IMMIGRATION IN THE AGE OF A SECOND TRUMP TERM:

TAKING A PAGE OUT OF TEXAS' PLAYBOOK

Since Donald Trump was re-elected president in November of 2024, national headlines on immigration have sounded the alarm about his administration's plans to effectuate mass deportations, increased detentions, and indiscriminate raids. For the past three years, Governor Greg Abbott has used Texas as a laboratory for these types of policies through Operation Lone Star (OLS), an initiative that uses state law enforcement agencies to engage in immigration enforcement, and by implementing anti-immigrant laws passed by the Texas legislature. Since its inception, OLS has cost Texas taxpayers 11 billion dollars and counting. Despite Texas lawmakers touting OLS as a way to keep Texas safe, in reality, it has endangered not just migrants but Texans, and destroyed the beautiful natural ecosystem the Texas border has to offer. Below are some of the ways, based on the experience in Texas, the nation can expect to see Trump use the Texas template to carry out his plans. With the recent news of Trump's plan to install Texas Border Czar, Mike Banks, as the head of U.S. Border Patrol the evidence of Texas as the blueprint has become even clearer.

1. TRUMP PROPOSAL: MASS DETENTION NEAR THE BORDER

Trump and his allies, through Project 2025[1] and otherwise, have vowed to build massive camps run by the Department of Homeland Security (DHS) near the border to detain immigrants. This plan will require increased funding to pay for facilities, beds, and employee salaries. If Congress does not allocate these funds, the administration has promised to redirect money from the military budget. During his first administration, Trump successfully diverted billions in military funding to pay for the border wall. While multiple lawsuits were filed challenging the legality of this diversion, in July 2019, the Supreme Court ultimately allowed the administration to use $2.5 billion in Pentagon funds for the border wall construction while litigation continued.

Texas: In the three years since this Supreme Court ruling and in the wake of Winter Storm Uri in March of 2021, Governor Abbott deployed Texas national guard troops to the border. The Texas legislature further codified OLS and approved billions of dollars to pour into unconstitutional state

immigration enforcement. Over the past three years, thousands of migrants have been funneled through a separate criminal legal system, an infrastructure created by OLS that is rife with human rights and due process violations. Further, in November of 2024, Texas Land Commissioner, Dawn Buckingham, unveiled the Jocelyn Initiative and offered the incoming Trump Administration about 1,400 acres of land in Starr County, Texas for the construction of deportation facilities. In her letter, Buckingham also vowed to "use every tool at my disposal to gain complete operational control of our southern border." Tom Homan, the Trump Administration's Border Czar, has accepted the land and pledges to finish what Governor Abbott has started by following through with mass deportations. Given Texas' readiness to create its own immigration enforcement scheme and divert billions in vital state funds, there is no doubt Texas will continue to facilitate building deportation camps at the cost of meeting the needs of everyday Texans.

2. TRUMP PROPOSAL: MASS DEPORTATIONS USING THE ALIEN ENEMIES ACT OF 1798

Trump has promised to conduct mass deportations using the Alien Enemies Act of 1798 (AEA), which authorizes the president to detain and deport immigrants in times of congressionally-declared war or presidentially-proclaimed "invasion" or "predatory incursion" by a "foreign nation or government." The most infamous use of the AEA was during World War II when its authority justified the United States government's shameful internment of Japanese-Americans on American soil. By using the AEA rather than existing immigration enforcement authority, Trump believes he can suspend due process and implement a mass deportation operation (alongside expanded expedited removal).

Texas: Governor Abbott has gone above and beyond to shove his anti-immigrant agenda down the state's throat. In order to justify his use of state resources, Governor Abbot is equating migration to an invasion and asylum seekers as enemy combatants. He believes the Constitution gives states the right to defend themselves against "an invasion or imminent danger." According to Governor Abbott, Texas is being invaded by "cartels and human smugglers," giving him the right to invoke the state's "constitutional authority to defend and protect itself" by further codifying OLS through laws like TX SB 4 State Deportation law. This interpretation of the Constitution is unsupported by years of legal precedent. Several district courts have opined on the issue and have determined that for an action to qualify as an invasion, it must be a military operation or an armed hostility. Despite Governor Abbott's (perhaps deliberate) misinterpretation, migration in Texas does not constitute an invasion.

3. TRUMP PROPOSAL: DEPLOYING THE NATIONAL GUARD TO UNDERTAKE IMMIGRATION ENFORCEMENT OPERATIONS

Trump has promised to deploy the National Guard to undertake immigration enforcement operations. While the United States has laws that restrict the use of federal military personnel in domestic law

enforcement activities, including immigration enforcement, there are exceptions that could allow governors and the federal government to activate the National Guard across the country. There is currently no clear prohibition on using activated troops in a state without its governor's consent.

Texas: On May 31, 2021, Governor Abbott signed a border [disaster declaration](#) to respond to the increase in migration, calling it an "imminent threat of widespread or severe damage, injury, or loss of life or property." By signing the disaster declaration, Governor Abbott has been able to mobilize state resources like the Texas Division of Emergency Management and Texas National Guard. Governor Abbott's overreach gave local officials, like Eagle Pass Mayor, Rolando Salinas, Jr. the greenlight to take [unilateral and illegal action](#) to declare Shelby Park, a public park, as private property in order to facilitate manufactured trespass arrests. After advocates successfully advocated for the City of Eagle Pass to rescind the order, Governor Abbott took matters into his own hands by ordering [National Guard troops to block the U.S. Border Patrol](#) from accessing a section of the border in Eagle Pass, including Shelby Park. This was unprecedented. As part of OLS, in May of 2024, Governor Abbott unveiled a state of the art [80-acre base camp facility](#) to house National Guard troops that have been deployed to the Texas/Mexico border since OLS' inception. This move was exceptionally tone deaf as Harris County residents [faced an unprecedented natural disaster](#) leaving thousands without access to power or water during one of the hottest summers to date awaiting resources.

4. TRUMP PROPOSAL: USE LOCAL LAW ENFORCEMENT AND 287(G) TO ITS FULLEST EXTENT TO ARREST IMMIGRANTS

Project 2025 has made a number of recommendations that Immigration and Customs Enforcement (ICE) engage more closely with local law enforcement to multiply their immigration enforcement resources by allowing more states and local agencies to act as immigration enforcement agents and ramping up detention of those with certain criminal records. ICE will easily be able to achieve this through simple policy changes without having to ask Congress for additional funds.

Texas: In May 2017, Governor Abbott signed legislation – [Senate Bill 4](#) (SB 4) – that [bans sanctuary cities in Texas](#). SB 4 prohibits the creation of policies that limit local law enforcement entanglement with immigration officials. Although SB 4 does not make entanglement mandatory, many Texas law enforcement agencies cooperate regardless. Therefore in Texas, individuals who are arrested for even minor infractions, like driving without a license, can ultimately face deportation. In addition to SB 4 from 2017, in 2023, the state legislature passed TX SB 4 state deportation bill which sought to empower local law enforcement officials to arrest and detain anyone suspected of entering Texas from a foreign nation. Additionally, TX SB 4 state deportation bill empowered state judges to deport the individuals as soon as 48 hours after arrest. TX SB 4 is one of the most anti-immigrant laws

passed to date and runs counter to established legal precedent which clearly asserts that states cannot create their own state level immigration laws. This [law is currently enjoined](#). In response to the state of Texas' continuous assault on its communities, local and municipal governments have become a layer of protection for community members and some have refused to prioritize enforcement of laws like TX SB 4. Because of this, the Texas legislature has consistently tried to limit the power of local and municipal governments in order to force their anti-immigrant agenda throughout the state.

5. TRUMP PROPOSAL: EXPAND EXPEDITED REMOVAL AUTHORITY THROUGHOUT THE NATION AND ALLOW CUSTOMS AND BORDER PROTECTION (CBP) UNFETTERED ACCESS TO CONDUCT SURVEILLANCE, SEARCHES, AND REMOVALS

Trump has promised to use "expedited" removal against certain classes of immigrants[2] who have not been admitted or paroled and who cannot prove that they have been continuously present in the United States for two years. Previous administrations have placed limits on this law - most importantly, that the immigrant would have to have been encountered within 100 miles of any land border within 14 days of entry - but Trump has vowed to remove these limitations, as he did in his first term, allowing immigration officers to quickly remove any immigrant who falls within the bounds of the law anywhere in the country. In addition, Trump will allow CBP officers unchecked access to board trains, buses, and other vehicles, question occupants of vehicles about their citizenship, and request document proof of immigration status. This, along with the expansion of expedited removal, will give CBP tremendous search and removal powers throughout the country.

Texas: In 2023, the Texas legislature passed [SB 602](#), giving CBP the authority to arrest, search, and seize people suspected of committing state felonies at ports of entry or designated border patrol checkpoints. This law went into effect on September 1, 2023 and is a way to expand CBP authority on and near the border. We still do not know the impacts of this expansion as the program is [currently delayed](#). However, the move demonstrates the further entanglement between federal and local law enforcement.

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2   These classes of immigrants include people who are inadmissible under sections 212(a)(6)(C) or 212(a)(7) of the INA, [8 U.S.C. 1182(a)(6)(C)](#) or [1182(a)(7)](#). Sections 212(a)(6)(C) and 212(a)(7) of the INA designate aliens as inadmissible if they lack valid documents that are necessary for ad mission, or if they have ever fraudulently or willfully misrepresented a material fact to acquire admission to the United States, including whether they are a U.S. citizen, or to procure a visa or other immigration-related documentation.

CONCLUSION

Despite Trump's plans for mass deportations and other extreme policies, the reality is that the majority of his campaign promises are impractical. Donald Trump has stated he will deport millions of undocumented people. However, an analysis of the Obama, Trump, and Biden administrations show that on average, "each administration deported about 893,000" individuals per year. Further, despite each administration taking on a different approach and spewing different rhetoric, the number of individuals actually deported or that have departed does not change. In fact, under the previous Trump administration, fewer immigrants were deported as compared to the Obama and Bush administrations.

Although Trump will be unable to feasibly deport the millions he has promised, the state of Texas has been an eager collaborator, as demonstrated by OLS. Over the past three years, Texas has lived in a Trump 2.0 world. The state of Texas has wasted $11 billion on OLS all while Texans continue to have their basic needs unmet. A survey conducted in Webb county states that residents of Laredo suffer from major interruptions in access to water and a lack of basic infrastructures such as sidewalks. Instead of continuing to invest billions on OLS, the state of Texas should invest in community needs. Mass deportations and investment in border security will not make our communities safer. Instead they will funnel money from vital resources and leave communities paying the price. As the nation is moving towards authoritarianism, states like Tennessee, Louisiana, Florida, and Georgia, have drafted SB 4 copy cat laws. This trend shows us that states willing to adopt anti-immigrant laws and policies will experience the harshest version of Trump's agenda - many of which these states have already adopted on their own.

In the face of growing anti-immigrant sentiment, advocates on the ground have been fighting to bring attention to Texas' dangerous and unprecedented move since October 2021. Our advocacy has helped limit and contain OLS but the fight continues and we will not rest until OLS is ended.