

CNSI Policy Recommendations for the Second Trump Administration



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Council on National Security and Immigration (CNSI) is a group of American national security leaders who believe immigration reforms are imperative to address the unprecedented levels of migration and asylum claims at the southern border and to bolster and maintain the United States' global leadership in the 21st century.

We have dedicated our professional lives to working on immigration policy – both inside the government and out – and understand the need to modernize and humanize our immigration and border security systems.

As the second Trump Administration and a new Congress arrive, CNSI has identified four policy areas that the second Trump Administration and Congress should prioritize to provide sensible immigration reforms that work toward securing our borders and improving national security.

1. Implement robust and efficient screening and vetting, as well as effective border security measures.

To safeguard the U.S. immigration system against potential national security concerns, we must ensure effective and orderly screening, vetting and border policies. We must also continue to leverage cost-effective technologies between and at ports of entry and for interior enforcement.

A vast, interagency vetting and screening infrastructure is key to securing our immigration system and safeguarding almost every immigration process. Vetting and screening procedures must be properly resourced so that migration pathways cannot be exploited by threat actors. Implementing effective screening and vetting requires improving interagency coordination and streamlining slow procedures that can deter legitimate travelers.

Decades of investment — in personnel, state-of-the-art technology and physical barriers — mean that America's borders are more secure than ever. Further improving border security is a matter of allocating resources effectively and adopting solutions tailored to meet the specific problems and risks that each border sector faces. In some circumstances, building additional physical barriers will be a cost-effective approach to improving border security. In addition, effective policy at the border includes concentrating further investment in ports of entry to curtail drug smuggling and promoting more orderly, efficient and humane border processing. A reformed immigration system that promotes safety and security and creates new legal immigration pathways also would advance security and order at our borders.

- Entry-exit implementation. Viewing and stamping a paper document – literally a 'pass' at a 'port' – is no longer a sufficient border security measure. Nations around the world should



double-down on executing effective biometric and watchlist programs. Congress should focus on the biometric and biographic data that Department of Homeland Security collects across the immigration spectrum, and mandate and provide funding to DHS to build a person-specific and interoperable record-keeping capacity within DHS that would track the arrival, stay, and departure of foreign nationals. Congress should fund a special unit within U.S. Immigration and Customs Enforcement (ICE) to address overstays. This unit's mission would be to focus on those foreign nationals who have not left the country before they become long-term overstays. While prioritizing potential law enforcement or security threats for arrest or other action, the unit could also encourage compliance for short-term violators through communication about their lack of legal status and encourage that travel plans be arranged before physical enforcement is required.

- Use of the Military. CNSI supports the use of the National Guard to support our border enforcement efforts in a secondary role, as prior administrations have utilized. Allowing the U.S Customs and Border Patrol (CBP) to focus on interactions with migrants within their defined legal authorities can be enhanced by having the National Guard assist with construction, back-end support and other logistical duties. We do not support having military personnel taking on direct enforcement activity with individuals.

2. Prioritize immigration policies and administrative structures that strengthen our economy and advance our national security posture.

A strong economy is essential to national security — not simply for the purposes of fortifying our military, but as a means of building social trust at home and global influence abroad. As workers, consumers and entrepreneurs, immigrants have been essential in furthering American prosperity for centuries. Immigrants will continue to be essential to the American economy, particularly considering the United States' escalating rivalry with strategic competitors such as China, Russia and others, and our growing labor-market demands due to changing demographics. Protecting legitimate trade and travel is critical to a substantial part of our nation's economy and workforce. Encouraging people to legitimately work, study, and travel here also helps export American values.

One way to fortify our military would be for a permanent legislative solution to grant Dreamers and other long-term noncitizen residents, including those covered under the Deferred Action for Childhood Arrivals (DACA) program, the opportunity to earn legal status that would allow them to contribute fully to American society and even pursue military service. CNSI recommends that Congress and the second Trump Administration should define criteria for earned legalization for DACA recipients and other long-term noncitizen residents to provide legal certainty for them.

To ensure the United States remains competitive in the ongoing, strategic competition with China, forward-thinking immigration policies and administrative structures should be put into place to prioritize our economy and encourage innovation. The U.S. government should make efforts to attract, welcome and retain high-skilled foreign nationals and entrepreneurs, especially those in key strategic technologies, with appropriate vetting.



- **DACA Recipients.** There is overwhelming consensus that those brought to the U.S. as children should receive permanent status in this country. Over 500,000 individuals rely upon DACA, which faces legal challenges. Legislation related to DACA has been stalled for over a decade by an inability to find the right legislative balance that also includes enforcement provisions that would diminish the need for future legalizations. CNSI believes Congress and the second Trump Administration have an opportunity to finally provide a legislation solution to afford certainty to those enrolled in the program.
- **Increase the Number of H-1B visas.** More than 650,000 highly educated and accomplished individuals unsuccessfully apply for H-1B visas every year. This category of visas is for professional workers, but it is capped annually with a cap that does not change based on market needs. To obtain one, a worker must be sponsored by a U.S. employer, which must demonstrate that the visa holder will fill a job that requires a bachelor's degree or higher, and meet the job qualifications. For fiscal year 2023, about 110,000 visas were granted out of nearly 760,000 eligible applications. Given the huge, unmet and demand for such workers, U.S. Citizenship and Immigration Services (USCIS) should continue prioritizing H-1B processing and Congress should consider substantially increasing the H-1B cap. Otherwise, we will continue to offshore talent to competitors.
- **Improve the H-1B Program.** In addition to expanding the size of the H-1B program, it also needs overdue reforms to better target these visas to the needs of our economy and workforce. CNSI recommends:
 - Eliminating employment-based 'per country' caps to allow visas to be determined by need, without respect to birth country.
 - Allowing spouses of green card applicants to work under the H-4 spousal employment authorization.
- **Employment for Foreign Students.** We should increase the opportunities for foreign students who are educated in the United States to remain in the country after graduation. First, we should permit foreign students to possess "dual intent." Presently, the United States allows individuals to enter the United States as full-time students at accredited academic institutions (F-1 visa holders) only if they credibly establish that they do not intend to remain the United States permanently. Permitting foreign students to hold "dual intent" would allow foreign students to apply safely for green cards while still in student status. In addition, the U.S. should improve the Optional Practical Training (OPT) program to allow science, technology, engineering, and mathematics (STEM) students to transition to employment in the U.S.
- **Improving the Integrity of the Student Visa Program –** In general having international students attend American universities and colleges is very beneficial to the country by exposing future generations of world leaders to American ideals such as democracy, capitalism, and human rights.

However, our student visa program requires more enforcement activity to identify and remove those whose visas have lapsed or otherwise fail to meet the criteria of the relevant visa programs, with a focus on bad actors. Because the overstay rates for students whose education has concluded or who have lost



status has increased since the COVID-19 pandemic, the Student and Exchange Visitor Information System (SEVIS) program needs new resources to enforce departures from the country of those who no longer are eligible under the relevant visa programs, including those no longer enrolled in schools due to disciplinary actions.

- **Labor Schedule Reform.** Another means to expand our skilled workforce would be to broaden the U.S. Department of Labor’s Schedule A list of job categories that benefit from a shortened process to a green card. The Biden Administration failed to prioritize this initiative despite an obvious need to update Schedule A. Schedule A lists job classifications for which the Department of Labor (DoL) has pre-determined that (1) there are insufficient workers who are “able, willing, qualified, and available” to perform such work, and (2) “the wages and working condition of United States workers similarly employed will not be adversely affected” by hiring immigrants in those occupations. This means that potential employers are not required to conduct lengthy, expensive, and generally futile domestic recruitment efforts before sponsoring someone for a green card. However, currently the only groups included on Schedule A are nurses, physical therapists, and those who have an exceptional ability in the sciences or arts, including college and university teachers. Schedule A should be updated through an executive order to support current occupational shortages in strategic fields such as defense and innovative technologies, aviation, supply chains, and needed STEM occupations.
- **Military Recruitment.** The Department of Defense should reinstate the MAVNI program. This will require repeal of the limitations on the program that were enacted through the fiscal year 2019 National Defense Authorization Act, because those limitations made the program impossible to operate. Reinstating the MAVNI program could again provide highly educated and skilled military members, with minimal recruiting costs.

3. Strengthen our global relationships and emphasize cooperation and vital information-sharing with foreign partners.

International cooperation is essential in maintaining a 21st century vetting and screening system. By cooperating with our foreign partners on information-sharing and providing technical assistance, we can help our partners improve their vetting capabilities, while helping secure the homeland. Strengthening our global relationships in this manner helps us better facilitate information and intelligence-sharing with our global partners, preventing bad actors from entering the U.S. and helping us meet national security priorities.

- **Visa Waiver Country Warnings.** Working with CBP, the Department of State (DoS) should more aggressively use its authority to suspend a country’s status in the Visa Waiver Program (VWP) when overstay rates are over 1%, and work with problem countries to better educate travelers of the rules and consequences of non-compliance. As VWP entrants have a specific 90-day entry duration, DoS and CBP should develop an automated email and text message program that warns foreign nationals of the consequences of overstaying their visa and allows travelers to confirm their departure date and port of entry. And for more egregious violators, more stringent requirements could be imposed on individual travelers.



- Land Border Entry-Exit. The lack of outbound infrastructure at our land borders has required us to partner successfully with Canada to utilize their entry controls to act as our exit process. A similar effort is needed with Mexico. In the long term, we should explore the collection of biometrics at land exit ports, particularly with pedestrians using facial recognition.
- The Trump Administration should consider taking steps to pressure countries that refuse to take back aliens who have committed crimes in the U.S. At least 13 countries have resisted taking back some of their nationals and have been deemed recalcitrant by the U.S. government. Countries deemed recalcitrant may face sanctions including restrictions on further issuance of visas, trade sanctions, and restrictions on foreign aid.

4. Demonstrate humanitarian leadership by welcoming the most vulnerable migrants in accordance with our domestic laws and international obligations and encourage other countries to do the same.

Strong refugee, asylum and humanitarian protection systems are a boon to national security. By safely welcoming the persecuted and the vulnerable we can lead by example, championing ideals of democracy, freedom and human rights and signaling to oppressive regimes the futility of their practices and ideologies. Robust refugee resettlement also contributes to maintaining geopolitical stability, easing pressures that can spark violence and extremism in other parts of the world, and providing an organized program for applicants to seek protection in the United States. Demonstrating humanitarian leadership includes honoring our commitment to protect and provide for foreign nationals who have risked their lives to assist U.S. armed forces in missions abroad.

The U.S. should not be alone in responding to the needs of the most vulnerable, and we should work with other countries around the world to allow them to do their part to safely welcome and protect refugees and forced migrants. We should also invest wisely in aid programs that will reduce push factors that cause people to see migration as the only path to stability and the ability to flourish. Effective diplomacy, aid, and engagement with international organizations are tools that allow us to work collaboratively to prevent and respond to humanitarian crises and to treat those fleeing persecution with compassion and dignity.

The United States should be a global leader in this area and a beacon of hope and freedom to people around the world.

- Asylum. A majority of asylum claims that meet the current 'credible fear' initial screening standard are eventually denied, mostly on the grounds that the migrant is seeking economic benefit, not fleeing government persecution. Currently, those final decisions take years to be finalized in the immigration courts, by which time migrants have been living in the U.S., often had American-born children, and lost ties to their home country. CNSI supported DHS's 2024 regulation that raised the initial screening standard to weed out a higher percentage of unmeritorious cases earlier in the process. We also urge Congress to make significant investments to assist orderly and controlled asylum screening and adjudication to make final decisions on applicants in months, not years.



- Afghan Adjustment Act. For years, Afghan allies put their lives and their families' lives at risk to help the U.S. military in our efforts to defeat al Qaeda and the Taliban. By doing so they have earned the opportunity to stay in the United States and obtain legal permanent resident status. The Afghan Adjustment Act would fulfill commitments made to our allies and would represent an important policy at the intersection of immigration and foreign policy. CNSI supports allowing the estimated 100,000 Afghans brought to the U.S. during the turbulent military withdrawal in 2021 to receive permanent status after stringent vetting.