

The Anti-Immigrant Policies in Trump's Final "Big Beautiful Bill," Explained

On July 4, 2025, President Trump signed the tragically misnamed “One Big Beautiful Bill Act” (OBBBA) into law. OBBBA’s changes to federal immigration and benefits law will destabilize communities for generations. The bill strips many lawfully present immigrants from access to health insurance and nutrition aid. It deprives millions of children of an immigrant parent the anti-poverty benefits of the Child Tax Credit. And it funds a massive expansion of the immigration detention and enforcement budget while undermining due process and humanitarian protections.

Between these policies and the law’s overall cuts to health care and food assistance for everyone, OBBBA will plunge low-income communities nationwide [into crisis](#) while putting the U.S. economy at risk. This resource zooms in on the law’s immigration-related provisions, providing an overview and analysis of how each measure will work. These measures include:

[Unprecedented Detention and Enforcement Resources with Guardrails Stripped Away](#)

[Unaffordable Fees and Penalties](#)

[Restrictions on Immigrants’ Health and Nutrition](#)

[Tax Increases on Immigrant Families](#)

Unprecedented Detention and Enforcement Funding with Guardrails Stripped Away

Dramatic expansion of immigration detention, including family detention:

OBBBA funds a dramatic expansion of the U.S. immigration detention system, which is already plagued by [inhumane conditions](#) and [deaths](#). The law immediately gives the Department of Homeland Security (DHS) \$45 billion to detain immigrant adults and families, available through September 30, 2029. This sum more than quadruples Immigration and Customs Enforcement (ICE)’s annual detention budget – adding approximately \$11.25 billion each year. These funds will enrich private prison companies, whose executives have [expressed glee](#) at the Trump administration’s mass deportation agenda.

The law explicitly approves the use of these funds for family detention, a [practice medical and mental health experts](#) decry as causing “psychological trauma and long-term mental health risks” to children, even when used for short periods. Even more alarming, the law proactively allows for the indefinite detention of children and families. This dangerous measure is a blatant violation of protections found in the [Flores Settlement Agreement](#), a judicial settlement that puts guardrails on the U.S. government’s detention of migrant children, including limiting duration of stay.

Supercharged funding for immigration enforcement:

In addition to mass detention funding, the law immediately provides approximately \$32 billion for immigration agents and operations related to enforcement and deportation, available through September 30, 2029. The Trump administration has demonstrated that these funds will likely be used in deeply harmful ways – for [rampant racial profiling](#), to [rip parents from their children](#) in indiscriminate and terrorizing raids and to further unleash the kind of lawless immigration enforcement experiments that [threaten the very underpinnings of democratic rule](#).

The OBBA is written to provide maximal flexibility to the Trump administration to use enforcement funds with little to no oversight. It also directs funds to be used for certain activities and programs, including:

- expedited removal processes that short-cut due process and allow for rapid fire deportations without a day in court;
- the [287\(g\) program](#), which empowers state and local law enforcement to carry out federal immigration enforcement activities, incentivizing racial profiling and abuses; and
- extra-territorial processing of asylum claims, most likely through the [Remain in Mexico](#) program that forces asylum seekers to wait in dangerous conditions in Mexico while their U.S. court cases proceed.

Supercharged funding for border enforcement and militarization:

The law provides more than \$75 billion in enforcement and surveillance funding for border communities that have already endured decades of militarization. This amount – made available through September 30, 2029 – includes \$47 billion for construction of the border wall

that has already resulted in countless [deaths](#), [environmental destruction](#), and [desecration](#) of Native American lands and culture. The remainder of the funds include: \$7 billion for Customs and Border Protection (CBP) agents and vehicles; \$5 billion for CBP facilities and checkpoints; \$6.2 billion for border technology and surveillance; and a \$10 billion fund for any border enforcement purposes.

“Extreme vetting” and other policy measures specifically target immigrant kids:

This bill is particularly vicious towards children. In addition to the [life-long scars](#) children will endure from the family detention centers built with OBBBA funds, the law includes several policy measures that are effective immediately and undermine due process for migrant children and/or target them for harm:

- As described above, the law explicitly approves long-term and even indefinite use of family detention for children, in violation of the [Flores Settlement Agreement](#).
- Two separate provisions in the law fund government officials to conduct intrusive physical examinations of children who arrive at the border without a parent or legal guardian, theoretically to search for gang-related tattoos and markings. Chillingly, one of the two provisions calls for such examinations of children while they are in government custody and without *any restrictions* on age, leaving tender age children vulnerable to state-sponsored physical abuse.
- The law funds extreme vetting measures for people who step forward to sponsor a child who arrived in the United States unaccompanied (often the child’s parent or other close relative) and all household members of that potential sponsor. Such intrusive measures without any guardrails against information sharing for enforcement purposes have proven to chill sponsors’ willingness to come forward for fear of detention and deportation, leaving children to [languish](#) in government custody.
- Another measure allows government officials to coerce children who arrive at the border to accept rapid deportation back to the country they fled – without a day in court or any opportunity to speak to a lawyer. This measure could be used for children of any age, putting the new law directly at odds with long-standing legal protections that provide at least some additional due process for children who may be unable to articulate the trafficking or abuse they have fled.

\$13.5 billion for state and local enforcement of federal immigration law:



The bill provides two separate funds totaling \$13.5 billion for states and localities to seek reimbursement for a vast array of expenses that amount to the direct enforcement of federal immigration laws, including border wall construction and arrests of people suspected of immigration law violations. Empowering state and local officials to enforce immigration laws undermines civil rights and puts lives at risk. Nowhere is this as clearly on display as “[Alligator Alcatraz](#),” the hastily built tent camp Florida officials designed to detain and terrorize immigrants without any involvement of the federal government.

\$1 billion to divert military resources toward immigration and border enforcement:

The law provides \$1 billion to divert military resources towards border militarization, including activities involving the possible detention of immigrants, a provision raising concerns that the administration will engage in violations of the [Posse Comitatus Act](#) by engaging the military in civilian law enforcement.

3.3 billion to the Department of Justice, largely to prosecute immigrants for status offenses:

The law provides \$3.3 billion to the Department of Justice, immediately available through September 30, 2029. Many of these funds will be used to ramp up criminal prosecutions of people for immigration related offenses including unauthorized entry and failure to register through the Trump administration’s new [registry trap](#). The federal criminal offenses of unauthorized entry and reentry served as the basis for the first Trump administration’s family separation policy known as “[zero tolerance](#).” Increased prosecutions of migration-related offenses will inevitably undermine due process and asylum rights and [separate families](#), recalling the zero tolerance horrors.

This section of the law also includes funding for the hiring of immigration judges, but the law provides a cap on the number of total judges at 800, limiting the additional possible hires to 100 (there are already [700](#) immigration judges throughout the country).

Unaffordable Fees and Penalties

New and increased fees obstruct access to humanitarian protections and due process:

DHS and the immigration courts have long charged fees for some common immigration applications. OBBBA weaponizes this fees system, slapping exorbitant fees on humanitarian protection and immigration processing forms that will be unaffordable for many. Some of these fees are entirely new; others mark a dramatic increase from current levels. The fees are listed as minimums, meaning DHS and the immigration courts may charge much more than what is listed. Worse, the law eliminates waivers for many of these fees, meaning many will be mandatory even for people with dire humanitarian circumstances such as a life-threatening illness.

These provisions put a price on humanitarian protections and due process – a price that will be unaffordable for many.

New fees for humanitarian protections include:

- *Asylum fees:* minimum non-waivable \$100 fee and additional annual \$100 fee for every year a person's asylum application remains pending (note that this fee effectively penalizes asylum seekers for government-imposed processing backlogs);
- *Special Immigrant Juvenile Status (humanitarian protection for children abused or neglected by one or both parents) fee:* minimum fee of \$250; and
- *Border crossing penalty:* new minimum fee of \$5,000 (in addition to existing criminal penalties) for any person apprehended between ports of entry without authorization, with no exception for people seeking asylum despite their right to claim asylum in those circumstances.

Dramatically increased fees include:

- *Application fee for work authorization based on pending asylum application, parole, or Temporary Protected Status (TPS):* minimum non-waivable \$550 fee for first application; minimum non-waivable fee of at least \$275 for renewal applications (renewals limited to validity period of one year; there is currently no fee for asylum-based work authorization and a \$470 for other filings when done online);
- *Parole fee:* minimum non-waivable fee of at least \$1,000 for anyone entering the United States under a grant of parole (temporary permission to enter the United States usually on humanitarian grounds); some exceptions provided for extreme humanitarian situations (current fee is \$630);
- *Temporary Protected Status (TPS):* minimum non-waivable \$500 fee (current fee is \$50);

- *Visa issuance fee*: minimum non-waivable \$250 fee for any person issued a non-immigrant visa such as a student or tourist visa (this fee is reimbursable if the person can prove they complied with all the visa's conditions and didn't try to extend their stay); and
- *Immigration court processing fees*:
 - \$1,500 fee for lawful permanent resident application (current fee is \$ 1,440)
 - \$1,050 fee for application of waiver of grounds of inadmissibility
 - \$500 for TPS application in immigration court
 - \$900 to appeal to the Board of Immigration Appeals or for appeal of DHS decision (current fee is \$110)
 - \$900 to seek to reopen or reconsider previous immigration judge decision, with an exception provided if the motion is based on improper notice (current fee is \$110 or 145 depending on process)
 - \$600 fee for lawful permanent residents and \$1,500 fee for non-lawful permanent residents to apply for defense to deportation called cancellation of removal (current fee is \$130)
 - \$5,000 fee if ordered removed "in absentia" (if an immigration judge orders deportation when a person does not appear in court)

Restrictions on Immigrants' Health and Nutrition

Lawfully present immigrants stripped of access to health and nutrition assistance programs:

When segments of a population do not have access to health care and nutrition assistance from the federal government, [public health outcomes are undermined for everyone](#). Prior to the enactment of the OBBBA, U.S. law already restricted immigrant access to federal programs dramatically – undocumented immigrants have always been ineligible for federally funded Medicaid, Medicare, subsidized private insurance through the Affordable Care Act (ACA) marketplaces, and the Supplemental Assistance Nutrition Program (SNAP).

OBBBA renders U.S. laws even more cruel and regressive, stripping lawfully present immigrants from these same programs, including survivors deeply in need of health care and nutrition assistance to overcome past trauma and violence.

With the enactment of OBBBA, *only* the following categories of non-citizens remain eligible for Medicaid, the Children's Health Insurance Program (CHIP), Medicare, SNAP, and premium tax credits under the ACA:

- Lawful Permanent Residents (green card holders);
- Certain Cuban and Haitian nationals considered to be [“Cuban and Haitian Entrants”](#) for benefits purposes under existing benefits law; and
- People residing in the US under a Compact of Free Association with Palau, Micronesia, and the Marshall Islands.

These exclusions strip eligibility from many categories of people lawfully present in the United States, including:

- People resettled in the United States as refugees;
- People granted asylum or withholding of removal (protection from deportation based on fear of persecution in home country) in the United States;
- Survivors of domestic violence with a pending or approved application for lawful status under the Violence Against Women Act;
- Survivors of trafficking with a pending or approved T visa; and
- People with Temporary Protected Status and valid visa holders (in the case of Medicare eligibility and access to premium tax credits in the ACA exchanges as they are already ineligible for SNAP and Medicaid)

These restrictions will be layered on top of the existing restrictions already in law blocking access to benefits for many lawfully present immigrants, such as the five-year waiting period for green card holding adults seeking Medicaid and SNAP. Lawfully present immigrants may still enroll in unsubsidized coverage on the ACA health insurance marketplaces.

Further, prior to enactment of the OBBBA, lawfully present immigrants who were ineligible for Medicaid (such as those in their first five years of lawful permanent resident status) were eligible for premium tax credits under the ACA if they earned less than 100% of the federal poverty level. The OBBBA strips away this access.

These changes to benefits eligibility will go into effect at different times for different programs, as follows:

- SNAP eligibility changes are effective immediately upon passage of the law.

- Medicaid and the Children's Health Insurance Program eligibility changes will be effective October 1, 2026.
- Medicare eligibility changes are effective immediately upon passage of the law, but people already enrolled in the program on the date of enactment may remain in the program for 18 months, anticipated through January 4, 2027.
- ACA premium tax credit eligibility changes for immigrants earning at least 100% of the federal poverty level will be effective in taxable years beginning December 31, 2026.
- Access to ACA premium tax credits for lawfully present immigrants earning less than 100% of the federal poverty level will be eliminated in taxable years beginning December 31, 2025.

Making states pay more for Emergency Medicaid:

Emergency Medicaid reimburses health care providers for emergency care provided to individuals who would be eligible for Medicaid but for their immigration status. Instead of the 90% Federal Medical Assistance Percentage rate that states currently receive for individuals in the Affordable Care Act's Medicaid expansion coverage group, the law cuts Medicaid funding for states and hospitals by providing the standard, lower federal assistance rate for emergency services provided to these individuals.

Tax Increases on Immigrant Families

Depriving kids of the anti-poverty benefits of the Child Tax Credit:

The Child Tax Credit has been shown to lead to [dramatic reductions in child poverty](#), supporting better educational, emotional, and health outcomes for children. Yet, starting for tax year 2025, OBBBA strips the Child Tax Credit from the approximately [2.6 million or more](#) children in the United States with no parent on their tax return who has a Social Security Number that is currently valid for work purposes. At least one spouse on the tax return must file taxes with such a Social Security Number. Immigrants without a Social Security Number regularly pay taxes in the United States using an Individual Taxpayer Identification Number. Even though they are paying into the system, this provision excludes them from its benefits. The law also makes permanent an existing restriction requiring children to have a Social Security Number to receive the Child Tax Credit

Additional exclusions from tax-related benefits for non-citizens:

The law also makes the following tax benefits available only to taxpayers with a Social Security Number that is currently valid for work purposes:

- The new \$6000 tax deduction for individuals over the age of 65 (effective tax years 2025-2028);
- The exclusion of income resulting from the discharge of student debt due to death or disability of the student (effective for discharges of debt occurring after December 31, 2025);
- The new deduction for up to \$25,000 in tips received by the taxpayer (effective tax years 2025-2028);
- The new deduction of up to \$12,500 in overtime compensation received by the taxpayer (effective tax years 2025-2028); and
- The American Opportunity and Lifetime Learning tax credits, whether the taxpayer is claiming a credit for themselves or for a dependent. These credits help offset the cost of higher and continuing education (effective tax years after December 31, 2025).

The law also requires that a child have a Social Security Number that is currently valid for work purposes to have a new “Trump account” established on their behalf – this account provides a tax preferred savings vehicle for certain purposes, such as education or purchase of a home. The parent establishing the account does not need a Social Security Number. The law also creates a pilot program allowing the government to provide an initial \$1,000 contribution to the account but only for U.S. citizen children. This pilot program is effective January 1, 2026 for children born between January 1, 2024, and December 31, 2028.

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NILC stands in solidarity with communities organizing to protect our most vulnerable community members from the harms of this law while we work to rebuild in the future.