



**🚨 POLICY ALERT: 🚨**  
**First-Week Executive Orders and Directives<sup>1</sup>**

January 23, 2025

## What Happened?

In just the first few days of the new administration, the new President issued several Executive Orders related to immigration enforcement and benefits, rescinded the Protected Areas guidance issued by the Biden administration, and announced that his administration would phase out humanitarian parole programs. We are hard at work analyzing each of these developments, and we will continue to update you as soon as the implications continue to emerge.

Here is some initial information and analysis to aid in your work with immigrant survivors.

**Executive Orders**: These are the immigration-related Executive Orders issued by the Trump administration during its first week in office:

- [Guaranteeing the States Protection Against Invasion](#)
- [Protecting the American People Against Invasion](#)
- [Protecting the United States from Foreign Terrorists and Other Threats](#)
- [Designating Cartels as Foreign Terrorist Organizations and Specially Designated Global Terrorists](#)
- [Securing Our Borders](#)
- [National Emergency at the Border](#)
- [Clarifying the Military's Role in Protecting the Territorial Integrity of the United States](#)
- [Birthright Citizenship](#)
- [Realigning the US Refugee Admission Program](#)

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An initial analysis of these Executive Orders and their impact on survivors can be found on the [Alliance for Immigrant Survivors website](#).

**Protected Areas:** On January 20, 2025, the Trump administration issued a [directive](#) rescinding the Protected Areas guidance issued by the Biden administration that had limited Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) enforcement activities in and near hospitals, schools, child care centers, places of worship, food pantries, homeless and domestic violence shelters, disaster relief efforts, and other places that provide essential services. In addition, ICE released [interim guidance](#) authorizing engagement in enforcement activities at courthouses where noncitizens are appearing for unrelated criminal or civil violations. The guidance applies to family members and other individuals accompanying the noncitizen who are subject to immigration enforcement.

The interim guidance, however, contains *two limitations*: 1) ICE must abide by local laws forbidding immigration enforcement at courthouses, and 2) ICE is instructed to avoid specialized courts such as family and small claims courts unless approval of an enforcement action is obtained from the Field Office Director or Special Agent in Charge.

**Humanitarian Parole:** On January 20, 2025, the Trump administration [ordered](#) the end to humanitarian parole programs created under the Biden administration for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV), returning them to case by case adjudications. According to the announcement published on January 21, 2025, humanitarian parole programs will be phased out. No further information has been released.

**Expanded Expedited Removal:** On January 23, 2025, Acting Secretary of Homeland Security Benamine Huffman [announced](#) that the Department of Homeland Security (DHS) would expand the scope of expedited removal to the maximum degree allowed by law. The expedited removal process allows DHS to remove noncitizens with less than two years of continuous presence in the U.S. without a hearing before an immigration judge. Previously, expedited removal was primarily confined to noncitizens found within 100 miles of an international border. Pursuant to a [Federal Register Notice](#) effective January 21, 2025, noncitizens throughout the U.S. who cannot demonstrate *at least two years* of continuous presence in the U.S. are subject to expedited removal.

## **How Are Immigrant Survivors Affected?**

Survivors of domestic violence, sexual assault, trafficking, and crime are present in all immigrant populations, and are affected by all of the recently announced changes. Intentions announced in these orders to curtail asylum processing at the border, ramp up detention, pause the refugee resettlement program, end birthright citizenship for children born to immigrants in the U.S., and expand expedited removal all have devastating impacts on immigrant survivors present or seeking refuge in the U.S. In addition, a few items contained in the orders may have specific impact on U, T, and VAWA petitioners.

**Employment Authorization:** The second Executive Order listed above, [Protecting the American People Against Invasion](#), announces that employment authorization documents (EADs) will not be provided to anyone who is “unauthorized.” ASISTA and our partners in the [Alliance for Immigrant Survivors](#) are awaiting further information about how DHS plans to implement this directive, but note that [current USCIS policy](#) considers noncitizens with grants of Deferred Action ((c)(14)) authorized to remain in the U.S. for the duration of the deferred action grant, and are considered to be lawfully present under 8 C.F.R. § 1.3(a)(4)(vi) for the purpose of receiving public benefits. These include beneficiaries of U and T BFDs, waitlisted U petitioners, and many approved VAWA Self-petitioners as well. Furthermore, applicants for adjustment of status ((c)(9)), including U, T, and VAWA-based adjustment applicants, are authorized to accept employment under section 245 of the Immigration & Nationality Act (INA). 8 C.F.R. § 274a.12(c)(9).

**Protected Areas:** Rescission of the Biden administration’s Protected Areas Guidance will have harmful consequences for immigrant survivors encountered in schools, places of worship, hospitals, and of course, domestic violence and homeless shelters. We note, however, that section 239(e) of the INA imposes requirements on ICE before it can engage in enforcement activity against a survivor of domestic violence. Specifically, if ICE engaged in an enforcement action at “a domestic violence shelter, a rape crisis center, supervised visitation center, family justice center... or victim services provider, or a community-based organization”, or at a courthouse where the noncitizen appeared for a “protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking” in which they were the victim, the Notice to Appear (NTA) *must* state that ICE has complied with the provisions at 8 USC 1367. If the NTA does not state this, the NTA can be contested as insufficient. More information about how to interpret and use this provision in removal defense advocacy will be forthcoming.

**Expedited Removal:** The expansion of expedited removal presents an increased risk that immigrant survivors who have been continuously present in the U.S. for *less than two years* (or who cannot establish their continuous presence for at least two years) will be summarily removed without a hearing or protection against removal. Even if survivors are not affected, the chaos and rhetoric accompanying the expansion of expedited removal will exert a chilling effect on survivors' willingness to seek help.

The [announcement](#) released on January 23 notes that DHS may consider terminating removal proceedings and/or previously granted parole to effectuate the expansion of expedited removal. ASISTA is concerned that survivors with pending U, T, or VAWA petitions will be impacted. However, as of now, USCIS' long-standing practice of not sharing information about U, T, and VAWA petitions with ICE remains in place. Regardless of how the administration ultimately implements this and other immigration policies, the mere *fact* of them creates an impression of an unsafe world outside the abusive relationship and thus strengthens an abuser's ability to keep an immigrant survivor from leaving and seeking help.

**What Can You Do?** As of today, many of the plans announced this week have not yet been implemented. Statutory and regulatory authorities, including case law, remain unchanged. Survivors eligible for U, T, and VAWA-based relief options remain so, and may continue to apply for these and other immigration benefits. At the same time, practitioners should take care to develop defensive strategies for clients who are [vulnerable](#) to [enforcement](#), and advise their clients accordingly. Practitioners representing clients in removal proceedings should remember and make use of the recently issued [DOJ rules](#) setting forth standards for motions to terminate and administratively close proceedings. Practitioners should also share Know Your Rights (KYR) and Safety Planning information that has been prepared for community members with their clients.

Practitioners should expect that more information, directives, and guidance will become available in the near future and consult the resources included below to track changes that will impact their clients.

## **Additional Resources:**

### Executive Orders:

- AILA: [Policy Brief: Trump Administration Day One Executive Orders](#)
- Human Rights First: [Analysis of the Trump Administration's Initial Immigration Executive Actions](#)
- Immigrant Justice Network, et al.: [Trump's Day 1 Executive Orders: Focus on Criminalization and Detention](#)

### Policy Tracking:

- ILRC Bi-weekly Immigration Briefings: [Register Here](#)
- [Immigration Policy Tracking Project](#): A comprehensive compilation of all Trump 1.0 and 2.0 immigration policies indexed, searchable, and with key source documents.
- NIPNLG: [Setting the Record Straight About Sanctuary Policies: A Response to Threats Against Sanctuary Cities](#)

### Know Your Rights/Preparedness:

- Esperanza United: [ICE courthouse and sensitive locations update: Safety planning and guidance for gender-based violence organizations](#)
- ILRC: [Step-by-Step Family Preparedness Plan](#)
- ILRC: [Immigration Preparedness Toolkit](#)
- ILRC: [Red Cards / Tarjetas Rojas](#)
- [We Have Rights](#), multilingual videos and other resources related to protecting your rights during ICE encounters
- ACLU: [Know Your Rights | Immigrants' Rights](#)
- CLINIC: [Know Your Rights](#)
- NAKASEC: [KYR App in Multiple Languages](#)