

Summary of the Executive Order on “The Wall” or “Border Security and Immigration Enforcement Improvements”

This [Executive Order](#) contains 17 sections, of which a few are highlighted in this summary. Importantly, there is good reason to believe that some or more of the sections of this EO (including the construction of wall) will not be implemented because of legal and financial challenges.

Purpose. This section states “Border security is critically important to the national security of the United States” and describes the purpose as “to deploy all lawful means to secure the Nation’s southern border, to prevent further illegal immigration and to repatriate illegal aliens swiftly.” Section 1.

Policy. The EO seeks to increase the border and national security through the immediate construction of a physical “wall” in the “southern border” referring to the border along Mexico. Section 2.

Physical Security of the Southern Border. Citing to pre-existing statutes like the Secure Fence Act, this section requires the Secretary of Homeland Security to “take all appropriate steps to immediately plan, design, and construct” a physical wall along the southern border; to identify and project sources of federal funds that could be used for this purpose and in the long term; and to produce a study on the security of the Southern border within 180 days of the EO. Section 4.

Detention. The EO requires the Secretary of Homeland Security to use all available resources to immediately construct, establish contracts or operation detention facilities along or near the southern border. The Secretary should also assign asylum officers to detention facilities for purposes of conducting preliminary screenings. Immigration judges should be assigned to detention facilities for the purposes of conducting proceedings. Section 5. The EO prioritizes the detention of noncitizens pending removal proceedings and after apprehension. Section 6.

Border Patrol. The Secretary of Homeland Security shall take action to hire 5,000 additional Border Patrol agents and to ensure they are deployed to duty stations as soon as practicable. Section 8.

State and local law enforcement. The Secretary of Homeland Security shall take appropriate action to maximize the role of State and local law officials in the enforcement of Federal immigration laws, including but limited to the apprehension or detention of the noncitizens in the United States. These actions may be through agreements under 287(g) of the INA or otherwise. Section 10.

Parole, Asylum and Review: The EO states that it is the policy of the executive branch to end “abuse of parole and asylum provisions” but there is no specific evidence or document to support this. The EO requires the Secretary of Homeland Security to apply the expedited removal provisions. The language appears to expand the reach expedited removal to any noncitizen physically present in the United States within two years of inadmissibility. The EO requires the Secretary to ensure that parole be exercised in accordance with the law. Whether the existing parole policy for asylum seekers will be interpreted differently or changed on the heels of this EO is unclear.