



Snapshot of the [DHS FAQs on Border Enforcement](#) and [Interior Enforcement](#): February 21, 2017

On February 21, DHS posted a [webpage](#) that include signed and final copies of its implementing memos on two executive orders signed by President Trump during the week of January 22: [Executive Order: Enhancing Public Safety in the Interior of the United States](#) and [Executive Order: Border Security and Immigration Enforcement Improvements](#). DHS also posted fact sheet, Questions and Answers, and other information. This document provides a snapshot of DHS's verbatim take on several questions emerging out of these Orders. Additional summaries and analyses of these Executive Order can be found [here](#).

Alternatives to Detention

DHS: "The use of Alternatives to Detention, including the use of ankle monitors, will continue on a case-by-case basis at the discretion of the officers on the ground."

Enforcement Priorities

DHS: "ICE will not exempt classes or categories of removable aliens from potential enforcement. All of those in violation of immigration law may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States."

Detention Capacity

DHS: "Although detention space may be limited at times, ICE is committed to arresting and processing all removable aliens. ICE agents and officers will make individualized custody determinations in every case, prioritizing detention resources on aliens subject to expedited removal and aliens removable on any criminal ground, national security or related ground or for fraud or material misrepresentation."

Parole Authority

DHS: "The memo notes that the statutory language appears to strongly counsel in favor of using the parole authority sparingly and only in individual cases where, after careful consideration of the circumstances, parole is needed because of demonstrated urgent humanitarian reasons or significant public benefit. ... Notwithstanding other implementation guidance, and pending further review by the Secretary and additional guidance from the Director of ICE, the ICE policy directive establishing standards and procedures for the parole of certain arriving aliens found to have a credible fear of persecution or torture shall remain in full force and effect."

Rescission of DHS Memos

According to the DHS Q and A both the [DACA Memorandum](#) and the [Sensitive Locations](#) Memo remain in effect.

Role of Local and State Law Enforcement

DHS: "Effective immediately, ICE will direct its personnel as well as its state and local partners through the 287(g) program to apply the enforcement priorities stated in Executive Order No. 13768."

The Future of Prosecutorial Discretion

DHS: "DHS officers and agents maintain discretion to determine which action(s) to take against removable aliens, but they have been provided with additional guidance by the president and secretary."