



Trump's Return: Executive Actions Threatening the Rights and Protection of Refugees and Migrants

Policy Memo for Civil Society Organizations in the Americas

January 24, 2025

Upon assuming office, President Trump enacted a series of draconian and inhumane [measures](#) targeting asylum seekers, refugees, and migrants. These actions reflect an increasingly racist and xenophobic rhetoric, portraying the arrival of asylum seekers at the southern U.S. border as an "invasion"—a narrative used to justify alarming levels of border militarization.

Many of these restrictive measures echo policies from the first Trump administration, which faced legal challenges with mixed outcomes, leading to the suspension or termination of some initiatives at the time. Legal actions against the Trump administration's recent measures have already begun, with more anticipated soon.

This document examines 12 executive actions issued on January 20, 2025. Several directly affect those seeking protection in the United States and the immigrant community at large, while others carry broader consequences for the Latin American and Caribbean region.

Collectively, these executive actions introduce: **1)** severe restrictions on access to asylum and other forms of humanitarian protection at the border; **2)** heightened militarization of the U.S.-Mexico border; **3)** an escalation of immigration enforcement within the United States, including deportations and actions targeting migrant families; **4)** the suspension of the refugee resettlement program and tighter security screening for refugees and other migrants; and **5)** shifts in U.S. foreign policy that undermine regional cooperation on migration-related issues.

1. Restrictions on Access to Asylum and Other Forms of Humanitarian Protection at the Border

Two of President Trump's executive actions significantly curtail access to protection at the border. One reinstates expulsions at the border, while the other eliminates pathways designed for vulnerable individuals and reintroduces draconian measures previously implemented during his first administration.

A. The Declaration of an "Invasion" and the Reinstatement of Expulsions

The presidential proclamation "[Guaranteeing the States Protection from Invasion](#)" asserts that there is an "invasion" occurring at the southern border of the United States. This narrative is used to justify militarizing the border and seems to frame [peaceful migration](#) as a hostile armed

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incursion. This approach distorts reality, legitimizing policies that restrict fundamental rights and deny asylum seekers access to legal protection.

On this basis, the order suspends the entry of individuals designated as part of such an "invasion" and directs border officials to "repel, repatriate, or remove" them. While the order does not define who constitutes this "invasion," the term appears to encompass both individuals crossing between official points of entry and those seeking protection at the border.

The proclamation justifies these measures by alleging a lack of information regarding the health status and criminal history of individuals crossing or approaching the border. As a result, their entry is restricted, and they are denied access to protections under U.S. law, including the right to seek asylum.

These provisions evoke the **Title 42 expulsions**, which were first implemented in 2020 under the pretext of the COVID-19 pandemic. Although the legal justification differs, the effect remains the same: denying individuals the right to seek protection in the United States.

B. Elimination of Protection Pathways and Expansion of Draconian Border Policies

The executive order titled "[Securing Our Borders](#)," introduces significant changes to border policies, focusing on measures of deterrence and detention. It reinstates the **Migrant Protection Protocols (MPP)**, which force asylum seekers to remain in Mexico under dangerous conditions and with limited access to legal representation while their cases move through U.S. immigration courts. This measure was quickly [announced](#) by the Department of Homeland Security (DHS).

The order also eliminates the use of **CBP One** as a tool to apply for asylum or access humanitarian programs at the border. This decision, immediately implemented by DHS, resulted in the cancellation of thousands of [previously scheduled appointments](#). Additionally, it terminates specific parole programs, including those for nationals of Cuba, Haiti, Nicaragua, and Venezuela (**CHNV**). As a complementary measure, DHS [issued](#) a memorandum instructing immigration officials to review the files of individuals benefiting from these programs and determine whether they may continue receiving parole benefits or be subjected to removal.

The executive order further prohibits the release of individuals apprehended at the border while their cases are pending, mandating their continued detention until removal. Finally, it prioritizes the filing of criminal charges against individuals who violate immigration laws, reinforcing a punitive approach that discourages the pursuit of asylum and protection.

2. Intensified Militarization of the U.S. Southern Border.

Several of President Trump's executive actions escalate the militarization of the U.S. southern border to unprecedented levels, a move that will have dire consequences for border communities and individuals seeking protection. These actions include:

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- "**Declaring a National Emergency at the Southern Border of the United States**:" This proclamation labels the border as "overrun" by cartels, gangs and terrorists, and directs the Armed Forces to support DHS with logistics, detention space, and the construction of physical barriers.
- "**Clarifying the Military's Role in Protecting the Territorial Integrity of the United States**:" Assigns U.S. Northern Command the mission of "sealing the borders" against "mass migration," drug trafficking, and irregular movements of people.
- "**Securing Our borders**:" Mandates the deployment of military personnel and the construction of barriers to achieve "full operational control" of the border.

On January 22, the Department of Defense [announced](#) the deployment of more than 1,500 active-duty armed forces members to the border.

3. Increased Immigration Enforcement in the Interior and Attacks on Migrant Families

A series of executive orders expand detention, deportations, and the restriction of rights for undocumented immigrants, while also targeting mixed-status families. These policies exacerbate the vulnerabilities of individuals without regular or permanent immigration status, undermining their ability to live with safety and dignity in the United States.

A. Expansion of Detention and Deportations

The executive order titled "**Protecting the American People Against Invasion**" employs alarmist rhetoric to justify a massive increase in the detention and deportation of migrants.

It mandates the construction and operation of additional **detention** facilities, with the stated goal of detaining individuals facing deportation proceedings for the duration of their cases—an unfeasible objective on a large scale. This was accompanied by a DHS [announcement](#) reversing previous protections and permitting immigration raids in sensitive locations such as hospitals, schools, and churches.

On January 23, 2025, Congress passed the [Laken Riley Act](#), which [imposes](#) mandatory detention for migrants who are accused or arrested—not convicted— even for minor or non-violent offenses. This law significantly expands the scope of immigration detention, reinforcing a punitive approach that exacerbates racial profiling and disproportionately impacts the most vulnerable communities.

Regarding **deportations**, the order directs the Secretary of Homeland Security to prioritize the enforcement of laws related to unlawful entry and presence, including the execution of final orders of removal. It also promotes the use of **expedited removal**, which allows the rapid deportation of individuals without due process guarantees. In this context, DHS [announced](#) the expansion of this practice to the fullest extent permitted by law. In most cases, expedited removal

now applies to individuals apprehended anywhere in the country who have less than two years of continuous presence in the United States.

Additionally, the executive order titled "[Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists](#)" presents a framework for designating certain groups, such as the *Tren de Aragua* and *Mara Salvatrucha* (MS-13), as terrorist organizations. Under this measure, the administration seeks to broaden its authority to expedite deportations by invoking laws such as the Alien Enemies Act—a 1798 statute that enables the government to detain or deport foreign nationals from countries deemed enemies during times of war or declared conflict.

Impact on Transgender People

The Trump administration issued the executive order "[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)." While not explicitly targeting immigrants, this order will have significant repercussions for asylum seekers and transgender migrants. The measure defines sex as an immutable biological classification of male or female, dismissing "gender identity" as a subjective concept. This deeply transphobic policy carries broad implications for federal policy and practice.

Although the full impact on transgender asylum seekers remains uncertain, the order is likely to worsen the harsh conditions in detention, increasing the risks faced by transgender individuals. It will likely also force individuals to identify themselves on immigration documents and applications according to their sex assigned at birth, effectively denying their gender identity and subjecting them to further marginalization.

B. Hostile Actions and Attacks Against Undocumented Immigrants and Mixed-Status Families

The executive orders include provisions intended to tighten restrictions on the lives of undocumented individuals and mixed-status families, fostering a climate of hostility toward these communities. The executive order titled "**Protecting the American People Against Invasion**" instructs the Secretary of Homeland Security to, among other things: eliminate existing public benefits for undocumented persons; restrict access to work permits; and prioritize civil and criminal penalties against individuals with irregular immigration status. These measures strengthen enforcement efforts and heighten the risks of surveillance and criminalization for migrant communities.

Furthermore, the order contemplates imposing fines on undocumented individuals and those who "facilitate" their presence to deter migration by increasing financial burdens. It also proposes limiting funding to organizations that provide assistance to migrants, which would limit access to essential services for vulnerable immigrants.

The order includes the development of policies to encourage self-deportation by pressuring migrants to leave the country voluntarily. Additionally, it calls for a review of **Temporary Protected Status (TPS)** designations with the aim of narrowing their scope and duration. Although no final decisions have been announced, this review underscores an effort to restrict the use of this humanitarian tool. Notably, during his first administration, President Trump attempted—unsuccessfully—to terminate TPS for several countries, including El Salvador, Honduras, and Nicaragua.

Finally, one of the most controversial executive orders is "**Protecting the Meaning and Value of American Citizenship**," which introduces measures to restrict birthright citizenship. The order stipulates that U.S. citizenship will not automatically apply to individuals born in the United States if their mother was in the country without authorization or on a temporary basis, and their father is neither a U.S. citizen nor a lawful permanent resident.

This measure directly contradicts the plain language of the U.S. Constitution and established Supreme Court precedent. Although it was set to take effect 30 days after its issuance, it has already faced multiple lawsuits. A federal judge has temporarily stayed its implementation while litigation proceeds.

4. Suspension of Refugee Resettlement and Increased Security Vetting

President Trump has adopted measures targeting refugee resettlement and tightening security controls on immigration processes under the pretext of national security.

The executive order "**Realigning the United States Refugee Admissions Program**" indefinitely suspends refugee resettlement until the program is deemed to align with national interests. While allowing for case-by-case exceptions based on national security or other considerations, this suspension has effectively halted the resettlement of thousands of individuals, many of whom were already prepared to travel to the United States.

Additionally, the executive order "**Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats**" directs the Secretary of State to identify countries with security controls considered inadequate. This may result in entry restrictions similar to the travel bans implemented during Trump's first term. The order also mandates the evaluation of visa programs and refugee admission policies, potentially delaying processes, including those managed by U.S. embassies and consulates worldwide.

5. Implications for Regional Cooperation

The Trump administration's executive actions mark a significant departure in U.S. foreign policy, introducing a stark nationalist shift. The "**America First Policy Directive to the Secretary of State**" reflects a drastic nationalist approach, prioritizing the interests defined by the Trump administration. The "**Reevaluating and Realigning United States Foreign Assistance**" order

suspends foreign financial assistance for 90 days while programs are reviewed for alignment with these priorities.

These actions will directly impact Latin America and the Caribbean, particularly in human mobility management, where the emphasis has shifted entirely to controlling and reducing migration. For instance, the "**Protecting the American People from Invasion**" order rescinded a Biden-era executive order which established strategies addressing the root causes of displacement in Central America and fostering regional cooperation on migration management. The order directs government agencies to identify so-called recalcitrant countries—those unwilling to accept deported citizens from the United States—and to consider imposing sanctions, such as visa restrictions, on their nationals.

The "**Securing Our Borders**" order further instructs the State Department to negotiate agreements to return individuals to "safe" third countries. This signals the revival of the **Asylum Cooperative Agreements (ACAs)** from the first Trump administration. These agreements transfer asylum seekers to countries that often face significant challenges in ensuring safety and adequate processing of protection claims.

The effects of these anti-immigration policies are already manifesting on an international scale. The State Department's Bureau of Population, Refugees, and Migration has revised its [mission](#) to emphasize "reducing irregular migration." Moreover, the [suspension](#) of the **Safe Mobility Offices** represents a significant setback in the shared and humane management of migration in the region.

Our Response

CGRS will continue to defend the rights of those seeking refuge in the United States through policy advocacy, training and technical assistance, and litigation. Learn more about our litigation [here](#) and explore our policy updates and recommendations [here](#).

A Spanish-language version of this Policy Memo is available [here](#).