Assessing Trump's aggressive immigrant deportation goals (part 2): how he plans to overcome the many obstacles in his way

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Theme

As a candidate and as President, Donald Trump has repeatedly promised to deport all undocumented immigrants living in the US during his second Administration. He and his Administration have announced a flurry of policies to enhance the government's ability to apprehend, detain and deport undocumented immigrants and overcome the many obstacles that hinder them from reaching this ambitious goal.

Summary

President Trump faces resource, administrative, diplomatic and legal obstacles that will challenge his Administration's ability to meet his goal of deporting all undocumented immigrants in the US. While it is highly unlikely his Administration will meet his target, his bold and controversial measures are designed to convey to his supporters that he is following through on his campaign promise. They are also intended to send a clear and convincing message to immigrants in the US that life as an undocumented immigrant will be intolerable and to people considering coming to the US that he will implement a broad range of policies that will make it extremely difficult for them to enter the US illegally.

Analysis

1. Introduction

As a presidential candidate, Donald Trump promised to implement the largest deportation campaign in US history during his second term in office. He said his Administration would deport 15-20 million immigrants residing in the US, though the most recent US government estimate was 11 million.

Vice President J.D. Vance and White House border czar Tom Homan have been circumspect about the government's ability to achieve this goal. On the campaign trail, Vance said the Administration should 'start with 1 million… and then we can go from there'. Homan was even more cautious. He added, 'The more [resources] we have, the more we can accomplish'. Vance and Homan's efforts to lower expectations underscore the challenges the US government will have –even if fully mobilised– to meet President Trump's ambitious target.

2. US government actors involved in the immigration system

Before addressing the challenges the government will face, it is worth reviewing the traditional functions of the departments and agencies that have a role in the US immigration system.

The Department of Homeland Security (DHS), established in 2002, has the most significant responsibility in the immigration system. US Immigration and Customs Enforcement (ICE) is responsible for enforcing immigration laws within the interior of the US. This includes identifying, apprehending, detaining and removing foreign nationals who are unlawfully present or removable.

US Customs and Border Protection (CBP) enforces immigration law at the country's land, air and sea borders. It operates at US ports of entry to provide border security and facilitate lawful trade. It also secures the land border between ports of entry, with responsibility for the detection, prevention and apprehension of individuals who have entered or are attempting to enter the US illegally. Meanwhile, US Citizenship and Immigration Services (USCIS) oversees lawful immigration to the US, including adjudicating applications for work visas, asylum, citizenship and immigration benefits.

Within the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR) oversees the immigration court system, adjudicating cases for immigrants facing removal proceedings. These courts determine whether individuals are eligible to remain in the US or should be deported under immigration laws.

The Department of State also plays an important role. The Bureau of Consular Affairs, in coordination with US embassies overseas, issues visas to foreign nationals seeking to enter the US. The Bureau of Population, Refugees and Migration also funds international organisations that assist refugees and vulnerable migrants overseas. It also coordinates and manages the US Refugee Admissions Program and provides initial resettlement assistance to refugees after they arrive in the US.

The Department of Health and Human Services' Office of Refugee Resettlement provides additional resettlement assistance to newly arrived refugees, asylees and certain other eligible groups, such as victims of human trafficking and torture. It also manages a national network of shelters that provide care and custody for unaccompanied immigrant children who are in immigration removal proceedings.

Finally, the Department of Defense (DOD) plays a supporting role in immigration enforcement. When requested by the President or a state governor, the National Guard assists DHS. This support can include surveillance, transport, equipment provision and the construction of barriers along the border. While the military do not engage directly in immigration enforcement, their logistical and operational support enhance the government's ability to manage border security.

3. Challenges and Trump's proposed solutions

The Administration will have to overcome several obstacles to meet Trump's goal. Since taking office, he has signed several executive orders and announced a series of policies to enhance the government's ability to apprehend, detain and deport undocumented immigrants.

4. Budget

4.1. Challenge

Funding is critical to achieving the ICE's deportation goals. Its current budget is around US$9 billion. However, its mission is broader than immigration enforcement. It also includes investigating cybercrime, combatting financial crime and addressing the illegal movement of drugs, money and guns. As of December 2024, ICE faced a US$230 million shortfall. To make things even more challenging for it, the first law passed by the US Congress in 2025, the Laken Riley Act, is estimated to cost the agency nearly US$27 billion to implement.

The government also lacks sufficient immigration detention space to meet Trump's deportation goals. Homan said he would like 100,000 daily beds, though Congress currently only funds 41,500. Homan has not, however, discussed whether or how the Administration plans to utilise the ICE's Alternatives to Detention programme. As of early January, nearly 190,000 immigrants were enrolled in non-custodial programmes.

Removal capacity and costs are yet another challenge. The ICE conducts removals through chartered flights, commercial airlines and ground transport. It can use ground transport if removing individuals to Mexico or Canada but must use flights for the rest of the immigrant population. The agency only has 12 aircraft, each with a capacity of 135 deportees. Officials have said there are limited other non-civilian aircraft for hire, and the use of cargo planes could violate Federal Aviation Administration rules. Deportation flights cost US$17,000 per flight hour for 135 deportees and last, on average, five hours. According to one estimate, it would cost at least US$315 billion for a one-time mass deportation of all undocumented immigrants. These figures include the costs of arrests, detentions, appeals, deportations and the economic consequences of losing workers.

The ICE employs over 22,000 full-time employees to implement its mission, but to increase removals it will need significantly more people to apprehend and detain more immigrants. It will also require additional detention capacity to hold immigrants while they undergo proceedings and more buses and planes to transport individuals to their home countries.

Other US agencies involved in immigration face resource challenges. For example, the EOIR's budget was cut by US$16 million in FY 2025 despite receiving a record 1.8 million new cases. At the end of FY 2024 the immigration court backlog reached 3.6 million cases.

If these agencies receive robust funding increases, it will not result in quick immigration enforcement results. It takes many months to hire and then staff before they are ready

to be deployed. Some agencies, like the CBP, have difficulty filling currently funded positions. The CBP is currently offering bonuses of up to US$30,000 to incentivise individuals to apply for and perform these jobs.

4.2.   Trump's proposed solution

Congress has two options for providing the ICE with additional funding. First, it could add additional funding to the FY 2025 appropriation bill that is being negotiated by the House of Representatives and the Senate. Although Republicans have a majority in both chambers, they will need Democratic support to pass the bill, and it will likely take months to complete the negotiations. Secondly, it could include the funding in the budget reconciliation, a procedure that would allow Republicans to pass the bill by a simple majority if they remain unified.

As Trump seeks additional funding from Congress, he is also trying to use the resources of other US departments and agencies that are typically not involved with immigration enforcement. The Administration has deputised the DHS's Homeland Security Investigations and DOJ entities such as the Drug Enforcement Agency (DEA), the US Marshals Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bureau of Prisons to assist with immigration enforcement, though it is still not clear how they will be used.

The Administration is also leaning on the DOD to support DHS activities and cover some of its costs. Trump signed two executive orders that direct the military to deploy along the US-Mexico border to 'seal it'. The DOD later announced it would deploy 1,500 troops and assets to the border to assist the CBP with support activities, such as monitoring and detention, construction of barriers and transport. To increase detention capacity, the DOD announced it will allow ICE to use a military base in Colorado to detain immigrants. Trump also directed the DHS to open a detention centre at the US Navy base at Guantanamo Bay, Cuba, to house up to 30,000 immigrants per day. Finally, the Administration has started using military planes for removal flights to augment the ICE's capacity to conduct removal flights.

5.   Administrative processes

5.1.   Challenge

There are many administrative challenges to significantly increasing removals. One of the major obstacles that has emerged in recent years has been the growth of so-called sanctuary jurisdictions, which limit cooperation with federal immigration authorities to promote trust and collaboration between local law enforcement and the immigrant community. By one estimate, 70% to 75% of ICE arrests were immigrants transferred from other law enforcement agencies, including local and state gaols. This lack of cooperation makes it more difficult for the ICE to apprehend and detain immigrants in the interior of the US.

Another challenge is moving cases through the backlogged, under resourced immigration court system. Immigration courts have experienced growing backlogs for

many years, primarily driven by increased immigrant arrests at the US-Mexico border. The backlog grew to 3.6 million cases by October 2024. The insufficient resources to address the new cases and reduce the backlog will further undermine Trump's deportation plans.

5.2. Trump's proposed solution

Trump is pursuing several measures to address these roadblocks. To increase immigration cooperation with state and local jurisdictions, the Administration has threatened to prosecute jurisdictions for not cooperating and authorised state and local law enforcement to conduct immigration enforcement. Trump signed an executive order directing the DOJ and the DHS to undertake criminal or civil actions to ensure sanctuary jurisdictions do not receive federal funding. The DOJ has also directed staff to investigate state and local officials who fail to comply with 'immigration-related commands' for potential prosecutions. In addition, the DHS signed a memo requesting the help of state and local governments to enforce federal immigration law, citing a 'mass influx' of migrants at the US-Mexico border. To further increase the ability of federal agents to conduct enforcement actions, he eliminated the so-called 'sensitive locations' policy that previously prohibited the ICE from entering places like schools, hospitals and religious places of worship to search for and apprehend immigrants.

The Administration has also significantly expanded the use of expedited removal, a policy that allows the ICE to remove certain undocumented immigrants quickly and without an immigration court hearing. The policy has traditionally been limited to the border region, but the Administration will now apply it nationwide to boost the pool of immigrants who can bypass the slow immigration court system. The Administration sacked four top EOIR immigration court officials on Trump's first day in office, but neither he nor the Administration have publicly discussed plans to provide the system with more resources to reduce case processing times or to overhaul it.

6. Diplomatic cooperation

6.1. Challenge

The US needs permission from the receiving government to return immigrants to their countries of origin. The government must agree to receive the US aeroplane or ground transport and provide travel documents to ensure that all individuals on the flight are nationals of the country.

Historically, it has been easier for the US to remove Mexican, Guatemalan, Honduran and Salvadoran nationals, given the close bilateral cooperation on migration issues. Other countries with poor or no diplomatic relations with the US, such as China, Cuba, Nicaragua and Venezuela, significantly limit the number of deported nationals they will receive. There has been a sharp increase in irregular migrants from these countries in recent years, which has created a challenge for governments seeking to balance broader foreign policy objectives with immigration cooperation.

6.2. Trump's proposed solution

The US Secretary of State, Marco Rubio, announced that US 'diplomatic relations with other countries, particularly in the Western Hemisphere, will prioritise securing America's borders… and negotiating the repatriation of illegal immigrants'. Thus far, this has meant that the Trump Administration has been willing to meet autocratic leaders and threaten long-term US allies to secure removals cooperation. For example, Trump's Special Missions Envoy Richard Grenell travelled to Caracas to meet with the Venezuelan leader Nicolás Maduro. The Biden Administration had previously said Maduro failed in his 2024 election bid and recognised the opposition candidate. During Maduro's meeting with Grenell, he reportedly agreed to take back Venezuelan deportees and has since touted the visit to domestic audiences. Grennel said 'The only award for Maduro was my physical presence, the first senior US official to visit the country in years'. In the case of Colombia, one of the strongest US allies in the hemisphere, Trump announced that he would impose a 25% tariff on all Colombian imports, banking and financial sanctions, and a travel ban and revoke visas of Colombian government officials after President Gustavo Petro denied entry to two US military planes carrying Colombian deportees. Petro did not have a problem accepting typical ICE removal flights but believed that the Colombian nationals on board would be treated inhumanely on the military flight. Petro ultimately relented and agreed to Trump's request, though his efforts could spark momentum in the future for other countries to push back against Trump's aggressive and allegedly degrading enforcement tactics.

7. Political will

7.1. Challenge

Nearly 90% of Americans polled in early January generally supported –either strongly or somewhat– the deportation of undocumented immigrants with criminal records. However, only 55% support the deportation of all undocumented immigrants. If Trump follows through on the bold plans he has discussed and included in his Executive Orders, his actions will undoubtedly cause outrage, ensnare sympathetic cases and mobilise the public against his enhanced enforcement and deportation policies. The wide circulation of photos or videos of massive arrests, particularly of individuals or families who are key members of communities, could prompt an intense backlash. He will likely face mounting pressure from various actors, such as religious leaders, community leaders and business groups, to cease his aggressive immigration enforcement efforts or at least modify them. If this happens, it will put pressure on Congress to block or blunt the Administration's actions.

7.2. Trump's proposed solution

Trump campaigned on combatting irregular migration and conducting massive deportations. Americans generally listed immigration as one of the most important issues in the 2024 elections (after inflation and the economy). He will not likely be dissuaded from slowing down his enforcement and deportation plans in the near term unless he faces a major public outcry or significant concern or opposition, particularly from Republican leaders or key constituencies that are important for his base of support. During his first term, he faced a public relations crisis after he ordered the separation of

immigrant children from their parents. He ultimately reversed course in response to the significant backlash.

8. Litigation

8.1. Challenge

Trump's ability to enhance immigration enforcement and, more broadly, reform the US immigration system will likely hinge, in part, on legal actions taken by states, civil rights and immigrant rights organisations to challenge them. State attorneys general from Democratic states and civil rights groups have already filed lawsuits to block Trump Administration policies that ban birthright citizenship, expand expedited removal, direct a crackdown on sanctuary city policies and authorise immigration agents to conduct raids in places of worship. Others will surely follow to challenge other controversial Trump policies. Over the course of his first Administration, Trump only won 22% of the cases in which his policies were challenged in the courts. In the remaining cases, a court ruled against him or the US agency withdrew the action after being sued.

8.2. Trump's proposed solution

The Trump Administration is knowingly issuing policies that stretch the limits of the law and is prepared to be sued regularly, just as it was during its first term. The difference now is that Trump's team has had four years to plan its legal actions and learn from its past mistakes. Moreover, litigators will face a different landscape now that courts have since limited the ability of states to sue the federal government and lower courts to issue nationwide orders to prevent policies from being implemented pending resolution of the case. They will also benefit from a supermajority majority in the Supreme Court, with six conservative justices out of nine. This will not guarantee that Trump will always win, but it does increase his chances of success.

Conclusions

The Trump Administration has launched a series of bold, controversial immigration measures in its first few weeks to address the barriers he will face in implementing his immigration agenda. Many are controversial and unprecedented and may not ultimately be approved by Congress or upheld by the courts. While it is highly unlikely his Administration will meet his deportation target, these measures are intended to convey to his supporters that he is delivering on his campaign promise. They also seek to send a clear and convincing message to immigrants in the US that life as an undocumented immigrant will be intolerable and to people considering coming to the US that he will implement a broad range of policies that will make it extremely difficult to enter the country illegally.