

Executive Order on Securing Our Borders Frequently Asked Questions January 2025

What is an Executive Order?

An [executive order](#) is a written directive that assigns actions on specific issues to various federal departments. An executive order uses the President's executive authority and is outside of legislation approved by Congress. All executive orders must be published in the [Federal Register](#) with certain exceptions.

Did President Trump issue the new executive order on border security?

Yes. On Inauguration Day, President Trump issued an [Executive Order entitled "Securing Our Borders."](#)

What policy changes are in the new executive order on border security?

The executive order directs the relevant agency leadership as identified in the Executive Order (i.e. Attorney General [DOJ], Secretary of the Department of Homeland Security [DHS], and Secretary of State) to carry out the following:

- **End categorical parole programs**-- Specifically ending the Cuba, Haiti, Nicaragua, and Venezuela (CHNV) Parole Program (Section 7).
- **Asylum Cooperative Agreements**-- Directs State Department, DHS and DOJ to facilitate Asylum Cooperative Agreements (also known as Safe Third Country agreements facilitated through § 208(a)(2)(A) of the INA.) Safe third country agreements prohibit individuals to pursue asylum claims in onward countries and instead require them to claim asylum in countries of first migration (Section 8).
- **Ends use of the "CBP One" App for parole or facilitating admissions** (Section 7).
- **Resumption of Migrant Protection Protocols**-- As soon as practicable, for individuals arriving by land from Mexico or Canada, under § 235(b)(2)(C) of the INA pending removal proceedings are returned to the territory from which they came (Section 6).
- **Resumption of Border Wall and Deployment of Personnel to U.S./Mexico Border**-- Construct physical barriers and deployment of personnel to ensure operational control of the U.S.-Mexico Border ([Operational control](#): prevention of all unlawful entries by terrorists, unlawful "aliens", narcotics or other contraband) (Section 3).
- **Detain all subject to detention until removal**-- Directs DHS to make all appropriate actions to detain, to the fullest extent permitted by law, all immigrants subject to detention until their removal (Section 5).

*Last published:
January 21, 2025*

*[Sign up](#) for the Global Refuge advocacy newsletter
for updates, webinars, resources, and more*

- **Record DNA of all detained individuals**-- per [DNA Fingerprint Act of 2005](#) (Section 9).
- **Use Available Technologies to Determine Family Relationships at the Border** Directs DHS to use any available technologies to determine the validity of any claimed familial relationship between encountered or apprehended individuals (Section 9).
- **Prioritizing Prosecution of Human Smuggling and Trafficking**- Directs DOJ and DHS to prioritize "border-related offenses" specifically human smuggling and trafficking (Section 10).

When does the EO on Securing Our Borders go into effect?

Immediately. An executive order's impact is immediate unless stated otherwise.

How does the executive order impact asylum seekers and parolees?

The executive order will end the ability of asylum seekers at the border to schedule an asylum interview with the CBP One App and could subject them to a safe third country agreement. The order ends the CHNV parole program and possibly other categorical parole programs, although the order did not specify which other categories.

The EO denotes the restart of the Migrant Protection Protocols (MPP). Is that possible?

Section 6 calls for resumption of MPP. At this time, the Government of Mexico has [publicly stated](#) that they do not intend to cooperate. However, Mexico has negotiated with the U.S. on this issue in the past, both with President Trump and President Biden.

Was there litigation on MPP previously?

Yes. Between 2019 and 2020, the Trump Administration faced [legal challenges](#) to the MPP. The litigation continued during the Biden Administration and in October 2023, the parties in the [case](#) entered into a [stipulated dismissal](#) of the action.

In 2021, during the Biden Administration, DHS rescinded MPP. Texas and Missouri filed a lawsuit to reinstate the MPP. In June 2022, the [Supreme Court](#) in [Biden v. Texas](#) determined that DHS had the "discretionary authority" to terminate the MPP. In August 2022, DHS [announced](#) that individuals were no longer being newly enrolled in MPP.

The EO mentions construction of wall/physical barriers and also expansion of use of detention. How will this be funded?

Sections 3 and 6, respectively call for building more physical barriers and using detention to fullest extent permitted by law. The Executive Order does not specify how these initiatives will be funded nor provide any funding for them. Congress would need to provide such increases in funding.

Could this EO be challenged in court?

Yes. There could be challenges to the EO. If there is a question of whether an executive order is valid, the executive order may be challenged in court if other requirements for bringing the lawsuit are met.

*Last published:
January 21, 2025*

*[Sign up](#) for the Global Refuge advocacy newsletter
for updates, webinars, resources, and more*