

Biden will stop the border wall and loosen immigration again

Immigration policy would be the most dramatic and immediate reversal of Trump policies when Biden takes office.

The most dramatic reversal in the Biden administration versus the Trump administration will come on President Donald Trump's signature campaign issue from 2016: the border wall.



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President-elect Joe Biden has pledged to put a swift halt to border wall construction and loosen immigration restrictions imposed by Trump.

To pay for the barrier, Trump has siphoned billions from military construction projects and other programs over the past two years, much to the dismay of lawmakers in both parties. But legislative efforts to shield the Pentagon budget so far have fallen short, while legal challenges to halt construction of the wall are

winding their way through the courts.

“There will not be another foot of wall constructed on my administration, No. 1,” Biden told National Public Radio earlier this year. “I’m going to make sure that we have border protection, but it’s going to be based on making sure that we use high-tech capacity to deal with it.”

That could also mean withdrawing National Guard troops Trump sent to the border to support the Department of Homeland Security, a deployment extended through this year.

Beyond the wall, the president-elect’s broader immigration plans represent a complete reversal of the Trump administration’s policies over the past several years — and he can accomplish much of it fairly easily.

Biden wants to expand opportunities for legal immigration, including family and work-based visas as well as access to humanitarian visa programs. Biden’s immediate moves would largely entail rescinding various actions initiated under Trump that barred immigrants from certain countries and curtailed legal immigration, including new restrictions on asylum and rules making it harder for poor immigrants to obtain legal status.

Biden also has vowed to prioritize the reunification of any families still separated under the Trump administration’s now-defunct “zero-tolerance” policy — which led to the separation and detention of more than 2,800 migrant families and children in 2018.

Biden has faced criticism for the number of deportations that took place under the Obama administration, which deported 3 million undocumented immigrants over eight years. (The Trump administration has deported fewer than 1 million over the last three fiscal years.)

During his administration, President Barack Obama focused on deporting recent border-crossers and expanded a federal program that required local law enforcement to share fingerprint information with immigration authorities.

While Biden would continue the Obama administration’s enforcement focus on those who pose threats to public safety and national security, he also said the Obama administration waited too long to overhaul the immigration system, and he

said he will make it one of his first priorities as president.

Biden also said he will take on the heavy lift of pushing comprehensive immigration reform through Congress — a feat not accomplished since 1986 — and create a pathway to citizenship for 11 million undocumented immigrants in the U.S. in his first 100 days. During the 2008 campaign, Obama also promised to push for an immigration reform bill in his first year, but it never came to pass.

Biden has pledged to end workplace enforcement raids as well. Rules implemented by the Trump administration, such as “public charge,” which allows federal immigration authorities to deny green cards to legal immigrants if they’ve used certain public benefits, could also be undone, but that would require invoking the regulatory process, which would take longer.

In a twist, a federal court vacated the “public charge” rule Monday, teeing up a court battle that could land before the newly cemented conservative majority on the Supreme Court. Notably, Trump’s newest Supreme Court appointee, Justice Amy Coney Barrett, was involved in the case when it was before the Chicago-based 7th U.S. Circuit Court of Appeals and will have to recuse herself from weighing in on the case again.

But there are a range of legal routes the Biden administration could take over the issue regardless of whether the Supreme Court agrees to hear the case, including holding up the legal dispute by issuing a new rulemaking plan or settling the lawsuits challenging the rule in court.

In addition, Biden said he will restore the Obama-era Deferred Action for Childhood Arrivals program, which grants deportation relief and work permits to those brought illegally to the U.S. as children. The Trump administration tried to end the program, but that effort was blocked by the Supreme Court.

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