

BIRTHRIGHT CITIZENSHIP & BIRTH TOURISM

NEW EXECUTIVE ORDER

The President issued an Executive Order denying birthright citizenship to children with a parent the government deems an “alien enemy”, foreign government employee, or “engaged in a commercial transaction to purchase birthright citizenship”, as well as children born in certain U.S. territories.

The Executive Order instructs the Department of State and Department of Homeland Security Secretaries to adopt changes to prevent “birth tourism”—the purported practice of entering the United States under a nonimmigrant visa or otherwise without permanent status for the purpose of giving birth and thus gaining citizenship for one’s child—including preventing entry to the U.S. to engage in the practice, revoking visas and removing individuals alleged to be engaging in it, and taking actions against those allegedly facilitating it.

THE EXECUTIVE ORDER STATES:

The Executive Order **denies birthright citizenship** to children in the following situations:

AN “ALIEN ENEMY”

A child born to a parent the government designates as an “alien enemy.”

FOREIGN GOVERNMENT EMPLOYEE

A child born to an employee or official of a foreign government.

ENGAGED IN A COMMERCIAL TRANSACTION TO PURCHASE BIRTHRIGHT CITIZENSHIP

A child born to a parent the government determines is engaged in a commercial transaction to obtain U.S. citizenship for their child.

CHILDREN BORN IN CERTAIN U.S. TERRITORIES

A child born in certain U.S. territories as determined by the Executive Order.

THE EXECUTIVE ORDER DIRECTS ACTION TO PREVENT “BIRTH TOURISM”

The Executive Order instructs the Department of State and Department of Homeland Security Secretaries to adopt changes to prevent “birth tourism”—the purported practice of entering the United States under a nonimmigrant visa or otherwise without permanent status for the purpose of giving birth and thus gaining citizenship for one’s child—including:

- **PREVENTING ENTRY** — Preventing entry to the U.S. to engage in the practice.
- **REVOKING VISAS** — Revoking visas of individuals alleged to be engaging in it.
- **REMOVING INDIVIDUALS** — Removing individuals alleged to be engaging in the practice.
- **TAKING ACTIONS** — Taking actions against those allegedly facilitating it.
- **ENFORCING THE LAW** — Using all lawful authorities to protect the integrity of U.S. citizenship.

THIS IS A RAPIDLY CHANGING AREA OF LAW.

This Executive Order is subject to legal challenges and its implementation may change. If you have questions about how this may affect you or your family, speak with an experienced immigration attorney before making decisions.

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