



Immigration changes under the Trump administration

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These are some of the immigration changes I see under the new Trump presidency starting January 20, 2025.

Immigration courts:

- Additional judges picked by harsh Republican Attorney General.
- Ending prosecutorial discretion.
- No more administrative closure.
- Cases that were placed on status dockets will no longer be placed on the status dockets.
- No more unilateral DHS termination of cases.
- Requests for continuances to prepare for trial, to submit additional evidence, or to generally assist respondents on due process issues while keeping the case moving forward will be restricted.
- The “no dark courtrooms” edict of the prior Trump administration will be put back into force.

Immigration law, regulation and policy:

I anticipate that *Matter of A-B-* will be repealed once again, in order to restrict the application of asylum to battered spouses.

Anticipate that the immigration courts will start to apply much more restrictive interpretations of other immigration case law, including *Matter of Recinas* to deny cancellation of removal cases.

Under the Trump presidency, Congress will enact much stricter immigration laws and rollback some of the prosecutorial discretion and other policy programs applied by the Biden administration. These include:

- New law requiring much speedier deportation of aliens who are apprehended by law enforcement.
- Restricting the ability of aliens to appeal their cases, both to the board of immigration appeals as well as to the federal appeals circuits.
- Restriction on family immigration.
- Possible restrictions on employment-based immigration, such as were issued both to reduce the immigration of qualified H1B professionals as well as imposition of stricter limits on immigration through employment.
- Restrictions on special immigrant juvenile (SIJS) and other humanitarian visas.
- Reopening cases of naturalized US citizens for prior fraud or misrepresentation.
- Naturally - this happened in the last Trump administration as well - an extremely severe restriction on the number of refugees being admitted each year into the United States

Other than passage of laws, many of these changes can occur overnight, literally, by executive order.

Abandoning the Biden administration's protections for immigrants:

We've already seen the first effect of a new Trump administration, even before he takes office: a federal judge in Texas, supported by the Fifth Circuit, based in Louisiana, has stopped the "parole in place" program announced by President Biden.

The future of DACA seriously hangs in the balance. It is doubtful that the Trump administration will do anything to help these DACA recipients further their path to permanent residency and ultimately citizenship.

The prosecutorial discretion memoranda, which originally began in Obama's era, were repealed under Trump's rule, and restarted again under the Biden administration, will once again be rescinded, thereby preventing ICE from applying any prosecutorial discretion in their case management practices.

Conclusion

What does this all mean?

What this means is that immigrants are in an extremely precarious situation once again. As I have noted in various articles on my blog, and as I have spoken about many times, immigrants are mere political footballs. Immigrants - and I am one - continue to remain subject to the political whim of the party in power. The pendulum has swung once more to the far right, and with it, the future of immigrants looks increasingly bleak.

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Farhad Sethna has practiced law for over 30 years. He was awarded his JD in 1990 and his MBA in 1991, both from the University of Akron. Since 1996, he has also been an adjunct professor of Immigration Law at the University of Akron, School of Law, in Akron, Ohio, where he wrote and continues to use his own immigration textbook. Attorney Sethna is a frequent speaker at Continuing Legal Education and professional development seminars on various immigration-related topics. His practice is limited to immigration and small business. He has won awards for excellence in teaching and for pro-bono service. With offices in Cuyahoga Falls, Akron and New Philadelphia, Ohio, Attorney Sethna represents clients in all types of immigration cases before federal agencies and the immigration courts nationwide. A private pilot, it is Farhad's goal to fly to each of Ohio's 88 county airports. Our number is: (330) 384-8000. Please send your general immigration questions to farhad@sethnalaw.com. We will try to answer as many questions as possible.