

How far will Donald Trump go to get rid of illegal immigrants?

“We’ll get National Guard, and we’ll go as far as I’m allowed to go, according to the laws of our country,” said Donald Trump in November, explaining his plan to rid America of illegal immigrants to *Time* magazine. “Whatever it takes to get them out.”

Of all the policies the president-elect has promised to pursue in his first days back in office, none seems as important to him as deportation. Immigration is the topic, he told *Time*, that secured his re-election. Even by his own, histrionic standards, his rhetoric on the subject has been heated. Undocumented immigrants, he has said, are “poisoning the blood of our country”. They come “from prisons and jails, insane asylums” and “savage gangs”. They have “occupied” parts of America; their strongholds are a “war zone”. There may be 21m of them, he has claimed—an “invasion” that justifies the deployment of the army to round them up. The only solution, he insists, is “the largest deportation operation in American history”.

Mr Trump has long been exercised about immigration. He made building a wall along America’s border with Mexico a central theme of his election campaign in 2016. He duly issued a flurry of executive orders on immigration within weeks of taking office in 2017, including a ban on visas for applicants from various largely Muslim countries and instructions to federal agencies to expedite the construction of the border wall and to detain more illegal immigrants. Those initiatives quickly lost momentum, however, owing to legal setbacks, institutional resistance and a public backlash. Mr Trump has signalled that a similar policy whirlwind can be expected after his inauguration on January 20th. How far will he go this time to keep his campaign pledges?

In 2017 Mr Trump appointed sober institutionalists to senior posts, who then tried to restrain his nativist impulses. In the new Trump administration, MAGA warriors will hold the top jobs on immigration. Stephen Miller, his deputy chief of staff, is an

America First, anti-immigration hawk who has been fighting against bipartisan immigration reform in Congress since 2013. “As God is my witness,” he declared last year, “you are going to see millions of people rapidly removed from this country who have no right to be here.”

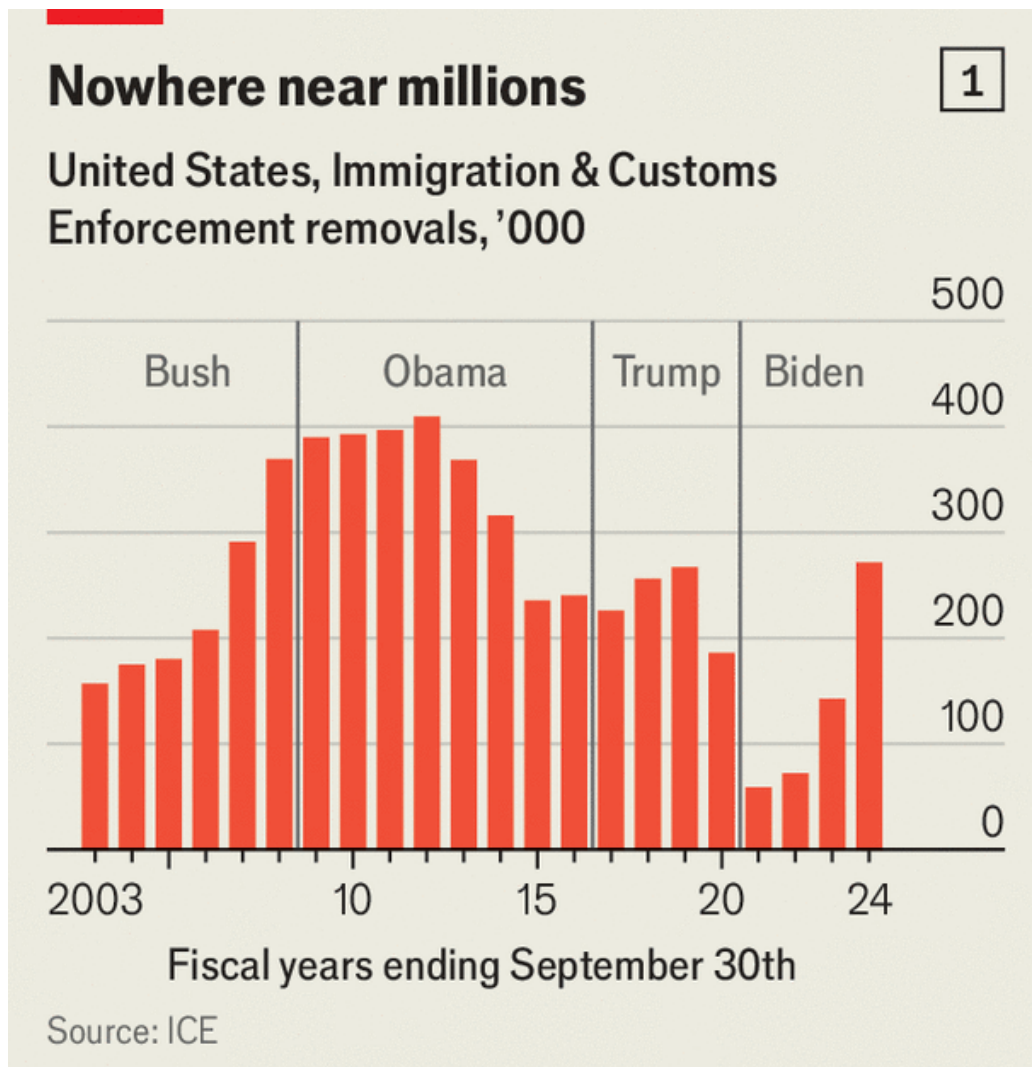
Travel agents

Mr Miller’s comrade-in-arms will be Tom Homan, who led Immigration and Customs Enforcement (ICE), the agency that carries out deportations, during Mr Trump’s first term and is set to become “border tsar” in his second. He can sound as doctrinaire as Mr Miller, threatening local officials who resist mass deportations with jail time. He used to champion the separation of undocumented children from their parents as a way to deter illegal immigration. Yet Mr Homan has a pragmatic streak, too, having worked in the immigration bureaucracy since the 1980s under Democratic and Republican presidents alike. Officials who know him say he understands what the federal government is and isn’t capable of.

The task before them is daunting. It is not even clear how many illegal immigrants there are in America. Mr Trump likes to claim that Mr Biden has let in 15m or 20m and that all of them must go. But these numbers seem to be plucked from thin air. The Department of Homeland Security (DHS) estimated that there were 11m unauthorised migrants in America in 2022. Since then Border Patrol agents have apprehended millions more, mostly near the Mexican border. Many of these have promptly claimed asylum, which allows them to stay in America while their claims are assessed. Oxford Economics, a consultancy, has tried to tot up the number of asylum-seekers, “gotaways” (people who evade Border Patrol) and those who have overstayed legitimate visas and has concluded that 8.3m unauthorised migrants have entered the country since the beginning of 2022, although the asylum-seekers account for more than half of these and are not technically illegal immigrants. A common estimate puts the current number of undocumented at more than 13m. Most live in the most populous states: California, Texas, Florida and New York.

Counting deportations is tricky, too. When an immigrant caught by Border Patrol opts to turn back into Mexico rather than be arrested, that is a “return”. These were common during George W. Bush’s presidency, when many of those crossing were Mexicans

looking for seasonal work. But returns have fallen as the number of migrants from farther afield has risen and the asylum trick has grown popular. “Removals”, when the authorities issue a formal deportation order, leapt under Barack Obama, but then fell back again, including under Mr Trump (see chart 1).



The big question is what the “mass” in Mr Trump’s promise of “mass deportation” really means. His acolytes know that legal, logistical, financial and political obstacles make deporting many millions of immigrants in four years a fantasy. But they speak admiringly of “Operation Wetback”, a deportation drive in 1954 in which as many as 1.1m people were ejected. J.D. Vance, Mr Trump’s running-mate, has suggested that their administration could “start with 1m...and then we can go from there”. Even that is more than twice as many people as ICE deported in 2012, the recent peak. And even deportations on that reduced scale could [hobble America’s economy](#) and prompt a political backlash.

Incoming officials say they will prioritise dangerous criminals and threats to national security—as most recent administrations have done. But John Sandweg, an acting director of ICE under Mr Obama, points out that there simply are not that many criminals among the undocumented. Since 2017 just 1.4% of new immigration-court cases were based on a migrant’s alleged criminal activity, not including entering the country illegally. Of those deported who do have criminal records, the most common offence other than illegal entry is driving under the influence. If Mr Trump’s crusade starts and ends there, it would vindicate people like Jeh Johnson, who ran DHS for Mr Obama and dismisses “mass deportation” as a hollow slogan for bumper stickers.

To run up the numbers Mr Trump would need to widen the net. After criminals, the obvious next target is migrants already ordered deported who have not actually left. ICE reckons 1.4m such people remain in the country. Many are in jail. Some others are monitored with technology like ankle tags, but not all: last year nearly 38,000 people awaiting deportation fled.

Mr Trump’s penchant for shows of force means workplace raids are likely. An analysis of census data by the Pew Research Centre suggests that unauthorised immigrants made up nearly 5% of America’s labour force in 2022, or roughly 8.3m people. Their numbers will have grown since. Although some migrants use forged documents to obtain work, government schemes that allow employers to check workers’ immigration status have curbed this practice. In some industries, such as farming and construction, many employers simply look the other way. “We know that employers are going to be upset,” Mr Homan recently told the *Washington Post*.

Communities that depend on immigrant labour are worried. The centre of Storm Lake, a town of 11,000 in north-west Iowa, features a Vietnamese noodle joint, a shop selling *quinceañera* gowns and an African grocery. Spanish lyrics blare from pickup trucks idling at traffic lights. Storm Lake has experienced several waves of migration, from Laos, Mexico, Central America and most recently Micronesia, reflecting where Tyson Foods, which runs the town’s two big meatpacking plants, happens to be recruiting.

In a state like Iowa, which is 90% white, this has brought tension. “I had people come into the police station and say, ‘It’s your job to remove these people,’” remembers

Mark Prosser, the town's former police chief. These days most Storm Lakers are proud of its diversity. Yet the surrounding county is deeply conservative. Mr Trump won it in November by 33 points despite, or perhaps because of, his pledge to deport millions.

Punching packers

Mr Prosser argues that raids make headlines (which Mr Trump will like) but not much difference. In 1996 he helped plan one himself, to catch migrants using fake papers to work in packing plants. But it took weeks of joint planning with federal agents to secure only dozens of arrests and deportations. "We spent a lot of money and a lot of time thinking this would be some sort of effective investigation," he recalls, "but...we tore up the relations between the city and our immigrant community." Many locals hope Mr Trump will be too scared of raising meat prices to harry packing plants. Tyson anyway maintains that it does not employ illegal immigrants.

The most radical step would be for ICE to start hunting for illegal immigrants going about their daily business. In 2022 nearly 80% of unauthorised migrants had lived in the country for more than a decade. Some 5.7m Americans, most of them children, lived with an undocumented parent. At a recent immigration-court hearing in Dallas, the American wife and adult children of a Mexican man arrested for drunk driving waited to testify about how his deportation would up-end their lives. He had first come to America in 1998. Even in the absence of a mass deportation campaign, migrants like him are split from their families every day.

Mr Trump suggests that instead of separating families, the American spouses or children of immigrants could just leave, too. He also says he would like to end automatic citizenship for everyone born in America, even though it is enshrined in the constitution. Former Trump administration officials speculate that he may ban the issuance of passports to children of unauthorised migrants. Although such a decision would be challenged in court, it would prove Mr Trump's determination to shake up the immigration system.

It is possible that Mr Trump's tough talk is the point: that his harping on about mass deportation is meant to deter more immigrants from coming to America illegally and to persuade those already here to leave. He could make it harder for migrants to travel or open a bank account without proof of citizenship, which might encourage recent

arrivals without roots to up sticks. Officials in Storm Lake say residents have started asking whether they should leave. Some studies attribute much of Operation Wetback's success to self-deportation. But the border was so porous in the 1950s that workers could return to Mexico, wait for the fuss to die down, and then cross back over. That is not true anymore.

Whatever approach Mr Trump takes he will face the same constraints that have bedevilled previous presidents. The most obvious is the legal system. The backlog of immigration courts has more than doubled since 2021, to 3.7m cases (see chart 2). At the beginning of 2023 immigrants could expect to wait an average of nearly three years for a decision. People who lose their cases can appeal.



There are two main ways Mr Trump might try to get round the court system. During his first term he expanded “expedited removal” for those who do not claim asylum or cannot stake a credible claim to it. Whereas deportations had previously been streamlined only for migrants who were arrested within two weeks of arrival and 100

miles of the border, Mr Trump targeted people anywhere in America who had arrived within the past two years. Expect that policy to make a comeback soon after inauguration day.

A more extreme plan involves invoking the Alien Enemies Act of 1798, which allows the president to detain and deport citizens of countries at war with America. It was most recently invoked by Franklin Roosevelt during the second world war to detain Germans, Italians and Japanese. Mr Trump argues that the presence of foreign criminal gangs is tantamount to an invasion, so America is, in fact, at war. It is doubtful the courts would agree with him, but they might take some time to stop him.

Texas hold 'em

Logistical problems will also constrain the president. Mr Homan says he needs 100,000 detention beds, more than double the current total. Mr Trump could declare a national emergency, allowing him to use defence funds to build detention centres at military bases. He used the same process in 2019 to help fund the border wall. Mr Miller has floated the idea of building tent camps in Texas to serve as a kind of purgatory between arrest and deportation. The state's land commissioner has even bought a 1,400-acre plot near the Rio Grande and offered to lease it to Mr Trump.

Transporting migrants to their home countries is also hard. Only Canadians and Mexicans can be driven across the border. Other repatriations require flights. In 2023 the head of ICE told Congress that an average removal flight cost about \$17,000 an hour. And not every country wants to take its citizens back, although Claudia Sheinbaum, Mexico's president, has signalled that Mexico might consider accepting non-Mexicans, perhaps as a way to avoid being slapped with tariffs.

All this is expensive. Republicans in Congress are planning to boost spending on enforcement. But it is not clear how much or how quickly they will stump up. The American Immigration Council, an advocacy group, estimates that deporting 1m people a year would cost at least \$88bn a year. That is almost three times the combined budgets of ICE and Customs and Border Protection in 2024.

Politics will also temper Mr Trump's ambitions. A successful mass-deportation campaign would require states and cities to hand unauthorised migrants to federal agents. According to records collected by Syracuse University, roughly three-quarters

of ICE arrests between 2014 and 2017 involved hand-offs from local law enforcement. But many jurisdictions run by Democrats decline to co-ordinate with ICE. Mr Trump may try to compel these “sanctuary” states and cities to co-operate by threatening to cut federal funding. In the meantime it will be much easier to focus on willing spots.

As border-crossings surged under Mr Biden, Denver absorbed more migrants per person than any other big city. But Mike Johnston, its Democratic mayor, still rejects mass deportations. “We’ll partner on [deporting] violent criminals,” he says, “but what we don’t want to see is the 101st Airborne be sent into Denver to pull a seventh-grade girl out of history class.”

Mr Johnston’s concern stems from Mr Trump’s talk of using the army to conduct deportations. The armed forces are barred from enforcing civilian law. The president could, however, deploy the National Guard to help with logistical tasks like transport, surveillance and paperwork, while leaving the arresting to the Border Patrol. “The 800-pound gorilla in the room is the Insurrection Act,” says Joseph Nunn of the Brennan Centre for Justice, a think-tank. It allows the president to use the army to put down rebellions or restore order—something Mr Trump might argue the circumstances require.

How Americans react to Mr Trump’s deportation campaign will depend on how aggressive it is. Last year Pew found that 56% of registered voters favoured mass deportations. Yet 58% also supported allowing unauthorised immigrants to stay if they are married to an American citizen. During Mr Trump’s first term photos of children in cages sparked national outrage, forcing the administration to stop separating families. Messrs Miller and Homan were architects of that policy. Perhaps they have learned what Americans are willing to tolerate in the name of border security—or perhaps they have not.