



# TRUMP'S EXECUTIVE ACTIONS: IMPACT ON IMMIGRATION BENEFITS PROCESSING

In this resource, we unpack the impact of some of the executive orders coming out of Trump's first month in office.

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Since Trump's inauguration in January, the administration has issued a number of executive actions, ensuing memoranda, and notices that attempt to erect barriers to immigration benefits and make it harder and more dangerous for people to access the immigration system. While we may not see the actual effects of these directives immediately, the impacts will be felt by applicants in the coming weeks and months as more leadership positions at the agencies are filled.

The chilling effects of these policies and the ensuing chaos will be felt immediately as eligible applicants may decide to hold off on seeking benefits under a hostile administration. The main goals of these actions are to limit access to legal immigration, make it easier to target foreign nationals based on the whims of the administration, and create fear and confusion among immigrant and advocate communities.

## 1. REGISTRATION

**The Action:** Trump's Executive Order (EO), "Protecting the American People Against Invasion" directs the government to implement a registration program for all undocumented immigrants ages 14 and older who have been in the United States for 30 days or more. Immigrants who do not register would be prioritized for removal as well as criminal and civil fines.

**The Impact:** The EO does not provide any information about the purpose of asking

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people to register nor does it establish a process separate and apart from what already exists in statute.<sup>1</sup> Section 18 of the same EO mandates information sharing between the Department of Homeland Security (DHS) and state and local governments. It is unclear whether registration information would be shared with state and local governments. It is also unclear if and how immigration authorities could attempt to use failure to register in the benefits application process but the administration has already made clear that [failure to register is a federal prosecutorial priority](#).

In the absence of clear guidance or establishment of a formal registration process, the effect of this provision remains up in the air and challengeable. The last time the government used a registration process was after 9/11 when it established the National Security Entry-Exit Registration System (NSEERS), a racial profiling program which targeted members of the South Asian, Arab, and Muslim communities.

## 2. VETTING

**The Action:** Trump’s EO, “Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats” requires that the government take extreme measures to vet any person seeking a visa to or an immigration benefit in the United States with a focus on people coming from “regions or nations with identified security risks.” After a 60 day review of countries, it allows the government to suspend entry to people from those countries or remove noncitizens from those countries currently in the United States. The EO cites INA §. 212(f) as its authority to carry out these measures, the same authority used to implement the Muslim Ban during the first Trump administration.

**The Impact:** These actions will severely slow down all visa and benefit processing at both DHS and the Department of State (DOS), exacerbating already long wait times for people seeking to reunite with families, work, study, or otherwise enter or regularize their status in the United States. Increased scrutiny and fraud review will result

1. 8 USC sections 1301 to 1306.

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in more requests for evidence, longer interviews, and the potential for increased referrals to immigration courts for removal proceedings and to ICE for enforcement purposes.

Given the discriminatory actions of the first Trump administration (i.e., Muslim bans), it is highly likely that these actions will also integrate even more discrimination into the immigration system, allowing the Trump administration to effectively ban all nationals from specific countries from obtaining any kind of visa or immigration benefit under the guise of national security.

### **3. DENATURALIZATION**

**The Action:** Trump’s EO, “Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats” requires the government to devote resources to “identify and take appropriate action for offenses described in 8 U.S.C. 1451” (revocation of naturalization).

**The Impact:** During his first term, Trump surged resources for denaturalization, establishing a “Denaturalization Task Force” that created special units at U.S. Citizenship and Immigration Services (USCIS) and the Department of Justice (DOJ) focused on taking away people’s U.S. citizenship and broadening the grounds for doing so. In addition, DOS focused significant energy toward revoking passports for a large number of people. These actions took resources away from immigration services and caused widespread fear among immigrants.

While denaturalization was not prioritized during the Biden administration, denaturalization and passport revocations did continue and the infrastructure developed by Trump was not dismantled. The Trump administration’s renewed focus on these programs will replicate and multiply such fears during the second term.

### **4. GENDER IDENTIFICATION MARKERS**

**The Action:** Trump’s EOs “Protecting the Meaning and Value of American Citizenship”

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and “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” contain language narrowly interpreting the definition of male and female as well as mother and father, leaving no room for the option for applicants to choose other gender identities.

**The Impact:** Both DHS and DOS previously allowed people to select a third gender identity on application benefits forms and documents, such as passports. The removal of this option via the EOs, calls into question the validity of such documents issued under the previous administration. Additionally, applications for passports and other benefits with a third gender option selected, are on hold indefinitely. It is not clear how the agencies will approach issuing these documents, but it is clear that this policy is meant to harm already marginalized populations.

## **5. OVER RELIANCE ON CRIME AND SECURITY GROUNDS TO JUSTIFY INCREASED SCRUTINY**

**The Action:** Several of the EOs contain language about national security, terrorism, and violent crime. However, the EO Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats provides information about how this emphasis will be placed in adjudications. Specifically, agencies are directed to review all internal policy guidance and regulations having to do with INA sec. 212 crimes and national security grounds. Further, the EO “Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists,” specifies that cartels and certain gangs (MS-13 and TdA) have been designated as foreign terrorist organizations.

**The Impact:** The directive to review the 212 grounds is broad, but it does indicate that those grounds will likely be interpreted more expansively by the current administration. If so, more people will be deemed ineligible for immigration relief and blocked from accessing lawful status, family reunification, and stability. Further, the designation of specific gangs and the cartels generally open up more avenues to find

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that applicants are national security threats by virtue of paying extortion money or being forced to aid these entities in some other way. Asylum applicants in particular could be barred if they are found to have provided “material support” to these groups, even if they were coerced or threatened. Further still, the designation of these groups, combined with the vetting directive, will have a discriminatory impact on specific groups of applicants.

## **6. PUBLIC BENEFITS**

**The Action:** Section 20 of Trump’s EO, “Protecting the American People Against Invasion” requires government agencies to “identify and stop the provision of any public benefits” to any immigrant “not authorized to receive them” under the provisions of the law.

**The Impact:** During the first term, the Trump administration issued a regulation intended to frighten immigrants from accessing benefits for which they were otherwise eligible, such as food stamps or Medicaid, lest they be deemed a “public charge,” which bars them from green card eligibility. This plan succeeded and led to many immigrants eschewing life-saving benefits for themselves and their families, impacting public health.

The Biden administration succeeded in issuing a public charge rule at DHS, which codified longstanding public charge practice and the Trump administration would have to rescind this rule through formal processes to change it. However, no such rule was issued for DOS or DOJ by the Biden administration and changes at those agencies could be easier and faster. It is currently unclear how the Trump administration will proceed with regard to a new “public charge” regulation at DHS, but language in an executive action targeting immigrants who access public benefits will almost certainly further the chilling effect that was never fully overcome.

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## 7. TAKING ACTION AGAINST PROTESTORS

**The Action:** Section 3 of Trump’s EO, “Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats,” recommends that the government take “any actions necessary” to target noncitizens whom the government believes “undermine[s] or seek[s] to undermine the fundamental constitutional rights of the American people, including, but not limited to, our Citizens’ rights to freedom of speech and the free exercise of religion protected by the First Amendment, who preach or call for sectarian violence, the overthrow or replacement of the culture on which our constitutional Republic stands, or who provide aid, advocacy, or support for foreign terrorists...” In addition, Section 3 of the EO, “Additional Measures to Combat Anti-semitism,” directs the Department of Education, DHS, and DOS to monitor and use immigration authorities to remove certain noncitizen students, taking direct aim at noncitizen, pro-Palestine protestors.

**The Impact:** This provision is overly broad and the umbrella-like nature of the language could be used to target any group that protests against a wide array of social issues as well as the Trump administration agenda or actions. Combined with the erosion of the federal workforce and the installation of Trump loyalists in positions of power, a coordinated effort under this directive could be made to target advocacy organizations, student leaders, and others who engage in organized resistance efforts.

## 8. EROSION OF THE FEDERAL WORKFORCE

**The Action:** Several of the EOs are aimed at reducing the size of the federal workforce and removal of senior career officials including directives for all federal employees to return to the office, a hiring freeze, and measures aimed at career Senior Executive Service employees.

**The Impact:** Removal of high-level career civil servants have already begun at various agencies and will likely continue as cabinet heads are confirmed by the U.S. Senate.

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Taken together, the directives aim to achieve federal employees' voluntary separation from civil services (e.g., retirement or leaving for another job) and to make it easier to fire employees whom the administration deems unwilling or ineffective at carrying out the president's agenda.

By reducing the workforce and not allowing agencies to hire for vacancies, the effectiveness of agencies like USCIS will diminish as staff resources reduce and are directed to administration priorities (namely, enforcement and removals). This will lead to longer processing times, backlogs, and ineffective customer service at USCIS, DOS, and other agencies that oversee the issuance of immigration benefits.

## **9. ATTACKS ON FEDERAL FUNDING**

**The Action:** Section 19 of the EO "Protecting the American People Against Invasion" contains directives for agencies to review all funding to nongovernmental organizations that provide services to noncitizens. Sub-section (c) calls for funding to be frozen pending a review and terminated if the funding agreements are found to be "in violation of law or to be sources of waste, fraud, or abuse." Finally, sub-section (e) of the EO contains a "clawback" provision for programs described in sub-section (c).

**The Impact:** We have already seen the effects of federal funding freezes on a large scale and the disruption and chaos they have caused. An Office and Management and Budget (OMB) memo issued on January 29, 2025 freezing all federal funding was quickly enjoined and rescinded but further memoranda from other agencies have taken its place. DHS has frozen funding under its purview including the funding for the Citizenship and Assimilation Grant program (formerly the Citizenship and Integration Grant program). The EO and the ensuing actions, as well as the threat of clawing back funding already dispersed, make it clear that the administration will continue to target organizations that serve noncitizens.



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## CONCLUSION

The Trump administration's executive actions are already having a dangerous impact on immigrants and their families' lives, as evidenced by the fear that has gripped communities across the country. As implementation is ramped up, the effects will become even more serious, as people will be subject to unnecessary investigations, deportations, and separations from their families and communities.

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