

Six Executive Orders Pertaining to Immigration and DHS Directives

On January 20, 2025, President Trump issues six executive orders covering immigration policy decisions. A summary of these executive orders follows.

Protecting the Meaning and Value of American Citizenship

This executive order 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 30 days from January 20, 2025, and does not apply retroactively. This will impact the children born in the United States from foreign national parents on nonimmigrant visas. Civil rights organizations have already jointly filed a lawsuit challenging the constitutionality of the executive order.

America First Trade Policy

This executive order revisits and reviews the United States-Mexico-Canada Agreement (USMCA) and other existing U.S. trade agreements in consultation with other executive departments and agencies. Although not an immediate impact, the USMCA controls the transfer of TN Nonimmigrant Professionals who are citizens of Canada and Mexico. Any changes to the USMCA may impact the ability to apply for TN Nonimmigrant Visas.

Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats

This executive order ensures "enhanced vetting and screening across agencies." The order seeks to utilize in-depth vetting and screening of all individuals seeking admission to or already present in the United States, including obtaining information to confirm any claims made by those individuals. This will likely result in additional visa issuance delays as a result of additional vetting and screening processes and potential partial or full bans on admission (i.e., "travel bans") for individuals from certain countries.

Realigning the United States Refugee Admissions Program

This order suspends the entry of refugees into the United States under the U.S. Refugee Admissions Program (USRAP). The order will take effect within one week, on January 27, 2025. Refugees may be admitted to the United States on a case-by-case basis if entry is considered "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 United States. These reports will continue every 90 days until the USRAP program is resumed.

Securing Our Borders

This executive order sets border enforcement policies. The order outlines the administration's focus on:

1. Establishing a physical wall "and other barriers" at U.S. borders;
2. Deterring and preventing the entry of undocumented individuals into the United States;
3. Detaining "aliens apprehended on suspicion of violating Federal or State law," i.e., undocumented migrants and removing them promptly;



Scott Bettridge

Chair,
Immigration
Practice

sbettridge@cozen.com
Phone: (305) 704-5953
Fax: (305) 704-5955



Elizabeth A. Olivera

Associate

eolivera@cozen.com
Phone: (312) 382-3139
Fax: (612) 260-9080

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- Immigration Policy & Strategy

4. 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”;
5. Enacting federal-state partnerships to enforce these immigration policies;
6. “Obtaining complete operational control of the borders of the United States,” which includes deploying “sufficient personnel” to the borders;
7. Terminating parole programs for Cubans, Haitians, Nicaraguans, and Venezuelans; and
8. Utilizing advanced vetting techniques to determine familial relationships and biometrics scanning for all individuals encountered or apprehended by the U.S. Department of Homeland Security.

Declaring a National Emergency at the Southern Border of the United States

This executive order 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.

On January 20, 2025, Department of Homeland Security (DHS) issued two directives that are considered essential to ending the invasion at the U.S. southern border and empower law enforcement to protect Americans. These directives include:

1. Rescinding the Biden administration’s guidelines for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) enforcement actions that thwart law enforcement in or near so-called “sensitive” areas. This directive expands the places open to immigration raids from a workforce enforcement angle (i.e., ICE can expand its enforcement to previously “protected areas”). Examples of “protective areas” include schools, medical or mental health care facilities, places of worship, places where children gather (e.g., playground, childcare center, recreation center), social services establishments, or emergency response relief buildings. This is overturning the 2021 memo from DHS titled “Guidelines for Enforcement Actions in or Near Protected Areas.”
 2. Ending the broad abuse of humanitarian parole and returning to a case-by-case basis. ICE and CBP will phase out any parole programs that are not in accordance with the law.
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