



Samantha Wolfe

Partner
303.295.8479
Denver
sdwolfe@hollandhart.com

Impact of Recent Immigration Policy Changes on Individuals and Businesses

Insight — January 22, 2025

The Trump administration has initiated a series of significant changes to U.S. immigration policy following the President's inauguration on January 20, 2025. These actions, executed through executive orders and policy directives, aim to alter the landscape of both legal and illegal immigration in the United States. Below is a summary of the key developments **known to date** and their implications.

Expanded Use of Expedited Removal

The Department of Homeland Security (DHS) has restored the application of expedited removal to its broadest scope as authorized by Congress. This policy enables immigration officers to deport individuals who cannot demonstrate at least two years of continuous presence in the United States. Previously, expedited removal was confined to individuals apprehended near the border and present for less than 14 days. The change is intended to streamline immigration enforcement and reduce costs but has raised concerns regarding due process protections.

Revisions to Birthright Citizenship

A new executive order revises the application of birthright citizenship under the 14th Amendment. Citizenship is now limited to children born in the U.S. to parents who are either U.S. citizens or lawful permanent residents. This change extends to children of nonimmigrant visa holders, such as H-1B and L-1 workers, potentially affecting industries that rely on international talent. Given its constitutional implications legal challenges to this policy by 22 states and others are underway, including a motion for a temporary restraining order.

Changes to Asylum and Humanitarian Programs

The administration has terminated the Customs and Border Protection (CPB) One app, which facilitated appointments for asylum seekers at U.S. ports of entry, leaving many migrants uncertain about their legal options. Additionally, humanitarian parole programs for nationals of Cuba, Haiti, Nicaragua, and Venezuela have been discontinued. These programs had previously provided structured pathways for legal entry and reduced border crossings. Critics suggest these changes may increase irregular migration.

National Emergency Declaration at the Southern Border

President Trump declared a national emergency at the southern border,

enabling the use of military resources for immigration enforcement and border barrier construction. The administration also announced plans to reinstate the “Remain in Mexico” policy, requiring asylum seekers to await their court hearings in Mexico. These measures aim to address border security concerns but have drawn criticism for potential humanitarian impacts.

Increased Federal and Local Cooperation

The administration has reintroduced agreements under Section 287(g) of the Immigration and Nationality Act, allowing local law enforcement to assist in immigration enforcement. The Victims of Immigration Crime Engagement (VOICE) office, initially established in 2017, has also been reinstated to address crimes committed by removable individuals.

Legal and Practical Implications

These actions represent a significant shift in immigration policy, with potential implications for individuals, families, and businesses. Legal challenges to the birthright citizenship policy and the expanded use of expedited removal are already underway. Employers and immigration practitioners may face increased complexity and uncertainty in navigating these changes.

Conclusion

The recent policy changes reflect the administration's stated priorities of enhancing border security and reforming immigration enforcement. However, they also raise important legal and practical questions that will likely be the subject of ongoing litigation and public debate. Our team and firm continue to monitor these developments and will provide updates.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.