

# NATIONAL IMMIGRATION PROJECT

Lawyers for the Movement



## COMMUNITY FAQ

# WHAT DO WE EXPECT AT THE BEGINNING OF TRUMP 2.0 AND HOW YOU CAN GET PREPARED

We can't know for certain what will happen once Trump is in office, beginning on January 20 of 2025. However, he has announced various plans, as have people who were part of his prior administration and who will likely be part of his new one. In this explainer, we will try to lay out what his likely first moves will be – and how you can best protect yourself and your loved ones.

### 1. I heard that Trump is planning mass deportations. What does that mean?

Trump has made it clear that his administration will significantly increase immigration enforcement. We expect that ICE will probably make a large number of arrests shortly after Trump comes into office. Tom Homan, Trump's "border czar," has said that ICE will focus at first on people who have final orders of removal or criminal convictions.

A final order of removal happens when a person has lost their case in immigration court and has either not appealed to the Board of Immigration Appeals or has lost before the Board of Immigration Appeals. Approximately 1.3 million people in the U.S. have final orders of removal; many are under Orders of Supervision, where they must regularly check in with ICE, either because ICE can't deport them immediately, or because they have received some form of prosecutorial discretion.

We expect that the Trump administration will end the [immigration enforcement priorities of the Biden administration](#) and that the Trump administration will probably not grant prosecutorial discretion of any kind. They may also reopen cases that were administratively closed (a form of prosecutorial discretion where a case is taken off of an immigration court's active docket and all hearings are paused) under the Biden administration.

Lawful permanent residents (people who are green card holders) can only be deported if they have committed certain crimes. People who have other forms of status are likewise not automatically deportable for any criminal conviction. **However, undocumented people who are arrested and booked by the police – whether or not they actually committed or are convicted of a crime – are at serious risk of ICE arrest.** This is because when local police book a person, they run that person's fingerprints through the FBI database to see whether the person has any warrants in other states or federally; for almost 15 years, those fingerprints [automatically also get sent](#) to the Department of Homeland Security (DHS). ICE can then often identify the person and arrest them, usually as they are leaving jail. Some jails even have ICE officers stationed in them.

Undocumented people who live in places that have what are called [287\(g\) agreements](#), which allow local law enforcement to act as ICE officers, are particularly at risk. It is likely that the Trump administration will enter into new [287\(g\) agreements](#), and rely on local law enforcement to boost ICE's capacity and increase arrests. Trump has also threatened to use the National Guard to enforce immigration laws; if he does attempt to, advocates will likely bring legal challenges. Because states have control over their National Guards, it is unlikely that this tactic would work in California, New York, Illinois, and other states that have pro-immigrant policies.

We also expect that the Trump administration will expand immigration detention and will detain nearly everyone they arrest. They have threatened to put people in camps and hold them in tents in order to expand detention quickly enough. People who are already in removal proceedings who were released from ICE detention because ICE decided to release them, or who were never detained run the risk of being detained under a Trump administration. It is likely that the Trump administration will detain far more people than the Biden administration; already, [over 37,000 people are in immigration detention](#).

Finally, we expect that the Trump administration will expand and use a process called **expedited removal** as much as possible. Expedited removal allows an ICE officer to deport someone immediately, without a hearing in immigration court. Before the first Trump administration, expedited removal applied to 1) people who arrived at a border or port of entry without permission to enter (a visa); 2) people who arrived *by sea* who did not have permission to enter and who had been in the U.S. for less than two years; and 3) people who were arrested within 100 miles of the border (including the coast) who had been in the U.S. for less than 14 days. Under the first Trump administration, DHS expanded expedited removal to apply to **anyone who entered without permission and who couldn't prove that they have been in the U.S. for more than two years**. A court temporarily stopped this policy, but a higher court allowed it to continue while the case was resolved. In 2022, the Biden administration changed the policy back to what it was, but **we expect that Trump will expand expedited removal again**.

This is very scary. **But remember:**

- **Even under expanded expedited removal, you are not subject to expedited removal if:**
  - a) You have status of any kind or had permission to enter the U.S. (including parole, which means that an immigration official decided to let you enter, even if they also put you in removal proceedings); or
  - b) You have lived in the U.S. for at least 2 years *and can prove it* (see page 7 of [this resource](#) on possible documents to use to prove the length of time you have lived here); or
  - c) You are an unaccompanied minor; or
  - d) You have a *credible fear* of returning to your country of origin and you state that you have a fear of return.
    - i) If you say you are afraid to return to your country of origin, you will be given an interview to determine whether or not there is some basis for your fear.
    - ii) If you pass the interview, you will be allowed to apply for asylum, withholding of removal, and protection under the Convention Against Torture. People who pass these interviews are then placed in removal proceedings and under a Trump administration will likely be detained.
- **People who are in deportation proceedings that have not finished yet cannot be deported.**
- **People who were released on bond are at less risk of being re-detained.**

## **2. I've heard there will be raids - what does this mean?**

"Raids" usually means ICE arresting multiple people at their homes (often within a particular neighborhood) or at a workplace. The word is sometimes used to make people more afraid, but ICE doesn't gain any

more power than usual when it conducts a “raid.” Arresting multiple people at once can make it harder for communities and legal service providers to respond to protect them, so it is important to be organized and prepared in advance.

One of the best ways to be prepared is to know your rights. The Fourth Amendment still applies under the Trump administration, and applies regardless of immigration status!

### **3. I’m worried about programs that have court cases going on, like DACA and the Keeping Families Together program. What will Trump do?**

Unfortunately, the Keeping Families Together program has likely ended permanently. A court has already ordered it to stop, and the Trump administration will likely end the program once they are in power.

The case about whether or not DACA was legal to create is currently waiting for a decision from the Fifth Circuit Court of Appeals. This is a very conservative federal appellate court. If it issues a negative decision, it is unlikely that an incoming Trump administration would defend the program, and they might decide to try to rescind DACA again. **However, people with DACA would still be protected until their current DACA expired (a maximum of two years).** Many groups are working on protecting people with DACA status and you can keep up [here](#) and [here](#).

### **4. What about Temporary Protected Status (TPS)? What will the Trump administration do?**

It is likely that the Trump administration will revoke TPS for many, if not all countries that are currently protected. **However, people who have TPS will not lose their protection immediately, but instead will keep it at least until the expiration date.** You can find those expiration dates on page 3 of [this resource](#), and more information about TPS [here](#).

### **5. I have heard that the Trump administration will start deporting U.S. citizens and that they will end birthright citizenship. Can they do that?**

Not under current law! We think it is possible that the Trump administration will issue an executive order or other policy that claims that the children of undocumented people who are born in the U.S. are not citizens. However, advocates will certainly challenge such a policy in court. While we can’t predict what the courts will do, we can say that birthright citizenship has been the law of the land for over two centuries, and many lawyers are prepared to take on that fight.

Under the previous Trump administration, DHS attempted to denaturalize, or take citizenship away, from people who had previously received it. We think it is likely that they will pursue denaturalization again this time, too. Current law only allows for denaturalization in very specific circumstances, and naturalized citizens should have the opportunity to defend themselves in court.

### **6. What will Trump do about the border?**

We think that it is likely that Trump will re-institute some version of the [Muslim ban](#) and may also attempt to close the border under [Title 42](#) again. The Trump administration may also reimplement the [Remain in Mexico](#) policy, which forces individuals to stay in Mexico while their cases proceed in immigration court. We expect that immigration advocates will challenge these policies in the courts. We expect that he will also try to expand the border wall. We believe that it is more likely that the administration will reinstitute family detention than that they will engage in family separation again, but it is possible that they will again separate families at the border. Regardless, we expect an increase in [prosecutions](#) of people who cross without permission and who cross after having been deported.

The Biden administration has already done a lot of damage to people’s ability to seek asylum in the U.S. However, people still have a right to ask for asylum. The Trump administration will likely try to restrict people’s ability to apply for asylum even more, which will also lead to legal challenges.

## **7. I'm worried that the Trump administration will bring criminal charges against me for trying to help my community. What do I do?**

It is possible that the Trump administration will bring criminal prosecutions against or threaten nonprofits that try to help immigrants. However, it is not illegal to help immigrants or to organize your community! The prosecutions they attempted in the past failed, and there are organizations like the National Lawyers Guild that are already gearing up to protect people in case the Trump administration comes after them. Fear gives them more power.

## **8. Trump said he would target sanctuary cities. What does that mean?**

The Trump administration may try to restrict federal funding to cities that have “sanctuary” policies, which are usually policies that limit local government’s ability to share people’s personal information with ICE. ICE may also deliberately increase enforcement, that is, arrest more people, who live in sanctuary cities as a way to punish those cities. Nevertheless, policies that protect people’s ability to safely seek services from their local government without fear of deportation [both protect people from ICE and increase public safety](#). Many places will fight back!

## **9. Is there anything I can be doing to prepare myself, my family, and my community now?**

Yes. Now is the time to prepare yourself and your loved ones, just like you would in the case of a hurricane or some other natural disaster. It’s a good idea to talk with your family and develop a plan for childcare, addressing medical needs and financial obligations, and gathering important documents.

Developing a [childcare plan](#) means [identifying a trusted adult](#) that could care for your child in case you are detained or otherwise are unable to care for them. Make sure everyone has important numbers and medications memorized. There are varying levels of formality to these childcare arrangements, and they vary state to state.

It is also important to have [all important documents](#) in one place that an emergency contact can access if necessary. It is helpful to have documents that can establish how long you have been in the United States, identity documents, and any documents related to your immigration case.

Now is also the time to start talking with your community about a [rapid response strategy](#). Identifying resources and developing a [plan of action](#) can help the community respond more quickly in the event of a raid or other type of immigration enforcement. [Rapid response](#) usually involves identifying who was arrested; locating them; and developing a legal and advocacy strategy to get them released. Rapid response networks also help document ICE arrests to raise awareness, hold ICE accountable when it violates the law, and advocate for change.

We know this is a scary time and it is overwhelming and hard to prepare with so many unknowns and so many awful policies on the horizon. We and many other organizations stand in solidarity and are prepared to fight alongside each other and you! You can find more [resources](#), [trainings](#), and [upcoming events](#) on our website. We will continue to publish information on new policies as they develop and provide know your rights and other trainings to community defenders across the country.