study finds that mass deportations would plunge millions of US families into poverty, cost \$118 billion to care for US-citizen children of deported parents, imperil the housing market and reduce GDP.

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<https://cmsny.org/publications/border-enforcement-developments-since-1993-and-how-to-change-cbp/>

Date of Publication: August 24, 2020

Authors: Daniel E. Martínez, Josiah Heyman, and Jeremy Slack

Border Enforcement Developments Since 1993 and How to Change CBP

<https://cmsny.org/publications/border-enforcement-developments-since-1993-and-how-to-change-cbp/>

Enforcement along the US-Mexico border has intensified significantly since the early 1990s. Social scientists have documented several consequences of border militarization, including increased border-crosser deaths, the killing of more than 110 people by Customs and Border Protection (CBP) agents over the past decade, and expanded ethno-racial profiling in southwestern communities by immigration authorities. Less attention has been paid to the pervasive and routine mistreatment migrants experience on a daily basis in CBP custody.

This paper traces major developments in border enforcement to three notable initiatives: the “prevention-through-deterrence” strategy, the aftermath of the 9/11 terrorist attacks, and the Department of Homeland Security (DHS) Consequence Delivery System, initiated in 2011. Despite the massive buildup in enforcement, CBP has operated with little transparency and accountability to the detriment of migrants. The paper provides an overview of the findings of nongovernmental organizations and social scientists regarding migrant mistreatment while in CBP custody. It then highlights important shifts in migration patterns over the past decade, as well as changes in border enforcement efforts during the Trump administration. It discusses how these transformations affect migrants’ everyday encounters with CBP officials.

The paper concludes by providing specific recommendations for improving CBP conduct. Its core theme is the need to emphasize and inculcate lessons of appropriate police behavior, civil rights, and civil liberties in training and recruiting agents and in setting responsibilities of supervisors and administrators. It offers recommendations regarding important but underrecognized issues,

including ending the use of CBP agents/officers as Asylum Officers, as well as better-known issues such as militarization and the border wall.

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[SINCE-1993-AND-HOW-TO-CHANGE-CBP/>](https://cmsny.org/publications/border-enforcement-developments-since-1993-and-how-to-change-cbp/)



[<https://cmsny.org/publications/warren-reverse-migration-022620/>](https://cmsny.org/publications/warren-reverse-migration-022620/)

Date of Publication: February 26, 2020

Authors: Robert Warren

Reverse Migration to Mexico Led to US Undocumented Population Decline: 2010 to 2018 [<https://cmsny.org/publications/warren-reverse-migration-022620/>](https://cmsny.org/publications/warren-reverse-migration-022620/)

This paper presents estimates of the undocumented population residing in the United States in 2018. Since 2010, the total undocumented population in the United States has declined because large numbers of undocumented residents returned to Mexico. From 2010 to 2018, a total of 2.6 million Mexican nationals left the US undocumented population; about 1.1 million, or 45 percent of them, returned to Mexico voluntarily. Additional findings include the following:

- The total US undocumented population was 10.6 million in 2018, a decline of about 80,000 from 2017, and a drop of 1.2 million, or 10 percent, since 2010.

- Since 2010, about two-thirds of new arrivals have overstayed temporary visas and one-third entered illegally across the border.
- The total undocumented population in California was 2.3 million in 2018, a decline of about 600,000 compared to 2.9 million in 2010. The number from Mexico residing in the state dropped by 605,000 from 2010 to 2018.
- The undocumented population in New York State fell by 230,000, or 25 percent, from 2010 to 2018. Declines were largest for Jamaica (–51 percent), Trinidad and Tobago (–50 percent), Ecuador (–44 percent), and Mexico (–34 percent).
- Two countries had especially large population changes — in different directions — in the 2010 to 2018 period. The population from Poland *dropped steadily*, from 93,000 to 39,000, while the population from Venezuela *increased* from 65,000 to 172,000. Almost all the increase from Venezuela occurred after 2014.

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<[HTTPS://CMSNY.ORG/PUBLICATIONS/WARREN-REVERSE-MIGRATION-022620/](https://cmsny.org/publications/warren-reverse-migration-022620/)>



<<https://cmsny.org/publications/jmhs-daca-alulema-122019/>>

Date of Publication: December 19, 2019

Authors: Daniela Alulema

DACA and the Supreme Court: How We Got to This Point, a Statistical Profile of Who Is Affected, and What the Future May Hold for DACA Beneficiaries

<<https://cmsny.org/publications/jmhs-daca-alulema-122019/>>

In June 2012, the Obama administration announced the establishment of the Deferred Action for Childhood Arrivals (DACA) program, which sought to provide work authorization and a temporary reprieve from deportation to eligible undocumented young immigrants who had arrived in the United States as minors. Hundreds of thousands of youth applied for the program, which required providing extensive evidence of identity, age, residence, education, and good moral character. The program allowed its recipients to pursue higher education, to access more and better job opportunities, and to deepen their social ties in the United States. This paper provides a statistical portrait of DACA recipients based on administrative data from US Citizenship and Immigration Services (USCIS) and estimates drawn from the 2017 American Community Survey (ACS) Census data. Beyond its statistical portrait, the paper provides testimonies from DACA recipients who recount how the program improved their lives and their concerns over its possible termination. It also recommends passage of legislation that would create a path to citizenship for DACA recipients and programs and policies to support and empower young immigrants.

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Date of Publication: February 27, 2019

Authors: Robert Warren

Sharp Multiyear Decline in Undocumented Immigration Suggests Progress at US-

tions/essay-warren-022719/>

Mexico Border, Not a National Emergency

<<https://cmsny.org/publications/essay-warren-022719/>>

Introduction This paper combines data from two reports[1] by the Center for Migration Studies (CMS) with Department of Homeland Security (DHS) statistics on apprehensions, adjustment of status, and removals, to illustrate major trends in undocumented immigration to the United States since 1990. It shows that the undocumented population and undocumented.....

<[HTTPS://CMSNY.ORG/PUBLICATIONS/ESSAY-WARREN-022719/](https://CMSNY.ORG/PUBLICATIONS/ESSAY-WARREN-022719/)>



<<https://cmsny.org/publications/jmhs-visa-overstays-border-wall/>>

Date of Publication: 2017

Authors: Robert Warren and Donald Kerwin

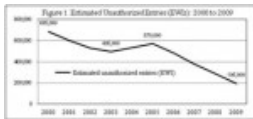
The 2,000 Mile Wall in Search of a Purpose: Since 2007 Visa Overstays have Outnumbered Undocumented Border Crossers by a Half Million

<<https://cmsny.org/publications/jmhs-visa-overstays-border-wall/>>

This paper speaks to another reason to question the necessity and value of a 2,000-mile wall along the US-Mexico border: It does not reflect the reality of how the large majority of persons now become undocumented. The paper presents information about the mode of arrival of the undocumented population that resided in the United States in 2014. To simplify the presentation, it divides the 2014 population into two groups: overstays and entries without inspection (EWIs). The estimates are based primarily on detailed

estimates of the undocumented population in 2014 compiled by CMS and estimates of overstays for 2015 derived by the US Department of Homeland Security. ...

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<https://cmsny.org/does-the-united-states-need-to-invest-more-in-border-security-probably-not/>

Does the United States Need to Invest More in Border Security? Probably Not

<https://cmsny.org/does-the-united-states-need-to-invest-more-in-border-security-probably-not/>

In 1990, the total appropriation to the Immigration and Naturalization Service (INS), including for adjudication of applications, was \$1.2 billion. By 2012, appropriations to the two Department of Homeland Security (DHS) enforcement agencies, Customs and Border Protection (CBP) and Immigration...

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The Liberian Refugee Immigration Fairness Program: Estimates of the Potentially Eligible

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The Liberian Refugee Immigration Fairness (“LRIF”) program is the first US legalization program – creating a path to lawful permanent resident (LPR) status – in many years. There is a significant risk that many eligible Liberians and their family members may not meet the

application deadline due to the effects of the COVID-19 pandemic and poor roll-out of the program. To highlight this concern, the Center for Migration Studies of New York (CMS) has produced estimates – rounded to the nearest hundred – of the Liberian nationals who arrived in 2014 or earlier, and who are not naturalized US citizens or LPRs, and of their non-US citizen, non-LPR spouses and unmarried children who are also potentially eligible to adjust under LRIF.

READ MORE <[HTTPS://CMSNY.ORG/THE-LIBERIAN-REFUGEE-IMMIGRATION-FAIRNESS-PROGRAM-ESTIMATES-OF-THE-POTENTIALLY-ELIGIBLE/](https://cmsny.org/the-liberian-refugee-immigration-fairness-program-estimates-of-the-potentially-eligible/)>