

Administration of Donald J. Trump, 2019

Memorandum on Additional Measures To Enhance Border Security and Restore Integrity to Our Immigration System

April 29, 2019

Memorandum for the Attorney General and the Secretary of Homeland Security

Subject: Additional Measures to Enhance Border Security and Restore Integrity to Our Immigration System

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure the safety and territorial integrity of the United States as well as to ensure that the Nation's immigration laws are faithfully executed, it is hereby ordered as follows:

Section 1. Purpose. As noted in Proclamations 9822 and 9842 of November 9, 2018, and February 7, 2019, respectively, our immigration and asylum system is in crisis as a consequence of the mass migration of aliens across our southern border. In Proclamation 9844 of February 15, 2019, I declared a national emergency to address the security and humanitarian crisis at that border. That emergency continues to grow increasingly severe. In March, more than 100,000 inadmissible aliens were encountered seeking entry into the United States. Many aliens travel in large caravans or other large organized groups, and many travel with children. The extensive resources required to process and care for these individuals pulls U.S. Customs and Border Protection personnel away from securing our Nation's borders. Additionally, illicit organizations benefit financially by smuggling illegal aliens into the United States and encouraging abuse of our asylum procedures. This strategic exploitation of our Nation's humanitarian programs undermines our Nation's security and sovereignty. The purpose of this memorandum is to strengthen asylum procedures to safeguard our system against rampant abuse of our asylum process.

Sec. 2. Policy. It is the policy of the executive branch to manage our humanitarian immigration programs in a safe, orderly manner that provides access to relief or protection from removal from the United States for aliens who qualify, and that promptly denies benefits to and facilitates the removal of those who do not.

Sec. 3. Further Steps to Enhance the Integrity and Efficiency of the Existing Asylum System. Within 90 days of the date of this memorandum, the Attorney General and the Secretary of Homeland Security, as applicable, shall take all appropriate actions to:

(a) propose regulations to ensure that aliens who receive positive fear determinations pursuant to section 235(b)(1) of the Immigration and Nationality Act (INA) (8 U.S.C. 1225(b)(1)) or section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (8 U.S.C. 1231 note) are placed in proceedings conducted under 8 CFR 208.2(c)(1) and 1208.2(c)(1) or, if not eligible for asylum, are placed in proceedings conducted under 8 CFR 208.2(c)(2) and 1208.2(c)(2);

(b) propose regulations to ensure that, absent exceptional circumstances, all asylum applications adjudicated in immigration court proceedings receive final administrative adjudication, not including administrative appeal, within 180 days of filing, in accordance with section 208(d)(5)(A)(iii) of the INA (8 U.S.C. 1158(d)(5)(A)(iii));

(c) propose regulations setting a fee for an asylum application not to exceed the costs of adjudicating the application, as authorized by section 208(d)(3) of the INA (8 U.S.C. 1158(d)(3)) and other applicable statutes, and setting a fee for an initial application for employment authorization for the period an asylum claim is pending; and

(d) propose regulations under section 208(d)(2) of the INA (8 U.S.C. 1158(d)(2)) and other applicable statutes to bar aliens who have entered or attempted to enter the United States unlawfully from receiving employment authorization before any applicable application for relief or protection from removal has been granted, and to ensure immediate revocation of employment authorization for aliens who are denied asylum or become subject to a final order of removal.

Sec. 4. Allocation of Immigration Officers. The Secretary of Homeland Security shall reprioritize the assignment of immigration officers and any other employees of the Department as the Secretary deems necessary and appropriate to improve the integrity of adjudications of credible and reasonable fear claims, to strengthen the enforcement of the immigration laws, and to ensure compliance with the law by those aliens who have final orders of removal.

Sec. 5. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

NOTE: An original was not available for verification of the content of this memorandum.

Categories: Communications to Federal Agencies : Border security and immigration system, strengthening efforts, memorandum.

Subjects: Defense and national security : Border security; Homeland Security, Department of : Customs and Border Protection, U.S.; Homeland Security, Department of : Secretary; Immigration and naturalization : Illegal immigration; Immigration and naturalization : Reform; Justice, Department of : Attorney General.

DCPD Number: DCPD201900251.