



American Bridge
**Trump Policy Brief: “Border Security
And Immigration Enforcement
Improvements”**

2/27/17

“BORDER SECURITY AND IMMIGRATION ENFORCEMENT IMPROVEMENTS”

- ✓ President Trump signed an executive order calling for the “immediate” construction of a wall on the U.S.-Mexico border.
- ✓ Trump’s order also called for the prompt deportation of any undocumented person apprehended “on suspicion of violating federal or state law.”
- ✓ Trump and White House press secretary Sean Spicer claimed that the U.S. would either get paid or reimbursed by Mexico for the costs of building the wall.
- ✓ Construction analysts estimated that the wall could cost up to \$20 billion to build and \$750 million per year to maintain. The costs of implementing the new deportation policies were estimated to be in the billions, in addition to trillions in lost economic output over the next ten years.
- ✓ The border wall could create “de facto military zones” in border communities, and would strand thousands of acres in farmland and private property south of the wall.
- ✓ Physical walls prevent water from flowing across the border, causing millions of dollars in flood damage and at least two related deaths.
- ✓ Trump’s directive to construct more detention facilities on the border could lead to the increased use of for-profit detention facility operators, which are historically more dangerous and provide inadequate medical care.

Trump Signed An Executive Order Mandating Increased Deportations And The Construction Of A Wall On The U.S.-Mexico Border

TRUMP ORDERED THE “IMMEDIATE CONSTRUCTION OF A PHYSICAL WALL ON THE SOUTHERN BORDER”

President Trump Signed The “Border Security And Immigration Enforcement Improvements” Executive Order, Which Called For The “Immediate Construction Of A Physical Wall On The Southern Border.” According to an executive order signed by President Donald Trump, “It is the policy of the executive branch to: (a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism.” [White House, [1/25/17](#)]

- **Trump Directed Executive Departments And Agencies To “Deploy All Lawful Means To Secure The Nation’s Southern Border.”** According to an executive order signed by President Donald Trump, “The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.” [White House, [1/25/17](#)]

- **January 2017: White House Press Secretary Sean Spicer Said That Construction On The U.S.-Mexico Border Wall Would Begin Within “Months” Of Trump’s Executive Action Mandating Its Construction.** According to Politico, “The first executive order signed on Wednesday directs DHS to use existing funding to begin work on the border wall, although its completion will require an appropriation from Congress, White House Press Secretary Sean Spicer said at the daily briefing. [...] In an interview with ABC News taped Wednesday afternoon, Trump said construction would begin ‘as soon as we can. As soon as we can physically do it.’ ‘I would say in months, yeah,’ he told ABC’s David Muir. ‘I would say in months. Certainly, planning is starting immediately.’” [Politico, [1/25/17](#)]

THE ORDER CALLED FOR THE DEPORTATION OF UNDOCUMENTED PERSONS SUSPECTED OF VIOLATING FEDERAL OR STATE LAW, AND OUTLINED PAROLE AND RELEASE POLICIES

Trump Mandated That Individuals Apprehended “On Suspicion Of Violating Federal Or State Law” Whose Legal Claims To Remain In The U.S. Are Rejected Be Removed From The Country “Promptly.” According to an executive order signed by President Donald Trump, “It is the policy of the executive branch to: [...] (b) detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations; (c) expedite determinations of apprehended individuals’ claims of eligibility to remain in the United States; (d) remove promptly those individuals whose legal claims to remain in the United States have been lawfully rejected, after any appropriate civil or criminal sanctions have been imposed” [White House, [1/25/17](#)]

Trump Mandated That Parole Authority Pertaining To Undocumented Immigrants Be Exercised Only For “Urgent Humanitarian Reasons Or A Significant Public Benefit.” According to an executive order signed by President Donald Trump, “It is the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens. [...] The Secretary shall take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.” [White House, [1/25/17](#)]

Trump Ordered The Termination Of What He Called The “Catch And Release” Policy, Under Which Undocumented Immigrants Were Not Detained During Proceedings Related To Violations Of Immigration Law. According to an executive order signed by President Donald Trump, “The Secretary shall immediately take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law. The Secretary shall issue new policy guidance to all Department of Homeland Security personnel regarding the appropriate and consistent use of lawful detention authority under the INA, including the termination of the practice commonly known as ‘catch and release,’ whereby aliens are routinely released in the United States shortly after their apprehension for violations of immigration law.” [White House, [1/25/17](#)]

- **Trump Ordered That Immigrants Be Returned To The Territory From Which They Came Pending Formal Removal Proceedings.** According to an executive order signed by President Donald Trump, “The Secretary shall take appropriate action, consistent with the requirements of section 1232 of title 8, United States Code, to ensure that aliens described in section 235(b)(2)(C) of the INA (8 U.S.C. 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.” [White House, [1/25/17](#)]

TRUMP DIRECTED THE DHS TO CONSTRUCT THE WALL AND HIRE 15,000 NEW ENFORCEMENT PERSONNEL

Trump Called For The Hiring Of 10,000 Additional Immigration Officers To Carry Out Deportations, As Well As 5,000 Additional Border Patrol Agents. According to The Washington Post, “The executive orders Trump signed Wednesday call for boosting the ranks of Border Patrol forces by an additional 5,000 agents as well as for 10,000 new Immigration and Customs Enforcement officers to carry out deportations. The orders noted that the increases were subject to Congress's appropriation of sufficient funds.” [CNN, [1/25/17](#)]

Trump Ordered The DHS Secretary To “Plan, Design, And Construct A Physical Wall” In Accordance With The Secure Fence Act And IIRIRA. According to an executive order signed by President Donald Trump, “The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border: (a) In accordance with existing law, including the Secure Fence Act and IIRIRA, take all appropriate steps to immediately plan, design, and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border” [White House, [1/25/17](#)]

- **Trump Ordered The DHS Secretary To “Allocate All Sources Of Federal Funds” To The Construction Of The U.S.-Mexico Border Wall “To The Extent Permitted By Law.”** According to an executive order signed by President Donald Trump, “The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border: [...] Identify and, to the extent permitted by law, allocate all sources of Federal funds for the planning, designing, and constructing of a physical wall along the southern border” [White House, [1/25/17](#)]

Trump Directed The DHS Secretary To Use “All Legally Available Resources” To Build Or Contract Out Immigration Control Facilities On Or Near The Southern Border. According to an executive order signed by President Donald Trump, “The Secretary shall take all appropriate action and allocate all legally available resources to immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain aliens at or near the land border with Mexico.” [White House, [1/25/17](#)]

- **Spicer Said The Trump Administration Would Seek To Create More Detention Facilities Along The U.S. Border To Allow For Quicker And Cheaper Deportations.** According to Politico, “Trump's executive order on Wednesday, which begins the process of building the wall, also seeks to provide DHS more resources in general ‘to stop illegal immigration from entering the United States.’ Spicer said the Trump administration will also seek to create more detention facilities for undocumented immigrants along the U.S. border, centers that he said would allow for swifter and cheaper deportations.” [Politico, [1/25/17](#)]

TRUMP CLAIMED THAT THE U.S. WOULD BE “REIMBURSED” FOR THE COST OF THE WALL BY MEXICO AT A LATER DATE

Trump Claimed That The U.S. Would Get “Reimbursed” By Mexico For Spending On The U.S.-Mexico Border Wall. According to The New York Times, “As congressional Republicans on Friday discussed quickly moving ahead with plans for a southern border wall using money included in this year’s spending bills, President-elect Donald J. Trump insisted that Mexico would ultimately pay for its construction. ‘We’re going to get reimbursed,’ Mr. Trump said during a brief telephone interview. ‘But I don’t want to wait that long. But you start, and then you get reimbursed.’” [New York Times, [1/6/17](#)]

- **Trump Said That Mexico Would Pay The U.S. Back For Border Wall Construction “100 Percent.”** According to ABC News, “In his first one-on-one television interview since being sworn in as the 45th president of the United States, President Donald Trump told ABC News anchor David Muir that Mexico would be paying for the proposed border wall and that negotiations between the two nations would begin ‘relatively soon.’ [...] During the interview, which took place at the White House this morning, Trump said that Mexico would pay the U.S. back ‘100 percent.’” [ABC News, [1/25/17](#)]

White House Press Secretary Sean Spicer Reiterated That Mexico Would “Pay” For The U.S.-Mexico Border Wall. According to Politico, “The first executive order signed on Wednesday directs DHS to use existing funding to begin work on the border wall, although its completion will require an appropriation from Congress, White House Press Secretary Sean Spicer said at the daily briefing. ‘Building this barrier is more than just a campaign promise. It’s a common-sense first step to really securing our porous border,’ Spicer said. ‘This will stem the flow of drugs, crime, illegal immigration into the United States. And yes, one way or another, as the president has said before, Mexico will pay for it.’” [Politico, [1/25/17](#)]

- **Trump Implied That There Was No Difference Between Mexico Paying For The Border Wall And The U.S. Receiving A “Reimbursement” From Mexico For The Construction.** According to CNN, “In the days following Congress coming back into session, reports have emerged saying Trump has moved to break with part of his signature campaign pledge -- telling members of Congress that US taxpayers would pay for the border wall and not Mexico. But at his news conference on Wednesday, Trump vociferously denied these reports in part. ‘Reports went out last week, “Oh, Mexico is not going to pay for the wall because of a reimbursement.” What’s the difference? I want to get the wall started,’ Trump said.” [CNN, [1/11/17](#)]
- **Trump Claimed That Mexico’s Payment Would “Perhaps” Come In A “Complicated Form.”** According to Politico, “The president also scoffed at Mexico President Enrique Pena Nieto’s insistence that his country will not be paying for any border wall. ‘I think he has to say that. He has to say that. But I’m just telling you there will be a payment,’ Trump said. ‘It will be in a form, perhaps a complicated form, and you have to understand, what I’m doing is good for the United States. It’s also gonna be good for Mexico. We wanna have a very stable, very solid Mexico.’” [Politico, [1/25/17](#)]

Trump Ordered Government Agencies To Detail How Much Aid They Were Giving To Mexico, Which Could Be Used To Offset The Cost Of The Wall

Trump Ordered The Identification Of “All Bilateral And Multilateral Development Aid, Economic Assistance, Humanitarian Aid, And Military Aid” To The Government Of Mexico Since 2012.

According to an executive order signed by President Donald Trump, “The head of each executive department and agency shall identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico on an annual basis over the past five years, including all bilateral and multilateral development aid, economic assistance, humanitarian aid, and military aid.” [White House, [1/25/17](#)]

- **CNN Reported That The Disclosure Of Aid To Mexico Indicated An “Eventual Move” Toward Using Some Of Those Funds To Give “Cover” To Trump’s Campaign Promise Of Forcing Mexico To Pay For The Wall’s Construction.** According to CNN, “According to the person familiar with the plans, Trump’s executive order will require DHS to publicly detail what aid is currently directed to Mexico, an indication of an eventual move toward redirecting some of that money to fund the wall’s construction — and giving cover for a longstanding campaign promise to have Mexico pay for the structure.” [CNN, [1/25/17](#)]

The Order Indicated That The Trump Administration Would Need To Request Additional Funds In Congressional Appropriations

Trump Directed The DHS Secretary To Prepare “Congressional Budget Requests For The Current And Upcoming Fiscal Years.” According to an executive order signed by President Donald Trump, “he Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border: [...] Project and develop long-term funding requirements for the wall, including preparing Congressional budget requests for the current and upcoming fiscal years” [White House, [1/25/17](#)]

The Department Of Homeland Security Subsequently Published A Memo Detailing How Trump’s Order Would Go Into Effect

THE DHS MEMO CLAIMED THERE WAS A “SURGE OF ILLEGAL IMMIGRATION AT THE SOUTHERN BORDER”

The Department Of Homeland Security Published A Memo To Implement The Executive Order “Border Security And Immigration Enforcement Improvements.” According to a memo by the Department of Homeland Security, “This memorandum implements the Executive Order entitled ‘Border Security and Immigration Enforcement Improvements,’ issued by the President on January 25, 2017, which establishes the President's policy regarding effective border security and immigration enforcement through faithful execution of the laws of the United States. It implements new policies designed to stem illegal immigration and facilitate the detection, apprehension, detention, and removal of aliens who have no lawful basis to enter or remain in the United States.” [Department of Homeland Security Memo, [2/20/17](#)]

The DHS Memo Claimed There Was A “Surge Of Illegal Immigration At The Southern Border.”

According to a memo by the Department of Homeland Security, “The surge of illegal immigration at the southern border has overwhelmed federal agencies and resources and has created a significant national security vulnerability to the United States. Thousands of aliens apprehended at the border, placed in removal proceedings, and released from custody have absconded and failed to appear at their removal hearings. Immigration courts are experiencing a historic backlog of removal cases, primarily proceedings under section 240 of the INA for individuals who are not currently detained.” [Department of Homeland Security Memo, [2/20/17](#)]

THE DHS MEMO CALLED FOR INCREASED DETENTIONS

DHS Memo: “Detention [...] Is The Most Efficient Means By Which To Enforce The Immigration Laws At Our Borders.” According to a memo by the Department of Homeland Security, “The President has determined that the lawful detention of aliens arriving in the United States and deemed inadmissible or otherwise described in section 235(b) of the Immigration and Nationality Act (INA) pending a final determination of whether to order them removed, including determining eligibility for immigration relief, is the most efficient means by which to enforce the immigration laws at our borders. Detention also prevents such aliens from committing crimes while at large in the United States, ensures that aliens will appear for their removal proceedings, and substantially increases the likelihood that aliens lawfully ordered removed will be removed.” [Department of Homeland Security Memo, [2/20/17](#)]

The DHS Memo Instructed ICE That They Should Detain “An Alien” Until “The Department Of Homeland Security (DHS) Determines That The Individual Is A U.S. Citizen” Or Legal Resident.

According to a memo by the Department of Homeland Security, “U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) personnel should only release from detention

an alien detained pursuant to section 235(b) of the INA, who was apprehended or encountered after illegally entering or attempting to illegally enter the United States, in the following situations on a case-by-case basis, to the extent consistent with applicable statutes and regulations: [...] 2. When the alien obtains an order granting relief or protection from removal or the Department of Homeland Security (DHS) determines that the individual is a U.S. citizen, national of the United States, or an alien who is a lawful permanent resident, refugee, asylee, holds temporary protected status, or holds a valid immigration status in the United States.” [Department of Homeland Security Memo, [2/20/17](#)]

The DHS Mandated That “The Government Detain Immigrants Until They Are Granted A Hearing;” Immigration Courts’ Backlog Of Hearings Caused Delays Of More Than A Year.

According to the Washington Post, “The provisions mandate that the government detain immigrants until they are granted a hearing before an immigration judge, ending the Obama administration’s policy of releasing some to live with relatives until their hearings. Backlogs at immigration courts have delayed hearings for more than a year.” [Washington Post, [2/21/17](#)]

The DHS Memo Would “Mandate Detention Of Such Aliens” And Would Only Allow Parole “On A Case-By-Case Basis, And Only For Urgent Humanitarian Reasons.”

According to a memo by the Department of Homeland Security, “The President has determined that the lawful detention of aliens arriving in the United States and deemed inadmissible or otherwise described in section 235(b) of the Immigration and Nationality Act (INA) pending a final determination of whether to order them removed. [...] These policies are consistent with INA provisions that mandate detention of such aliens and allow me or my designee to exercise discretionary parole authority pursuant to section 212(d)(5) of the INA only on a case-by-case basis, and only for urgent humanitarian reasons or significant public benefit. Policies that facilitate the release of removable aliens apprehended at and between the ports of entry, which allow them to abscond and fail to appear at their removal hearings, undermine the border security mission. Such policies, collectively referred to as ‘catch-and-release,’ shall end.” [Department of Homeland Security Memo, [2/20/17](#)]

The DHS Memo Called For The Department Of Homeland Security To “Take All Necessary Action And Allocate All Available Resources To Expand Their Detention Capabilities And Capacities” At The Border.

According to a memo by the Department of Homeland Security, “Accordingly, the Director of ICE and the Commissioner of CBP should take all necessary action and allocate all available resources to expand their detention capabilities and capacities at or near the border with Mexico to the greatest extent practicable. CBP shall focus these actions on expansion of ‘short-term detention’ (defined as 72 hours or less under 6 U.S.C. § 21 I(m)) capability, and ICE will focus these actions on expansion of all other detention capabilities. CBP and ICE should also explore options for joint temporary structures that meet appropriate standards for detention given the length of stay in those facilities..” [Department of Homeland Security Memo, [2/20/17](#)]

THE DHS MEMO CALLED FOR THE HIRING OF 5,000 NEW BORDER PATROL AGENTS AND THE AUTHORIZATION OF LAW ENFORCEMENT TO ACT AS IMMIGRATION OFFICERS

The DHS Memo Called For The Hiring Of 5,000 Border Patrol Agents And 500 Air & Marine Agents.

According to a memo by the Department of Homeland Security, “CBP has insufficient agents/officers to effectively detect, track, and apprehend all aliens illegally entering the United States. The United States needs additional agents and officers to ensure complete operational control of the border. Accordingly, the Commissioner of CBP shall- while ensuring consistency in training and standards- immediately begin the process of hiring 5,000 additional Border Patrol agents, as well as 500 Air & Marine Agents/Officers, subject to the availability of resources, and take all actions necessary to ensure that such agents/officers enter on duty and are assigned to appropriate duty stations, including providing for the

attendant resources and additional personnel necessary to support such agents, as soon as practicable.” [Department of Homeland Security Memo, [2/20/17](#)]

The DHS Memo Called For The Expansion Of Authorization Of Law Enforcement To Act As Immigration Officers. According to a memo by the Department of Homeland Security, “Section 287(g) of the INA authorizes me to enter into a written agreement with a state or political subdivision thereof, for the purpose of authorizing qualified officers or employees of the state or subdivision to perform the functions of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States. This grant of authority, known as the 287(g) Program, has been a highly successful force multiplier that authorizes state or local law enforcement personnel to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, transport and conduct searches of an alien for the purposes of enforcing the immigration laws. From January 2006 through September 2015, the 287(g) Program led to the identification of more than 402,000 removable aliens, primarily through encounters at local jails. Empowering state and local law enforcement agencies to assist in the enforcement of federal immigration law is critical to an effective enforcement strategy. Aliens who engage in criminal conduct are priorities for arrest and removal and will often be encountered by state and local law enforcement officers during the course of their routine duties. It is in the interest of the Department to partner with those state and local jurisdictions through 287(g) agreements to assist in the arrest and removal of criminal aliens.” [Department of Homeland Security Memo, [2/20/17](#)]

THE DHS MEMO DISCUSSED FUNDING FOR A WALL ON THE U.S.-MEXICO BORDER

The DHS Memo Called For The Undersecretary Of Management To “Identify And Allocate All Sources Of Available Funding For [...] A Wall,” As Well As To Prepare “Congressional Budget Requests.” According to a memo by the Department of Homeland Security, “Section 287(g) of the INA authorizes me to enter into a written agreement with a state or political subdivision thereof, for the purpose of authorizing qualified officers or employees of the state or subdivision to perform the functions of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States. This grant of authority, known as the 287(g) Program, has been a highly successful force multiplier that authorizes state or local law enforcement personnel to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, transport and conduct searches of an alien for the purposes of enforcing the immigration laws. From January 2006 through September 2015, the 287(g) Program led to the identification of more than 402,000 removable aliens, primarily through encounters at local jails. Empowering state and local law enforcement agencies to assist in the enforcement of federal immigration law is critical to an effective enforcement strategy. Aliens who engage in criminal conduct are priorities for arrest and removal and will often be encountered by state and local law enforcement officers during the course of their routine duties. It is in the interest of the Department to partner with those state and local jurisdictions through 287(g) agreements to assist in the arrest and removal of criminal aliens.” [Department of Homeland Security Memo, [2/20/17](#)]

DHS Memo: DHS Will “Identify And Quantify All Sources Of Direct And Indirect Federal Aid Or Assistance To The Government Of Mexico.” According to a memo by the Department of Homeland Security, “The President has directed the heads of all executive departments to identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico. Accordingly, the Under Secretary for Management shall identify all sources of direct or indirect aid and assistance, excluding intelligence activities, from every departmental component to the Government of Mexico on an annual basis, for the last five fiscal years, and quantify such aid or assistance. The Under Secretary for Management shall submit a report to me reflecting historic levels of such aid or assistance provided annually within 30 days of the date of this memorandum.” [Department of Homeland Security Memo, [2/20/17](#)]

THE DHS MEMO EXPANDED THE SCOPE OF DEPORTATION, INCLUDING THAT OF CHILDREN

The DHS Memo Implemented An Authorization “To Return Aliens Arriving On Land From” Mexico Back To Mexico. According to a memo by the Department of Homeland Security, “Section 235(b)(2)(C) of the INA authorizes the Department to return aliens arriving on land from a foreign territory contiguous to the United States, to the territory from which they arrived, pending a formal removal proceeding under section 240 of the INA. When aliens so apprehended do not pose a risk of a subsequent illegal entry or attempted illegal entry, returning them to the foreign contiguous territory from which they arrived, pending the outcome of removal proceedings saves the Department's detention and adjudication resources for other priority aliens. Accordingly, subject to the requirements of section 1232, Title 8, United States Code, related to unaccompanied alien children and to the extent otherwise consistent with the law and U.S. international treaty obligations, CBP and ICE personnel shall, to the extent appropriate and reasonably practicable, return aliens described in section 235(b)(2)(A) of the INA, who are placed in removal proceedings under section 240 of the INA- and who, consistent with the guidance of an ICE Field Office Director, CBP Chief Patrol Agent, or CBP Director of Field Operations, pose no risk of recidivism- to the territory of the foreign contiguous country from which they arrived pending such removal proceedings.” [Department of Homeland Security Memo, [2/20/17](#)]

The DHS Memo Expanded Expedited Removal. According to a memo by the Department of Homeland Security, “G. Expanding Expedited Removal Pursuant to Section 235(b)(1)(A)(iii)(I) of the INA It is in the national interest to detain and expeditiously remove from the United States aliens apprehended at the border, who have been ordered removed after consideration and denial of their claims for relief or protection.[...] Pursuant to section 235(b)(1)(A)(iii)(I) of the INA and other provisions of law, I have been granted the authority to apply, by designation in my sole and unreviewable discretion, the expedited removal provisions in section 235(b)(1)(A)(i) and (ii) of the INA to aliens who have not been admitted or paroled into the United States, who are inadmissible to the United States under section 212(a)(6)(C) or section 212(a)(7) of the INA, and who have not affirmatively shown, to the satisfaction of an immigration officer, that they have been continuously physically present in the United States for the two-year period immediately prior to the determination of their inadmissibility.” [Department of Homeland Security Memo, [2/20/17](#)]

- **Immigrants Deported Under Expedited Removal Are “Not Entitled To A Hearing Before An Immigration Judge [...] Or To An Appeal Of The Expedited Removal Order To The Board Of Immigration Appeals.”** According to U.S. Citizenship and Immigration Services, “(2) Determination of inadmissibility -(i) Record of proceeding. An alien who is arriving in the United States, or other alien as designated pursuant to paragraph (b)(1)(ii) of this section, who is determined to be inadmissible under section 212(a)(6)(C) or 212(a)(7) of the Act (except an alien for whom documentary requirements are waived under §1211.1(b)(3) or §1212.1 of this chapter), shall be ordered removed from the United States in accordance with section 235(b)(1) of the Act. In every case in which the expedited removal provisions will be applied and before removing an alien from the United States pursuant to this section, the examining immigration officer shall create a record of the facts of the case and statements made by the alien. This shall be accomplished by means of a sworn statement using Form I-867AB, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act. The examining immigration officer shall read (or have read) to the alien all information contained on Form I-867A. Following questioning and recording of the alien's statement regarding identity, alienage, and inadmissibility, the examining immigration officer shall record the alien's response to the questions contained on Form I-867B, and have the alien read (or have read to him or her) the statement, and the alien shall sign and initial each page of the statement and each correction. The examining immigration officer shall advise the alien of the charges against him or her on Form I-860, Notice and Order of Expedited Removal, and the alien shall be given an opportunity to respond to those charges in the sworn statement. After obtaining supervisory

concurrence in accordance with paragraph (b)(7) of this section, the examining immigration official shall serve the alien with Form I-860 and the alien shall sign the reverse of the form acknowledging receipt. Interpretative assistance shall be used if necessary to communicate with the alien. (ii) No entitlement to hearings and appeals. Except as otherwise provided in this section, such alien is not entitled to a hearing before an immigration judge in proceedings conducted pursuant to section 240 of the Act, or to an appeal of the expedited removal order to the Board of Immigration Appeals.” [USCIS.gov, accessed [2/21/17](#)]

The DHS Memo Called For The Deportation Of “Unaccompanied Alien Children.” According to a memo by the Department of Homeland Security, “Accordingly, subject to the requirements of section 1232, Title 8, United States Code, related to unaccompanied alien children and to the extent otherwise consistent with the law and U.S. international treaty obligations, CBP and ICE personnel shall, to the extent appropriate and reasonably practicable, return aliens described in section 235(b)(2)(A) of the INA, who are placed in removal proceedings under section 240 of the INA- and who, consistent with the guidance of an ICE Field Office Director, CBP Chief Patrol Agent, or CBP Director of Field Operations, pose no risk of recidivism- to the territory of the foreign contiguous country from which they arrived pending such removal proceedings.” [Department of Homeland Security Memo, [2/20/17](#)]

- **Washington Post: The DHS Memo Put Forward Two Ways To Deport Unaccompanied Children.** According to Vox, “The executive order Trump signed last month tells DHS to make sure that unaccompanied children, ‘when appropriate, are safely repatriated’ to their home countries. The DHS memo suggests two ways to do that: by changing the definition of who counts as an unaccompanied child; and by deporting the relatives of children who come to the US to join them.” [Vox, [2/21/17](#)]

Washington Post: The New Policies “Broaden The Pool Of Those Who Are Prioritized For Deportation.” According to the Washington Post, “Kelly’s new DHS policies considerably broaden the pool of those who are prioritized for deportations, including undocumented immigrants who have been charged with crimes but not convicted, those who commit acts that constitute a ‘chargeable criminal offense,’ and those who an immigration officer concludes pose ‘a risk to public safety or national security.’” [Washington Post, [2/21/17](#)]

The DHS Memo Expanded Expedited Deportations From “Those In The Country Two Weeks Or Less, To Those Who Have Been In The Country For Up To Two Years.” According to the Washington Post, “Kelly’s directives seek to expand partnerships with local law enforcement agencies to apprehend undocumented immigrants, hire 10,000 new Immigration and Customs Enforcement officers and 5,000 new Border Patrol agents, and broaden expedited deportations, currently limited to those in the country two weeks or less, to those who have been in the country for up to two years.” [Washington Post, [2/21/17](#)]

DHS ALSO CONFIRMED IT WAS WORKING ON A PLAN “TO SEND NON-MEXICAN MIGRANTS TO MEXICO”

Vox: The DHS Memo Called For Officials To Use A “Deport-First” Strategy To Send People Back Across The Border While Their Immigration Cases Are Still Pending. According to Vox, “It can take years after an immigrant is apprehended for that immigrant to get deported, because immigration courts are massively backlogged. The executive order signed by President Trump lays out a possible solution: sending people back ‘to the territory from which they came’ while their cases are still pending in immigration court. Basically, it’s a ‘deport first and ask questions later’ strategy. Under Kelly’s memo, immigration officials would use the ‘deport-first’ strategy for any immigrant apprehended crossing the border who they didn’t think was likely to try to cross illegally again. And the memo directs DHS, as well as the Department of Justice, which

runs the immigration courts, to increase its capacity to hear deportation cases over videoconference. That way it can hear cases of people after they've been sent back." [Vox, [2/21/17](#)]

The Hill Headline: "DHS Confirms Plan To Send Non-Mexican Migrants To Mexico." [The Hill, [2/21/17](#)]

The Hill: The DHS Plan "Would Force Immigrants" From Central America "To Wait In Mexico While Seeking Asylum In The U.S." According to The Hill, "Department of Homeland Security (DHS) officials confirmed Tuesday that they are working on a plan to send undocumented immigrants who crossed the U.S.-Mexico border back to Mexico, even if they are not Mexican citizens, ProPublica reported. [...] Current immigration trends have seen Hondurans, Guatemalans, Brazilians, Salvadorans, Haitians and Ecuadorians crossing the United States's southern border. The change could potentially see tens of thousands of non-Mexican migrants — largely applying to Central Americans fleeing violence — being sent to Mexico if they arrived over the U.S.-Mexico border, CNN noted. Current law allows those who cross the U.S.-Mexico border to apply for asylum, but the new provision would force immigrants to wait in Mexico while seeking asylum in the U.S." [The Hill, [2/21/17](#)]

Critics Of The New Policies Warned They Could Lead To Abuse By Enforcement Officers And Humanitarian Crises

CRITICS WARNED THE NEW POLICIES WERE "BEYOND ANYTHING SEEN IN THE U.S. IN DECADES" AND COULD "PRESENT A HUMANITARIAN CRISIS THE LIKES OF WHICH THE COUNTRY HAS NEVER SEEN"

Washington Post: "Immigrants' Rights Groups Expressed Concern That The New Policies Will Lead To Widespread Enforcement Raids And Abuses By Federal Authorities." According to the Washington Post, "Immigrant rights groups have expressed concern that the new policies will lead to widespread enforcement raids and abuses by federal authorities as they seek to ramp up deportations of the nation's 11 million undocumented immigrants. The memos are intended as an implementation blueprint for DHS to follow through on three executive orders Trump signed in January to pursue construction of a border wall, beef up patrols along the southern border with Mexico and escalate enforcement inside the country." [Washington Post, [2/21/17](#)]

New York Daily News: The DHS Plans Could "Cost Billions Of Dollars To Execute, Cripple The American Economy, And Possibly Present A Humanitarian Crisis The Likes Of Which The Country Has Never Seen," According To Experts. According to the New York Daily News, "The sweeping immigration enforcement outlined by the Trump administration could cost billions of dollars to execute, cripple the American economy, and possibly present a humanitarian crisis the likes of which the country has never seen, experts say. Department of Homeland Security Secretary John Kelly said in a pair of memos describing the plan on Tuesday that the U.S. 'no longer will exempt classes or categories of removable aliens from potential enforcement.'" [New York Daily News, [2/22/17](#)]

New York Daily News: "The Scope Of Trump's Expulsion Plans Is Beyond Anything Seen In The U.S. In Decades." According to the New York Daily News, "The scope of Trump's expulsion plans is beyond anything seen in the U.S. in decades." [New York Daily News, [2/22/17](#)]

Vox: The "Chargeable Criminal Offense" Mentioned In The Memo As Grounds For Deportation Include Both The Person's Entry Into The Country And "Things That Are Part And Parcel Of Living In The US As An Unauthorized Immigrant." According to Vox, "Instead of focusing on

deporting convicted criminals, the executive order tells ICE agents to focus on immigrants who've been convicted, charged, or 'have committed acts that constitute a chargeable criminal offense.' Those 'offenses' include immigration crimes (illegal entry and reentry are both criminal offenses) and things that are part and parcel of living in the US as an unauthorized immigrant, like driving without a license. Indeed, the order prioritizes people who have engaged in 'fraud or willful misrepresentation in connection with any official matter,' which could apply to anyone who applies for a job and pays taxes under a fake Social Security number." [Vox, [2/21/17](#)]

- **Vox: The Call For Agents "To Prioritize Anyone They Feel Is A 'Risk To Public Safety Or National Security'" Means "Anyone Immigration Agents Want To Deport."** According to Vox, "Furthermore, the executive order tells immigration agents to prioritize anyone they feel is a 'risk to public safety or national security' even if they haven't done any of those things — which is to say, anyone immigration agents want to deport." [Vox, [2/21/17](#)]

Under The DHS Policies, "If Someone Can't Prove He Or She Has Been Living In The US Continuously For Two Years, He Or She Could Now Be Eligible For Expedited Removal" Without Court Proceedings. According to CNN, "The new plan vastly grows the number of individuals who can be deported using 'expedited removal' procedures, which affords immigrants almost no court proceedings. Under the new policy, if someone can't prove he or she has been living in the US continuously for two years, he or she could now be eligible for expedited removal. Previously, this was limited in practice to people apprehended within 100 miles of the border and who had arrived within the past two weeks." [CNN, [2/21/17](#)]

THE DHS MEMOS QUICKLY BECAME THE TARGET OF EDITORIAL BOARD CRITICISM

USA Today Editorial: The New Immigration Policies "Are Wrongheaded And Cruel." According to a "USA Today editorial, "President Trump's crackdown on undocumented immigrants will cast a far wider net than President Obama's did, though Obama deported more immigrants than any other president. The new guidelines could potentially ensnare millions of immigrants who entered the United States illegally but since then have abided by the law, worked for a living and raised families in a country they now call home. To the extent that the policies place these immigrants in fear, break up families and leave children to fend for themselves, they are wrongheaded and unnecessarily cruel. Only more time and more actions will clarify just how harsh the written policies will be when executed by enforcement authorities." [Editorial – USA Today, [2/21/17](#)]

USA Today Editorial: The Policy Threatens Anyone "Whom Authorities Encounter And Consider A Threat, An Absurdly Broad Category." According to a USA Today editorial, "But the policy announced Tuesday threatens people who've previously had little to fear: People who've committed misdemeanors, say shoplifting or traffic violations. People charged but not yet tried, who under our system are viewed as innocent until proven guilty. People whom authorities encounter and consider a threat, an absurdly broad category." [Editorial – USA Today, [2/21/17](#)]

USA Today: "Realism Seems Far Removed From The Debate." According to a USA Today editorial, "A more realistic approach to immigration would target employers who hire illegal workers, crack down on visa overstays, and deport only those who pose a real threat to public safety. But realism seems far removed from the debate about walls and deportations." [Editorial – USA Today, [2/21/17](#)]

New York Times Editorial Headline: "Mr. Trump's 'Deportation Force' Prepares An Assault On American Values." [Editorial – New York Times, [2/21/17](#)]

New York Times Editorial: The DHS Memos “Are Remarkable For How Completely They Turn Sensible Immigration Policies Upside Down And Backward.” According to a New York Times editorial, “The homeland security secretary, John Kelly, issued a remarkable pair of memos on Tuesday. They are the battle plan for the ‘deportation force’ President Trump promised in the campaign. They are remarkable for how completely they turn sensible immigration policies upside down and backward. For how they seek to make the deportation machinery more extreme and frightening (and expensive), to the detriment of deeply held American values.” [Editorial – New York Times, [2/21/17](#)]

New York Times Editorial: The DHS Policies Are “A Recipe For Policing Abuses And Racial Profiling.” According to a New York Times editorial, “Mr. Kelly included a catchall provision allowing Immigration and Customs Enforcement officers or Border Patrol agents — or local police officers or sheriff’s deputies — to take in anyone they think could be ‘a risk to public safety or national security.’ That is a recipe for policing abuses and racial profiling, a possibility that Mr. Kelly will vastly expand if Congress gives him the huge sums required to hire 10,000 ICE officers and 5,000 Border Patrol agents.” [Editorial – New York Times, [2/21/17](#)]

New York Times Editorial: “The Risk Of Injustice Is Profound” And “So Is The Danger To Due Process.” According to a New York Times editorial, “When every local law enforcement encounter can be a prelude to deportation, unauthorized immigrants will fear and avoid the police. And when state and local officers untrained in immigration law suddenly get to decide who stays and who goes, the risk of injustice is profound. So is the danger to due process. Current procedure allows for swiftly deporting, without a hearing, immigrants who are caught near the border and who entered very recently. But Mr. Kelly notes that the law allows him to fast-track the removal of immigrants caught anywhere in the country who cannot prove they have been here ‘continuously’ for at least two years. He’s keeping his options open about whether to short-circuit due process with a coast-to-coast show-me-your-papers policy.” [Editorial – New York Times, [2/21/17](#)]

Washington Post Editorial Headline: “The Trump Administration’s Blueprint For Mass Removals, With A Streak Of Cruelty.” [Editorial – Washington Post, [2/21/17](#)]

Washington Post Editorial: “A Streak Of Cruelty Runs Through The New Policy...The Administration’s Policies Will Break Up Families And Harm People Leading Peaceable Lives.” According to a Washington Post editorial, “Sean Spicer, the White House spokesman, likes to echo Mr. Trump’s comment that he has ‘a big heart,’ the supposed evidence being that the DHS guidelines do not, for now, aim deportation efforts at ‘dreamers’ — the 750,000 young people given work permits and temporarily shielded from removal by the Obama administration. While that is welcome, in other respects a streak of cruelty runs through the new policy. For instance, it seeks to deter the entry of unaccompanied minors by threatening to prosecute parents if they paid smugglers to help their children cross the border. Deterrence is a fair goal if achieved by humane means. In this case, the administration’s policies will break up families and harm people leading peaceable lives.” [Editorial – Washington Post, [2/21/17](#)]

February 2017: A Mexican Immigrant Committed Suicide After Being Deported

February 2017: A Mexican Immigrant Committed Suicide After Being Deported. According to the BBC, “A Mexican man has apparently taken his own life just half an hour after being deported from the United States. Guadalupe Olivas Valencia, 45, jumped from a bridge at the border after he was deported for the third time. He was found unconscious next to a plastic bag with his belongings and died in hospital a short while later. His death came as the Trump administration issued new guidelines to widen the net for deporting illegal immigrants from the US. Witnesses said Mr Olivas was shouting that he did not want to return to Mexico and seemed to be in severe distress. [...] Mr Olivas was a native of Sinaloa, one of Mexico’s most violent states and the stronghold of a major drug cartel. Many Mexicans cite violence as a reason for leaving for the US.” [BBC, [2/22/17](#)]

The Deportations Could Have Enormous Economic Consequences

THE NEW DEPORTATION POLICIES COULD COST BILLIONS TO IMPLEMENT AND COST TRILLIONS IN LOST ECONOMIC OUTPUT

The Conservative Think Tank American Action Forum Estimated That Deportations Could Lead The Economy To Shrink By \$1.6 Trillion Over The Next 20 Years. According to the New York Daily News, “According to an analysis from the American Action Forum, a conservative-leaning think tank, the U.S. economy could shrink by \$1.6 trillion over the next 20 years as a result of the deportations.” [New York Daily News, [2/22/17](#)]

American Action Forum: The Total Cost Of The Detention And Deportation Plans Could Be \$100-\$300 Billion. According to the New York Daily News, “The right-leaning American Action Forum last year analyzed the force necessary to apprehend and remove all 11.3 million illegal immigrants from the U.S. within two years. ‘(T)he federal government would need to increase federal immigration apprehension workers from 4,844 to 90,582, immigration detention personnel from 5,203 to 53,381, federal immigration attorneys from 1,430 to 32,445, and immigration courts from 58 to 1,316,’ the group found. The group estimated it would take hundreds of thousands of extra detention beds, 17,000 chartered airplane flights, and 30,000 chartered bus trips each year. The total price tag would be \$100 billion to \$300 billion, the group estimates.” [New York Daily News, [2/22/17](#)]

“Moody’s Analytics Projected That Trump’s Policies Would Shrink The Labor Force By About 5%.” According to the New York Daily News, “Moody’s Analytics projected that Trump’s policies would shrink the labor force by about 5% — driving up not only wages, but also the cost of goods, creating inflation and higher interest rates. Meanwhile, real gross domestic product would decline by 5.7%, or almost \$1.6 trillion.” [New York Daily News, [2/22/17](#)]

National Bureau Of Economic Research: Deporting All Undocumented Workers Could Cost The Economy \$5 Trillion Over 10 Years. According to the Chicago Tribune, “President Donald Trump’s sweeping crackdown on immigrants in the country illegally will strain an already tight U.S. job market, with one study suggesting that removing all of them would cost the economy as much as \$5 trillion over 10 years. That represents the contribution of the millions of unauthorized workers to the world’s largest economy, about 3 percent of private-sector gross domestic product, according to a recent paper issued by the National Bureau of Economic Research. At an average of \$500 billion in output a year, removing all such immigrants would be like lopping off the equivalent of Massachusetts from the U.S. economy, said study co-author Francesc Ortega.” [Chicago Tribune, [2/22/17](#)]

A Wall On The U.S.-Mexico Border Would Threaten The Financial And Physical Wellbeing Of Americans And Wildlife

CONSTRUCTION ANALYSTS ESTIMATED THAT THE WALL COULD COST AS MUCH AS \$20 BILLION, DOUBLE WHAT TRUMP PROMISED ON THE CAMPAIGN TRAIL

According To Construction Industry Analysts, The U.S.-Mexico Border Wall Could Cost As Much As \$20 Billion. According to The Washington Post, “Construction industry analysts have said the total costs of Trump’s border wall could approach \$20 billion. Administration officials have said they are discussing funding options with GOP lawmakers.” [Washington Post, [1/25/17](#)]

A Department Of Homeland Security Internal Report Estimated The Cost Of The Wall To Be \$21.6 Billion And Take At Least Three Years To Build. According to Reuters, “President Donald Trump’s ‘wall’ along the U.S.-Mexico border would be a series of fences and walls that would cost as much as \$21.6 billion, and take more than three years to construct, based on a U.S. Department of Homeland Security internal report seen by Reuters on Thursday. The report’s estimated price-tag is much higher than a \$12-billion figure cited by Trump in his campaign and estimates as high as \$15 billion from Republican House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell.” [Reuters, [2/9/17](#)]

- **The DHS Estimate Increased Due To “The Ballooning Costs Of Acquiring Private Land... Through Eminent Domain.”** According to the Arizona Republic, “The higher estimate in the DHS report is due in large part to the ballooning costs of acquiring private land, including through eminent domain. Large sections of the border, particularly in Texas, are privately owned. ‘People’s individual property will be condemned by the federal government for construction of the wall,’ Denise Gilman told The Arizona Republic. “That’s what happened in the past. And that’s what would have to happen.’ She led an effort in 2013 at the University of Texas Law School to document fencing already in place at the Texas-Mexico border. They found barriers erected less than a decade ago had effectively stripped owners of their property, or cut it in two.” [Arizona Republic, [2/10/17](#)]

“One Estimate From MIT Says The Total Could Top \$40 Billion.” According to the San Diego Union Tribune, “Q: What would a border wall cost? A: Estimates vary. Trump has suggested \$8 billion to \$12 billion. The Department of Homeland Security says about \$2.3 billion has been spent on the walls now in place, and that it would cost about \$6.5 million per mile for additional pedestrian fencing and \$1.7 million per mile for vehicle barriers. One estimate from MIT says the total could top \$40 billion.” [San Diego Union Tribune, [1/25/17](#)]

In February 2016, Trump Told Fox News Host Sean Hannity That The Border Wall May Cost \$10 Billion, Which He Said Wasn’t “Bad.” According to CNN, “In an interview with MSNBC in February, then-candidate Trump said he’d priced out the project at about \$8 billion. Later that month, he told Fox News’ Sean Hannity the cost would be \$10 billion. ‘It’s going to be a very terrific wall,’ Trump said. ‘\$10 billion is not bad.’” [CNN, [1/25/17](#)]

THE COST TO MAINTAIN THE WALL WAS ESTIMATED AT \$750 MILLION PER YEAR

Politico Calculated That The Cost To Maintain The Wall Would Be \$750 Million Per Year. According to CNBC, “The U.S. government would have to pay to maintain the wall, which could cost as much as \$750 million a year, according to an analysis conducted by Politico. And then if it wanted to man it with personnel, that would be an additional cost — border patrol has an operating budget of \$1.4 billion for 21,000 agents.” [CNBC, [1/26/17](#)]

THE PROJECTED COST OF THE WALL COULD BE USED FOR PROGRAMS TO BENEFIT AMERICANS, SUCH AS REPLACING THE PIPES IN FLINT, MICHIGAN, AND MAINTAINING A HOST OF DOMESTIC PROGRAMS TRUMP ANNOUNCED HE WOULD CUT

For The \$10 Billion In Trump’s Early Estimate, “You Could Build A Road Roughly From Seattle To Miami”

For The \$10 Billion In Trump's Early Estimate, "You Could Build A Road Roughly From Seattle To Miami." According to CNN Money, "As far as cost goes, Trump has cited a \$10 billion estimate that was given to him during the campaign by the National Precast Concrete Association. That comes to about \$7.4 million per mile.[...] By comparison it only costs about \$3 million to build a mile of a typical two-lane road. So for \$10 billion you could build a road roughly from Seattle to Miami." [CNN Money, [1/26/17](#)]

The Total Cost Of Fixing The Flint, Michigan Water Crisis – Including Replacing All The Pipes – Was Estimated At \$1 Billion

"Some Lawmakers Have Projected Total Costs" Of The Flint Crisis "At \$1bn." According to The Guardian, "The projected \$216m to fix infrastructure is just one of the litany of costs inherited by federal, state and local agencies in the wake of public health emergencies. Some lawmakers have projected total costs including dissemination of bottled water, lead testing, and health treatment at \$1bn. The city and state also face more than \$1bn in potential legal liability. A recent state analysis found that monthly water bills for Flint residents – already among the highest in the US – are projected to double over the next several years." [The Guardian, [6/6/16](#)]

- **Reports Estimated That Replacing All The Pipes In Flint, Michigan Would Cost \$216 Million.** According to The Guardian, "The projected cost to repair infrastructure after the city of Flint, Michigan's two-year water contamination crisis is several magnitudes higher than what has been allocated to fix it, a new state report has found. The report lays out a bruising litany of infrastructure fixes to the city's water system over the next several decades at an estimated cost of at least \$216m. The report suggests \$80m is needed to remove about 10,000 lead pipes across the city – more than three times what Michigan governor Rick Snyder has proposed for a forthcoming state budget." [The Guardian, [6/6/16](#)]

Trump Aimed To Cut A Set Of Nine Domestic Programs, Including The Corporation For Public Broadcasting And The National Endowments For The Arts And Humanities, Most Of Which "Cost Under \$500 Million Annually"

Trump Aimed To Cut A Set Of Nine Domestic Programs, Including The Corporation For Public Broadcasting And The National Endowments For The Arts And Humanities, Most Of Which "Cost Under \$500 Million Annually." According to the New York Times, "The White House budget office has drafted a hit list of programs that President Trump could eliminate to trim domestic spending, including longstanding conservative targets like the Corporation for Public Broadcasting, the Legal Services Corporation, AmeriCorps and the National Endowments for the Arts and the Humanities. Work on the first Trump administration budget has been delayed as the budget office awaited Senate confirmation of former Representative Mick Mulvaney, a spending hard-liner, as budget director. Now that he is in place, his office is ready to move ahead with a list of nine programs to eliminate, an opening salvo in the Trump administration's effort to reorder the government and increase spending on defense and infrastructure. Most of the programs cost under \$500 million annually, a pittance for a government that is projected to spend about \$4 trillion this year. And a few are surprising, even though most if not all have been perennial targets for conservatives." [New York Times, [2/24/17](#)]

Trump Called For Cutting The National Endowment For The Arts And The Humanities, Which Had A 2016 Budget Of \$148 Million. According to USA Today, "The White House has not said arts funding is in jeopardy, but multiple news reports citing anonymous sources have said Trump's team is considering eliminating the National Endowment for the Arts in his proposed budget. And Trump's key economic advisers include director of budget policy and deputy director of the Domestic Policy Council Paul Winfree, an economist from the conservative Heritage Foundation, which put out a budget blueprint last year that included axing the NEA. [...]The National Endowment for the Arts was created in 1965 to invest in

culture much the way the country had invested in science. Congress has decreased its budget in recent years from \$167.5 million in 2010 to \$148 million in 2016.” [USA Today, [2/24/17](#)]

PATROLLING THE BORDER WALL COULD TURN BORDER COMMUNITIES INTO “DE FACTO MILITARY ZONES”

Southern Border Communities Coalition Director Christian Ramirez Said That Patrolling Border Communities “Puts Lives At Risk” And Turns Those Communities Into “De Facto Military Zones.”

According to Reuters, “‘The border wall is about political theater at the expense of civil liberties,’ said Christian Ramirez, director of the Southern Border Communities Coalition immigrant advocacy group. ‘It is not national security policy. Border communities are among the safest in the nation and patrolling them with tens of thousands of heavily armed, poorly trained, unaccountable agents puts lives at risks. This will turn these communities into de facto military zones,’ Ramirez said.” [Reuters, [1/25/17](#)]

A BORDER WALL WOULD THREATEN THE RIGHT OF INDIGENOUS COMMUNITIES TO PASS FREELY ACROSS THE BORDERS OF THE U.S.

According To United States Code, The Kickapoo Traditional Tribe Of Texas Had The Right To “Freely Pass And Repass The Borders Of The United States.”

According to United States Code, Title 25 § 1300b-13, “Border Crossing, Living and Working Rights of the Kickapoo Traditional Tribe of Texas [...] Notwithstanding the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] (brackets in original), all members of the Band shall be entitled to freely pass and repass the borders of the United States and to live and work in the United States.” [U.S. Government Publishing Office, accessed [1/31/17](#)]

The Tohono O’odham Nation Had A Sovereign Right To Pass Through The U.S.-Mexico Border, Which Was Impeded By The Enforcement Of U.S. Immigration Laws. According to the Tohono O’odham Legislative Council Resolution 98-063, “[E]nforcement of the U.S. immigration laws has made it extremely difficult for all Tohono O’odham to continue their sovereign right to pass and re-pass the United States-Mexico border as we have done for centuries as our members are routinely stopped by the U.S. Border Patrol, while others have been actually ‘returned’ to Mexico even though enrolled” [Tohono O’odham Legislative Council, [1998](#)]

- **According To Al Jazeera America, Border Policies Practically Prevent Members Of The Tohono O’odham Tribe Residing In Mexico From Accessing Their Reservation’s Clinic, Overseen By The U.S. Government.** According to Al Jazeera America, “All members of the Tohono O’odham tribe, whether U.S. or Mexican citizens, are entitled to access the reservation clinic overseen by the U.S. government. In practice, border policies prevent this.” [Al Jazeera America, [5/25/14](#)]

A PHYSICAL BORDER WALL ALONG THE RIO GRANDE WOULD NEED TO BE BUILT ABOVE THE RIVER’S FLOOD PLAIN, PUTTING PRIVATE PROPERTY OWNED BY U.S. CITIZENS SOUTH OF THE WALL

2007: Border Security Infrastructure Could Not Be Built On The Flood Plain Of The Rio Grande.

According to The Seattle Times, “When the Homeland Security Department began its Southwest border buildup four years ago, erecting barriers seemed a straightforward proposition. The international boundary is ruler-straight for hundreds of miles from California to New Mexico, and planners laid the fencing down right on the border, traversing deserts, mountains and valleys. But in Brownsville, where the border’s eastern edge

meets the Gulf of Mexico, the urgency of national security met headlong with geographical reality. The Rio Grande twists through Brownsville and surrounding areas, and planners had to avoid building on the flood plain. So the barriers in some places went up more than a mile from the river.” [Seattle Times, [3/3/11](#)]

Some Barriers Constructed Near The U.S.-Mexico Border Were Placed More Than A Mile Away From The Rio Grande. According to The Seattle Times, “But in Brownsville, where the border’s eastern edge meets the Gulf of Mexico, the urgency of national security met headlong with geographical reality. The Rio Grande twists through Brownsville and surrounding areas, and planners had to avoid building on the flood plain. So the barriers in some places went up more than a mile from the river.” [Seattle Times, [3/3/11](#)]

In 2010, The DHS Constructed A Border Fence A Quarter-Mile North Of The Rio Grande, Stranding A Number Of U.S. Private Residences On The Mexican Side. According to The Seattle Times, “The Homeland Security Department last year put up a tall steel barrier across the fields from Taylor’s home. The government calls it the border fence, but it was erected about a quarter-mile north of the Rio Grande, leaving Taylor’s home between the fence and the river. Her two acres lie on a strip of land that isn’t Mexico but doesn’t really seem like the United States either. The government doesn’t keep count, but Taylor and other residents think there are about eight houses stranded on the other side of the fence.” [Seattle Times, [3/3/11](#)]

- **The Border Fence Divided Roads, Backyards, Agricultural Fields, Citrus Groves, And Pastures, Stranding Tens Of Thousands Of Acres.** According to The Seattle Times, “In and around Brownsville, the fence slices through two-lane roads, backyards, agricultural fields, citrus groves and pastures for more than 21 miles, trapping tens of thousands of acres, according to some property owners’ estimates.” [Seattle Times, [3/3/11](#)]
- **The Federal Government Executed Condemnation Proceedings Against More Than 100 Residents In Brownville, TX To Construct The Border Fence, Including Poor Farmers And Senior Citizens.** According to The Seattle Times, “The Homeland Security Department last year put up a tall steel barrier across the fields from Taylor’s home. The government calls it the border fence, but it was erected about a quarter-mile north of the Rio Grande, leaving Taylor’s home between the fence and the river. [...] Planning challenges and fierce opposition held off construction crews for several years, making Brownsville the last border city to get barriers under the Secure Fence Act of 2006. [...] The government had to start condemnation proceedings against more than 100 residents, some of them poor farmers or senior citizens with centuries-old ties to the community.” [Seattle Times, [3/3/11](#)]
- **The U.S. Government Built A Border Fence On The Property of Eloisa Tamez, Whose Ancestors Received The Land From The King Of Spain In 1767 And Who Had Rejected The Government’s Offer Of \$13,500 For The Strip Of Land Containing The Fence.** According to The Seattle Times, “Eloisa Tamez, 75, who lives on land granted to her ancestors by the king of Spain in 1767, rejected the government’s offer of \$13,500 for a 50-foot-wide strip across her three acres west of Brownsville. The government seized the land and built the fence anyway. Now, three-quarters of the fallow acreage where her family grew tomatoes, squash and okra is south of the barrier.” [Seattle Times, [3/3/11](#)]

A BORDER WALL WOULD AFFECT THE ECONOMIES OF BORDER COMMUNITIES

McAllen, TX Chamber Of Commerce President Steve Ahlenius Said Building A Wall Along The U.S.-Mexico Border Sent The “Wrong Message,” And May Compel Mexican Tourists To Take Their Business Elsewhere. According to The Wall Street Journal, “Some officials and residents in border states that have benefited from stronger ties with Mexico reacted with concern over the potentially negative

impact building a wall could have on regional economies, while expressing support for enhanced security along the border. [...] ‘It sends the wrong message to a pivotal partner and friend,’ said Steve Ahlenius, president of the chamber of commerce in McAllen, a Texas city of 140,000, long a favorite shopping destination for Mexicans from the city of Monterrey.” [Wall Street Journal, [1/25/17](#)]

Laredo Mayor Pete Saenz Said That He Feared A Border Wall Would Impact His City’s Economy.

According to The Wall Street Journal, “Some officials and residents in border states that have benefited from stronger ties with Mexico reacted with concern over the potentially negative impact building a wall could have on regional economies, while expressing support for enhanced security along the border. [...] Pete Saenz, the mayor of Laredo, a city of 270,000 along the Mexican border that has thrived because of trade with Mexico, was elected as an independent and voted for Mr. Trump. But he said he disagreed with Mr. Trump on this issue and feared it would impact Laredo’s economy, enmeshed with Mexico’s.” [Wall Street Journal, [1/25/17](#)]

- **According To The Wall Street Journal, The Laredo Customs District Accounted For \$284 Billion In Trade.** According to The Wall Street Journal, “The population of Laredo has grown exponentially since the mid-1990s. According to state data, Laredo’s customs district accounted for \$284 billion in trade, more than double the amount it saw in 2002.” [Wall Street Journal, [1/25/17](#)]

TRUMP’S ORDER ALLOWS DETENTION FACILITIES TO BE CONTRACTED TO FOR-PROFIT DETENTION OPERATORS, WHICH WERE MORE DANGEROUS THAN FEDERALLY-OPERATED PRISONS

Section 5 Of President Trump’s Border Security Executive Order Would Allow Private Detention Facility Operators To Sell Their Services To The Federal Government. According to Consumerist, “Section 5 of today’s order directs new Homeland Security Secretary John Kelly to ‘take all appropriate action and allocate all legally available resources to immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain aliens at or near the land border with Mexico.’ This ‘or establish contracts’ condition is important, as it would allow for private operators of detention facilities to sell their services to the federal government.” [Consumerist, [1/25/17](#)]

As Of 2017, Congress Had Appropriated Funding For Approximately 34,000 Beds For Immigrant Detention, While More Than 500,000 Cases Were Pending In Immigration Court. According to CNN, “Right now, Congress has appropriated funding for about 34,000 beds for immigrant detention -- many of which are in facilities operated by private companies across the country. Meanwhile more than half a million cases are pending in immigration court.” [CNN, [1/25/17](#)]

Private Prisons Were Less Safe Than Government Prisons

According To The Office Of The Inspector General, Contract Prisons Had More Safety And Security Incidents Per Capita Than Facilities Operated By The Federal Bureau Of Prisons. According to the Office of the Inspector General, “We found that in a majority of the categories we examined, contract prisons incurred more safety and security incidents per capita than comparable BOP institutions.” [Office of the Inspector General, [August 2016](#)]

- **Contract Prisons Had More Contraband, Lockdown, Discipline, And Telephone Monitoring Incidents Than BOP Facilities.** According to the Office of the Inspector General, “Our analysis included data from FYs 2011 through 2014 in eight key categories: (1) contraband, (2) reports of incidents, (3) lockdowns, (4) inmate discipline, (5) telephone monitoring, (6) selected grievances, (7) urinalysis drug testing, and (8) sexual misconduct.³ With the exception of fewer incidents of positive drug tests and sexual misconduct, the contract prisons had more incidents per capita than the BOP

institutions in all of the other categories of data we examined.” [Office of the Inspector General, [August 2016](#)]

An Inmate At The Private Winn Correctional Center Said That He Lost His Legs And Fingers Due To Gangrene After Prison Personnel Refused To Treat Him. According to a story written by Mother Jones senior reporter Shane Bauer for Mother Jones, “[‘]Have you ever had a riot?’ I ask a recruiter from a prison run by the Corrections Corporation of America (CCA). [...] When I call Winn Correctional Center in Winnfield, Louisiana, the HR lady who answers is chipper and has a smoky Southern voice. [...] One day, I meet a man with no legs in a wheelchair. His name is Robert Scott. (He consented to having his real name used.) He’s been at Winn 12 years. ‘I was walking when I got here,’ he tells me. ‘I was walking, had all my fingers.’ I notice he is wearing fingerless gloves with nothing poking out of them. ‘They took my legs off in January and my fingers in June. Gangrene don’t play. I kept going to the infirmary, saying, ‘My feet hurt. My feet hurt.’ They said, ‘Ain’t nothin’ wrong wicha. I don’t see nothin’ wrong wicha.’ They didn’t believe me, or they talk bad to me—I can’t believe you comin’ up here!’” [Shane Bauer – Mother Jones, [July/August 2016](#)]

- **The BOP’s Compliance Checklist For Contract Prisons Did Not Verify That Facilities Gave Inmates Access To Basic Medical Services Including Immunizations And Tuberculosis Tests.** According to the Office of the Inspector General, “Finally, we found that the BOP needs to improve the way it monitors contract prisons. We focused our analysis on the BOP’s Large Secure Adult Contract Oversight Checklist (checklist) because, as described by BOP operating procedures, it is an important element of the BOP’s Quality Assurance Plan, as well as a mechanism BOP onsite monitors use to document contract compliance on a daily basis. [...] For health services, the checklist does not include observation steps to verify that inmates receive certain basic medical services. For example, the observation steps do not include checks on whether inmates received initial examinations, immunizations, and tuberculosis tests, as BOP policy requires.” [Office of the Inspector General, [August 2016](#)]

THE BORDER WALL WOULD HAMPER THE MIGRATION OF ENDANGERED SPECIES, AND PREVENT WATER FROM FLOWING ACROSS THE BORDER

A U.S.-Mexico Border Wall Would Prevent Water From Flowing Across The U.S.-Mexico Border. According to CNN, “[University of Texas environmental law professor Melinda] Taylor said if the new administration waives all federal laws that are intended to protect the environment and historic preservation ‘it will be particularly tragic.’ ‘If they really try to build a wall, without regard for environmental laws and without environmental impact statements, the effect of a border wall would be more catastrophic than a border fence,’ she said. A wall would prevent water from flowing across the Mexican border, and there is also wildlife that migrates across the border, including the endangered ocelot, also known as a dwarf leopard, located in south Texas and northern Mexico, she said.” [CNN, [1/13/17](#)]

A U.S.-Mexico Border Wall May Effect The Migration Of Wildlife, Including The Endangered Ocelot Located In South Texas And Northern Mexico. According to CNN, “[University of Texas environmental law professor Melinda] Taylor said if the new administration waives all federal laws that are intended to protect the environment and historic preservation ‘it will be particularly tragic.’ ‘If they really try to build a wall, without regard for environmental laws and without environmental impact statements, the effect of a border wall would be more catastrophic than a border fence,’ she said. A wall would prevent water from flowing across the Mexican border, and there is also wildlife that migrates across the border, including the endangered ocelot, also known as a dwarf leopard, located in south Texas and northern Mexico, she said.” [CNN, [1/13/17](#)]

- **According To University Of Texas Environmental Law Professor Melinda Taylor, Only A “Couple Dozen” Ocelots Were Left As Of January 2017.** According to CNN, “A wall would prevent water from flowing across the Mexican border, and there is also wildlife that migrates across the border, including the endangered ocelot, also known as a dwarf leopard, located in south Texas and northern Mexico, she said. ‘US Fish and Wildlife has spent a lot of money to preserve this animal and there are only a couple dozen left,’ Taylor added.” [CNN, [1/13/17](#)]

In 2009, The Texas Parks And Wildlife Department Estimated That 10 Endangered Species And 23 Threatened Species Would Be Affected By The Construction Of A Border Fence. According to Newsweek, “Before construction of the fence began in 2009, a list of species likely to be affected was prepared by the Texas Parks and Wildlife Department. It included 10 plants and animals on federal and state endangered lists, 23 on Texas’s threatened list and dozens of species of concern. But the wall went up anyway.” [Newsweek, [2/14/16](#)]

A WALL CONSTRUCTED BY THE U.S. BORDER PATROL CAUSED MAJOR FLOODING IN THE MEXICAN TOWN OF NOGALES, WHICH KILLED TWO PEOPLE

Mexican Officials Said That A Concrete Barrier Constructed By The U.S. Border Patrol In A Storm Water Tunnel Was The Main Cause Of Major Flooding In July 2008. According to the Arizona Daily Star, “Mexican officials say a concrete barrier constructed by the U.S. Border Patrol in a storm-water tunnel beneath Nogales appears to be on Mexican soil and was the main cause of serious flooding July 12 in Nogales, Sonora.” [Arizona Daily Star, [7/23/08](#)]

- **The Floods Caused Approximately \$8 Million In Damage In The Mexican City Of Nogales, Including 578 Homes And 45 Cars.** According to the Arizona Daily Star, “Mexican officials say a concrete barrier constructed by the U.S. Border Patrol in a storm-water tunnel beneath Nogales appears to be on Mexican soil and was the main cause of serious flooding July 12 in Nogales, Sonora. The flooding caused about \$8 million in damage in Nogales, Sonora, the officials say. [...] The \$8 million in damage caused by the flood includes damage to 578 homes and 45 cars, Mexican officials say. State officials have declared the damaged part of the city a disaster zone.” [Arizona Daily Star, [7/23/08](#)]

The Aboveground Border Wall Escalated The Flooding By Preventing Water To Flow Into The U.S. According to the Arizona Daily Star, “A concrete aboveground border wall east of the wash further escalated the damage by stopping the water that spilled onto Calle Internacional and Calle Elias from flowing into the United States.” [Arizona Daily Star, [7/23/08](#)]

Days After The Flood, U.S. Officials Found The Bodies Of Two People Who May Have Been Using The Tunnel To Cross The U.S.-Mexico Border. According to the Arizona Daily Star, “Mexican officials say a concrete barrier constructed by the U.S. Border Patrol in a storm-water tunnel beneath Nogales appears to be on Mexican soil and was the main cause of serious flooding July 12 in Nogales, Sonora. [...] Two days after the flooding, U.S. officials found the bodies of two people in the wash. They suspect they were illegal immigrants trying to get through the tunnel the evening of the flooding.” [Arizona Daily Star, [7/23/08](#)]

BORDER SECURITY EXPERTS QUESTIONED THE EFFICACY OF A WALL ON THE U.S.-MEXICO BORDER

Former Customs And Border Protection Commissioner Gil Kerlikowske Said He Didn’t “See Any Efficacy In Building A Wall” Across The U.S.-Mexico Border. According to CNN, “I don't see any

efficacy in building a wall across the border,' said Gil Kerlikowske, who until last week served as Commissioner of Customs and Border Protection under former President Barack Obama." [CNN, [1/25/17](#)]

According To Kerlikowske, Some Of The Land Along The U.S.-Mexico Border Was Privately Owned. According to CNN, "Kerlikowske said the rugged terrain in the Arizona desert and the shifting Rio Grande River in Texas, which routinely changes depth and even direction, both represent natural obstacles to building a border wall. Some of the land along the border in the Rio Grande Valley is privately owned, representing another challenge, he said." [CNN, [1/25/17](#)]

National Border Patrol Council President Brandon Judd Said That Border Security Didn't Have To Come In The Form Of A Wall, And Called The Double Fencing Method "Insanely Effective."

According to CNN, "The National Border Patrol Council, the union representing Border Patrol agents, endorsed Trump for President -- marking the first time the group had taken such an action. Brandon Judd, president of the council, said in a recent interview with CNN, that Trump was 'by far the best on border security' when compared with other candidates. [...] 'It doesn't have to be a wall,' Judd said. He called the double fencing along the border in the San Diego area 'insanely effective.'" [CNN, [1/25/17](#)]

- **According To Judd, Trump Hold Him That He "Didn't Realize" The Effectiveness Of Double Fencing, And Seemed "Willing To Listen."** According to CNN, "Judd, who said he met with Trump and his transition team, argued such fencing allows agents to confront people on the US side of the border while they still have a fence in front of them to slow their progress. 'He was very much willing to listen to our perspective,' Judd said. 'It was, you know: "I didn't realize that". And "that's good to know".'" [CNN, [1/25/17](#)]

Sen. John McCain Criticized The Idea Of A Physical Barrier As A Border Security Solution, Noting That "Walls Can Be Easily Breached." According to Reuters, "Asked about Trump's wall, Republican U.S. Senator John McCain said a physical barrier was not enough to secure the border and called for the additional use of observation towers, drones and other technology. 'Walls can be easily breached,' McCain, whose home state of Arizona borders Mexico, told MSNBC's 'Morning Joe' program." [Reuters, [1/25/17](#)]

A 2012 STUDY INDICATED THAT "MANY OF THE LABORERS ON THE WALL COULD BE ILLEGAL IMMIGRANTS"

A 2012 Study Indicated That "Many Of The Laborers On The Wall Could Be Illegal Immigrants." According to the New York Times, "None of this history seems to have tempered Mr. Trump's enthusiasm. But it comes at a time when a construction boom across much of the country has created a significant shortage of legal labor to build the wall, according to construction executives and others in Texas. Separately, a study released in 2012 estimated that half the construction workers in Texas were undocumented workers. Which means that many of the laborers on the wall could be illegal immigrants. 'If this wall gets built in Texas, there is a high likelihood that a significant bit of the work force will be undocumented,' said Jose P. Garza, the executive director of the Workers Defense Project, which supports low-income workers." [New York Times, [1/28/17](#)]

59 PERCENT OF BORDER CITY RESIDENTS OPPOSED THE CONSTRUCTION OF A BORDER WALL AS OF JULY 2016

According To A July 2016 Poll, 59 Percent Of Border City Residents Opposed The Construction Of A Border Wall. According to Cronkite News, "Despite heated political rhetoric about the U.S.-Mexico border, people who live in the region largely view themselves as one community, believe in making it easier to cross back and forth and do not favor building a new wall, according to a Cronkite News-Univision News-Dallas Morning News poll. [...] A majority — 69 percent on the Mexico side and 59 percent on the U.S. side —

believe the current presidential campaign is hurting the region, an area that's one of the most culturally vibrant parts of both countries." [Cronkite News, [7/17/16](#)]