



Executive Order Summary:

Border Security and Immigration Enforcement Improvements

On January 25, 2017, President Trump issued an Executive Order entitled: [*Border Security and Immigration Enforcement Improvements \(#13767\)*](#). The focus of this order is on securing the southern border with Mexico and policies to detain foreign nationals suspected of violating immigration and other laws, make timely determinations on claims to remain in the US, and remove individuals when appropriate. The main provisions of the order are summarized below.

Design and construction of a physical barrier along the southern border with Mexico

- The Department of Homeland Security (DHS) is directed to take immediate steps that will obtain operational control along the southern border. The order defines ‘operational control’ to mean the prevention of all unlawful entry to the US of terrorists, unlawful aliens, instruments of terrorism, narcotics, and contraband.
- The method indicated in the order calls for a physical wall using appropriate materials and technology, or some other similarly secure, contiguous, and impassable, physical barrier between the United States and Mexico.
- DHS is directed to identify and allocate Federal funding, and to determine long-term funding requirements.
- Within 180 days of the order, a comprehensive report is due on a study of current security measures, geography of the southern border, available resources for this initiative, and a strategy for complete operational control.

Detention Facilities, Policies on detention for illegal entry, and Return to contiguous territory

- DHS is directed to construct and operate facilities to detain foreign nationals at or near the border with Mexico. Personnel assigned to those facilities will include asylum officers to accept referrals and make determinations of credible or reasonable fear, as well as immigration judges to conduct legal proceedings on-site.
- The order places renewed focus on detaining those who are apprehended for immigration violations pending a hearing and removal proceedings. Termination of the practice known as “catch and release” is specified, in which officers issued a ticket to appear before an immigration judge but did not detain individuals until then.
- Priority is given to the enforcement of current regulations allowing that a foreign national be returned to the contiguous territory (Mexico or Canada) they arrived from, following formal removal proceedings.

Parole, Asylum, and Removal

- The order indicates that current provisions for parole and asylum have been abused to prevent lawful removal of individuals who would otherwise be deemed as removable and sets executive policy to end these practices.
- DHS is directed to ensure that current regulations are applied only according to the plain language of those laws for making asylum referrals, credible fear determinations, and reasonable fear determinations. Similarly, DHS is directed to grant parole (temporary admission) for humanitarian reasons on a narrow case-by-case basis.
- Sufficient training for DHS personnel is cited for handling cases of unaccompanied children according to existing law, including proper processing, appropriate care, and safe return to their home country or last residence.

Other Provisions

- Hiring of an additional 5,000 Customs and Border Patrol (CBP) officers, with appropriate funding.
- Report on the source/amount of all Federal aid provided to the government of Mexico over the past 5 years.
- Diplomatic negotiations to ensure that foreign states will accept their nationals, once subject to removal.
- DHS is directed to pursue agreements with States and local law enforcement, with their consent, to perform functions of immigration officers for investigation, apprehension, and detention of potential removable aliens.
 - Note: This section is repeated in EO #13768 *Enhancing Public Safety in the Interior of the United States*, but here includes an added clause that DHS structure agreements to obtain operational control of the border.
- The Attorney General is directed to prioritize prosecutions of offenses that originate along the southern border.