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**A summary of some of the Executive Orders and their potential impact on employers and foreign nationals is included below:**

**(1) [Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats](#)**

**Summary:**

- This order directs DHS and Department of State to implement stricter “enhanced vetting” for visa applicants and those already in the country.
- The order directs all agencies to be thorough in vetting during visa issuing process.

**Potential impact:**

- There is a higher likelihood that foreign nationals applying for visas at U.S. Consulates and Embassies abroad will be put in administrative processing. Moreover, it is likely that scheduling visa appointments will be backlogged and/or suspended for extended periods.
- During visa interviews, foreign nationals born in “high-risk” countries will likely encounter heightened scrutiny, regardless of their current country of nationality or citizenship. Foreign nationals may also be asked about their ties to the “high-risk” countries.
- We anticipate more delays in visa issuances due to administrative processing and additional security clearances.
- We expect partial or full “travel bans” from countries identified by the Trump administration as “high risk” countries.
- Due to the inter-agency nature of the Order, it is likely more Requests for Evidence (“RFE”) and denials will be issued for filings made with U.S. Citizenship and Immigration Services and with U.S. Customs and Border Protection.

**(2) [Protecting the Meaning and Value of American Citizenship](#)**

**Summary:**

- This Executive Order limits birthright citizenship. To acquire U.S. citizenship automatically, children born on or after February 19, 2025, in the U.S. must have at least one parent who is a Legal Permanent Resident (green card holder) or a U.S. citizen.

**Potential Impact:**

- If both parents are unlawfully present in the U.S. or are on temporary visas or are in the U.S. under the Visa Waiver Program, their children, born on or after February 19, 2025, would not acquire U.S. citizenship. These children may have to apply for a dependent visa, based on their parents’ visas and nonimmigrant status. USCIS will have to provide



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direction on how to determine the child’s nationality and their country of birth/country of chargeability for immigrant visa purposes.

- Temporary visas include: B-1, B-2, E-2, H-1B, J-1, L-1, O-1, TN, and their corresponding dependent visas.
- Thus far, 24 U.S. states, 2 U.S. cities, and civil rights organizations have initiated lawsuits to challenge this Executive Order.
- On January 23, 2025, the US District Court for the Western District of Washington issued a Temporary Restraining Order blocking the implementation of this Executive Order for 14 days. We will continue to monitor and provide updates on all pending litigation.

### **(3) [Securing Our Borders](#) and [Declaring a National Emergency at the Southern Border of the United States](#)**

#### **Summary:**

- The Declaration and Executive Order direct the use of armed forces, additional physical barriers, unmanned aerial systems, and a revision of policies and strategies aimed to impede and deny unauthorized entry into the southern border of the United States.
- The Executive Order also directs DHS to use available technologies to determine the validity of familial relationships between foreign nationals.
- The Executive Order ends CBP One and parole program, “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans.”

#### **Potential Impact:**

- We expected increased wait times and heightened scrutiny at ports of entry.
- Employers and foreign nationals should plan for potential delays when foreign nationals are entering the U.S. from Mexico.
- Foreign nationals should be ready to present documentation confirming their relationship to their dependents.

### **(4) [America First Trade Policy](#)**

#### **Summary:**

- This order specifically reviews the United States-Mexico-Canada Agreement (“USCMA”) as well as other U.S. trade agreements.
- It directs the US Trade Representative to review and renegotiate or withdraw from agreements that disadvantage American workers and businesses.

#### **Potential Impact:**

- Although no immediate impact is expected, the USCMA agreement includes provisions authorizing the TN visa. TN visa applicants should expect heightened scrutiny at the time of their interview.



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- The direction to review other trade agreements could impact other treaty-based nonimmigrant visas, such as E-1 (treaty trader), E-2 (treaty investor), E-3 (Specialty Occupation Workers from Australia) and H-1B1 (specialty occupation worker from Chile and Singapore). We do not anticipate the above programs to be affected; however, we will continue to monitor developments and provide updates.

#### **(5) [Executive Order Protecting the American People Against Invasion](#)**

##### **Summary:**

- DHS is to set new enforcement policies to address illegal entry, unlawful presence, and removal of those unlawfully present in the U.S.
- DHS is to expand the use of expedited removal.
- The Secretary of State, the Attorney General, and DHS are to limit humanitarian parole, designations of Temporary Protected Status (TPS), and employment authorization.
- Undocumented aliens must register their presence. Failure to comply is to be treated as a civil and criminal enforcement priority.
- “Sanctuary” jurisdictions that interfere with federal enforcement operations will be denied access to federal funds.
- DHS may authorize state and local law enforcement officials to investigate, apprehend, and detain aliens.
- This Executive Order revokes Biden-era Executive Orders, related to [Civil Immigration Enforcement Policies](#), [Migration and Asylum Seekers](#), [Reunification of Families](#), and [Immigration Policies Impeding Legal Immigration](#). All agencies are to revoke guidance or policies that were issued based on the Executive Orders.

##### **Potential Impact:**

- TPS and Employment Authorization Documents (EADs) based on TPS will likely not be extended. USCIS is not likely to issue policies allowing for automatic extensions of EADs for TPS beneficiaries.
- If DHS delegates its authority to state and local law enforcement to enforce immigration laws, there is a higher likelihood of foreign nationals being asked about their immigration status. Foreign nationals should have their immigration documents evidencing their lawful status readily available.

#### **(6) [Executive Order Guaranteeing the States Protections Against Invasion](#)**

##### **Summary:**

- The Trump Administration has declared an ongoing “invasion” of migrants at the southern border. The Executive Order invokes Article IV of the Constitution to prohibit the entry of any person, including asylum seekers, at the southern border.



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- DHS and the Secretary of State may admit refugees on a case-by-case basis.
  - [Executive Order 14013](#), *Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration*, is revoked.

**Potential Impact:**

- DHS will block asylum seekers and any other individuals' entries into the United States at the southern border.
- We anticipate there will be legal challenges given the Immigration and National Act's (INA) guarantee of access to asylum.

**(7) [Realigning the United States Refugee Admissions Program \(USRAP\)](#)**

**Summary:**

- Suspension of USRAP will take effect on January 27, 2025, until DHS advises whether USRAP should resume.
- DHS and the Secretary of State may admit refugees on a case-by-case basis.
- [Executive Order 14013](#), *Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration*, is revoked.

**Potential Impact:**

- DHS decisions on applications for refugee status are suspended until DHS advises otherwise.

*For additional information and resources, please visit our website at [www.mabah.com](http://www.mabah.com).*