

# How will Trump treat illegal Indians?

Why is the U.S. repatriating a large number of Indians? What are the various legally accepted processes through which Indian citizens can enter the U.S.? If the focus of the Trump presidency is expected to be on cross-border flow from Latin American countries, will Indians be affected?

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A Texas delegate holds a sign during the 2024 Republican National Convention at the Fiserv Forum in Milwaukee, Wisconsin on July 17, 2024. Donald Trump has pledged to launch — on day one of his presidency — the largest deportation operation of undocumented immigrants in U.S. history. | Photo Credit: AFP

**The story so far:** On October 22, 2024, the Department of Homeland Security (DHS) flew a “large-frame charter removal flight” to repatriate Indian nationals “who did not establish legal basis to remain in the United States.” Royce Murray, assistant secretary for Border and Immigration Policy at the DHS, said the U.S. had repatriated over 1,100 Indian nationals in the previous fiscal year.

## Why were the Indians repatriated?

The U.S. officials maintain that they want to deter “irregular migration” to the U.S. from India among other countries, and that the charter flight was in addition to the regular removals that the Immigration and Customs Enforcement department carries out through commercial flights. The flight was aimed at showcasing the strong will of the then poll-bound Joseph Biden administration to enforce immigration laws and deliver “tough consequences for those who enter unlawfully.”

## **What are the ways in which irregular Indian immigrants try to enter the U.S.?**

Indians who try to enter the U.S. unlawfully generally try to use the southern U.S. border with Mexico and the Canada-U.S. border in the north. The pressure is more on the Mexico-U.S. border as several Latin American or central American countries like Honduras, El Salvador and Guatemala are known to provide visa-free entry to U.S.-visa holding Indians for a period of time. Using this facility, some people try to stay for extended periods of time in these countries that are known for their porous borders and easy travel to the Texas border by using dangerous human trafficking agents and organisations. India has a large number of agreements for visas with these countries that allow for extended stays for Indian citizens. For example, Peru is among those that waives visa requirement for Indian nationals for business and tourism purposes for one or more stays totalling up to 180 days per year, provided that they hold permanent residence or a visa valid for a minimum of six months for Australia, Canada, U.K., the U.S., or any Schengen country.

## **From which States is there a high rate of irregular immigration?**

The latest flight from the U.S. that carried the Indian nationals landed in Punjab, an U.S. official told the media, indicating that most of the people on board that special flight hailed from Punjab. *The Hindu* had reported in November 2023 that from November 2022 to September 2023, a record number of Indians — 96,917 — were arrested while crossing illegally into the U.S., according to U.S. Customs and Border Protection (UCBP) data. The number of Indians trying to enter the U.S. has witnessed a five-fold rise since 2019. Available data indicates that Gujarat has been supplying half of the total illegal immigrants trying to enter the U.S. There have also been several instances of deaths of people while trying to cross the border. In a well-documented case, a family of four — Jagadish Patel, Vaishaliben Patel and their two children, Vihangi and Dharmik, froze to death as they tried to cross from Canada into the U.S.

## What is meant by lawful immigration to U.S.?

There are various legally accepted processes through which Indian citizens immigrate to the U.S. Every U.S. fiscal year (October 1 to September 30) around 1,40,000 employment-based immigrant visas are made available to qualified persons under the provisions of U.S. immigration law. Employment-based immigrant visas fall into five “preference categories”. In certain cases, spouses and children are allowed to join the applicant. The professionals who fall in the first three categories are persons with extraordinary ability in the sciences, arts, education, business or athletics, outstanding professors and researchers with adequate experience, multinational managers and executives. Professionals holding advanced degrees and persons of exceptional abilities can also apply for immigrating lawfully to the U.S. Skilled workers, professionals and unskilled workers who can fill positions after two years of training also fall in this range. The fourth category is ‘Certain Special Immigrants’ that includes professionals who work with broadcast media in the U.S., certain employees or former employees of the U.S. government as well as people from conflict zones like Iraq and Afghanistan (translators/interpreters). The fifth category includes investors who can launch foreign commercial enterprises in the U.S.

President-elect Donald Trump, who is known to have used expressions like “poisoning the blood” on the issue of immigration, has not targeted Indians. In fact, during the closing part of his campaign, he even spoke for protection of the Hindu minority community in Bangladesh which appealed to Indian-origin voters in the U.S. That apart, Vice-President-elect J.D. Vance’s wife Usha Chilukuri Vance is of Indian origin. The greater part of his focus on immigration has been turned towards the cross-border flow from Latin American countries. However, anti-immigration measures under him will be uniformly implemented and is likely to hit Indian immigrants too.

## What was Trump’s policy on immigration during his first term?

During his first stint (2017-2021), President Trump had increased the rate of denial of H1B visas to Indian professionals. Mr. Trump had issued a “Buy American and Hire American” executive order on April 18, 2017. Subsequently, the Foreign Affairs Manual included a directive to consular officials to keep the executive order in view while deciding on granting of a visa. According to U.S. Citizenship and Immigration Services (USCIS), under President Trump, denial of H1B visa for initial services grew rapidly from 13% in 2017 to 21% in 2019. There were also allegations that U.S. consular officials were making it

extremely difficult for Indian companies to transfer employees from India to the U.S. under the L1 visa category.

## **Editorial | Desperation in distress: On migration attempts by Indians to the developed world**

During his first term, Mr. Trump had given the slogan of 'Build the Wall' in the southern border of the U.S. with Mexico. In the just-concluded presidential election, he focused on stopping illegal immigration and deporting foreigners who are staying in the U.S. illegally — the number being touted to be in the region of 11 million. Mr. Trump has delivered a series of speeches on how he plans to deal with this problem which is presumed to affect the job market in the U.S. He has declared that the National Guard will be deployed to deport illegal overstayers and that he might even invoke the 1798 Alien Enemies Act. However, there is little clarity about how Mr. Trump would address immigration-related concerns that his supporters have displayed during the campaign.

In addition, his anti-immigrant stance will clash with the economic policy of his tech czars who want to access the Indian market. It will be ironical if the Trump presidency opposes the entry of people from markets favoured by Trump-friendly business tycoons.

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