

Global Immigration alert

August 2026

United States

White House issues executive orders on birth tourism and birthright citizenship

Executive summary

On 6 August 2026, President Trump signed two executive orders (EOs) addressing birth tourism and certain circumstances in which a child born in the United States may not be recognized as a US citizen. The first EO entitled, "*Ending Birth Tourism*," directs federal agencies to take measures intended to prevent foreign nationals from entering the United States primarily to give birth and obtain immigration-related benefits for a US-born child. The second EO entitled, "*Continuing to Protect the Meaning and Value of American Citizenship*," directs federal agencies to not issue or accept documents recognizing US citizenship to certain persons born in the United States.

Background and analysis

These EOs follow a series of legal and policy developments related to birthright citizenship. President Trump first signed an EO seeking to limit birthright citizenship in January 2025, and it was found to have violated the 14th Amendment's citizenship clause in the US Supreme Court's June 2026 decision, *Trump v. Barbara*. While President Trump initially indicated that he would seek reconsideration from the Supreme Court, the deadline for doing so passed without challenge.

The *Ending Birth Tourism* EO directs the Department of State (DOS) and the Department of Homeland Security (DHS) to update policies and procedures addressing the use of temporary visas and travel authorizations for birth tourism purposes. The EO authorizes actions that may include visa denials or revocations, denial of admission to the United States, removal proceedings, and enforcement measures

against individuals or organizations that facilitate birth tourism. The Secretary of State or Homeland Security may exempt a foreign national from these actions on humanitarian grounds or if the individual's entry to the US is found to be in the national interest.

The *Continuing to Protect the Meaning and Value of American Citizenship* EO directs federal agencies not to issue or accept documents recognizing US citizenship in certain specified circumstances when neither parent is a US citizen. This includes where either parent is an "alien enemy," a foreign government employee, or where commercial transactions – including commercial arrangements to purchase or access birthright citizenship by having the child's mother, or a surrogate, present in the United States to give birth – or fraudulent activity were used to obtain citizenship through birth in the United States. The EO also directs federal agencies to review and update applicable regulations, policies, and procedures and to issue implementation guidance.

What this means

Implementation for both of these orders will determine how impactful or potentially disruptive they are, and legal challenges are possible, particularly for the citizenship order given the previous Supreme Court decision. The *Ending Birth Tourism* EO may increase scrutiny of visa applications and travel to the United States where authorities believe the purpose of travel may be related to birth tourism. Foreign nationals seeking to enter the United States in a temporary visa status while pregnant may face additional questions

regarding the purpose of travel and the intended duration of stay. If implemented, the *Continuing to Protect the Meaning and Value of American Citizenship* EO could result in federal agencies refusing to issue or accept certain documents recognizing US citizenship for individuals covered by the order.

The practical impact of the EOs may become clearer once DOS, DHS, and/or other federal agencies update applicable regulations, policies, and procedures and issue implementation guidance. The EOs may prompt legal challenges and could be contested in federal court, which may affect the scope of their application.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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