

Trump Takes Bold New Action on Birthright Citizenship

President Trump signed two executive orders that take aim at birth tourism and birthright citizenship.

“We had a very unfortunate decision in the Supreme Court concerning birthright. It was close, but a very, very unfortunate decision. So we’re making adjustments because it’s very unfair,” Trump said from the Oval Office. “This was done for a different reason. This was done right after the Civil War. This was for the babies of slaves, and what’s happening now? People are building businesses around it.”



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According to the order on birth tourism, “Citizenship is not a commodity to be acquired through calculated exploitation and evasion of the immigration laws, such as by entering the United States on a nonimmigrant visa for the purpose of giving birth within the Nation’s borders.” It declares that the Trump administration will “promote the integrity of its immigration system, to ensure that nonimmigrant visa classifications are used only for their lawful and intended purposes, and to prevent the exploitation of those classifications by persons engaging in birth tourism,” and directs officials to update any policies pertaining to the practice, as well as removing illegal immigrants who partake in birth tourism.

The Department of Justice has also been directed to prioritize probes into birth tourism schemes, with Assistant Attorney General Colin McDonald issuing a memo on the matter. It said that the DOJ will “investigate and hold accountable those who engage in this unlawful conduct, as well as those who solicit and sell these criminal services to others.” It noted that the

Department of Homeland Security will “prioritize the investigation and prosecution of birth tourism schemes.”

Trump’s new order on birthright citizenship, as the Supreme Court struck down his earlier order on the subject, examines the definition of who is not included in birthright citizenship claims. “This order identifies, non-exhaustively, and prescribes action concerning certain categories of children of aliens who do not fall within the rule of birthright citizenship as announced by the Supreme Court,” it says. Parties excluded from birthright citizenship include children born to parents who are considered an “alien enemy,” foreign government employee, ambassadors, parents employed by a foreign embassy, engaged in birth tourism schemes, and others.

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