



How the Trump Immigration Enforcement Plan Might Be Enacted

Enforcing our nation's laws against illegal immigration, building a wall along our southern border to keep out illegal crossers, and deporting illegal aliens already in our nation were all key components of Donald Trump's presidential campaign. Now that he has been elected, many people wonder if Trump will be willing — or even be able — to keep his campaign promises to end illegal immigration. His prospects for doing so are now being discussed in the nation's press.



Writing in *USA Today* on November 14, Alan Gomez, the newspaper's immigration reporter, expressed the opinion that Trump "will be able to follow through on many of his [immigration] pledges — with or without help from Congress."

The report quoted Stephen Yale-Loehr, a professor at Cornell Law School and author of a 21-volume treatise, *Immigration Law and Procedure*, who said, "Generally speaking, any president has wide discretion when it comes to enforcing our immigration laws because immigration touches on national sovereignty."

The *USA Today* report noted that the easiest change that Trump can make is at the Department of Homeland Security, which he could direct to increase deportations. It cited a statement that Trump made during an interview with Lesley Stahl on CBS' *60 Minutes* on November 13, in which he said he plans to immediately deport two to three million illegal immigrants. During that interview, after Stahl asked him about his "pledge to deport millions and millions of undocumented immigrants," Trump said:

What we are going to do is get the people that are criminal and have criminal records, gang members, drug dealers, we have a lot of these people, probably two million, it could be even three million, we are getting them out of our country or we are going to incarcerate. But we're getting them out of our country, they're here illegally. After the border is secured and after everything gets normalized, we're going to make a determination on the people that you're talking about who are terrific people, they're terrific people but we are gonna make a determination at that — But before we make that determination — Lesley, it's very important, we want to secure our border.

Gomez noted that while Trump would need congressional approval to hire more Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) agents, he will not require any additional appropriations to change the priorities of existing immigration agents. The article quoted Ali Noorani, executive director of the National Immigration Forum, an immigrant advocacy group, who said, ominously, "If the Department of Homeland Security secretary greenlights, simply in tone, the ramping up of enforcement actions, that is a system that can wreak havoc very, very quickly."

By "wreaking havoc," Noorani obviously meant the enforcement of our nation's immigration laws, which would impact only those who break those laws.



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The article also noted something that has been widely observed by anyone who has followed the Obama administration's use of executive actions to shield millions of illegal immigrants from deportation and to grant them the right to work legally in the United States. The most widely publicized of these actions, since its implementation was blocked by a judge's injunction in a case that went all the way to the Supreme Court, was Homeland Security (DHS) Secretary Jeh Johnson's November 20, 2014 memorandum ordering the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program.

The Obama administration's DOJ appealed the ruling, and its series of appeals went to the Supreme Court. On October 2, the Supreme Court rejected a request from the Obama administration to rehear the case, *United States v. Texas*. This rejection of the appeal, on a 4-4 tied vote, let the lower court's injunction stand.

However, this was only the most well-known example of the Obama administration's use of executive actions to grant amnesty to illegal aliens and was merely an expansion of the earlier DACA program. The *USA Today* report noted, "Trump could unilaterally revoke the deportation protections President Obama created under the Deferred Action for Childhood Arrivals program, known as DACA. More than 840,000 young undocumented immigrants have been approved for that program, which protects them from deportation for two-year periods and grants them work permits."

The report also cited Stephen Legomsky, professor emeritus at Washington University School of Law in St. Louis and a former chief counsel at U.S. Citizenship and Immigration Services, who said Trump could revoke every single DACA case very simply.

An article appearing in the *Kansas City Star* on November 14 discussed some of Trump's immigration proposals and how they might play out. That report also noted that much of Trump's agenda can be accomplished quickly, and by executive order. The writers expected Trump to rescind President Obama's programs "easing immigration restrictions" — which is a euphemistic way of labeling Obama's grant of amnesty to illegal aliens.

The *Star* quoted Hans von Spakovsky of the Heritage Foundation, who said, "[Trump] can simply say to the Department of Homeland Security, the Border Patrol, 'Start enforcing our immigration laws.'"

The article noted that Congress has already authorized construction of the wall along the Mexican border that Trump has proposed, but has never authorized money to build it. However, it may now do so once Trump takes office and requests funding for that purpose.

The report predicted that Trump will "likely sign a flurry of executive orders on his first day in office overturning many of the immigration policies of the Obama administration."

A November 14 *New York Times* report noted that the Obama administration has estimated that 1.9 million "removable criminal aliens" are in the United States, and that that number includes people who hold green cards for legal permanent residency and those who have temporary visas. That figure also includes people who have been convicted of nonviolent crimes such as theft, not just those found guilty of felonies or gang-related violence.

"They certainly have that many [deportable aliens] to start," the *Times* quoted Jessica M. Vaughan, director of policy studies at the Center for Immigration Studies, a group that supports reduced immigration.

Fox News reported on November 14 that Senator Tom Cotton (R-Ark.) told Fox News' Tucker Carlson



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the previous day that Trump and the next Congress must work to reduce legal, as well as illegal, immigration.

“People who work on their feet and work with their hands in this country, they haven’t seen a pay raise in a long time,” Cotton said on the premiere of the network’s *Tucker Carlson Tonight* news program, “and part of that is because legal immigration has been at such high levels and it’s driven down wages and taken a lot of jobs. That’s why Donald Trump ran pretty well with Hispanics compared to some past Republicans as well.”

While Trump is likely to secure cooperation from the Republican-controlled Congress in implementing his immigration plan, the same is not true of the Democratic mayors of several major “sanctuary” cities around the country

A November 15 AP report noted several such mayors who said they will resist Trump’s plan and refuse to cooperate in enforcing federal immigration laws, including New York’s Bill de Blasio, Chicago’s Rahm Emanuel, and Seattle’s Ed Murray.

“Seattle has always been a welcoming city,” the report quoted Murray as stating on November 14. “The last thing I want is for us to start turning on our neighbors.”

Los Angeles Police Chief Charlie Beck told the *Los Angeles Times* that he will stick to a longtime hands-off policy on immigration issues. L.A. Mayor Eric Garcetti supports that position, but stopped short of calling L.A. a sanctuary city because he said the term is “ill-defined.”

And, noted AP, Philadelphia Mayor Jim Kenney restored sanctuary status to the city when he took office in January and said last week that the city would “protect” its residents, presumably from federal enforcement measures.

States and cities can’t be required to enforce federal law and there’s no U.S. law stating that police must ask about a person’s immigration status. Therefore, it is likely that any Trump effort to crack down on sanctuary cities would focus on those that refuse to comply with ICE requests, according to Roy Beck, chief executive of NumbersUSA, which wants to see immigration levels reduced, whom AP cited.

However, noted the AP report, the U.S. Justice Department’s inspector general examined some jurisdictions that maintained “sanctuary” policies earlier this year and concluded that some are in apparent violation of a federal law that says state and local governments may not prohibit or restrict workers from sharing information about a person’s immigration status with federal immigration officials.

If all else fails, the Trump administration could always resort to the carrot-and-stick approach long used by federal officials and withhold federal aid from jurisdictions that refuse to cooperate with his immigration enforcement programs.



Image: screenshot from YouTube video of Trump rally in North Carolina

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