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The Trump Administration's Abusive Immigration Agenda

Since his initial administration in 2017-2021, President Trump has undertaken an aggressive approach to immigration policy based on xenophobia and racism, disregarding principles of fairness, human dignity, the rule of law, and human rights.¹ During his first term, President Trump carried out his promises to decimate communities by targeting immigrants,² issuing a proclamation purporting to bar the entry of all persons entering the United States at any place other than an official port of entry,³ signing an executive order prohibiting seven Muslim-majority countries from entering the United States for 90 days and suspending the entry of all refugees for at least 120 days,⁴ separating families, and threatening to constitute a “deportation force”⁵ to “round up”⁶ all undocumented noncitizens and deport them so that the “good ones” can reenter legally.⁷

The Trump administration began its second term with a range of actions to expand immigration detention and accelerate deportations, including through nationwide expedited removal,⁸ expanding use of the military,⁹ resuming family detention policies,¹⁰ and invoking the Alien Enemies Act to allow for even more rapid removals without adequate judicial process. Even further, President Trump also attempted to end birthright citizenship as a move to further marginalize immigrant communities,¹¹ a blatantly unconstitutional action that, if allowed to go into effect, would deny certain newborns of their U.S. citizenship and create a permanent subclass of people in the U.S.¹² However, to effectuate its goal of mass deportations and decimating immigrant communities, the federal government has demanded the assistance of state and local jurisdictions to arrest and detain noncitizens.

The Trump administration has renewed its attack on state and local jurisdictions that limit their participation in immigration enforcement to coerce these jurisdictions to facilitate mass deportations. Immigration enforcement is the purview of the federal government, and while all local jurisdictions do share information with the federal government about who is booked into custody, cities and states are not required to use local resources to arrest or detain an individual for the Department of Homeland Security (DHS) beyond the time that person is lawfully in state custody. However, the federal government is threatening states and cities that do not offer their local resources and support to federal immigration enforcement. On January 21, 2025, the Department of Justice (DOJ) issued internal guidance suggesting the DOJ may try to prosecute state and local officials for “failing to comply with lawful immigration-related commands and requests” from the federal government.”¹³ State lawmakers were already escalating their attacks against local officials, threatening lawsuits, fines, and even jail time if their resistance against President Trump’s anti-immigration agenda continued;¹⁴ as the ACLU explained in a

memorandum, these assertions are legally baseless and a direct assault on the constitutional prerogative of every state and locality to opt out of immigration enforcement, and a transparent attempt to force local and state governments to participate in President Trump's expansive and dangerous mass deportation program.¹⁵ Still, the DOJ has undertaken lawsuits – namely, against the cities of Chicago¹⁶ and New York¹⁷ – to threaten cities and states that do not “comply” with federal orders.

President Trump also issued an executive order entitled “Protecting the American People Against Invasion,”¹⁸ promising to withhold federal funds and bring criminal and civil lawsuits against cities, counties, and states interfering with federal immigration enforcement. In support of this order, the U.S. DOJ established a “Sanctuary Cities Enforcement Working Group” to identify municipalities that resist the president's immigration agenda.¹⁹ Finally, the Trump administration rescinded a Biden-era policy that limited immigration enforcement at certain protected areas – including churches, school, and hospitals – replacing it with a directive giving Immigrations and Custom Enforcement (ICE) agents unbridled power to take enforcement actions in any of these spaces using so-called “common sense.”²⁰

At the congressional level, the House of Representatives will likely soon vote on a bill (H.R. 32) that would strip a state or local government of federal funds it “intends to use for the benefit” of undocumented immigrants. The DHS considers approximately 600 jurisdictions across 32 states and Washington, D.C. to be “noncooperative” and “limited cooperation” state and local jurisdictions.²¹ If H.R. 32 goes into effect, tens of thousands of state and local employees – including social workers, police officers, teachers, bus drivers, and more – stand to lose funding they rely on to do their jobs: the bill specifically names federal funding for “food, shelter, healthcare services, legal services, and transportation,” but leaves the door open to “any” funding being cut.

Though there is no sole definition of a “sanctuary city,” the concept generally refers to municipalities – including governments and religious organizations – offering resources to immigrants²² or limiting their cooperation with the federal government in immigration enforcement.²³ On March 5, 2025, the House Oversight Committee held a hearing targeting the mayors of prominent sanctuary cities, including Mayors Michelle Wu of Boston, Eric Adams of New York, Brandon Johnson of Chicago, and Mike Johnson of Denver on their policies, with one representative even threatening them and other local officials with prosecution for refusal to assist with the Trump administration's abusive immigration enforcement.²⁴

States and cities have both the power and the obligation under international human rights law to reject complicity in abusive immigration enforcement actions, and to ensure their officials do not voluntarily assist in attacking our civil rights and liberties.²⁵ For instance, in the past, states have limited ICE enforcement actions at courthouses, as local law enforcement understood the significance of access to justice and community trust.²⁶ More recently, state lawmakers across New York,²⁷ California,²⁸ and more have introduced legislation to combat the federal government's egregious immigration policies and strengthen protections and resources for noncitizens.²⁹

Response of the U.S. Government to Past UPR Recommendations

In its most recent UPR recommendations from the 2020 cycle, the issue of anti-sanctuary policies was not addressed, though several UN member states urged the United States to ensure that its

immigration enforcement policies are consistent with international human rights law.³⁰

While the Biden administration previously accepted some of the recommendations made related to migration policies and treatment of migrant adults and children during the last UPR cycle,³¹ the second Trump administration has doubled down on its crackdown on immigrants, by among other things pressuring and coercing state and local governments to cooperate with federal agencies to implement their anti-immigrant agenda and punish those who refuse to cooperate. Moreover, United Nations human rights bodies and the Inter-American Commission on Human Rights (IACHR) have expressed concerns with the federal government's human rights record as it concerns the United States' abusive immigration and asylum policies, with both the IACHR and Office of the High Commissioner on Human Rights issuing statements in February 2025 to urge the United States to for the United States to recommit to human rights and fundamental freedoms on both a domestic and international scale.³² Additionally, in the past, the UN Committee on the Elimination of Racial Discrimination has also expressed concern over the United States' immigration practices by calling for an elimination of ICE's 287(g) program, which taps over 700 officers at 142 state and local law enforcement agencies around the country to help ICE identify, detain, and deport immigrants inside the United States.³³

Recommendations to Protect Sanctuary Cities and Defend Immigrant Communities in the United States:

Prohibit and prevent the use of state and local resources for immigrant detention operations

State and local governments and officials play direct and crucial roles in shaping and safeguarding civil and human rights and protecting everyone's human dignity.³⁴ Each state's landscape is different, both in terms of current politics and existing legal and policy frameworks; though, states and cities can all refuse to volunteer time, money, information, and logistical support to make it much harder for the Trump administration to rapidly scale up attacks related to immigration status. State and local authorities can, and should, reject the federal government's coercion and refuse to voluntarily cooperate with incursions into civil rights and civil liberties wherever possible, and can do so in the following ways:

- Prohibit use of any state or local resources, equipment, or personnel for deportations, immigrant detention operations (e.g., providing information, access to jails to ICE, etc.), or to investigate suspected immigration law violations; this includes not questioning an individual based on their suspected immigration status, national origin, limited English proficiency, or racial, ethnic or religious background.
- Protect immigrant communities through legal assistance funds, pardon processes and laws limiting collaborating with federal immigration authorities.
- Decline to participate in 287(g) and other programs like Operation Stonegarden that task local law enforcement officers with carrying out federal enforcement responsibilities.
- Convene public and private leaders and create a protocol for how to respond to immigration raids: including setting up a hotline, providing pro bono legal assistance, preparing educators and faith leaders to provide support, and surging resources for families left behind.

Protect the sensitive data of all Americans, regardless of immigration status

States hold vast troves of information, resources, and personnel that the federal government could

seek to use to pursue anti-civil rights actions. Though, the U.S. Constitution limits the extent to which the federal government can simply commandeer state and local governments to carry out federal policies: thus, when the federal government seeks state and local assistance, it is often asking rather than telling. Meaningful privacy legislation can limit the data that companies can collect and share, reducing the risk of surveillance, discrimination, and exploitation of personal information; those limitations help stymie the collection and flow of data, making it less available for abuse. Therefore, state and local governments, including Governors and legislatures, are urged to:

- Decline to provide federal law enforcement agencies with access to state and local resources, including police and other databases, property, or equipment when related to federal actions that threaten civil rights, including immigration enforcement.
- Cease participation in programs like Secure Communities by limiting the sharing of fingerprint information with the Federal Bureau of Investigation.
- Limit the use of surveillance to protect vulnerable groups from targeting and persecution, including noncitizens, undocumented persons, communities of color, abortion care seekers, Muslims, protesters, etc.
- Ban reverse warrants enabling the government to identify an unspecified and unlimited number of persons who were in a certain place during a certain time or who sought information. Ensure this tool cannot be used against immigrants, abortion seekers, Muslims, protestors, etc.

¹ American Civil Liberties Union. (2016, November 19). *The 2016 Trump Memos*. Retrieved from <https://www.aclu.org/publications/2016-trump-memos>.

² For further information on additional immigrants' rights violations, please see the Joint Submission of Coalition of Immigrant Rights Organizations, as submitted by Robert F. Kennedy Human Rights during this fourth cycle of the United States' periodic review.

³ Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims, 8 C.F.R. 208 (2018). <https://www.federalregister.gov/documents/2018/11/09/2018-24594/aliens-subject-to-a-bar-on-entry-under-certain-presidential-proclamations-procedures-for-protection>.

⁴ Cheng, A. (2017, December 6). The Muslim ban: What just happened? *ACLU News & Commentary*. Retrieved from <https://www.aclu.org/news/immigrants-rights/muslim-ban-what-just-happened>.

⁵ Fabian, J. (2015, November 12). Obama blasts Trump's 'deportation force' plan. *The Hill*. Retrieved from <https://thehill.com/policy/national-security/260007-obama-blasts-trumps-deportation-force-plan/>.

⁶ Diamond, J. (2015, July 30). Trump's immigration plan: Deport the undocumented, 'legal status' for some. *CNN*. Retrieved from <https://www.cnn.com/2015/07/29/politics/donald-trump-immigration-plan-healthcare-flip-flop/index.html>.

⁷ *Id.*

⁸ Exec. Order No. 14159 (2025). <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

⁹ Lamothe, D. (2025, March 19). Trump team makes plans for military to hold migrants at border. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/national-security/2025/03/19/trump-border-military-buffer-zone/>.

See also: Debusmann, B. (2025, January 22). 1,500 active-duty troops headed to US-Mexico border. *BBC News*. Retrieved from <https://www.bbc.com/news/articles/cpwx7qeeyleo>.

¹⁰ Yang, J., Popat, S., & Bowie, T. (2025, April 3). Trump administration resumes family detention in immigration crackdown. *PBS News*. Retrieved from <https://www.pbs.org/newshour/show/trump-administration-resumes-family-detention-in-immigration-crackdown>.

¹¹ Exec. Order No. 14160 (2025). <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>.

¹² American Civil Liberties Union. (2025, February 10). *Federal court blocks Trump birthright citizenship executive order* [Press release]. <https://www.aclu.org/press-releases/federal-court-blocks-trump-birthright-citizenship-executive-order>.

¹³ Acting Deputy Att'y Gen. (2025, January 21). *Interim Policy Changes Regarding Charging, Sentencing, and*

Immigration Enforcement [Memorandum]. https://www.washingtonpost.com/documents/2f9af176-72c5-458a-ade4-91327aa80d11.pdf?itid=lk_inline_manual_4. The guidance also discusses several other issues that this memorandum does not address.

¹⁴ Kramon, C., & Lieb, D. A. (2025, February 23). States threaten fines and jail time for local officials who resist Trump's immigration crackdown. *AP News*. Retrieved from <https://apnews.com/article/immigration-sanctuary-cities-trump-states-ea9cb51f2b46189918e2a70b1c91c603>.

¹⁵ American Civil Liberties Union. (2025). *Re: Trump Administration's Legally Baseless Threats Against State and Local Officials* [Memorandum]. <https://www.aclu.org/documents/aclu-letter-and-memo-on-the-trump-administrations-legally-baseless-threats-against-state-and-local-officials>.

¹⁶ Rose, J. (2025, February 6). Justice Department sues Chicago and Illinois over 'sanctuary' laws. *NPR*. Retrieved from <https://www.npr.org/2025/02/06/nx-s1-5288871/justice-department-sues-chicago-and-illinois-over-sanctuary-laws>.

¹⁷ Kim, C. (2025, February 2). Department of Justice suing New York, top officials over immigration policies. *ABC 7 News*. Retrieved from <https://abc7ny.com/post/departement-justice-filing-charges-new-york-top-officials-immigration-policies-attorney-general-pam-bondi-says/15899156/>.

¹⁸ Exec. Order No. 14159 (2025). <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

¹⁹ Immigration Policy Tracking Project. (n.d.). *DOJ creates new "sanctuary cities enforcement working group."* Retrieved from <https://immpolicytracking.org/policies/reported-doj-creates-new-office-of-sanctuary-cities-enforcement/>.

²⁰ National Immigration Law Center. (2025). *Factsheet: Trump's rescission of protected areas policies undermines safety for all* [Fact sheet]. <https://www.nilc.org/resources/factsheet-trumps-rescission-of-protected-areas-policies-undermines-safety-for-all/>.

²¹ United States Immigration and Customs Enforcement. (2024). *Detainer acceptance tracker – Limited and non-cooperative institutions*. U.S. Immigration and Customs Enforcement. Retrieved from <https://cis.org/sites/cis.org/files/KML/Sanctuary/Detainer-Acceptance-June-2024.pdf>.

²² Turcios, A. (2023, May 20). The past and present of so-called 'sanctuary cities'. *Scripps News*. Retrieved from <https://www.scrippsnews.com/politics/the-past-and-present-of-so-called-sanctuary-cities>.

²³ In the late 1960s to early 1970s, sanctuary emerged for conscientious objectors to the Vietnam War – specifically, those who refused to be sent to Vietnam or to prison – and as a tactic of the Antiwar and Civil Rights Movements, leading to physical sanctuaries being declared in houses of worship and on college campuses, sometimes in solidarity with activists (Block, M. (2025, March 20). *The history of the U.S. sanctuary movement in five phases: 1967 to the present* [Presentation]. NYU Sanctuary Teach-In, New York, NY, United States; American Immigration Council. (2015). *Understanding trust acts, community policing, and "sanctuary cities"* [Fact sheet]. <https://www.americanimmigrationcouncil.org/research/sanctuary-cities-trust-acts-and-community-policing-explained>; Cuison Villazor, R. (2008). What is a sanctuary. *SMU Law Review*, 61, 133. Retrieved from <https://scholar.smu.edu/cgi/viewcontent.cgi?article=1499&context=smulr>). Following this, in the 1980s, a movement arose to provide refuge in houses of worship for Central American asylum seekers (Gross, T. (Host). (1985 – present). *Fresh air* [Audio podcast]. National Public Radio. <https://www.npr.org/2022/08/11/1116917364/how-the-trump-white-house-misled-the-world-about-its-family-separation-policy>).

²⁴ Santana, R., & Sullivan, T. (2025, March 5). Republicans hammer mayors of Boston, Chicago, Denver and New York over 'sanctuary city' policies. *AP News*. Retrieved from <https://apnews.com/article/sanctuary-cities-congress-mayors-trump-immigration-80d73ae19a4798f8548010dd472a2b49>.

²⁵ Davis, M. (2025, January 8). Can sanctuary cities survive the second Trump administration? *State Court Report*. Retrieved from <https://statecourtreport.org/our-work/analysis-opinion/can-sanctuary-cities-survive-second-trump-administration>.

²⁶ Keith, D. (2019, November 22). States push back against ICE courthouse arrests. *Brennan Center for Justice*. Retrieved from <https://www.brennancenter.org/our-work/analysis-opinion/states-push-back-against-ice-courthouse-arrests>.

²⁷ Vera Institute of Justice. (2025). *New York City Council passes resolutions supporting immigration bills, sends message to Albany that New York must protect communities from Trump attacks* [Press release]. <https://www.vera.org/newsroom/new-york-city-council-passes-resolutions-supporting-immigration-bills-sends-message-to-albany-that-new-york-must-protect-communities-from-trump-attacks>.

²⁸ A.B. 49, 2025 Assembly, 2025 Reg. Sess. (Cal. 2025). https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB49.

²⁹ Lieb, D. (2025, January 25). Democratic states weigh more support for immigrants as Trump administration cracks down. *AP News*. Retrieved from <https://apnews.com/article/trump-immigration-states-deportation-schools-40c7305db619c92a1f707d2b08bf2c3c>.

³⁰ United Nations General Assembly. (15 December 2020). Report of the Working Group on the Universal Periodic

Review (A/HRC/46/15). Retrieved from <https://docs.un.org/en/A/HRC/46/15>.

³¹ United States Department of State. (2021). *2020 Universal Periodic Review of the United States of America*. Retrieved from <https://www.state.gov/universal-periodic-review/2020-universal-periodic-review-of-the-united-states-of-america/>.

³² Office of the High Commissioner for Human Rights. (2025, February 27). *The new US administration must recommit to human rights at home and abroad: UN experts* [Press release]. <https://www.ohchr.org/en/press-releases/2025/02/new-us-administration-must-recommit-human-rights-home-and-abroad-un-experts>.

See also: Inter-American Commission for Human Rights. (2025, February 12). *IACHR expresses concern over recent migration and asylum policies and measures in the United States* [Press release]. https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2025/037.asp&utm_content=country-usa&utm_term=class-mon.

See also: the UN Human Rights Committee, which in October 2023 reviewed United States' periodic report under the International Covenant on Civil and Political Rights (ICCPR), concluded that the U.S. must "review its overall immigration policy and legislation with a view to bringing them into line with international human rights and humanitarian standards, withdraw measures that do not allow for an adequate assessment of individual protection needs and that increase the risk of refoulement, and ensure effective access to fair and efficient asylum procedures that provide adequate protection against refoulement." International Covenant on Civil and Political Rights. (7 December 2023). Concluding observations on the fifth periodic report of the United States of America (CCPR/C/USA/CO/5). Retrieved from <https://docs.un.org/en/CCPR/C/USA/CO/5>.

³³ Shah, N. (2022, August 31). UN racial justice experts call on Biden to end the 287(g) program. *ACLU News & Commentary*. Retrieved from <https://www.aclu.org/news/immigrants-rights/un-racial-justice-experts-call-on-biden-to-end-the-287g-program>.

³⁴ Zamani, N. (2025, February 24). State and local governments are saying no to Trump's radical agenda. *ACLU News & Commentary*. Retrieved from <https://www.aclu.org/news/civil-liberties/state-and-local-governments-are-saying-no-to-trumps-radical-agenda>.