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Trump Signs Memorandum To End 'Catch And Release' Policy

By **Dave Simpson**

Law360 (April 6, 2018, 10:16 PM EDT) -- U.S. President Donald Trump signed a memorandum Friday announcing an intent to end the so-called "catch and release" policy that allows immigrants detained at the border for not having proper credentials to go free while awaiting their status hearings.

The memo in part calls for a list of all facilities, including military facilities, that could be used for detention. It also directs federal agencies to report back about the actions they are taking to quickly end the policy.

"Today, President Donald J. Trump signed a presidential memorandum to take important steps to end 'catch and release,' the dangerous practice whereby aliens who have violated our nation's immigration laws are released into the United States shortly after their apprehension," a release from the White House said. "The safety and security of the American people is the president's highest priority, and he will keep his promise to protect our country and to ensure that our laws are respected."

The White House also took a shot at Democrats in the release, calling on them to stop their "staunch opposition to border security and to stop blocking measures that are vital to the safety and security of the United States."

In 2015, the Obama administration designated unauthorized immigrants who "pose a threat to national security, border security or public safety" or who are "misdemeanants and new immigration violators" as priorities for removal, instructing immigration officials not to detain and deport immigrants who did not fit those descriptions.

The Trump administration has attacked the "catch and release" policy throughout his presidency.

He knocked the policy during a **meeting with leaders of Baltic states** at the White House earlier this week, blaming former President Barack Obama.

"They're in our country, and we can't do anything about it because the laws that were created by Democrats are so pathetic and so weak," he said. "President Obama made changes that basically created no border."

During that same meeting, Trump said he was in discussions with Jim Mattis, the secretary of defense, over potential military responses to the influx of unauthorized immigrants at the U.S.-Mexico border, including sending the military to guard the border until his proposed wall is erected.

On Monday, **while criticizing** the Deferred Action for Childhood Arrivals program, Trump said border patrol agents are unable to fulfill their duties under catch-and-release policies like DACA, which “encourage illegal immigration into the U.S. and prevent the removal of aliens once they are here,” according to a White House memo.

During an April 2017 **visit to a border area in Arizona**, U.S. Attorney General Jeff Sessions criticized the practice while outlining what he deemed to be a tough new prosecution stance against immigrants unauthorized to be in the U.S. who commit various crimes, saying the Trump administration will take a “stand against this filth.”

“For those that continue to seek improper and illegal entry into this country, be forewarned: This is a new era,” Sessions said following a tour of border areas near Nogales, Arizona. “This is the Trump era. The lawlessness, the abdication of the duty to enforce our immigration laws and the catch-and-release practices of old are over.”

Friday’s memo comes simultaneous to **an announcement from Sessions**, who said that he had notified all U.S. attorney’s offices in border states of a new zero-tolerance policy for noncitizens who enter the U.S. without authorization.

Sessions said in a statement that the policy is meant to combat what has become an “unacceptable” situation on the southwest border, citing data released by U.S. Customs and Border Protection on Friday showing a 37 percent increase in unauthorized entries from February to March.

Though the March data marks the biggest month-to-month jump in unauthorized border crossings since 2011, border apprehensions were 27 percent lower for the first five months of fiscal year 2018 than for the same period in 2017, according to CBP data.

--Additional reporting by Nicole Narea and Kevin Penton. Editing by Philip Shea.