

Birthright Citizenship Executive Order: What You Need to Know

On January 20, 2025, President Trump issued an Executive Order on birthright citizenship. This order seeks to prevent children born in the United States from becoming U.S. citizens if their parents are undocumented immigrants or have lawful temporary status in the United States. Birthright citizenship, which grants automatic citizenship to anyone born in the United States, has been legally permitted for more than 100 years and is protected by the 14th Amendment to the Constitution.

At the time this flyer was published, the Executive Order is not in effect while it is being challenged in several lawsuits. This means that birthright citizenship is currently protected. However, the courts have not made a final decision on the legality of the Executive Order, so it is not clear what will happen in the future.

Who could be impacted?

The Executive Order limits birthright citizenship only to children of at least one U.S. citizen or Lawful Permanent Resident (LPR).

This will impact many individuals including:

- Children whose mother is “unlawfully present” in the U.S and the father is not a U.S. Citizen or LPR; and
- Children whose mother is in a temporary legal status and the father is not a U.S. Citizen or LPR. Temporary legal status includes nonimmigrants (visitor, student, temporary worker, etc.), parolees, TPS beneficiaries, Visa Waiver Program entrants, deferred action recipients, LIFE Act Family United beneficiaries, or people granted withholding of removal or deferral of removal under the Convention Against Torture, to name a few.

What happens if the Executive Order Takes Effect?

If the Executive Order is found to be legal, the timeline to implement it is unclear. There are many logistical and administrative issues that have not yet been addressed by the Executive Order or the Department of Homeland Security, including how to prove eligibility for U.S citizenship and what the immigration status of children impacted by the order would be after birth. Hospitals, local governments, vital statistics organizations, and the Social Security administration would have to change how and when they issue documents to newly born children.

If you would like additional information about this Executive Order, please contact Nachman, Phulwani, Zimovcak (NPZ) Law Group, P.C. at 201-670-0006 (x104) or email to info@visaserve.com

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