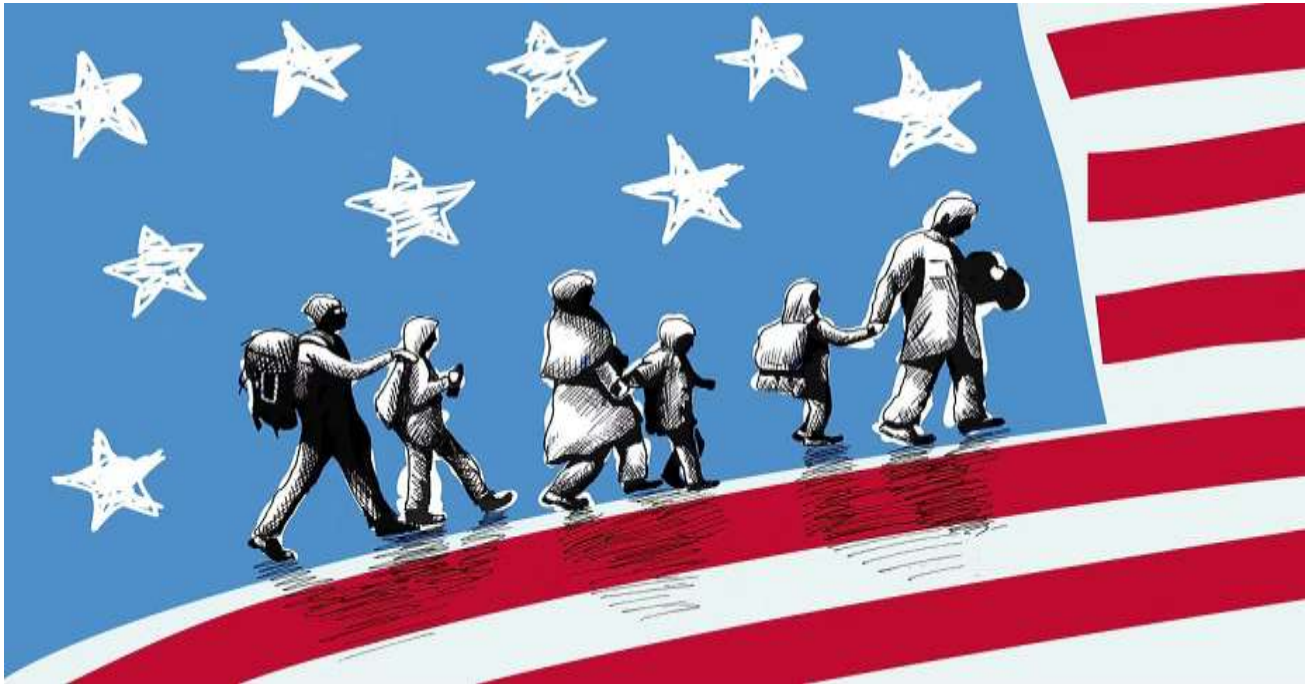


USA Immigration Policy: How Trump Has Turned Border Politics into State Power



Garima Sarkar & Farzana Nisha Khan

Donald Trump's second presidency has redefined immigration as both a domestic political priority and a tool of executive state power. In doing so, it is reshaping not only US immigration governance but also wider global debates around borders, sovereignty and migration policy.

When Donald Trump returned to the White House in January 2025, he did not simply resume the immigration politics of his first administration; he returned with a far more disciplined strategy for implementing it. Immigration has long been pivotal to Trump's political identity, and from the promise of a border wall in 2016 to the mass-deportation rhetoric of the 2024 campaign, it has remained one of the central expressions of his nationalist political rhetoric. Yet what distinguishes Trump's second term is not a dramatic ideological shift but a transformation in how that agenda is executed. The politics might be familiar; however, the machinery behind it is not.

Compared with his first administration (2017–2021), Trump's second-term immigration agenda is faster, broader and significantly better prepared to withstand institutional resistance. What once appeared improvised and legally vulnerable has evolved into a coordinated framework of executive governance. The result is not simply stricter immigration enforcement but a fundamental re-institutionalisation of presidential power over immigration policy.

The First Term: Policy by Experiment

Trump's first administration approached immigration through executive action with speed, but often without institutional preparation. Executive Order 13769, widely known as the "Muslim Ban", became the defining example and was introduced only days after Trump entered office in 2017. The order restricted entry from several Muslim-majority countries and triggered immediate legal challenges across the United States. Federal courts blocked the order within days, citing procedural failures, inadequate agency review and concerns about discriminatory intent. The administration eventually revised the policy multiple times before the Supreme Court upheld a later version in *Trump v. Hawaii* in 2018.

The same pattern appeared elsewhere. The border wall became politically symbolic but institutionally difficult to deliver, culminating in a 35-day government shutdown after disputes with Congress over funding. Repeatedly, Trump's immigration agenda advanced through bold executive announcements that encountered legal, bureaucratic or political obstacles soon afterwards. The first term therefore revealed an administration testing the limits of executive authority in real time—often aggressively, but not always successfully.

Return of a More Prepared Presidency

Trump's second term looks markedly different from his first. If the first administration operated through political instinct and experimentation, the second has returned with the benefit of institutional memory. Trump's current executive actions are being deployed not as isolated directives but as components of a broader legal and administrative strategy prepared well in advance.

On his first day back in the office in 2025, Trump signed a wave of executive orders that immediately reoriented US immigration policy. Most significant among them was Executive Order 14159, *Protecting the American People Against Invasion*, an omnibus directive linking border enforcement, refugee restrictions, federal-agency coordination and emergency powers under a single legal framework.

The order moved quickly across multiple policy fronts: suspending refugee admissions, restricting humanitarian pathways, expanding enforcement authority and framing migration through the language of national security rather than civil administration. Unlike in 2017, these directives arrived supported by administrative records and legal preparation designed to withstand judicial review under the Administrative Procedure Act.

This reflects a presidency that has learned from the legal and institutional failures of its first term. Rather than confronting institutions from the outside, Trump's second administration is increasingly working through them, using bureaucratic procedure itself as a political tool.

Immigration as Security Policy

Perhaps the most significant shift has been conceptual. During Trump's first term, immigration was politically framed as a border issue. In the second term, it is increasingly framed as a national security issue.

This distinction matters. By treating irregular migration as a security threat rather than an administrative challenge, the executive branch expands its justification for extraordinary action. Immigration enforcement becomes tied to emergency powers, military deployment and wartime legal authorities in ways that push beyond traditional immigration governance.

The invocation of the Alien Enemies Act and the deployment of military personnel to the US-Mexico border highlight this shift clearly. Even as border apprehensions fell significantly in early 2025, the administration intensified its security response, suggesting that the political value of enforcement now extends beyond migration numbers themselves. Immigration is no longer being managed solely through policy; it is increasingly being governed through the language of threat.

Green Card Question and Human Cost of Policy Change

For many migrants, the consequences extend beyond border enforcement. One of the most controversial developments under Trump's renewed immigration agenda has been the push towards requiring certain green-card applicants to complete their permanent-residency applications from their country of origin through consular processing, rather than adjusting status within the United States.

For millions already waiting in employment-based and family-based visa backlogs, this creates profound uncertainty. For many applicants, a green card is not merely an immigration benefit; it is the legal foundation upon which careers, family life, housing and long-term stability are built. Many have lived in the United States lawfully for years on temporary visas while waiting for permanent residence to become available.

A forced return to one's country of origin to complete processing introduces significant risks: prolonged separation from family members, interruption of employment, visa refusals abroad and uncertainty over re-entry into the United States. For individuals who have built their lives within the U.S. legal system, the pathway to permanence becomes more fragile and unpredictable.

These changes have been compounded by the administration's attempt to end birthright citizenship for children born in the United States to certain non-citizen and non-green-card parents, challenging one of the longest-standing constitutional principles in American immigration law and raising broader questions about citizenship, belonging and national identity.

The administration's efforts, however, have not gone unchallenged. Federal courts have continued to scrutinise several immigration-related executive actions, particularly those concerning birthright citizenship and the scope of presidential authority over immigration enforcement. Opponents argue that attempts to reinterpret citizenship rights through executive action raise profound constitutional questions under the Fourteenth Amendment, while supporters maintain that the measures are necessary to address perceived weaknesses in existing immigration law. The resulting legal battles suggest that, despite the administration's greater institutional preparation, the courts remain a critical arena in which the limits of executive power over immigration will continue to be tested.

This is what makes the policy especially consequential. It does not affect only future migrants at the border; it reaches deep into the lives of those already inside the system, many of whom have spent years complying with U.S. immigration law while waiting for legal certainty.

Beyond the United States: Global Implications

The implications of these shifts extend well beyond U.S. borders. American immigration policy has long shaped global mobility patterns, refugee-resettlement norms, labour-migration systems and international policy debates. Decisions made in Washington influence not only who enters the United States but also how other governments think about asylum, borders, migration control and citizenship.

Trump's second-term immigration agenda is therefore not merely a domestic political story. It is an international one. As the United States moves towards a more restrictive, security-driven immigration framework, it contributes to a wider global trend in which migration is increasingly managed through deterrence, securitisation and executive discretion. Other immigrant-friendly states frequently observe, adapt to or respond to these changes within their own policy settings.

For policymakers, the question is no longer simply how the United States manages migration internally; it is how American immigration governance redraws international norms surrounding human mobility, settlement, human rights and state sovereignty.

What Trump's return reveals most clearly is that immigration policy is no longer operating at the margins of governance. Rather, it is becoming one of the defining arenas through which executive power is exercised, contested and exported globally. Unlike in 2017, Trump's immigration agenda has returned backed by an institutional framework designed not merely to disrupt policy but to endure beyond political momentum.

Supporters of Trump's administration, however, argue that these measures are intended to address longstanding weaknesses in U.S. immigration enforcement. They contend that the immigration system has been exploited for years through illegal entry, visa overstays, fraudulent claims and procedural loopholes that have placed pressure on border management and public resources. The administration therefore presents stricter enforcement, enhanced vetting and tighter control over legal immigration pathways as

necessary steps to restore credibility to the system and reaffirm the principle that immigration should occur through lawful channels.

The administration has also linked immigration reform to labour-market priorities. Supporters argue that employment-based immigration should be aligned more closely with evolving economic needs and workforce demands. In sectors such as information technology, where large numbers of foreign professionals have worked in the United States for decades, some policymakers contend that greater emphasis should be placed on continuous skills upgrading and adaptation to technological change.

Within this perspective, countries of origin also have a role to play in attracting back experienced professionals and benefiting from the human capital developed abroad. Critics dispute this view, pointing instead to the substantial contribution of immigrant workers to U.S. innovation and economic growth. The broader debate reflects competing visions of labour mobility, economic competitiveness and national sovereignty in an increasingly interconnected global economy.

Viewed through this lens, Trump's immigration agenda is not solely about restricting migration. It is also an attempt to reassert the state's institutional control over immigration processes, strengthen enforcement against illegal immigration and recalibrate legal migration in ways that supporters believe better serve national economic and security interests.

(Dr Garima Sarkar is an assistant professor of Comparative Politics and Public Policy at the Jindal School of International Affairs, O.P. Jindal Global University. Farzana Nisha Khan is a student of International Relations and Security Studies at the same university)