

legislation can only benefit the violent transnational criminal organizations and other criminals that we are jointly fighting.⁴²

When the law passed in December 2020, officials across the Mexican government hailed it as a victory for Mexican sovereignty and local control in the war on drugs.⁴³ López Obrador suggested the move simply put Mexico on an equal footing with other countries—including the United States—that seek to exercise control over foreign agents operating on their soil.⁴⁴

Although the bill's full impact remains to be seen, it portends challenges in the U.S.-Mexico anti-drug partnership. Due to a protracted turf war between the major cartels, the Mexican security situation has deteriorated; a Central Intelligence Agency study estimates that as much as twenty percent of Mexico's territory may be under the effective control of DTOs.⁴⁵ López Obrador was one of the last world leaders to congratulate Biden on his election victory,⁴⁶ and figures within his Morena party have been open about their desire to roll back cooperation with the United States in the drug war.⁴⁷ Shortly after Cienfuegos's release, Mexico requested the extradition of former public security minister Genaro García Luna, raising the specter that it may begin to exert similar diplomatic pressure against the United States in future conflicts over counter-narcotics and anti-corruption policies.⁴⁸

IMMIGRATION AND MIGRATION

Biden Administration Reverses Trump Administration Policies on Immigration and Asylum
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After taking office, the Biden administration quickly moved to reverse or revoke a number of the Trump administration's immigration-related policies. On inauguration day, President Joseph Biden announced several significant changes, including termination of the national emergency at the southern border, halting border wall construction, and removal of discriminatory travel restrictions imposed primarily on Muslim-majority countries. In the following

⁴² U.S. Dep't of Justice Press Release, Statement by Attorney General William P. Barr on Mexico's Proposed Legislation (Dec. 11, 2020), at <https://www.justice.gov/opa/pr/statement-attorney-general-william-p-barr-mexico-proposed-legislation> [<https://perma.cc/AJG8-EVB2>].

⁴³ See Sheridan, *supra* note 41 (quoting officials who argued the foreign agent law will allow Mexico to establish "a harmonious relationship with the United States" on anti-drug efforts, "but not one of subordination").

⁴⁴ Oscar Lopez, *Mexico, in Rebuke to U.S., Adopts Measure Restricting Foreign Agents*, N.Y. TIMES (Dec. 15, 2020), at <https://www.nytimes.com/2020/12/15/world/americas/mexico-us-drug-agents.html>.

⁴⁵ Mary Beth Sheridan, *Violent Criminal Groups Are Eroding Mexico's Authority and Claiming More Territory*, WASH. POST (Oct. 29, 2020), at <https://www.washingtonpost.com/graphics/2020/world/mexico-losing-control/mexico-violence-drug-cartels-zacatecas>.

⁴⁶ Lopez, *supra* note 44.

⁴⁷ See Mary Beth Sheridan, *Mexico Lashes Out at U.S. with Law Expected to Harm Cooperation on Drug Fight*, WASH. POST (Dec. 15, 2020), at https://www.washingtonpost.com/world/the_americas/mexico-drug-trafficking-dea-amlo/2020/12/15/fea76612-3e47-11eb-8bc0-ae155bee4aff_story.html. A congresswoman in López Obrador's party attacked the U.S.-led Mérida Initiative before stating: "We don't have to subordinate ourselves to the decisions of any other country, as prior governments did." *Id.*

⁴⁸ *Mexico Asks US to Extradite Country's Former Security Chief*, ASSOC. PRESS (Dec. 7, 2020), at <https://apnews.com/article/mexico-trials-arrests-united-states-crime-41421287c8c8cfd95b23827ce7cec03>.

weeks, Biden continued to reverse Trump administration policies, including by overhauling the asylum-seeker regime, creating task forces to undo the harms caused by Trump-era border practices, and reimposing some COVID-related travel restrictions, while revoking others. The Biden administration's proposed immigration legislation could introduce even broader reforms going forward.

In his first immigration-related action, President Biden issued a "Proclamation on Ending Discriminatory Bans on Entry to the United States," revoking Trump-era travel bans.¹ These travel bans were initiated shortly after Trump became president in 2017. One week after taking office, then-President Trump issued the first in a series of orders restricting entry into the United States of individuals from several Muslim-majority countries.² Facing multiple lawsuits and losses in court, the Trump administration issued revised versions of the travel bans,³ and the Supreme Court ultimately upheld the third iteration in *Trump v. Hawaii* in 2018.⁴ Following the Supreme Court victory, the Trump administration continued to revise and extend the restrictions, imposing additional restrictions with respect to nationals from Burma (Myanmar), Eritrea, Kyrgyzstan, Nigeria, Sudan, and Tanzania.⁵

Citing the Constitution and the Immigration and Nationality Act, Biden's Proclamation 10,141 formally revoked Trump's travel bans.⁶ The proclamation explained:

The United States was built on a foundation of religious freedom and tolerance, a principle enshrined in the United States Constitution. Nevertheless, the previous administration enacted a number of Executive Orders and Presidential Proclamations that prevented certain individuals from entering the United States—first from primarily Muslim countries, and later, from largely African countries. Those actions are a stain on our national conscience and are inconsistent with our long history of welcoming people of all faiths and no faith at all.

Beyond contravening our values, these Executive Orders and Proclamations have undermined our national security. They have jeopardized our global network of alliances and partnerships and are a moral blight that has dulled the power of our example the world over. And they have separated loved ones, inflicting pain that will ripple for years to come. They are just plain wrong.

Make no mistake, where there are threats to our Nation, we will address them. Where there are opportunities to strengthen information-sharing with partners, we will pursue them. And when visa applicants request entry to the United States, we will apply a

¹ Presidential Proclamation 10,141, 86 Fed. Reg. 7,005 (Jan. 20, 2021).

² Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 111 AJIL 764 (2017).

³ See Jean Galbraith, *Contemporary Practice of the United States*, 112 AJIL 109 (2018); Jean Galbraith, *Contemporary Practice of the United States*, 112 AJIL 741 (2018).

⁴ See *Trump v. Hawaii*, 138 S. Ct. 2392 (2018). For discussion of the case, see Jean Galbraith, *Contemporary Practice of the United States*, 112 AJIL 741 (2018).

⁵ Presidential Proclamation 9,983, 85 Fed. Reg. 6,699 (Jan. 31, 2020). See also Presidential Proclamation 9,645, 82 Fed. Reg. 45,161 (Sept. 24, 2017) (earlier restrictions on immigration for nationals from Chad, Iran, Libya, North Korea, Syria, Venezuela, Yemen, and Somalia); Presidential Proclamation 9,723, 83 Fed. Reg. 15,937 (Apr. 10, 2018) (ending entry restrictions for nationals of Chad).

⁶ Presidential Proclamation 10,141, *supra* note 1, at 7,005 (revoking Executive Order 13,780, and Proclamations 9,645, 9,723, and 9,983).

rigorous, individualized vetting system. But we will not turn our backs on our values with discriminatory bans on entry into the United States.⁷

The Proclamation also ordered the secretary of state to “direct all Embassies and Consulates, consistent with applicable law and visa processing procedures, including any related to coronavirus disease 2019 (COVID-19), to resume visa processing in a manner consistent with the revocation” of the orders and proclamations and to provide within forty-five days a report including, among other things, a proposal for reconsidering visa applications that were denied on the basis of the revoked orders.⁸

In his second immigration-related executive action, President Biden issued a “Proclamation on the Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction.”⁹ The proclamation reversed the Trump administration’s long-standing efforts to, as Trump declared in announcing his run for the presidency in 2015, “build a great, great wall on our southern border” and “have Mexico pay for that wall.”¹⁰ Congress resisted Trump’s attempt to secure \$5.7 billion for the border wall,¹¹ sparking a government shutdown.¹² Congress ultimately appropriated \$1.375 billion for border wall construction.¹³ Although Trump signed the appropriations bill into law, he also declared a national emergency at the U.S.-Mexico border,¹⁴ and pursuant to the emergency declaration, the Trump administration claimed authority to divert \$3.6 billion, initially allocated to military construction projects, to build the border wall.¹⁵ Congress subsequently passed joint resolutions to terminate the emergency at the southern border, but Trump vetoed them.¹⁶ Finally, the National Defense Authorization Act for Fiscal Year 2021, which Congress enacted on January 1, 2021 over Trump’s veto, capped the amount of funding that may be diverted to domestic military construction projects based on a national emergency declaration at only \$100 million throughout the duration of the national emergency—far below the \$3.6 billion that the Trump administration sought to divert to border wall construction.¹⁷

⁷ *Id.*

⁸ *Id.* at 7,005–06.

⁹ Presidential Proclamation 10,142, 86 Fed. Reg. 7,225 (Jan. 27, 2021).

¹⁰ *Here’s Donald Trump’s Presidential Announcement Speech*, TIME (June 16, 2015), at <https://time.com/3923128/donald-trump-announcement-speech> [<https://perma.cc/87HT-J3UK>].

¹¹ Julie Hirschfeld Davis & Emily Cochrane, *Government Shuts Down as Talks Fail to Break Impasse*, N.Y. TIMES (Dec. 21, 2018), at <https://www.nytimes.com/2018/12/21/us/politics/trump-shutdown-border-wall.html> [<https://perma.cc/Y2NZ-KHTR>].

¹² Andrew Restuccia, Burgess Everett & Heather Caygle, *Longest Shutdown in History Ends After Trump Relents on Wall*, POLITICO (Jan. 25, 2019), at <https://www.politico.com/story/2019/01/25/trump-shutdown-announcement-1125529> [<https://perma.cc/TU7R-6N7F>].

¹³ Consolidated Appropriations Act, 2019, Pub. L. No. 116-6, § 230(a), 133 Stat. 13, 28 (2019).

¹⁴ Presidential Proclamation 9,844, 84 Fed. Reg. 4,949 (Feb. 15, 2019).

¹⁵ Peter Baker, *Trump Declares a National Emergency, and Provokes a Constitutional Clash*, N.Y. TIMES (Feb. 15, 2019), at <https://www.nytimes.com/2019/02/15/us/politics/national-emergency-trump.html> [<https://perma.cc/RHH6-WFNW>].

¹⁶ See White House Press Release, Veto Message to the House of Representatives for H.J. Res. 46, H. Doc. 116-22 (Mar. 15, 2019), at <https://trumpwhitehouse.archives.gov/briefings-statements/veto-message-house-representatives-h-j-res-46> [<https://perma.cc/3GZB-KTWX>]. See also Emily Cochrane, *Trump Again Vetoes Measure to End National Emergency*, N.Y. TIMES (Oct. 15, 2019), at <https://www.nytimes.com/2019/10/15/us/politics/trump-veto-national-emergency.html> [<https://perma.cc/EX4B-HZLQ>].

¹⁷ National Defense Authorization Act for Fiscal Year 2021, H.R. 6395, 116th Cong., § 2801 (2021).

Biden's Proclamation 10,142 terminated the declared emergency.¹⁸ The proclamation explained:

Like every nation, the United States has a right and a duty to secure its borders and protect its people against threats. But building a massive wall that spans the entire southern border is not a serious policy solution. It is a waste of money that diverts attention from genuine threats to our homeland security. My Administration is committed to ensuring that the United States has a comprehensive and humane immigration system that operates consistently with our Nation's values. In furtherance of that commitment, I have determined that the declaration of a national emergency at our southern border . . . was unwarranted. It shall be the policy of my Administration that no more American taxpayer dollars be diverted to construct a border wall. I am also directing a careful review of all resources appropriated or redirected to construct a southern border wall.¹⁹

Citing the Constitution and the National Emergencies Act, the proclamation "declare[d] that the national emergency . . . is terminated and that the authorities invoked in that proclamation will no longer be used to construct a wall at the southern border."²⁰ The proclamation further instructs the secretaries of defense and homeland security to develop a plan for the repurposing of funds earmarked for border wall construction.²¹

Numerous courts had held unlawful the Trump administration's diversion of funds for the border wall,²² and the Supreme Court was scheduled to hear the Trump administration's appeal of one of those losses in February 2021.²³ However, in early February, the Court granted the Biden administration's request to remove the case from the February argument calendar.²⁴

In other executive actions on inauguration day, Biden directed officials to resume including undocumented immigrants in the census,²⁵ to deprioritize domestic enforcement of U.S. immigration laws,²⁶ and to extend Deferred Enforced Departure (DED) and employment authorization through June 30, 2022, for Liberians who were under a grant of DED as of January 10, 2021.²⁷

¹⁸ Presidential Proclamation 10,142, *supra* note 9, at 7,225.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 7,226.

²² See *Sierra Club v. Trump*, 963 F.3d 874 (9th Cir. 2020); *California v. Trump*, 963 F.3d 926 (9th Cir. 2020); *Sierra Club v. Trump*, 977 F.3d 853 (9th Cir. 2020).

²³ Motion of the Petitioners to Hold the Briefing Schedule in Abeyance and to Remove the Case from the February 2021 Argument Calendar at 1, *Biden v. Sierra Club*, No. 20-138, 2021 WL 357258 (U.S. Feb. 3, 2021). See also Amy Howe, *Justices Take Up Border-Wall, "Remain in Mexico" Cases*, SCOTUSBLOG (Oct. 19, 2020), at <https://www.scotusblog.com/2020/10/justices-take-up-border-wall-remain-in-mexico-cases> [<https://perma.cc/LS6H-W3NJ>].

²⁴ Amy Howe, *Justices Take Immigration Cases Off February Calendar*, SCOTUSBLOG (Feb. 3, 2021), at <https://www.scotusblog.com/2021/02/justices-take-immigration-cases-off-february-calendar> [<https://perma.cc/SJ5R-BYKS>].

²⁵ Exec. Order 13,986, 86 Fed. Reg. 7,015 (Jan. 20, 2021). The order revoked Executive Order 13,880 (Collecting Information About Citizenship Status in Connection with the Decennial Census) and Presidential Memorandum of July 21, 2020 (Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census). *Id.* at 7,016.

²⁶ Exec. Order 13,993, 86 Fed. Reg. 7,051 (Jan. 20, 2021).

²⁷ Presidential Memorandum, 86 Fed. Reg. 7,055 (Jan. 20, 2021).

In the subsequent weeks, the Biden administration continued to revise the country's immigration and asylum policies. The administration announced a three-part plan for its approach toward immigrants and asylum seekers:

First, the Administration will address the underlying causes of migration through a strategy to confront the instability, violence, and economic insecurity that currently drives migrants from their homes. Second, the Administration will collaborate with regional partners, including foreign governments, international organizations, and nonprofits to shore up other countries' capacity to provide protection and opportunities to asylum seekers and migrants closer to home. Finally, the Administration will ensure that Central American refugees and asylum seekers have access to legal avenues to the United States.²⁸

A February 2 executive order on "Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border" announced some specific reversals of Trump administration policies.²⁹ Among other things, the order directed the secretary of homeland security to consider modifying or terminating the Migrant Protection Protocols (MPP).³⁰ The MPP are an arrangement between the United States and Mexico, whereby asylum seekers arriving in the United States via Mexico remain in Mexico, rather than in the United States, during the pendency of their immigration proceedings.³¹ The Ninth Circuit in February 2020 had affirmed a lower court grant of a preliminary injunction to plaintiffs challenging the legality of the MPP, but the Supreme Court stayed the injunction, allowing the MPP to go into effect, and then granted certiorari.³² The Department of Homeland Security announced on January 20, 2021 that it would suspend new enrollments in the MPP program,³³ and in early February, the Supreme Court agreed to the Biden administration's request to hold briefing in abeyance and remove the case from its February argument calendar.³⁴ In the meantime, the Biden administration has begun to process the roughly 25,000 asylum seekers currently waiting in Mexico pursuant to the program.³⁵

²⁸ White House Press Release, President Biden Outlines Steps to Reform Our Immigration System by Keeping Families Together, Addressing the Root Causes of Irregular Migration, and Streamlining the Legal Immigration System (Feb. 2, 2021), at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/02/fact-sheet-president-biden-outlines-steps-to-reform-our-immigration-system-by-keeping-families-together-addressing-the-root-causes-of-irregular-migration-and-streamlining-the-legal-immigration-syst> [<https://perma.cc/3TPN-KHQL>].

²⁹ Exec. Order 14,010, 86 Fed Reg. 8,267 (Feb. 2, 2021).

³⁰ *Id.* at 8,269.

³¹ See Jean Galbraith, Contemporary Practice of the United States, 114 AJIL 504, 505 (2020).

³² *Id.* at 506–07 (discussing *Innovation Law Lab v. Wolf*, 951 F.3d 1073 (9th Cir. 2020), and subsequent litigation in the case); see also *Wolf v. Innovation Law Lab*, 141 S. Ct. 617 (Oct. 19, 2020) (granting certiorari).

³³ U.S. Dep't of Homeland Security Press Release, DHS Statement on the Suspension of New Enrollments in the Migrant Protection Protocols Program (Jan. 20, 2021), at <https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program> [<https://perma.cc/ZXL5-KYLA>].

³⁴ *Mayorkas v. Innovation Law Lab*, No. 19-1212, 2021 WL 357256, at *1 (U.S. Feb. 3, 2021); see also Howe, *supra* note 24.

³⁵ Ted Hesson & Mimi Dwyer, *Biden To Bring in Asylum Seekers Forced to Wait in Mexico Under Trump Program*, REUTERS (Feb. 12, 2021), at <https://www.reuters.com/article/us-usa-biden-immigration-asylum/biden-to-bring-in-asylum-seekers-forced-to-wait-in-mexico-under-trump-program-idUSKBN2AC113>.

Biden's order also directed executive branch officials to reconsider several Trump-era policies that limited asylum claims.³⁶ In particular, the order directed the secretary of state to consider whether to terminate asylum cooperative agreements with Guatemala, El Salvador, and Honduras.³⁷ Pursuant to the agreements, sometimes called safe third-country agreements, that the Trump administration negotiated, asylum seekers transiting one of the countries had to first seek asylum in the non-U.S. state, prior to seeking asylum in the United States.³⁸ The agreements prompted criticism, both domestically and internationally, for failing to adequately protect asylum seekers who were forced to remain outside the United States,³⁹ and sparked legal challenges.⁴⁰ On February 6, 2021, Secretary of State Antony Blinken announced that the United States "has suspended and initiated the process to terminate the Asylum Cooperative Agreements with the Governments of El Salvador, Guatemala, and Honduras," noting that "termination of these Agreements is effective after the notice period stipulated in each of the Agreements, but their suspension is immediate."⁴¹ The UN high commissioner for refugees expressed approval of the suspensions.⁴²

The Biden administration has also taken steps to prioritize the welfare of children in the immigration context. On January 20, 2021, Biden issued a memorandum to the attorney general and the secretary of homeland security, ordering the preservation and strengthening of Deferred Action for Childhood Arrivals (DACA).⁴³ DACA was designed to allow individuals, brought to the United States illegally as children, to obtain higher education, work permits, and state-subsidized benefits.⁴⁴ The Supreme Court blocked the Trump administration's attempt to rescind DACA,⁴⁵ but the administration nonetheless partially suspended the program by refusing new initial requests.⁴⁶ Noting that DACA "reflects a

³⁶ Exec. Order 14,010, *supra* note 29, at 8,269–70. See also Jean Galbraith, *Contemporary Practice of the United States*, 113 AJIL 377 (2019).

³⁷ Exec. Order 14,010, *supra* note 29, at 8,270.

³⁸ Galbraith, *supra* note 31, at 507–08.

³⁹ The U.S.-Guatemala Asylum Cooperative Agreement affirms the parties' commitment to human rights, but international organizations expressed concern that this commitment was not being upheld. See Hum. Rts. Watch, *Deportation with a Layover* (May 19, 2020), at <https://www.hrw.org/report/2020/05/19/deportation-layover/failure-protection-under-us-guatemala-asylum-cooperative> [<https://perma.cc/3VGA-N6G7>] (assessing the results of the U.S.-Guatemala agreement, and noting that many asylum seekers forced to stay in Guatemala lack access to effective protection, which forced them to abandon their asylum claims).

⁴⁰ Galbraith, *supra* note 31, at 508. On March 15, 2021, Judge Emmet Sullivan stayed the case at the parties' request in light of the Biden administration's review of the policies at issue and discussions between the parties to resolve the case. See *generally* U.T. v. Barr, No. 1:20-cv-116 (D.D.C. Jan. 15, 2020) (docket).

⁴¹ U.S. Dep't of State Press Release, *Suspending and Terminating the Asylum Cooperative Agreements with the Governments of El Salvador, Guatemala, and Honduras* (Feb. 6, 2021), at <https://www.state.gov/suspending-and-terminating-the-asylum-cooperative-agreements-with-the-governments-el-salvador-guatemala-and-honduras>.

⁴² UNHCR *Welcomes Expansion of Guatemala's Asylum Capacity* (Feb. 10, 2021), at <https://www.unhcr.org/en-us/news/press/2021/2/6023f7d918/unhcr-welcomes-expansion-guatemalas-asylum-capacity.html> [<https://perma.cc/J6PS-8EQE>].

⁴³ Presidential Memorandum, 86 Fed. Reg. 7,053 (Jan. 20, 2021) ("Preserving and Fortifying DACA").

⁴⁴ Caitlin Dickerson, *What Is DACA? And How Did It End Up in the Supreme Court?*, N.Y. TIMES (July 3, 2020), at <https://www.nytimes.com/article/what-is-daca.html> [<https://perma.cc/4LKT-JS9S>].

⁴⁵ See Dep't of Homeland Sec. v. Regents of the Univ. of California, 140 S. Ct. 1891 (2020).

⁴⁶ See John Fritze & David Jackson, *Trump to Extend Current DACA Protections, Reject New Applications After Supreme Court Knockdown*, USA TODAY (July 28, 2020), at <https://www.usatoday.com/story/news/politics/2020/07/28/trump-extend-daca-protections-young-immigrants-pending-review/5528696002> [<https://perma.cc/8T6F-8V2A>].

judgment that these immigrants should not be a priority for removal based on humanitarian concerns,” the memorandum orders the secretary of homeland security, in consultation with the attorney general, to “preserve and fortify DACA.”⁴⁷ Moreover, in an executive order issued on February 2, the Biden administration announced the establishment of an inter-agency task force, for the purpose of reuniting children separated from their families at the U.S.-Mexico border.⁴⁸ The order “condemns the human tragedy that occurred when our immigration laws were used to intentionally separate children from their parents or legal guardians (families), including through the use of the Zero-Tolerance Policy” and asserts that going forward, the administration “will protect family unity and ensure that children entering the United States are not separated from their families, except in the most extreme circumstances where a separation is clearly necessary for the safety and well-being of the child or is required by law.”⁴⁹ Near the end of the Trump administration, the government disclosed that more than six hundred children remained separated from their parents.⁵⁰ Due to the Trump administration’s “poor government record keeping,” the Biden administration task force will face significant challenges in identifying and locating deported parents.⁵¹

The Biden administration has also departed from the Trump administration’s COVID-related border restrictions, tightening some, but revoking others. On January 18, 2021, Trump announced that effective January 26, while all passengers arriving into the United States by air would have to show that they had tested negative for or recovered from COVID, he would lift COVID-related travel restrictions previously imposed on travelers from the Schengen Area, the United Kingdom, Ireland, and Brazil.⁵² Citing variants of COVID-19 circulating in Brazil, South Africa, and the United Kingdom, President Biden announced on January 25 that entry restrictions would be maintained.⁵³ In a proclamation, he declared, “entry into the United States . . . of noncitizens who were physically present within the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), . . . Ireland, and . . . Brazil during the 14-day period preceding their entry or attempted entry into the United States, is hereby suspended,” subject to certain exceptions.⁵⁴ In a proclamation on February 24, President Biden revoked the Trump administration’s Proclamation 10,014 on “Suspension of Entry of Immigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel

⁴⁷ Presidential Memorandum, *supra* note 43, at 7,053.

⁴⁸ Exec. Order 14,011, 86 Fed. Reg. 8,273 (Feb. 2, 2021). On March 1, DHS announced the appointment of Michelle Brané as the task force’s executive director and released a ten-point “Statement of Principles” for the task force. See U.S. Dep’t of Homeland Security Press Release, DHS Secretary Mayorkas Announces Family Reunification Task Force Principles and Executive Director (Mar. 1, 2021), at <https://www.dhs.gov/news/2021/03/01/dhs-secretary-mayorkas-announces-family-reunification-task-force-principles-and>.

⁴⁹ Exec. Order 14,011, *supra* note 48, at 8,273.

⁵⁰ See Jasmine Aguilera, *Judge Requires the Government to Explain Why Undisclosed Data on Missing Separated Parents Was Not Provided Sooner*, TIME (Dec. 3, 2020), at <https://time.com/5917728/separated-families-border-data-government> [<https://perma.cc/CX3K-4DRJ>].

⁵¹ Kevin Sieff, *Biden Announces Efforts to Reunite Migrant Families Separated by Trump Administration*, WASH. POST (Feb. 2, 2021), at https://www.washingtonpost.com/world/the_americas/family-separation-migrant-biden-executive-order/2021/02/01/ebb6ada8-64bf-11eb-8c64-9595888caa15_story.html [<https://perma.cc/VG2H-P9PK>].

⁵² Presidential Proclamation 10,138, 86 Fed. Reg. 6,799 (Jan. 18, 2021).

⁵³ Presidential Proclamation 10,143, 86 Fed. Reg. 7,467 (Jan. 25, 2021).

⁵⁴ *Id.* at 7,468–69.

Coronavirus Outbreak.”⁵⁵ Issued in April 2020, Proclamation 10,014 suspended entry into the United States of “aliens as immigrants,” subject to certain exceptions, including for lawful permanent residents, healthcare professionals, and spouses and children of U.S. citizens.⁵⁶ In revoking the proclamation, President Biden declared that it “harms the United States” by preventing immigration by certain family members of U.S. citizens and lawful permanent residents, as well as participants in the Diversity Visa Lottery, and also “harms industries in the United States that utilize talent from around the world.”⁵⁷

These early measures are just the start of the Biden administration’s efforts to reform the U.S. immigration system, though additional efforts may hit hurdles. On January 20, the Department of Homeland Security ordered a one-hundred-day pause on removals as part of an effort to “conduct a review of policies and practices concerning immigration enforcement,” while also concentrating resources where needed, particularly in light of the increased resource strain caused by COVID-19 and its attendant protocols.⁵⁸ However, a federal district judge issued a nationwide injunction on the implementation of the moratorium on removals.⁵⁹ The administration is also facing challenges in addressing a surge of migrants arriving along the U.S.-Mexico border,⁶⁰ and President Biden’s proposed immigration reform bill, the U.S. Citizenship Act,⁶¹ faces uncertain odds in Congress.⁶²

⁵⁵ Presidential Proclamation 10,149, 86 Fed. Reg. 11,847 (Feb. 24, 2021) (revoking Proclamation 10,014, along with specific sections of subsequent proclamations).

⁵⁶ Presidential Proclamation 10,014, 85 Fed. Reg. 23,441, 23,442 (Apr. 22, 2020).

⁵⁷ Presidential Proclamation 10,149, *supra* note 55, at 11,847.

⁵⁸ U.S. Dep’t of Homeland Security Memorandum, Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities (Jan. 20, 2021), available at https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf [<https://perma.cc/LP8Q-JXBK>].

⁵⁹ *Texas v. United States*, No. 6:21-CV-00003, 2021 WL 723856 (S.D. Tex. Feb. 23, 2021).

⁶⁰ See, e.g., Nick Miroff, *Biden Administration Rushes to Accommodate Border Surge, with Few Signs of Plans to Contain It*, WASH. POST (Mar. 6, 2021), at https://www.washingtonpost.com/national/border-surge-biden-crisis/2021/03/05/d0933282-7db8-11eb-b0fc-83144c02d676_story.html.

⁶¹ White House Press Release, President Biden Sends Immigration Bill to Congress as Part of His Commitment to Modernize our Immigration System (Jan. 20, 2021), at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system> [<https://perma.cc/4GR3-MRL8>].

⁶² Maria Sacchetti, *Democrats Call for “Big, Bold” Action on Immigration as Biden’s Bill Is Introduced*, WASH. POST (Feb. 18, 2021), at https://www.washingtonpost.com/immigration/democrats-introduce-biden-citizenship-bill/2021/02/18/e843bb22-7179-11eb-b8a9-b9467510f0fe_story.html [<https://perma.cc/4GDW-QWRX>].