Biden Executive Orders Reverse Trump Immigration Policies

Setting a new immigration agenda is a top priority for President Biden. His first steps include the actions summarized below. He also submitted a plan to Congress that provides pathways to citizenship for undocumented immigrants.

EXECUTIVE ORDERS

- **Protect and fortify Deferred Action for Childhood Arrivals (DACA)**—DACA remains in full effect, but it is under attack in the courts as litigation in Texas is pending to declare DACA illegal. To protect DACA recipients permanently, Congress must pass legislation.

- **Direct immediate review of Trump-era public charge regulations**—The Department of Homeland Security, the Department of State, and the Department of Justice must review the public charge policy that applies a “wealth test” and limits supports for immigrant families within 60 days. While the executive order does not rescind or replace the Trump-era changes to public charge immediately, it is a first step in what we hope is a full reversal of the changes.

- **End discriminatory Muslim bans on entry to the United States**—Resume processing visa applications for individuals from majority-Muslim countries banned by President Trump. Review applications that were denied.

- **Revise civil immigration enforcement policies and priorities**—Revoke Trump order that made all undocumented individuals a priority for immigration enforcement, targeted sanctuary jurisdictions, and directed Immigration Customs and Enforcement (ICE) to establish the “Office for Victims of Crimes Committed by Removable Aliens.”

- **Include undocumented immigrants in census reapportionment data**—Revoke Trump order that sought to exclude undocumented immigrants from the data used to reapportion seats in Congress.

- **Extend Deferred Enforced Departure (DED) for Liberians**—DED and work authorizations for Liberians who were DED beneficiaries as of Jan. 10, 2021 have been extended until June 30, 2022. Under the Liberian Refugee Immigration Fairness (LRIF) provision of the National Defense Authorization Act, DED beneficiaries can apply for permanent legal status until December 20, 2021.

- **Terminate the border wall national emergency and halt all border wall construction**—In Feb. 2019, President Trump declared a national emergency concerning the border between the United States and Mexico and diverted funds for construction of a border wall; he renewed the emergency in Feb. 2020 and Jan. 2021. President Biden ended the national emergency and directed the Departments of Defense (DoD), Homeland Security (DHS), and others to form a plan to redirect the funds within 60 days.

OTHER ACTIONS

- **100-day moratorium on deportations**—A DHS memorandum announced a 100-day moratorium on deportations, starting Jan. 22, 2021, for eligible individuals who were in the United States before Nov. 1 2020. The memorandum also sets interim enforcement priorities—national security, border security, and public safety—similar to those during the Obama administration.

- **“Remain in Mexico” program suspended**—Enrollment in the Migrant Protection Protocols (MPP) program, also known as the Remain in Mexico program, has been suspended. For now, participants stay where they are.