



Comparative Analysis of U.S. Immigration Policies: Biden (2021–2025) vs. Trump (2025)

Biden Administration (2021–2025): Key Immigration Policy Changes

Reversal of Travel Bans and Border Wall Emergency: On his first day in office, President Joe Biden moved swiftly to undo signature Trump policies. He **revoked the Trump-era “Travel Ban”** that had barred entry from several Muslim-majority and African countries, directing the State Department to resume visa processing for those nations ¹ ². Biden **halted construction of the U.S.-Mexico border wall** and terminated the 2019 national emergency declaration that had diverted funds to the wall ³ ⁴. He also **rescinded Trump’s COVID-19 immigrant visa suspensions** (Proclamation 10014) on February 24, 2021, which had frozen most family-based and employment-based immigrant visas ⁵ ⁶. However, Biden initially left in place some pandemic-related travel restrictions and Title 42 public-health expulsions at the border (drawing criticism from advocates), only winding down Title 42 when the public health emergency ended in 2023 ⁷ ⁸.

Restoring Asylum Procedures and Protections: President Biden issued executive orders in February 2021 to **restore a humane asylum system and address root causes of migration** ⁹ ¹⁰. He ended the Trump Administration’s “Remain in Mexico” program (Migrant Protection Protocols), which had forced asylum seekers to wait in Mexico, by **suspending new enrollments and later formally terminating MPP** in June 2021 ¹¹. (After protracted litigation, the Supreme Court ultimately upheld Biden’s authority to end MPP in 2022 ¹².) Biden’s DHS also **withdrew Trump’s asylum bans** and restrictive rules – for example, delaying and then scrapping a last-minute Trump rule that would have barred asylum for those with certain public-health risk factors ¹³ ¹⁴. A special Task Force was created to **reunite families separated at the border** under Trump’s “zero tolerance” policy ¹⁵. While Biden repudiated harsh deterrence measures (like family separation and blanket asylum bans), his administration struggled with record border arrivals in 2021–2023 ⁷. In response, it **expanded lawful pathways** (e.g. humanitarian parole programs for Venezuelans, Cubans, Haitians, Nicaraguans, and “Uniting for Ukraine”) and implemented **a new asylum rule in 2023** that requires many seekers to apply via a scheduled appointment (through the CBP One app) or first seek asylum in transit countries ¹⁶. This rule, aimed at discouraging unlawful crossings after Title 42, has been legally contested as a de facto transit ban, but remained in effect pending court review. Overall, Biden sought to restore asylum access and undo Trump’s “fortress America” approach, even as some Trump-era constraints (Title 42 and expedited removals for families) briefly continued or re-emerged due to court orders and migration surges ⁸ ¹⁷.

New Enforcement Priorities and Deportation Policy: In contrast to Trump’s mandate to deport *all* unauthorized immigrants, Biden refocused interior enforcement on serious criminals and security threats. On January 20, 2021, he **revoked Trump’s 2017 executive order** that had made every undocumented person a priority for removal ¹⁸ ¹⁹. DHS Acting Secretary David Pekoske then ordered a 100-day pause on most removals and issued **interim guidance limiting arrests to cases of national security, recent border crossers, or those with serious criminal convictions** ²⁰ ²¹. (This pause was quickly enjoined by a court, but the shift to narrower **civil immigration enforcement priorities** eventually took effect ²².) Under DHS

Secretary Alejandro Mayorkas, ICE and CBP were directed to exercise prosecutorial discretion, **pursuing primarily aggravated felons, gang members, and threats to public safety** instead of indiscriminately targeting all undocumented persons ²³ ²¹ . Biden also reinstated limitations on enforcement in “sensitive locations” – **schools, hospitals, churches and the like were deemed off-limits for ICE operations absent exigent circumstances** (guidance issued in October 2021) ²⁴ . Mass workplace raids were curbed; DHS shifted focus to investigating **exploitive employers rather than arresting unauthorized workers** ²⁵ ²⁶ . These policies marked a return to Obama-era enforcement priorities and a departure from the prior administration’s dragnet approach. Notably, when Texas and others challenged the prioritization policy, the U.S. Supreme Court in *United States v. Texas* (2023) ruled the states lacked standing, allowing Biden’s **discretionary enforcement guidelines** to remain in place ²⁷ ¹⁷ .

Protections for Dreamers and Other Humanitarian Relief: The Biden Administration acted to **preserve and expand humanitarian programs**. Biden issued a memorandum on Day 1 reaffirming protections for *Deferred Action for Childhood Arrivals* (DACA) and urging Congress to provide Dreamers a path to citizenship ²⁸ ²³ . When courts ruled the DACA program unlawful (a July 2021 district court injunction upheld on appeal), DHS responded by **issuing a new DACA regulation in August 2022** to bolster its legal underpinnings ²⁹ ³⁰ . (As of 2025, initial DACA applications remained paused by court order, but renewals continued ³¹ .) Biden also significantly **expanded Temporary Protected Status (TPS)** for nationals of countries in crisis. DHS granted new TPS designations or extensions for **Venezuela, Haiti, Afghanistan, Ukraine, Myanmar, Cameroon, Sudan, and others**, providing temporary legal status and work permits to hundreds of thousands of otherwise removable migrants ³² ³³ . **Deferred Enforced Departure (DED)** was reinstated for Liberians on Day 1 (extending stay of removal for certain long-term residents) ³⁴ ³⁵ . Additionally, USCIS introduced more accommodating policies for victims of crime and violence: for example, in 2021 it created a process to grant **work authorization to U visa applicants** who show a bona fide case, addressing the years-long backlog for these humanitarian visas. Similarly, DHS rescinded rules that had made it harder for domestic violence survivors and other relief applicants to obtain work permits. Across these actions, Biden aimed to **infuse compassion into immigration policy**, within the limits of existing law, while many permanent fixes (like a legislative DREAM Act or TPS adjustments) remained stalled in Congress.

Regulatory Rollbacks (Public Charge, Visa Rules) and Court Rulings: The administration reversed or halted a number of Trump-era regulatory changes that had tightened legal immigration. In March 2021, DHS **withdrew Trump’s 2019 “public charge” rule** – a rule that had made it more difficult for lower-income immigrants to obtain green cards – and restored the prior, more lenient public charge guidelines ³⁶ . Likewise, the Department of Labor and USCIS delayed and eventually abandoned last-minute Trump rules that would have **raised required wages for H-1B workers and replaced the H-1B visa lottery with a wage-based selection system** ³⁷ ³⁸ . Those Trump regulations, published in January 2021, were either procedurally invalidated or formally rescinded by the new administration, maintaining the status quo for employment visas ³⁹ ⁴⁰ . In family-based immigration, Biden revoked a Trump proclamation that had required intending immigrants to show proof of health insurance coverage ² ⁴¹ . The Biden State Department also eliminated heightened vetting programs and ideological tests that had slowed visa processing under Trump. In the courts, *Biden v. Texas* (2022) was a notable win for the administration, confirming it could lawfully end MPP ¹² . However, on DACA the judiciary was less favorable: a Fifth Circuit decision in 2022 (and a continuing case into 2024–25) held DACA unlawful (even after Biden’s regulatory changes), leaving the program’s future uncertain absent congressional action ²⁹ ³⁰ . Overall, Biden’s term saw **extensive executive action** – by one count, over 600 immigration-related executive moves by late 2022 ⁴² – largely aimed at undoing Trump policies and implementing more humane enforcement, within the constraints of court decisions and a closely divided Congress.

Refugee Admissions and Humanitarian Initiatives: Biden pledged to rebuild the U.S. Refugee Admissions Program, which had been cut to historic lows under Trump. After some initial hesitation, he **raised the annual refugee ceiling to 125,000** for Fiscal Year 2022 and beyond (up from the 15,000 cap set in Trump's final year) ⁴³ ⁴⁴ . Though the administration never met those ambitious ceilings due to capacity challenges, refugee admissions increased substantially each year, and by FY2024 the U.S. resettled tens of thousands of refugees (the Migration Policy Institute noted the program approached a six-figure annual intake in Biden's last year) ⁴⁵ . Special efforts were made to assist **Afghan allies** (through Operation Allies Welcome, using humanitarian parole for over 70,000 Afghans after the 2021 withdrawal) and **Ukrainian refugees** (over 100,000 admitted via parole and traditional refugee channels after the 2022 Russian invasion). Biden also restored the practice of **allocating refugee slots for regions based on humanitarian need** (revoking Trump's order that had allowed state and local vetoes over refugee resettlement). Moreover, Biden's administration stood up **Safe Mobility Offices in Central and South America** to allow migrants to apply for refugee status or other lawful pathways *in-region*, as an alternative to making a dangerous journey to the U.S. border ⁴⁶ ⁴⁷ . In sum, the Biden-era immigration landscape was characterized by a return to policies favoring **humanitarian relief, selective enforcement, and inclusion of legal immigrants**, tempered at times by political and logistical realities. Many initiatives were implemented via executive action, making them vulnerable to reversal by a subsequent administration – a fact that set the stage for dramatic shifts when President Donald Trump returned to office in 2025.

Trump Administration (2025): Key Immigration Policy Actions

“Invasion” Executive Order and Mass Enforcement Directives: Upon taking office in January 2025, President Donald Trump immediately issued a sweeping order titled **“Protecting the American People Against Invasion.”** This executive order rescinded multiple Biden-era directives (including Biden's 2021 orders on enforcement priorities, asylum, family reunification, and integration) ¹⁸ . In their place, Trump declared that **all removable aliens** – not just criminals – are priorities for enforcement and removal ⁴⁸ . The order directed DHS to **revoke any guidance limiting enforcement** and to use *“all lawful means”* to execute the immigration laws against every inadmissible or deportable noncitizen ⁴⁹ ⁵⁰ . Key provisions of the January 20, 2025 order included: an **expansion of expedited removal** to the maximum extent of the law (nationwide, for anyone who cannot prove two years' U.S. residence), whereas under Biden this fast-track deportation had been curtailed to near-border cases ⁵¹ ⁵² ; a mandate to **detain all migrants** encountered until their cases are resolved (ending “catch-and-release” practices) ⁵³ ⁵⁴ ; and instructions to assess **civil and criminal penalties for anyone who “facilitates” the presence of undocumented immigrants** ⁵³ ⁵⁴ . This last clause threatens not only smugglers but potentially humanitarian groups and even family members who assist undocumented relatives, raising alarm among nonprofit service providers ⁵⁵ . The “Invasion” order also targeted so-called **sanctuary jurisdictions**: it directed DOJ and DHS to publish a list of state or local governments that “obstruct” immigration enforcement and to **cut off federal funding** to those jurisdictions to the extent possible ⁵⁶ ⁵⁷ . Furthermore, Trump called for **maximizing 287(g) agreements** to deputize local police as immigration enforcers ⁵⁸ . In sum, this early order laid the groundwork for a **mass deportation campaign**, sweeping away Biden's focused-priority model and replacing it with a policy of full **“zero tolerance”** enforcement ⁴⁸ ⁵⁵ . The administration began surging resources to effectuate this: within days, DHS's Acting Secretary issued memos *deputizing hundreds of federal agents from other departments* (U.S. Marshals, DEA, ATF, Bureau of Prisons, IRS criminal investigators, and State Department security agents) to assist ICE in finding and apprehending removable aliens ⁵⁹ ⁶⁰ . By February 2025, DHS reported **increasing joint enforcement operations**, effectively pulling in personnel from across the government to augment immigration agents ⁶¹ ⁶² . These efforts, unprecedented in scale, test legal boundaries (for example, the use of military or non-DHS staff for civil immigration arrests

raises questions under statutes like the Posse Comitatus Act) ⁶³ . Nevertheless, the Trump administration signaled its intent to use “*shock and awe*” tactics and **all available enforcement tools** to dramatically increase arrests and deportations.

Border Security Measures: Wall Construction, Asylum Crackdown, and Military Deployment: President Trump wasted no time reasserting hardline border policies. In an order titled “**Securing Our Borders**,” issued in late January 2025, he **reactivated border wall construction** along the southern border ⁶⁴ ⁶⁵ . The order invoked existing appropriations and promised to seek new funding (including through a budget reconciliation bill) to extend physical barriers. It also **revived the Migrant Protection Protocols (MPP)**, directing DHS to once again *return asylum seekers to Mexico* to await their U.S. immigration hearings ⁶⁶ . This effectively reversed the Biden administration’s termination of MPP and sought to reinstate the controversial program (contingent on cooperation from Mexico). Additionally, Trump **ended the use of the CBP One mobile app for asylum appointments at ports of entry**, which the Biden administration had used to facilitate orderly asylum processing ⁶⁷ . All *parole-based programs* that had allowed certain migrants to enter lawfully were terminated: notably, DHS **shut down the humanitarian parole programs for Cubans, Haitians, Nicaraguans, and Venezuelans (the “CHNV” parole initiative)** ⁶⁸ . In parallel, the administration **suspended “Uniting for Ukraine,”** the program that had allowed Ukrainians fleeing war to enter on parole ⁶⁹ . By limiting parole to case-by-case uses as defined in statute, these actions put potentially **over 500,000 recent parolees at risk of losing status and facing removal**, including those who arrived legally under Biden’s initiatives ⁷⁰ . To further tighten the border, Trump’s orders directed that *all* migrants crossing between ports of entry be **detained for the duration of their immigration proceedings**, ending the practice of releasing asylum seekers with notices to appear ⁷¹ . DHS accordingly instructed Border Patrol to stop issuing parole or “release on recognizance,” even if detention facilities were full ⁷¹ . By April 2025, Trump went a step further, issuing an **Executive Order declaring a national emergency at the southern border** ⁷² . This order deployed **15,000 active-duty military troops to the border** to support DHS operations ⁷³ . It invoked the *National Emergencies Act* and potentially the **Alien Enemies Act of 1798**, signaling the administration’s view of migrants as akin to an invading force ⁷⁴ . The legality of using the military in domestic immigration enforcement is contentious (the order faces claims that it violates prohibitions on using soldiers for civilian law enforcement) ⁷⁵ . Nonetheless, the **militarization of border enforcement** proceeded, with troops assisting in constructing tent courts and detention camps, transporting migrants, and surveillance. Perhaps the most drastic move on asylum came via an order styled “**Guaranteeing the States Protection Against Invasion**,” wherein President Trump invoked **INA §212(f)** to **suspend the entry of all asylum-seekers at the border** ⁷⁶ . This effectively *shut the door on the statutory right to seek asylum* for those entering from Mexico, on the claimed ground that uncontrolled migration constituted an “invasion” of states like Texas ⁷⁷ . The order also barred entry to anyone who could not produce certain health and criminal records, attempting to layer public-safety justifications onto the blanket asylum bar ⁷⁸ . Immigrant advocacy groups immediately filed suit, arguing that the order **violates federal asylum law** which guarantees migrants the opportunity to apply for protection regardless of manner of entry ⁷⁹ . As of late 2025, a federal court has enjoined enforcement of parts of this asylum-ban order, but the administration is appealing, and the **legal battle over the scope of §212(f)** in the face of contrary asylum statutes is ongoing ⁷⁹ . In sum, Trump’s early 2025 actions at the border represent a **dramatic clampdown**, combining physical barriers, *Remain-in-Mexico* returns, sweeping bans on entry, and even military involvement – a wholesale repudiation of Biden’s more humanitarian border management approach.

Immigration Restrictions: Travel Bans, Extreme Vetting, and Visa Limits: Alongside interior and border enforcement, the Trump administration in 2025 resurrected and expanded restrictions on entry for certain

foreign nationals. On June 4, 2025, President Trump issued a presidential proclamation **imposing travel bans on 19 countries** ⁸⁰ ⁸¹. This new ban (informally dubbed “Travel Ban 2.0”) went beyond the 2017–2020 bans: it **completely barred entry of both immigrants and nonimmigrants from 12 countries** – including several Muslim-majority nations (e.g. Iran, Libya, Somalia, Yemen), and additional African and Asian countries such as **Afghanistan, Burma (Myanmar), Chad, the Republic of Congo, Equatorial Guinea, Eritrea, Haiti, and Sudan** ⁸¹ ⁸². Another 7 countries were subjected to a “partial” ban, suspending issuance of tourist, business, student, or exchange visas (B-1/B-2, F, M, J) for their nationals ⁸³ ⁸⁴. These included **Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela** ⁸³. The proclamation cited national security and terrorist concerns, following a **60-day “vetting review”** mandated by an earlier Trump executive order on protecting the U.S. from foreign terrorists ⁸⁵ ⁸⁶. Notably, the proclamation exempted certain individuals – lawful permanent residents, dual nationals traveling on a non-designated country’s passport, asylees and refugees already admitted – and it did not retroactively cancel valid visas ⁸⁷. Nonetheless, it **blocks new visas for millions of potential travelers and immigrants**, reasserting an ideology of extreme vetting. Along similar lines, Trump’s January 2025 order on “Protecting the U.S. from Foreign Terrorists” directed agencies to ramp up vetting and even explore a **“denaturalization” program** for Americans who may have obtained citizenship fraudulently or are linked to terrorism ⁸⁵ ⁸⁸. The Department of Justice accordingly reconstituted a special unit to pursue denaturalization cases, and DHS began reviewing biometric and background check protocols for immigration benefits.

In the economic immigration sphere, the Trump administration moved to restrict visas under the banner of protecting U.S. workers. A notable action was the **Presidential Proclamation of September 19, 2025** that **restricts entry of H-1B specialty occupation workers** unless employers pay a vastly elevated wage. Specifically, this proclamation **requires employers to pay a \$100,000 fee per H-1B petition** for the worker to be allowed entry ⁸⁹. In effect, it functions as a **\$100k supplemental visa fee** to discourage use of the H-1B program (far exceeding the normal filing fees). The proclamation took effect on September 21, 2025, and by its terms applied to foreign workers *outside* the U.S. as of that date ⁹⁰. Subsequent agency guidance clarified that **current H-1B visa holders and those already approved and in the U.S. are not subject to the fee if they remain in status**, meaning the policy primarily hits new visa applicants or those abroad seeking to enter ⁹¹ ⁹². Lawsuits by technology companies and universities have already been filed, claiming this usurps Congress’s power by taxing visas via executive fiat. Similarly, the Trump DHS rolled out a proposed regulation in August 2025 to **end “duration of status” admissions for F-1 students, J-1 exchange visitors, and I visa media representatives** ⁹³. The proposed rule (published in the Federal Register) would eliminate the longstanding practice of admitting these nonimmigrants for the duration of their program and instead **impose fixed end dates (capped at 4 years for most students, or even shorter for certain nationals)** ⁹³ ⁹⁴. Students would have to file extensions via USCIS to continue studying beyond the initial period, a significant procedural hurdle that drew tens of thousands of public comments. This revival of a Trump-first-term proposal aims to reduce visa overstays but at the cost of burdening schools and international students. Other regulatory plans on the horizon in 2025 include reinstating a stricter **“public charge” regulation** (to limit legal immigration by applicants deemed likely to use public benefits) and **tightening eligibility for employment-based visas** (e.g., redefining “specialty occupation” for H-1Bs and rescinding work permits for H-4 spouses, which was signaled in the administration’s regulatory agenda). While those changes had not been finalized by late 2025, the administration’s intent to **sharply curtail legal immigration channels** is clear from these actions and President Trump’s public statements ⁹⁵.

Curtailment of Humanitarian Programs (DACA, TPS, and More): Consistent with President Trump's campaign promises, his 2025 administration moved aggressively to roll back humanitarian protections expanded under Biden. The **Deferred Action for Childhood Arrivals (DACA)** program has come under direct attack: despite Trump's occasional statements about finding a solution for Dreamers, DHS in 2025 took steps indicating it *expects DACA to end*. By July 2025, USCIS **stopped accepting new DACA renewal requests** beyond those already in process, and DHS officials openly urged DACA recipients to **prepare to depart the United States** once their deferrals expire ⁹⁶. The administration signaled it would likely drop the government's appeal in ongoing litigation, effectively allowing the courts (a conservative Fifth Circuit or Supreme Court) to permanently strike down DACA ³⁰ ⁹⁷. This stance puts over half a million young adults who grew up in the U.S. at risk of losing protection. In line with the January "Invasion" order's mandate to limit parole and Temporary Protected Status to "statutory requirements," DHS undertook a review of all TPS designations. By mid-2025 it announced plans to **terminate TPS for several countries at their next expiration**, asserting that conditions (in the administration's view) no longer warrant extension ⁹⁸. For example, TPS for **Venezuela** – which Biden had designated – was set to expire in 2025, and the Trump DHS indicated it would not renew it, potentially stripping status from tens of thousands. Similarly, **Deferred Enforced Departure (DED)** protections were not renewed for Liberians past mid-2025. Additionally, a little-noticed but impactful change: in January 2025 the administration **rescinded ICE and USCIS guidance from 2021 that had created a process for undocumented workers to obtain deferred action if they report labor abuses** ²⁵ ⁹⁹. This termination of the "Deferred Action for Labor Enforcement" (DALE) program, done quietly in July 2025, removes protections for immigrant whistleblowers and is expected to have a chilling effect on reporting of workplace exploitation ²⁵ ⁹⁹.

Victims of crime and domestic violence are also facing new hurdles. While U visa (crime victim) and VAWA (Violence Against Women Act self-petitioner) protections remain part of the law, the Trump administration's budgetary and rule changes make them harder to obtain. The **One Big Beautiful Bill Act (OBBBA)** (discussed below) *imposed hefty fees* on humanitarian applications: for instance, a new **non-waivable \$100 fee on asylum applications** (plus \$100 *per year* while the case is pending) was enacted ¹⁰⁰ ¹⁰¹. It also set a **\$250 fee for Special Immigrant Juvenile Status petitions** (affecting abused, abandoned children) ¹⁰⁰. For VAWA self-petitioners and T visa (trafficking victims), the law stripped away eligibility for federal benefits like Medicaid and food assistance, which could impede survivors' ability to escape abuse ¹⁰² ¹⁰³. The administration also announced plans to revisit U.S. Citizenship and Immigration Services (USCIS) policies on granting work permits for those with pending humanitarian claims – potentially reversing Biden's measures that had given U visa applicants interim employment authorization. All these moves reflect a philosophy of **limiting humanitarian relief to the bare minimum required by law**, and, where possible, deterring applications by making them cost-prohibitive or legally uncertain ⁹⁸ ¹⁰⁴.

Legislative Changes – "One Big Beautiful Bill Act" (Budget Reconciliation 2025): A cornerstone of Trump's current term is the sweeping legislation nicknamed the **One Big Beautiful Bill Act (H.R. 1, 2025)**, which President Trump signed into law on July 4, 2025 ¹⁰⁵. Passed via budget reconciliation with narrow majorities in Congress, this law provides **unprecedented funding and statutory changes to bolster Trump's immigration agenda**. The act funneled roughly **\$150 billion in new funding for immigration enforcement and border security** over the next four years ¹⁰⁶. This includes \$45 billion immediately to expand detention capacity (including construction of large family detention centers to hold migrant parents and children) ¹⁰⁷ ¹⁰⁸, and billions more to hire additional Border Patrol, ICE agents, and immigration judges. It also provided **\$3.3 billion to the Department of Justice for prosecuting immigration-related offenses** – signaling a major ramp-up of criminal prosecutions for unlawful entry and reentry ¹⁰⁹ ¹¹⁰. (Under Trump's 2018 "zero tolerance" policy, such prosecutions led to family separations; advocates fear a

return to those practices on an even larger scale ¹¹¹ ¹¹².) OBBBA placed a statutory **cap of 800 immigration judges nationwide**, allowing about 100 new hires (up from ~700) ¹¹³, ostensibly to reduce backlogs but also potentially to tilt the courts' composition by allowing the administration to appoint more judges aligned with its enforcement-heavy approach.

Crucially, the law **raised or introduced an array of immigration fees** and eliminated many fee waivers. As noted, asylum seekers must now pay at least \$100 to file for asylum (the first time the U.S. has ever charged for asylum) ¹⁰⁰. There's also a steep **\$5,000 "border crossing fee"** for anyone caught entering unlawfully between ports of entry, with no exception for asylum-seekers (this is on top of any criminal penalties) ¹¹⁴ ¹¹⁵. Work permit applications saw dramatic fee hikes: for example, an application for an employment authorization document (EAD) based on a pending asylum or TPS case now carries a **minimum \$550 fee (initial) and \$275 for annual renewals**, whereas previously asylum applicants paid \$0 for their first EAD ¹¹⁶ ¹¹⁷. **Temporary Protected Status applications** now have a \$500 fee (up from \$50) ¹¹⁸. Even **family-based green card applications in immigration court** face new fees (cancellation of removal, a defense to deportation, now costs \$1,500 for non-LPRs to apply) ¹¹⁹ ¹²⁰. Critically, OBBBA **removed fee waivers for most immigration filings**, meaning indigent applicants can no longer have fees excused except in very limited circumstances ¹⁰⁴ ¹²¹. AILA and other legal groups warn that these **"weaponized" fees** will price out many eligible immigrants from obtaining humanitarian protections or relief, fundamentally altering the accessibility of the legal immigration system ¹⁰⁶ ¹²².

Beyond enforcement and fees, OBBBA contained **benefit restrictions** that reach into health and social services. It amended eligibility rules so that *even lawfully present immigrants* such as refugees, asylees, and VAWA self-petitioners are **now barred from federal Medicaid, CHIP, and SNAP benefits for a lengthy period** (until they become LPRs) ¹⁰² ¹²³. It even stripped the **U.S.-born children of certain immigrants** of access to the Child Tax Credit unless a parent has a work-authorized Social Security number ¹²⁴. These provisions were ostensibly passed as cost-saving measures under the budget process, but immigrant-rights advocates decry them as punitive, noting that excluding traumatized refugees and survivors from basic health coverage undermines public health and humanitarian goals ¹²⁵ ¹²⁶. The **cumulative impact** of the OBBBA law is sweeping: it marries enormous funding for enforcement (border wall, agents, detention, prosecutions) with structural barriers to legal immigration (high fees, less due process, reduced benefits), thereby enshrining into law many elements of Trump's restrictive agenda that previously could be changed by executive policy. AILA's Director characterized it as Congress choosing *"to funnel unprecedented resources into the administration's ruthless deportation machine"* at the expense of other programs ¹⁰⁶ ¹²⁷. Notably, because it was a reconciliation bill, these changes passed without bipartisan support and could be difficult to reverse in the short term. Legal challenges to some provisions have already been filed (for example, arguing that certain fee increases or benefit restrictions violate due process or equal protection), but those cases are in early stages.

Initial Judicial Responses: The flurry of 2025 changes has prompted swift litigation and some judicial interventions. As mentioned, immigrant advocates won temporary injunctions against the **birthright citizenship executive order**, which sought to deny citizenship to U.S.-born children of certain noncitizens. A federal court in Seattle put that order on hold in February 2025, pending a full hearing, citing serious constitutional questions (the 14th Amendment's citizenship clause) ¹²⁸. The administration argues it has authority to interpret the Amendment's jurisdiction clause narrowly, but most legal scholars and now at least one court strongly disagree. Additionally, the **15% cap on indirect costs for university research grants** (part of a broader federal spending cut initiative that also affected immigration-related programs) was blocked by a court, as was a general **funding freeze on federal grants** that had been ordered in

January 2025 (these freezes affected, among other things, certain programs for immigrant integration and English language learning) ¹²⁹ ¹³⁰ . While those cases are not immigration-specific, they illustrate judicial skepticism of some hastily implemented Trump administrative measures. Lawsuits challenging the **asylum entry ban** and the **mass expedited removal policy** are also moving forward; early arguments focus on the *ultra vires* nature of using §212(f) to override asylum statutes and the due process implications of removing individuals without hearings deep in the interior ¹³¹ ¹³² . The outcome of these cases will shape how far Trump's 2025 immigration overhaul can go, but as of late 2025, the administration is pressing ahead on all fronts, having dramatically changed the U.S. immigration landscape through executive orders, agency directives, and its budgetary muscle in Congress.

Comparative Impacts on Key Immigration Categories (Biden vs. Trump)

Asylum and Border Policy

Under **President Biden (2021–2025)**, U.S. asylum and border policy shifted toward greater *access and humanitarian considerations*, albeit with some pragmatic constraints. Biden **ended programs seen as violating asylum rights** – most notably terminating *Remain in Mexico (MPP)* and rescinding asylum transit bans – and directed agencies to *restore a safe, orderly asylum process* at the border ¹³³ ¹⁰ . His administration stopped separating families and worked to reunify those previously torn apart. While Biden did rely on Title 42 public health expulsions for two years, he never framed asylum seekers as security threats; instead, he expanded legal pathways (refugee processing in Central America, parole programs, the CBP One appointment system) to **encourage migrants to seek protection through official channels** ¹⁶ ¹⁷ . Even when record crossings strained resources, the Biden DHS generally adhered to the statutory right to claim asylum, processing applicants under improved health protocols rather than metering or mass rejections. By contrast, **President Trump (2025)** has taken an overtly *deterrence-first* approach that severely restricts asylum. His policies effectively **seal off the southern border to asylum-seekers**, treating unauthorized entrants as an “invasion.” Through a sweeping §212(f) proclamation, Trump attempted to **suspend asylum entry entirely**, in direct conflict with U.S. law requiring case-by-case asylum consideration ⁷⁸ ⁷⁹ . He also revived **third-country wait programs (MPP)** to force asylum applicants to remain outside the U.S. ⁶⁶ , despite humanitarian concerns and past evidence of kidnapping and violence against migrants in Mexico. While Biden ended the border wall emergency, Trump re-declared it and resumed wall construction, reflecting a fundamentally different philosophy on border management ⁶⁵ . **Border enforcement under Trump 2025 is militarized and uncompromising** – with thousands of troops deployed and every migrant subject to detention – whereas under Biden the use of military was limited (e.g. National Guard in support roles) and detention was used more sparingly (especially for families and children). The divergence is stark: **Biden's policy sought to manage migration through a combination of enforcement and expanded lawful processing**, aiming to meet legal obligations to refugees, whereas **Trump's policy prioritizes maximum enforcement and prevention, even at the cost of violating or circumscribing asylum protections** ¹³¹ ⁷⁹ . In practical terms, asylum seekers who had some chance of entering and staying their cases under Biden's rules now face near-certain turn-back or detention under Trump. Legal challenges are the primary check on Trump's border measures, whereas under Biden the main challenges were in handling volume while upholding humanitarian standards.

Deportation and Interior Enforcement

The two administrations took **opposite approaches to interior enforcement and deportation priorities**. **Biden's DHS** adopted a *targeted enforcement* strategy: ICE was directed to prioritize arresting those posing **national security threats, serious criminals, and recent unlawful border crossers**, and to **exercise discretion for individuals with equities or non-criminal profiles** ²³ ²¹. This meant that many long-resident undocumented immigrants without criminal records were not targeted for removal during 2021–2023. Biden also implemented policies to reduce harm from enforcement: e.g., halting large worksite raids, not deporting immigrants with old removal orders if they had community ties, and avoiding enforcement in sensitive locations like schools and hospitals ²⁴. As a result, **deportation numbers under Biden dropped significantly**, and when removals did occur, they skewed toward people with serious convictions or recent entrants. In sharp contrast, **Trump's 2025 directives make every undocumented immigrant a priority for deportation** ⁴⁸. By explicitly revoking Biden's priorities and instructing ICE to **"faithfully execute the immigration laws... against all removable aliens"**, Trump eliminated prosecutorial discretion in most cases ⁴⁹ ⁵⁰. An individual's lack of criminal history or longstanding ties offers no protection under the new regime; even DREAMers, TPS holders with expired status, or parents of U.S. citizens are squarely in ICE's crosshairs. **Enforcement has accordingly widened to a dragnet**, with raids and arrests in workplaces, courthouses, and even formerly off-limits locations now authorized. Trump's expansion of **expedited removal to the interior** (for anyone who can't prove 2 years' presence) allows ICE to **bypass immigration courts and deport people within days** of arrest, which Biden had stopped using to such an extent ⁵¹ ⁵². This raises due process concerns that U.S. residents could be swiftly removed without a hearing ¹³². Furthermore, Trump's mass-deportation push has entailed aggressive tactics like **deputizing local police and other federal agents** to act as immigration officers ⁵⁸ ⁶⁰. Biden had cut back 287(g) agreements and fostered cooperation with localities on public safety regardless of immigration status; Trump is again pitting the federal government against "sanctuary" cities by stripping funds and even threatening officials with legal action ⁵⁶ ⁵⁷. In summary, **Biden's interior policy favored prioritization and humane discretion**, aiming to balance enforcement with community trust, whereas **Trump's approach is one of uncompromising enforcement, casting a wide net for deportation and using tactics that civil rights groups argue erode community safety and due process** ⁵⁵ ¹³². The human impact is substantial: under Biden, many mixed-status families felt a reprieve from constant fear of ICE knocks, while under Trump, millions again face the daily prospect of removal, regardless of their roots or contributions.

Family-Based Immigration

In the realm of **family-based immigration and legal entry pathways for relatives**, the Biden and Trump administrations diverged on accessibility and welcoming of immigrants. **Biden sought to expand and facilitate family reunification**, and he quickly did away with policies seen as discriminatory. He **revoked Trump's travel bans** that had separated families from certain countries, thereby allowing spouses, children, and parents from those banned nations to once again receive visas and join U.S. relatives ¹ ². The Biden State Department also worked through pandemic backlogs to speed up family visa processing, and it proposed (though could not unilaterally implement) broader reforms like recapturing unused visas to reduce waits. Biden's failure to pass the U.S. Citizenship Act meant no large changes to quotas, but his stance was to **preserve the family-based immigration system** and clear bureaucratic hurdles where possible, such as reinstating the Central American Minors program to reunite children with parents in the U.S. Overall, the tone was that **families belong together**, in contrast to Trump's ethos that chain migration is to be curbed. In stark contrast, **Trump's 2025 policies have made family-based immigration more**

difficult and restricted. The new **travel ban on 19 countries** directly hits many U.S. citizens and green card holders trying to bring over family, since it outright bars immigrant visas for nationals of 12 countries (with limited case-by-case waivers) ⁸¹ ⁸⁷ . For affected populations (e.g. a U.S. citizen attempting to sponsor a spouse from Iran or Yemen), the ban is an insurmountable legal wall that did not exist under Biden. Additionally, the **“Protecting American Citizenship” executive order targeting birthright citizenship**, though on hold in court, signaled Trump’s view that children born on U.S. soil to certain immigrant parents should not be U.S. citizens ¹³⁴ . If it were ever implemented, it would create families with mixed status (U.S.-born children deemed non-citizens) and deter immigrants from settling or having families in the U.S. ¹²⁸ . Even absent that drastic measure, the **One Big Beautiful Bill Act imposes financial barriers** on family immigration: for example, a U.S. petitioner must now pay higher fees for relative green card applications, and there are new fees (with no waivers) for visa processing and even for registering sponsorship obligations ¹¹⁸ ¹¹⁹ . These changes disproportionately impact lower-income immigrant families. Moreover, by stripping many immigrants (including those in family categories who are not yet citizens) of eligibility for health and nutrition programs ¹⁰² ¹²³ , Trump’s policies place additional strain on mixed-status families, making it harder for them to thrive and perhaps disincentivizing family-based immigration. **In summary, Biden’s term saw family reunification as a priority and rolled back bans that separated families**, whereas **Trump’s current term has reintroduced broad nationality-based bans and added new obstacles (legal and financial) that hinder family immigration** ¹³⁵ ¹¹⁸ . The divergence is most pronounced in humanitarian ethos: Biden framed immigration as beneficial to American communities and kept families together, while Trump emphasizes a need to *limit family-based influx*, treating it as a loophole or security risk (often referring pejoratively to “chain migration”).

Employment-Based Immigration

Employment-based immigration policy also experienced a 180-degree shift between the administrations, affecting high-skilled workers, students, and employers. **The Biden administration** largely embraced the view that immigrants benefit the U.S. economy and rolled back Trump-era impediments. Biden quickly **lifted Trump’s pandemic-era bans on work visas** (which had halted entry of H-1B specialty workers, L-1 intracompany transferees, and others in 2020) ¹³⁶ . His administration withdrew proposed rules that would have tightened H-1B eligibility and ended work authorization for H-4 spouses, and instead worked on rules to **streamline and improve these programs**. For instance, DHS under Biden proposed modernizing the H-1B program to clear backlogs and even considered raising the annual cap, reflecting a generally positive stance toward skilled immigration. International students also saw a friendlier environment: Biden scrapped plans to eliminate “duration of status” and allowed F-1 students to continue benefiting from post-graduate Optional Practical Training (OPT) without new restrictions. In summary, **Biden’s policies aimed to make the U.S. more attractive to talent** – evidenced by him retaining the STEM OPT extension and introducing Startup visa recommendations to Congress. In contrast, **Trump’s 2025 approach treats employment immigration with suspicion** under the banner of “Protecting American Workers.” One signature move is the **H-1B entry fee/prohibition**: by requiring a \$100,000 fee per H-1B petition for foreign workers abroad, Trump imposed a *de facto* barrier that many employers (especially smaller companies or universities) cannot afford ⁸⁹ . This policy does not formally eliminate H-1Bs, but it **dissuades companies from hiring H-1B talent unless they pay a massive premium**, functioning like an extreme tariff on skilled worker visas. Biden had no such fee and in fact processed a normal H-1B lottery each year; Trump’s new requirement drastically reduces usage of the program and is already causing international candidates to reconsider U.S. jobs. Similarly, Trump’s DHS in 2025 proposed **ending the “duration of status” admission for F-1 and J-1 students/exchange visitors**, replacing it with fixed-year visas and requiring extension applications for longer programs ⁹³ ⁹⁴ . Biden had abandoned this Trump idea in

2021, but its revival means **international students now face more bureaucracy and uncertainty**, which could reduce U.S. higher education's competitiveness. Additionally, the OBBBA law introduced **new fees on employment-based immigration filings** (for example, a new \$250 fee on *all* nonimmigrant visa issuances, refundable only if the foreign national departs on time) ¹³⁷ ¹³⁸. This effectively penalizes all business travel and short-term work visas, a sharp departure from Biden's efforts to facilitate business mobility. We also see differences in tone and enforcement: Biden's DOL and USCIS focused on **compliance assistance** and reducing backlogs for employment visas, whereas Trump's agencies are ramping up workplace inspections and even publicizing a goal to **"expose foreign worker visa abuse"**, potentially by tightening definitions of employer-employee relationships and requiring new attestations. **In summary, Biden welcomed skilled immigrants and international students as contributors to the economy**, rolling back restrictive rules and encouraging innovation, while **Trump's policies put up financial and procedural roadblocks for these immigrants** (steep fees, shorter visas) and signal a preference for hiring Americans even if it means labor shortages in tech, healthcare, and academia ⁹⁰ ¹³⁹. The divergent policies have real impacts: under Biden, U.S. companies could recruit global talent more easily and international graduates had clearer paths to stay; under Trump, companies report increased difficulty securing visas, and some immigrants are opting for other countries with more accessible policies.

Humanitarian Relief Programs (DACA, TPS, U Visas, VAWA)

Humanitarian relief programs for vulnerable immigrants have been embraced or restricted in opposite ways by Biden and Trump. **Biden's administration** actively worked to **protect Dreamers and expand Temporary Protected Status and related relief**. Biden not only issued an executive order supporting **DACA** on day one, but later promulgated a DHS regulation to strengthen the legal basis for DACA, signaling a commitment to the program's continuity ²³ ¹⁴⁰. He also **expanded TPS designations** to shield more nationals from countries experiencing crises – for example, adding Venezuela and Myanmar, redesignating Haiti and Syria, and extending status for over 400,000 people from countries like El Salvador and Honduras who had faced TPS termination under Trump ³² ³³. Biden's DOJ and DHS had also shown leniency in enforcement for those with pending humanitarian applications (like U visa petitioners or VAWA applicants), often granting **"deferred action"** or stipulating that these individuals should not be priorities for removal. Additionally, under Biden, USCIS introduced policies to **reduce the hardships on humanitarian applicants**: for instance, giving work permits to U visa applicants on a "bona fide" determination, and expediting humanitarian reinstatement or parole requests on a case-by-case basis for family unity. **Trump's administration in 2025 has reversed course, constricting these humanitarian programs wherever possible**. On **DACA**, rather than protecting Dreamers, Trump has moved to **eliminate the program entirely** – urging courts to end it and indicating DHS will not defend DACA in litigation ⁹⁶ ³⁰. Trump officials have even suggested DACA recipients *self-deport* when their status lapses, a stark contrast to Biden's efforts to reassure and integrate these young people ⁹⁶. For **TPS**, Trump 2.0 is echoing Trump 1.0: his DHS is terminating or not renewing TPS for several countries, which will in time **strip legal status from tens of thousands of long-term U.S. residents**, exposing them to deportation if Congress or courts don't intervene ⁹⁸. Some TPS terminations initiated in Trump's first term (for Nicaragua, Sudan, etc.) had been paused by litigation and then mooted by Biden's extensions; now Trump's return likely means **all those TPS termination plans are resurrected**, and new TPS grants (like Venezuela's) are short-lived. The **philosophy is clearly to limit the use of TPS to the narrowest scope**, whereas Biden used TPS broadly as a humanitarian tool.

Trump's stance on **U visas and VAWA** is also far less accommodating. While these are statutory programs he cannot abolish outright, the administration has taken steps to make them less accessible. One example:

ending the deferred action protection for labor whistleblowers (many of whom would later seek U visas) removes a safeguard that **Biden had put in place to encourage victims to come forward** ²⁵ ⁹⁹ . Additionally, the new fees under OBBBA hit humanitarian applicants hard: **asylum and VAWA-related work permit fees, TPS fees, and others have shot up** ¹¹⁶ ¹³⁸ , with fee waivers mostly eliminated ¹⁰⁴ . A VAWA self-petitioner or U visa applicant, who under Biden might have received a waiver due to inability to pay, now faces mandatory fees that may be unaffordable, potentially **pricing out victims of domestic violence or crime from obtaining relief**. Trump's "Invasion" EO also **chilled the use of humanitarian parole** by ordering that parole be granted *only on a case-by-case, strict basis as defined in the INA* ⁹⁸ . That ended group parole programs (like those for certain Afghan evacuees or medical emergencies) and suggests a return to the Trump-first-term practice of rarely using parole except in extreme, individualized situations. The upshot is that **fewer people who fear persecution or face extraordinary circumstances will be allowed in or allowed to stay** under Trump's policies. Under Biden, humanitarian parole was used liberally to address crises (e.g., 70,000 Afghans after Kabul fell, thousands of Ukrainians in 2022); under Trump, those populations would need to rely on standard refugee or visa processes, which are much slower or were halted altogether in 2025. In summary, **Biden's tenure saw the U.S. extend more humanitarian protections – attempting to keep DACA alive, expanding TPS, facilitating relief for victims – whereas Trump's current tenure is contracting those protections, revoking temporary statuses, and making it harder for vulnerable immigrants to seek refuge or justice** ⁵⁵ ⁹⁶ . The contrast is one of an administration that viewed humanitarian relief as aligned with American values versus one that views it with skepticism, as loopholes that purportedly undermine immigration enforcement.

Refugee Admissions

The U.S. refugee admissions program and humanitarian intake have undergone diametrically opposite treatments. **Under President Biden**, refugee resettlement was championed as a moral and strategic good. Biden **raised the annual refugee cap to 125,000** and although the State Department never hit that target, it rebuilt capacity and managed to resettle vastly more refugees than under Trump's previous term ⁴⁵ ⁴⁴ . In FY2021, after an initial delay, Biden increased the admissions from Trump's 15,000 up to 62,500, and then to 125,000 for FY2022 onward. He also removed onerous vetting requirements that had slowed processing (for example, Trump's "extreme vetting" checks that caused many delays were streamlined). Biden's team worked closely with international organizations and Congress to secure funding to **reinvigorate domestic refugee resettlement agencies**, which had been financially drained by the low admissions of 2017–2020. By late in Biden's term, the U.S. was again a leading refugee-accepting nation, **particularly prioritizing refugees from Africa, East Asia, and Latin America** as per the allocations he set (and notably launching a refugee referral program for displaced Central Americans). In stark opposition, **President Trump in 2025 effectively shut down refugee admissions**. Within days of taking office, he signed an order "Realigning" (in effect, suspending) the **U.S. Refugee Admissions Program (USRAP)** ¹⁴¹ . This froze all refugee travel and processing "until further notice." As a result, about **10,000 refugees who had already been vetted and approved for travel were suddenly left in limbo abroad** ¹⁴¹ ¹⁴² . Trump's justification was to review and tighten vetting procedures, but in practice, no refugees (aside from perhaps a handful of emergency cases) have been allowed entry in 2025. Moreover, Trump's HHS and State Department issued a **"stop work" order to refugee resettlement agencies** in January 2025, instructing them to **halt services for recently arrived refugees** ¹⁴³ . This unprecedented step meant even refugees who arrived in late 2024 under Biden's watch suddenly lost access to government-funded housing, job placement, and language services, causing severe hardship ¹⁴⁴ ¹⁴⁵ . An estimated 32,000 refugees already in the U.S. were affected, with reports of spikes in homelessness among those populations ¹⁴⁶ ¹⁴⁷ . Biden's approach had been to expand these services to promote integration; Trump's approach has been to defund them, seeing them

perhaps as pull factors. Additionally, Trump closed **Safe Mobility Offices** in Latin America that had been referring refugees for resettlement ⁴⁶, reflecting a view that those programs only encouraged more migration. The net effect is that **refugee admissions for FY2025 have been near zero** and the infrastructure is once again under threat of collapse. Biden's term ended with the U.S. planning to admit 125,000 refugees in FY2025; Trump promptly slashed that—though legally he should issue a Presidential Determination setting a number, in reality his suspension means the *functional cap* is zero or near-zero ¹⁴¹. Where Biden viewed refugee resettlement as part of U.S. humanitarian leadership (with even 100,000+ refugees resettled in his last year, counting parolees) ⁴⁴, Trump views it as a security risk and burdensome. Indeed, Trump officials have hinted they might seek to **keep the program “halted indefinitely,” or resume it at a fraction of prior levels** (perhaps the lowest ever). **The divergence cannot be overstated:** under Biden, the U.S. reopened its doors to refugees fleeing war and persecution (while vetting them rigorously, no significant security incidents were reported), whereas under Trump, the world's most vulnerable are once again largely *shut out of U.S. protection*, in line with his administration's more isolationist and security-focused stance ¹⁴¹ ¹⁴⁸. This has implications not only for refugees themselves but also for U.S. foreign policy and alliances (as refugee admissions often support allies hosting large refugee populations). Biden's refugee legacy was one of rebuilding and expansion, Trump's is one of retraction and suspension.

Humanitarian Protections vs. Enforcement: Biden–Trump Divergence

Broadly, the Biden and Trump administrations **diverge most sharply on the balance between humanitarian protections and enforcement strictness**. President Biden's policies leaned into humanitarian ideals: protecting Dreamers and TPS recipients, offering refuge to those fleeing danger, and **tempering enforcement with compassion and case-by-case judgment**. He often spoke of immigration as an enrichment to the nation and sought to expand legal pathways (for family unity, refugees, and skilled immigration) while still enforcing laws against smugglers, traffickers, and serious criminals. In contrast, **President Trump's policies emphasize enforcement and security at the expense of humanitarian considerations**. The Trump 2025 agenda treats generous immigration measures as “loopholes” to be closed – whether by **barring asylum seekers in the name of security** ¹³¹, **stripping social benefits from asylees and victims** ¹⁰², or **eliminating protections for long-resident undocumented populations** (like DACA/TPS). Trump's rhetoric and actions prioritize the **sovereignty and immediate security concerns** (often describing immigration in terms of crime, terrorism, or economic threat), leading to policies like mass detention, expanded deportation, and extreme vetting/travel bans. This results in a **more hostile environment for legal immigration as well**, not just illegal immigration. Biden by and large tried to **lower barriers for legal immigrants** – e.g., restoring normal visa processing, reducing backlogs, welcoming international students – whereas Trump has erected new barriers (high fees, stricter rules, country bans) that make legal immigration and travel more difficult ⁸⁹ ¹¹⁸. On **border enforcement**, Biden ended the practice of treating migrants as invaders and instead managed flows through processing and deporting those without legal claims, all while expanding capacity for legitimate asylum claims. Trump's border posture reverts to **deterrence by harshness**: viewing migrants en masse as a national security problem warranting militarization and even suspension of law (as seen in the attempted asylum ban) ⁷⁸. In summary, **Biden prioritized humanitarian protection and legal immigration accessibility, weaving enforcement within a framework of proportionality and integration**, whereas **Trump prioritizes aggressive enforcement and border control above all, scaling back humanitarian programs and narrowing avenues for legal entry** ⁴⁸ ⁹⁵. These differences carry profound implications for immigrants: under Biden, a person fearing persecution had a chance to seek asylum; a family could be reunited from

abroad; a long-term undocumented resident had some hope of discretion or legalization. Under Trump, that same asylum seeker is turned away at the border or swiftly removed; the family's visa may be denied due to a travel ban; and the long-term resident is likely slated for deportation with little prospect of relief. The pendulum swing between these administrations highlights the **fragility of executive policies** – and how the lives of millions can dramatically change based on the administration's philosophy.

Outlook: Expected Developments in 2025–2028 under Trump's Presidency

Looking ahead, **if President Trump's current policies continue into the next three years (2025–2028)**, we can anticipate further entrenchment and expansion of his hardline immigration agenda. Legally, much of Trump's program is now backed by the 2025 reconciliation law (OBBBA), which means **funding for mass deportations and restrictive measures is secured for several years** ¹⁰⁶. One expected development is the **mass deportation drive will intensify**: with billions allocated, ICE is poised to increase raids and removal operations nationwide. The administration has signaled it plans "the largest domestic deportation operation in American history," aiming to **arrest and remove millions of undocumented immigrants** in the coming years ^{149 55}. This will likely involve continued or expanded deployment of federal personnel (and possibly National Guard troops under state emergency compacts) to support ICE. Legally, we may see the administration test **novel powers** – for instance, using the **Alien Enemies Act** (mentioned in Trump's inauguration rhetoric) to justify detaining or removing groups of noncitizens from specific countries during what Trump calls an "invasion" ⁷⁴. Such uses would surely be litigated, but a favorable Supreme Court could potentially uphold broad executive authority in immigration, given past deference in national security contexts.

On the **humanitarian front**, absent court intervention, **DACA is likely to end completely** within this period. A Fifth Circuit or Supreme Court decision could come in 2025 or 2026 declaring Biden's DACA regulation unlawful. The Trump administration has all but promised not to appeal such a ruling ³⁰. That would strip work permits and protection from deportation from over 500,000 young immigrants. While Trump has at times suggested he might support legislation for Dreamers, any proposal is expected to be paired with stringent enforcement provisions and was not prioritized in his early agenda. Thus, unless Congress acts independently, *hundreds of thousands of former DACA recipients could become deportable* – and given Trump's enforcement stance, they would likely be targeted as part of the "priority-all" approach. Similarly, **TPS expirations** will start to hit: for example, TPS for **El Salvador, Nicaragua, Nepal, and Honduras** (which was extended under court injunctions and then by Biden) is set to expire in 2025 or 2026. Trump's DHS is anticipated to terminate each designation in turn, meaning those populations (totaling over 300,000 people) would revert to unauthorized status. The administration's stance on TPS is clear from the "statutory requirements" language – only truly extraordinary crises will merit TPS, and even then Trump officials may argue against renewals. Legal battles by TPS holders to block terminations (as happened in Trump's first term) will likely resume, but legislative relief appears unlikely with the current Congress. By 2028, we could see **only a handful of countries (if any) still designated for TPS**, and those possibly on short leashes.

In terms of **legal immigration pathways**, experts anticipate further restrictions via regulation and perhaps additional legislation. The administration has already floated or begun actions to: **reinstate a strict Public Charge rule**, making it harder for lower-income immigrants to get green cards (a draft rule could be published in 2026 reimposing Trump's 2019 criteria that Biden removed). We also expect **tightening of**

employment visa regulations – for example, a rule redefining the H-1B employer-employee relationship to restrict third-party placements (signaled in DHS’s regulatory agenda), and potentially **rescinding work authorization for H-4 visa spouses**, which was a Trump priority not achieved in the first term. The **H-1B \ \$100k fee** may face court challenges (plaintiffs arguing the President exceeded his authority), but if it survives, Congress might even consider codifying a version of it or otherwise reforming high-skilled immigration to prioritize U.S. workers. Trump has also promised to **end “birth tourism” and scrutinize birthright citizenship further** – aside from the blocked EO, this could manifest as regulations on tourist visas for pregnant women (a policy already attempted in January 2020 and likely to be enforced strictly now).

Legislatively, while OBBBA was sweeping, President Trump has signaled interest in a broader **merit-based immigration reform** that could overhaul the current family-based system. We might see the administration push a bill to **limit family-sponsored green cards (so-called “chain migration”) and reallocate those numbers to a points-based system favoring younger, highly educated immigrants**. In his 2024 campaign, Trump hinted at **caps on family immigration** to only spouses and minor children, eliminating categories for adult children and siblings, akin to the RAISE Act that was introduced in 2017 ¹⁵⁰. With Republican control, there is a possibility (though by no means certain) that by 2027 or 2028 such a reform could be attempted, either through regular order or another reconciliation if budget-related. Any such move would face opposition not only from Democrats but also business groups and some moderate Republicans, given the economic impacts. Another area to watch is the **diversity visa lottery** – Trump has long sought to abolish it, and that could be part of a comprehensive proposal as well.

We should also expect continued or expanded **travel restrictions**. The June 2025 travel ban might be revised or expanded after periodic security reviews. By 2026, more countries could be added if deemed “uncooperative” on information-sharing. Conversely, some countries might negotiate their way off the list by agreeing to stricter vetting partnerships. But fundamentally, Trump’s use of **nationality-based bans** is likely to persist, especially if the courts uphold this latest ban as within the President’s 8 U.S.C. §1182(f) powers (notably, the Supreme Court in *Trump v. Hawaii* (2018) upheld the 2017 ban ¹⁵¹, and a similarly composed Court may uphold the 2025 version as well).

On the refugee side, one development to watch is whether the **refugee admissions program remains effectively dormant or is formally restarted at a very low level**. Trump could issue an annual determination of, say, **5,000 or 10,000 refugees per year** (perhaps focusing only on religious minorities or specific groups), which would technically comply with the Refugee Act but keep numbers minimal. There is also a chance that if re-elected for a second term, Trump would seek to **legislatively amend the Refugee Act** to give the President even broader discretion to reduce admissions to zero or to impose additional congressional oversight on refugee intake. For humanitarian parole, the administration might promulgate regulations narrowing the criteria for parole grants (to reinforce the executive order limiting group paroles). Already, the **parole programs for Ukrainians and others are suspended** ⁷⁰, and their future may depend on either congressional action (e.g., creating a formal status for those populations) or the administration’s willingness to extend or reinstate them – which appears unlikely.

Finally, the **immigration court system** will likely undergo changes: the administration has already dismissed a number of immigration judges hired in the prior administration, presumably to replace them with judges who have a law-and-order reputation ¹⁵². By 2028, the composition of the immigration bench will likely be more enforcement-oriented, given the cap increase to 800 judges and expected Trump appointments. There is also talk of **streamlining immigration courts** – possibly by pushing more cases

into expedited dockets or limiting appeals and continuances. Attorney General (and former Trump advisor) J.D. Vance has the power to refer cases to himself and set precedents; we may see aggressive use of that power to restrict relief (for example, making it harder to get asylum by redefining “particular social group” or disallowing administrative closure of cases, etc.). These legal leadership decisions could cement a more restrictive interpretation of immigration laws for years to come, absent reversal by a future administration.

In summary, **the next three years under Trump are poised to further codify a “restrictionist” immigration system** – one that **significantly limits humanitarian protections, shrinks legal immigration, and focuses on enforcement and deterrence** ⁹⁵. Immigration lawyers and advocates are bracing for continued legal battles (challenging the asylum bans, the fee increases, the birthright citizenship order, etc.), but many changes – especially those enacted via legislation – may endure unless there is a political shift. Institutions like the American Immigration Lawyers Association (AILA) and the American Immigration Council warn that Trump’s agenda represents a radical departure from decades of U.S. immigration policy, and if fully realized, it could **reshape the demographic and economic landscape of the U.S.** for generations ⁹⁵. Professionals in the field will need to stay vigilant for new regulations (for instance, DHS’s expected public charge rule or additional student visa rules), policy memoranda (ICE and USCIS implementing OBBBA fee rules ¹⁵³), and evolving court decisions that could suddenly change the legal status of whole groups (like DACA recipients or TPS holders). The period from 2025 to 2028 will thus be one of **constant change and uncertainty** in immigration law, with the federal government using every tool at its disposal to **“decimate” established immigration avenues and dramatically expand enforcement**, as Trump pledged during his campaign ¹⁵⁴. Stakeholders should prepare for a more adversarial environment and look to the Federal Register, official agency announcements, and guidance from organizations like AILA and the Practising Law Institute for updates on how these policy shifts unfold and how to navigate the new landscape.

Sources: Biden & Trump Executive Actions and Policies ^{18 48 19 155 80}; AILA and CMS analyses ^{156 57 141 100 106}; Migration Policy Institute, KFF Issue Brief ⁹⁵; Federal Register notices and court decisions ^{132 23}.

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