

# What is in Trump's executive orders on immigration?

Eric London  
21 January 2025

The first wave of immigration-related executive orders issued by President Donald Trump have now been published. With a few scribbles of his name on paper and no involvement from Congress, Trump has undertaken a substantial transformation of the legal landscape in the United States, eviscerated the basic rights of a significant portion of the population and upended the lives of millions of people. Having pardoned various officials and close relatives of the outgoing president to protect them from the coming onslaught, Joe Biden and the Democrats have left the population almost entirely at Trump's whim.

The *World Socialist Web Site* will publish more detailed analyses of the executive orders in the coming days. The following is an initial summary.

## Ideological travel ban

Name: "Protecting the United States from Foreign Terrorists and Other National Security and Public Security Threats"

What it does: Orders the State Department to initiate a review of all policies and regulations over the granting and denying of visas to enter the United States to prevent entry of those who "espouse hateful ideology." Deems inadmissible for entry any who "bear hostile attitudes toward [US] citizens, culture, government, institutions, or founding principles" or who "advocate for, aid, or support designated foreign terrorists and other threats to our national security."

How it works: Requires the rewrite of all State Department and DHS policies related to admission to the country and requires deportation of non-citizens who "who preach or call for sectarian violence, the overthrow or replacement of the culture on which our constitutional Republic stands." Requires additional measures be taken to "ensure the proper assimilation" of immigrants into the US, to "promote a unified American identity and attachment to the Constitution, laws, and founding principles of the United States."

Applies to: Millions of immigrants applying for all forms of visas to enter the US, whether to reside in the U.S. (immigrant visas) or to travel for work, study or vacation (non-immigrant visas). Also applies to roughly 25 million non-citizens in the United States, including those lawfully present on visas and those present without documentation. It makes no distinction based on

age. This order is specifically directed at opponents of the Israeli genocide in Gaza.

## Birthright citizenship restriction

Name: "Protecting the Meaning and value of American Citizenship"

What it does: "Clarifies" the Constitution by declaring that "The Fourteenth Amendment has always excluded from birthright citizenship persons who were born in the United States but not 'subject to the jurisdiction thereof'" and interprets this provision to mean that children born to undocumented parents and many parents present in the US lawfully are not citizens.

How it works: All children born 30 days after January 20, 2025 are not citizens unless both the mother and father are lawful permanent residents, or if one parent is a citizen. Even if both parents were present in the US on lawful work, study or other visas at the time of birth, their child will no longer be a citizen. The order requires the State Department, DHS and other agencies to not issue passports or other citizenship documentation to the children of parents born under the circumstances listed above.

## Declaring an "immigrant invasion"

Names: "Guaranteeing the States Protection Against Invasion" and "Protecting the American People Against Invasion"

What it does: Establishes a state of emergency that grants the president unbridled power to deny entry to immigrants, regardless of whether they have valid asylum claims under international law. It appears to effectively suspend 75-year-old statutes enacted by Congress relating to immigration based on theory that the president has the "foreign affairs" power to suppress the immigrant "invasion":

The Immigration and Nationality Act [INA] does not, however, occupy the Federal Government's field of

authority to protect the sovereignty of the United States, particularly in times of emergency when entire provisions of the INA are rendered ineffective by operational constraints, such as when there is an ongoing invasion into the States. The President's inherent powers to control the borders of the United States, including those deriving from his authority to control the foreign affairs of the United States, necessarily include the ability to prevent the physical entry of aliens involved in an invasion into the United States, and to rapidly repatriate them to an alternative location. Only through such measures can the President guarantee the right of each State to be protected against invasion.

The order does so on the basis of the rights of states under Article IV Section 4 of the Constitution, which requires the federal government "protect each of [the states] against Invasion" from a foreign nation, which clearly does not apply here. This sets the stage for the invocation of the Alien Enemies Act of 1798 (see below).

How it works: Suspends entry along the southern border and orders DHS, Secretary of State and the Attorney General to "take all appropriate action to repel, repatriate, or remove any alien engaged in the invasion across the southern border of the United States." Requires all undocumented people in the United States register with the federal government under the Alien Registration Act of 1940 on penalty of civil fine or criminal prosecution. Creates "Homeland Security Task Forces" to coordinate large-scale law enforcement operations aimed at stemming the "invasion" throughout the country, regardless of distance from the southern border.

### **Preparing Alien Enemies Act and military action in Mexico**

Name: "Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists"

What it does: Instructs the Attorney General and DHS Secretary "to make operational preparations regarding the implementation of any decision I make to invoke the Alien Enemies Act in relation to the existence of any qualifying invasion" and to "prepare such facilities as necessary to expedite the removal of those who may be designated under this order" (i.e., construct a broad network of internment camps). Combined with the declaration of an invasion, this order sets the stage for "anti-terror" operations against drug organizations operating in Mexico and Central America, as well as for the deployment of the military to US cities to deport immigrants accused of being associated with gangs.

How it works: Requires the Secretary of State, in consultation with other agency heads, to "make a recommendation of any cartel or other organization as a Foreign Terrorist Organization" because "it is the policy of the United States to ensure the total elimination

of these organizations' presence in the United States and their ability to threaten the territory, safety, and security of the United States through their extraterritorial command-and-control structures, thereby protecting the American people and the territorial integrity of the United States."

### **Deploying the military on US soil**

Name: "Clarifying the Military's Role in Protecting the Territorial Integrity of the United States"

What it does: Deploys the US Armed Forces to the US-Mexico border to "protect and defend the sovereignty and territorial integrity of the United States along our national borders."

How it works: At the end of January, US Northern Command will deliver to Trump a "campaign-ready Unified Command Plan" to "to seal the borders and maintain the sovereignty, territorial integrity, and security of the United States by repelling forms of invasion including unlawful mass migration, narcotics trafficking, human smuggling and trafficking, and other criminal activities."

### **Other immigration developments**

- Trump signed an executive order granting Immigration and Customs Enforcement (ICE) and Customs and Border protection (CBP) the power to arrest immigrants at schools, churches, courthouses and other sensitive areas.

- The Mexican government of MORENA's Claudia Sheinbaum has agreed to Trump's "Remain in Mexico" program, making Mexico complicit in the Trump administration's ban on asylum.

- Life in immigrant neighborhoods across the country was severely disrupted by ongoing threats of mass workplace and community raids on Tuesday. In Chicago's "Little Village," local media reported that substantial sections of immigrants kept their children from attending school and stayed home from work.

Additional executive orders are expected in the coming days.



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