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Fact Sheet: Executive Order: Border Security and Immigration Enforcement Improvements

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Office of the Press Secretary

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Federal immigration law both imposes the responsibility and provides the means for the federal government, in cooperation with the states, to secure the nation's borders. The purpose of this order is to direct executive departments and agencies to deploy all lawful means to secure the nation's southern border with Mexico, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

This includes, among other provisions, establishing operational control of the border, establishing and controlling a physical barrier, detaining illegal aliens at or near the border, ending the practice of “catch and release,” and returning aliens to the territory from which they came pending formal proceedings.

This order also directs the Secretary of Homeland Security to hire an additional 5,000 border agents and to empower state and local law enforcement to support federal enforcement of immigration law, to the maximum extent permitted by law, and to ensure that prosecution guidelines place a high priority on crimes having a nexus to our southern border.

Authorities

This executive order and its implementation is grounded in authorities vested in the President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (INA), the Secure Fence Act of 2006 (Public Law 109 367) (Secure Fence Act), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104 208 Div. C) (IIRIRA), in furtherance of the safety and territorial integrity of the United States as well as responsibilities to ensure that the nation's immigration laws are faithfully executed.

Actions

- **Enforcing the law.** Under this executive order, with extremely limited exceptions, DHS will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to enforcement proceedings, up to and including removal from the United States. The guidance makes clear, however, that ICE should prioritize several categories of removable aliens who have committed crimes, beginning with those convicted of a criminal offense.
- **Establishing policies regarding the apprehension and detention of aliens.** U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) will release aliens from custody only under limited circumstances, such as when removing them from the country, when an alien obtains an order granting relief by

statute, when it is determined that the alien is a U.S. citizen, legal permanent resident, refugee, or asylee, or that the alien holds another protected status, when an arriving alien has been found to have a credible fear of persecution or torture and the alien satisfactorily establishes his identity and that he is not a security or flight risk, or when otherwise required to do so by statute or order by a competent judicial or administrative authority.

- **Hiring more CBP agents and officers.** CBP will immediately begin the process of hiring 5,000 additional Border Patrol agents, as well as 500 Air & Marine agents and officers, while ensuring consistency in training and standards.
- **Identifying and quantifying sources of aid to Mexico.** The President has directed the heads of all executive departments to identify and quantify all sources of direct and indirect federal aid or assistance to the government of Mexico. DHS will identify all sources of aid for each of the last five fiscal years.
- **Expansion of the 287(g) program in the border region.** Section 287(g) of the INA authorizes written agreements with a state or political subdivision to authorize qualified officers or employees to perform the functions of an immigration officer. Empowering state and local law enforcement agencies to assist in the enforcement of federal immigration law is critical to an effective enforcement strategy, and CBP and ICE will work with interested and eligible jurisdictions.
- **Commissioning a comprehensive study of border security.** DHS will conduct a comprehensive study of the security of the southern border (air, land, and maritime) to identify vulnerabilities and provide recommendations to enhance border security. This will include all aspects of the current border security environment, including the availability of federal and state resources to develop and implement an effective border security strategy that will achieve complete operational control of the border.

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- **Constructing and funding a border wall.** DHS will immediately identify and allocate all sources of available funding for the planning, design, construction, and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, and develop requirements for total ownership cost of this project.
- **Expanding expedited removal.** The DHS Secretary has the authority to apply expedited removal provisions to aliens who have not been admitted or paroled into the United States, who are inadmissible, and who have been continuously physically present in the United States for the two-year period immediately prior to the determination of their inadmissibility, so that such aliens are immediately removed unless the alien is an unaccompanied minor, intends to apply for asylum or has a fear of persecution or torture in their home country, or claims to have lawful immigration status. To date, expedited removal has been exercised only for aliens encountered within 100 air miles of the border and 14 days of entry, and aliens who arrived in the United States by sea other than at a port of entry. The Department will publish in the *Federal Register* a new Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(a)(iii) of the Immigration and Nationality Act that expands the category of aliens subject to expedited removal to the extent the DHS Secretary determines is appropriate, and CBP and ICE are directed to conform the use of expedited removal procedures to the designations made in this notice upon its publication.
- **Returning aliens to contiguous countries.** When aliens apprehended do not pose a risk of a subsequent illegal entry, returning them to the foreign contiguous territory from which they arrived, pending the outcome of removal proceedings, saves DHS detention and adjudication resources for other priority aliens. CBP and ICE personnel shall, to the extent lawful, appropriate and reasonably practicable, return such aliens to such territories pending their hearings.

- **Enhancing Asylum Referrals and Credible Fear Determinations.** U.S. Citizenship and Immigration Services (USCIS) officers will conduct credible fear interviews in a manner that allows the interviewing officer to elicit all relevant information from the alien as is necessary to make a legally sufficient determination. USCIS will also increase the operational capacity of the Fraud Detection and National Security Directorate.
- **Allocating resources and personnel to the southern border for detention of aliens and adjudication of claims.** CBP and ICE will allocate available resources to expand detention capabilities and capacities at or near the border with Mexico to the greatest extent practicable. CBP will focus on short-term detention of 72 hours or less; ICE will focus on all other detention capabilities.
- **Properly using parole authority.** Parole into the United States will be used sparingly and only in cases where, after careful consideration of the circumstances, parole is needed because of demonstrated urgent humanitarian reasons or significant public benefit. Notwithstanding other more general implementation guidance, and pending further review by the Secretary and further guidance from the Director of ICE, the ICE policy directive with respect to parole for certain arriving aliens found to have a credible fear of persecution or torture shall remain in full force and effect.
- **Processing and treatment of unaccompanied alien minors encountered at the border.** CBP, ICE, and USCIS will establish standardized review procedures to confirm that alien children who are initially determined to be unaccompanied alien children continue to fall within the statutory definition when being considered for the legal protections afforded to such children as they go through the removal process.
- **Putting into place accountability measures to protect alien children from exploitation and prevent abuses of immigration laws.** The smuggling or trafficking of alien children into the United States puts those children at grave

risk of violence and sexual exploitation. CBP and ICE will ensure the proper enforcement of our immigration laws against those who facilitate such smuggling or trafficking.

- **Prioritizing criminal prosecutions for immigration offenses committed at the border.** To counter the ongoing threat to the security of the southern border, the directors of the Joint Task Forces-West, -East, and -Investigations, as well as the ICE-led Border Enforcement Security Task Forces (BESTs), are directed to plan and implement enhanced counter-network operations directed at disrupting transnational criminal organizations, focused on those involved in human smuggling.
- **Public Reporting of Border Apprehensions Data.** In order to promote transparency, CBP and ICE will develop a standardized method for public reporting of statistical data regarding aliens apprehended at or near the border for violating the immigration law.

Transparency

In order to be more transparent with the American people and to more effectively implement policies and practices that serve the national interest, DHS will make data on aliens apprehended at or near the southern border available to the public.

Topics: [Border Security \(/topics/border-security/\)](/topics/border-security/), [Homeland Security Enterprise \(/topics/homeland-security-enterprise/\)](/topics/homeland-security-enterprise/), [Immigration Enforcement \(/topics/immigration-enforcement/\)](/topics/immigration-enforcement/)

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