

## President Trump Issues Six (6) Executive Orders Pertaining to Immigration

JANUARY 21, 2025

### Summary

As one of his first acts in office, on January 20, 2025, President Donald Trump issued a flurry of executive orders covering various immigration-related policy decisions. The six executive orders discussed below cover a wide range of policy updates, all of which have been discussed by President Trump during his 2024 presidential campaign.

### Background

These executive orders were signed mere hours after President Trump took his Oath of Office and cover sweeping immigration policy reforms which were previewed during his presidential campaign.

### Analysis & Impact

The six (6) executive orders include:

(1) [\*Protecting the Meaning and Value of American Citizenship\*](#)

**Ends birthright citizenship for those infants who: (1) are born on or after February 19, 2025; and (2) do not have at least one parent in possession of lawful permanent resident (LPR) status and/or U.S. citizenship at the time of the infant's birth.** This executive order impacts only infants born at least thirty days from January 20, 2025, and does not apply retroactively.

**Impact:** Already, organizations like the ACLU have jointly filed a lawsuit challenging the constitutionality of the executive order. The 14<sup>th</sup> Amendment guarantees citizenship to all children born in the United States. It plainly states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States..." In 1898, the U.S. Supreme Court affirmed that the 14<sup>th</sup> Amendment extended to *all* children born in the United States irrespective of parent citizenship (*United States v. Wong Kim Ark*) and have since remained as principle.

While the lawsuit is pending, a court may grant an injunction of the order. If an injunction is not granted, the order takes effect on February 19, 2025. Parents on a valid nonimmigrant visa (i.e., H-1B, L-1, F-1) will likely need to apply for a dependent visa for their newborn child (i.e., H-4, L-2, F-2) respectively – though details on exactly how this order will be executed and implemented by USCIS (the relevant government agency) is to be determined.

(2) [\*\*America First Trade Policy\*\*](#)

**Revisits and reviews the United States-Mexico-Canada Agreement, or USMCA, as well as other existing United States trade agreements in consultation with other executive departments and agencies.** This specifically focuses on tariffs and foreign trade agreements, looking into the establishment of an “External Revenue Service” or “ERS” to collect “tariffs, duties, and other foreign trade-related revenues.” The order specifically calls for a review of trade policies relating to China, in particular. It also calls on the U.S. Trade representative in consultation of other relevant executive departments and agencies to assess USMCA and its impact on American workers, farmers, ranchers and businesses, and to make recommendations regarding the United States’ participation in the agreement.

**Impact:** Though no immediate impact, it is through the United States’ participation in USMCA that makes the TN professional work visa available for citizens of Canada and Mexico. Whether the TN visa is at risk will depend upon the outcome of this order’s assessment.

(3) [\*\*Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats\*\*](#)

**Ensures “enhanced vetting and screening across agencies.”** This order seeks to utilize in-depth vetting and screening of all individuals seeking admission to or already present in the U.S., including obtaining information to confirm any claims made by those individuals. Security and public safety threats are consistently emphasized, as is enhanced screening for individuals from “regions or nations with identified security risks.” The order also calls on relevant government heads to “evaluate all visa programs” and emphasizes that agencies “must be vigilant during the visa-issuance process” to protect Americans.

**Impact:** We can anticipate more visa issuance delays due to the additional vetting and screening process.

(4) [\*\*Realigning the United States Refugee Admissions Program\*\*](#)

**Suspends the entry of refugees into the U.S. under the United States Refugee Admissions Program (USRAP).** The order will take effect within one week on January 27, 2025.

Refugees may be admitted to the U.S. on a case-by-case basis, once the Secretary of State and Secretary of Homeland Security jointly determine that the entry of such aliens as refugees is “in the national interest and does not pose a threat to the security or welfare of the United States.” Within 90 days of January 20, 2025, the Secretary of Homeland Security will submit a report regarding whether or not it would be in the interests of the United States to resume allowing refugees to enter the U.S. These reports will continue every 90 days until the USRAP program is resumed.

(5) [\*\*Securing Our Borders\*\*](#)

**Sets border enforcement policies.** This executive order outlines the administration’s focus on:

- the establishment of a physical wall “and other barriers” at U.S. borders,
- deterring and preventing the entry of undocumented individuals into the U.S.,

- detaining undocumented migrants and removing them promptly,
- pursuing criminal charges against undocumented migrants and “those who facilitate their unlawful presence in the United States,” notably ending the practice of “catch-and-release,”
- enacting federal-state partnerships to enforce these immigration policies,
- “obtaining complete operational control of the borders of the United States,” which includes deploying “sufficient personnel” to the borders,
- terminating parole programs for Cubans, Haitians, Nicaraguans, and Venezuelans, and
- utilizing advanced vetting techniques to determine familial relationships and biometrics scanning for all individuals encountered or apprehended by DHS.

(6) **[Declaring a National Emergency at the Southern Border of the United States](#)**

**Details the use of Armed Forces, physical barriers, and unmanned aerial systems at the Southern Border to address the newly declared National Emergency.** The order also calls for a revision of existing policies and strategies, echoing the order titled “Securing Our Borders” (above).

[Ogletree Deakins’ Immigration Practice Group](#) will monitor developments with respect to these and other policy changes and will post updates on the [Immigration](#) blog as additional information becomes available.