



CBCF EXECUTIVE ORDER TRACKER

Protecting the National Security and Welfare of the United States and its Citizens from Criminal Actors and Other Public Safety Threats

Executive Order #14385

Date Issued: February 6, 2026

Topic: Immigration, Criminal Justice, Law Enforcement

WHAT DOES THIS EXECUTIVE ORDER DO?

- This executive order authorizes federal officials to exchange sensitive criminal records with other countries in an effort to apprehend convicted criminals attempting to enter the U.S.

HOW WILL THIS EXECUTIVE ORDER BE ENFORCED?

- This executive order will primarily be enforced by the Department of Justice and the Department of Homeland Security.
- This executive order instructs the Attorney General (AG) to give the Department of Homeland Security (DHS) access to all criminal history record information (CHRI) in the Department of Justice's possession.
- The order allows the Secretary of Homeland Security to exchange CHRI with foreign countries reciprocally for the sole purpose of screening travelers and prospective immigrants under the Visa Waiver Program (VWP). The VWP enables citizens and legal residents of foreign countries to visit the US for up to 90 days without a visa.
- The order outlines that the exchange of CHRI must be a part of a larger bilateral or multilateral agreement and include unspecified safeguards to protect "United States persons."



HOW DOES THIS IMPACT BLACK COMMUNITIES?

- This executive order carries serious consequences for Black US citizens and immigrants. It grants the Department of Homeland Security and foreign government officials unprecedented access to the criminal histories of US citizens and residents. Because the order does not define "US persons," it creates ambiguity about who may ultimately be subject to its provisions. Although the order appears narrowly tailored to individuals seeking to enter or exit the United States, the Trump Administration has not outlined how it will handle the CHRI it receives from other countries. Ultimately, the order merges federal law enforcement, immigration enforcement, and border security functions with little explanation of the privacy protections that will apply.
- Prior to this order, the Department of Homeland Security did not have access to the criminal records of US citizens or permission to share them with foreign governments. This issue disproportionately affects Black Americans, who are more likely to be policed and incarcerated in the US due to inequitable law enforcement practices. Combined with existing racial disparities in the criminal legal system, this executive order could hinder Black Americans' ability to travel by creating issues in the customs process. Amid the growing "Blaxit" movement of Black Americans living abroad, this order could stifle the ability of Black Americans with criminal records to visit other countries in pursuit of a higher quality of life.
- This order will also have an impact on Black travelers from outside the US who have criminal records. In 2019, Pew Research Center reported that one-in-five Black Americans were immigrants or the children of immigrants. This order could prevent Black travelers with criminal records in other countries from visiting the US and seeing relatives.



HOW DOES THIS IMPACT BLACK COMMUNITIES?

- This order is even more dangerous when paired with the Trump Administration's other immigration policies. The Trump Administration has launched massive raids across the United States, deporting and detaining hundreds of thousands of immigrants. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers have also harassed and killed peaceful protestors and U.S. citizens in their efforts to implement the Trump Administration's immigration agenda. In fall of 2025, President Trump issued an [executive order](#) declaring "Antifa" as a domestic terrorist organization. While scholars classify Antifa as a decentralized left-wing anti-fascist and anti-racist movement, it is not a registered nonprofit or corporation, and the order permits the Trump Administration to define who is a member. As a result, the White House may target Black people protesting nonviolently, declare them as Antifa, and subject them to a Department of Justice investigation. This executive order goes a step further by allowing the government to share information on critics of the Administration with foreign governments and potentially jeopardize their ability to travel freely.





HOW ARE CBC MEMBERS RESPONDING?

- Members of the Congressional Black Caucus (CBC) have spoken out against the Trump Administration's immigration policies. In January, **Rep. Yvette D. Clarke**, Congressional Black Caucus Chair, issued the following statement in response to the Trump Administration's suspension of immigrant visa processing: "The CBC strongly condemns the Trump Administration's decision to indefinitely suspend immigrant visa processing from 75 countries – including many majority-Black countries such as Haiti and Somalia – that have time and again been subjected to racist policies and attacks from the Administration. The Trump Administration's rationale for suspending visa processing rests in part on the patently false claim that immigrants who make America their home are a strain on social safety net programs. There is simply no evidence to support this claim. [...] We are calling on the Administration to immediately reverse this decision, which could have immense and devastating effects on our economy and reputation around the globe." [Full Statement](#)