



## **Biden administration suspends most interior deportations over next 100 days, but quick expulsions of migrants at the border continue**

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The Biden administration's decision to suspend deportations for many immigrants over the next 100 days surprised even immigrant advocates pushing for a reversal of former President Donald Trump's hardline immigration policies.

The announcement by the U.S. Department of Homeland Security late Wednesday came after President Joe Biden signed several immigration-related executive orders just hours after his inauguration.

Those orders, including halting further construction of Trump's border wall, ending the so-called Muslim ban, fortifying the Deferred Action for Childhood Arrivals program from legal attacks and rescinding Trump's aggressive immigration enforcement plan, had been signaled by Biden's transition team beforehand.

Some groups had also been calling for Biden to halt deportations on Day 1 saying that families waiting for immigration reforms for years have been torn apart by deportations. Still, there was little indication beforehand that Biden would implement a pause on deportations on his first day in office.

"BREAKING: Today's celebration ain't over yet, Biden admin just announced a 100 day moratorium on deportation. We made this happen!!" the group United We Dream posted on Twitter shortly after the announcement. "#Undeniable Immigrant youth traveled to Iowa back in 2019 to make this demand of candidate Joe Biden, and today we delivered. More details soon."

### **Resources diverted to process asylum seekers along southern border**

The 100-day suspension of many noncitizens is part of a five-page memo issued by Acting Homeland Security Secretary David Pekoske to officials running the Immigration and Customs Enforcement, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services.

It calls for a 100-day pause on the removal of certain noncitizens so that resources can be diverted to process asylum seekers at the southern border during the coronavirus pandemic and until a review of immigration enforcement priorities can be completed.

The pause on deportations spelled out in the memo is the most restrictive limitation on ICE's ability to deport people since the agency was created in the wake of the Sept. 11, 2001, attacks, said Alex Nowrasteh, director of immigration studies at the Cato Institute, a Libertarian think tank.

"What they are doing is a 100-day massive reduction in removals," Nowrasteh said.

### **Who falls under 100-day deportation suspension?**

The 100-day deportation suspension applies to any noncitizen living in the interior of the United States, with some limited exceptions, not to people who recently crossed the border, Nowrasteh said.

Terrorists and suspected terrorists as well as anyone who engages in espionage or poses a threat to national security can still be removed, Nowrasteh said, citing [the memo](#).

Also, noncitizens who entered the U.S. after Nov. 1 and people who volunteer to be removed can also be deported, Nowrasteh said.

The memo also says noncitizens can be removed if the director of ICE makes the determination they should be removed after consultation with other ICE officials, he added.

While the 100-day deportation pause is the most restrictive in ICE's history, "there are still numerous pathways to remove many illegal immigrants in the United States," Nowrasteh said.

It is also notable, he said, that the 100-day deportation pause does not apply to undocumented migrants apprehended at the border.

### **Pandemic emergency powers used for deportations**

Since March, most people caught entering the U.S. illegally by the U.S. Border Patrol have been summarily expelled without access to asylum claims or immigration courts under a Trump administration policy that uses U.S. Centers for Disease Control and Prevention's emergency powers due to the novel coronavirus pandemic.

Under the CDC's Title 42 order, U.S. border officials have expelled 393,807 along the U.S.-Mexico border since March, [according to U.S. Customs and Border Protection data](#). Border Patrol officials have repeatedly said that many of those expulsions have occurred in as little as two hours after migrants are first apprehended at the border.

Under the new Biden administration, summary expulsions under the Title 42 order remain in place for the time being, according to another memo DHS issued late Wednesday ending the return of asylum seekers to Mexico under a program called the Migrant Protection Protocols.

## **Some say moratorium too 'lenient'**

Still, the moratorium on removals could protect up to 25,000 people from being deported over the next 100 days, according to estimates by the Migration Policy Institute.

The estimate is based on the average number of people ICE was removing daily from the interior of the U.S. during the pandemic, said Sarah Pierce, policy analyst at the Migration Policy Institute.

"There were a lot less removals happening during the pandemic than there was previously," Pierce said.

Some advocates of strict immigration enforcement are concerned that the Biden administration's 100-day pause on many noncitizens will allow people who pose a public safety threat to remain in the U.S., including people who were taken into ICE custody and ordered deported after they committed crimes.

"In their zeal to protect the occasional case of someone who is not a criminal from being deported, they are giving free pass to many people who most definitely should be removed because of their crimes," said Jessica Vaughan, director of policy studies at the Center for Immigration Studies, which supported many of the Trump administration restrictive immigration policies.

Vaughan said the 100-day moratorium is so "lenient" that some immigrants convicted of DUI, weapons offenses or who belong to gangs could be allowed to remain in the U.S. rather than be deported.

## **Others praise step, raise lingering concerns**

Sandra Solis, an organizer with the Phoenix-based Puente Movement, however, praised the 100-day moratorium, saying it shows the Biden administration has listened to immigrant advocates who have pushed for a reversal of Trump's hardline policies.

It will give people fighting their deportation cases a chance to possibly remain in the U.S. and prevent more families from being separated while awaiting an overhaul of the immigration system including a legalization program for undocumented people that Biden has also promised, she said.

"This gives a small light at the end of the tunnel for folks of perhaps being able to fight their cases," she said. "We are happy that right now there is a big pause but that is also where the organizing comes in where we have to put the agenda on the table of really getting more from this administration, not just the 100 days, but a pathway to citizenship."

Other groups also praised the move, but expressed concerns about its implementation in the coming months.

Detention Watch Network, a coalition of advocacy groups working to end the use of immigration detention in the U.S., said some of the provisions in the memo describing the government's enforcement priorities continue to use public safety or national security as a pretext to criminalize immigrants.

The coalition especially took issue with public safety provisions describing incarcerated individuals convicted of aggravated felonies.

"The list of crimes that are considered aggravated felonies under immigration law is long and includes offenses which are very often considered neither aggravated nor felonies in the criminal context, such as shoplifting," Silky Shah, the executive director for the Detention Watch Network, said in her analysis of the memo.

Immigrants facing deportation after being convicted of crimes have already served their sentences, she said.

"Immigrants and refugees with criminal convictions should not face additional punishment of detention and deportation, because of where they were born," she added.

Shah also said she was concerned that the enforcement agencies like ICE and CBP would continue deporting any individual, despite the new guidelines, citing their past history in flaunting internal policies or court orders.

Pierce at the Migration Policy Institute said the 100-day pause on removals may provide time for ICE officers in the field to buy into the Biden administration's new enforcement priorities, which many ICE supervisors and officers felt were forced upon them under the Obama administration.

### **Poll offers glimpse into Arizonans' views on immigration**

A poll conducted by The Immigration Hub, a Washington-based group that advocates for inclusive immigration policies, showed that a majority of Arizonans support the idea of pausing deportations.

The group polled registered voters in seven electoral battleground states on their views on immigration in late December, long before Biden's inauguration and his subsequent memo ordering a review on the federal government's immigration enforcement policies.

Voters in Arizona, the only border state included in the poll, consistently expressed the most hawkish views on immigration.

But even then, most Arizonans said they held positive views toward immigrants and a majority expressed support for a pathway to citizenship, and other programs like DACA and TPS.

Asked whether they would support a pause in deportation so that DHS can review and ensure its policies are fair and humane, 54% of the 1,007 respondents in Arizona said they would support it,

the lowest percentage among the seven states. Meanwhile, 39% of respondents said they were against it, the highest response rate among the seven states.

Kerri Talbot, the deputy director of the Immigration Hub, said voters and Americans at large are ready to turn the page on the past four years of restrictive and sometimes cruel immigration practices.

"Actions taken yesterday will allow the Biden-Harris administration to begin establishing a fair, humane immigration system while overhauling broken policies exacerbated under Trump," she said.