

SEPTEMBER 8, 2026 | PUBLICATION

Client Alert: New Executive Orders Target Birthright Citizenship and Birth Tourism: What You Need to Know Now

On August 6, 2026, five weeks after the Supreme Court struck down the administration's first attempt, the White House signed two new executive orders reopening the birthright citizenship fight from a different angle. One redefines which U.S.-born children the administration says qualify for citizenship at birth, while the other targets birth tourism—i.e., travel to the United States to give birth—and the people who arrange it.

- Executive Order (EO) 14418, *Continuing to Protect the Meaning and Value of American Citizenship*, lists new categories of U.S.-born children the administration says do not receive citizenship at birth, including children of parents who engaged in birth tourism.
- EO 14419, *Ending Birth Tourism*, directs the U.S. Department of State (State Department) and the Department of Homeland Security (DHS) to deny visas, revoke visas, refuse entry, and remove people who traveled to the U.S. to give birth. It also targets people and businesses that helped make that travel possible.

As of September 2, a federal court has already stepped in. Judge Deborah Boardman of the District of Maryland issued a preliminary injunction, which temporarily blocks enforcement, against EO 14418. However, EO 14419 remains in effect, and the State Department and DHS have not yet issued guidance on how they will apply it.

The bottom line: If you are applying for a visa, seeking entry, planning a U.S. birth, sponsoring a foreign worker, or running a business that helps arrange travel or medical care, expect more questions and more uncertainty.

EO 14418: Continuing to Protect the Meaning and Value of American Citizenship

SERVICE LINE

Immigration
Labor & Employment

RELATED PROFESSIONALS

Maria del Carmen Ramos
Haley D. Kole

MEDIA CONTACT

Wendy M. Byrne
wbyrne@shumaker.com

EO 14418 was published on August 11, 2026. Instead of broadly restricting birthright citizenship for children of people who are in the U.S. unlawfully or temporarily, it names four categories of U.S.-born children the administration says do *not* receive citizenship at birth:

- **Children of “alien enemies.”** The order uses this label for members of designated Foreign Terrorist Organizations and Specially Designated Global Terrorists. That is far broader than the historical “alien enemy” exception.
- **Children of foreign government employees.** This category covers not only accredited diplomats — the group historically excluded from birthright citizenship — but also embassy and consulate employees, other foreign government employees, and employees of international organizations who have immunity.
- **Children of birth tourism participants.** The order targets any child whose parent “engaged in a commercial transaction to purchase or access birthright citizenship” or “engaged in fraudulent activity” to obtain citizenship.
- **Children born in U.S. territories.** The order targets children born in U.S. territories or territorial waters “where citizenship is not conferred by statute.” In practical terms, it distinguishes between territories where federal law grants citizenship and those where it does not.

Two features of EO 14418 deserve special attention. First, the order says the list is “non-exhaustive,” meaning the administration reserves the right to add more categories. Second, it directs federal agencies not to issue documents recognizing these individuals as U.S. citizens and not to accept state or local documents that claim they are citizens. Agencies were told to issue guidance within 30 days.

EO 14419: Ending Birth Tourism

EO 14419 was also published on August 11, 2026. If EO 14418 redraws the citizenship map, EO 14419 builds the enforcement machinery. It is the more immediately consequential order for people seeking visas or entry, families who previously traveled to the U.S. to give birth, and businesses that may be viewed as helping them.

The order defines “birth tourism” in two parts: (a) any foreign national entering or trying to enter the U.S. on a temporary visa *for the purpose of giving birth*, or (b) someone helping make that entry possible. Before this order, State Department guidance focused on whether giving birth was the “primary purpose” of a visitor’s trip. EO 14419 drops the word “primary” and uses “purpose” alone. That single missing word changes the risk. If giving birth is *any* purpose of the trip—even a secondary one—the trip may qualify as birth tourism.

The order gives the Secretary of State or Secretary of Homeland Security broad authority under federal immigration law. The tools it identifies include visa denial, visa revocation, denial of entry, removal, or permanent bars.

The order further authorizes enforcement against “any alien who previously engaged ... in birth tourism.” In practical terms, someone who traveled to the U.S. years ago to give birth could face consequences now — including visa revocation, denial of future entry, or removal if they return. That language is also not limited to temporary visa holders. In theory, it could reach someone applying for an immigrant visa or a lawful permanent resident—a green-card holder—seeking to return to the U.S. The agencies have issued no implementing guidance, so the scope remains unclear.

The order also directs action against “entities, organizations, or individuals, within or outside of the U.S., responsible for facilitating or enabling birth tourism in any manner.” The language is extraordinarily broad. It could reach travel agencies, immigration consultants, maternity hotels, medical providers,

and—depending on how agencies interpret “in any manner,” potentially even attorneys or other professionals who provided immigration advice to people who later engaged in birth tourism.

The Secretary of State or Secretary of Homeland Security may grant an exemption for humanitarian reasons or when it serves the national interest. The order does not define the standards for getting an exemption.

What These Orders Mean for You, Your Family, or Your Business

These orders can affect more than visitor-visa applicants, and the practical risks depend on your situation:

- **If you are applying for a visitor visa:** Consular officers may ask more questions if you are pregnant or of child-bearing age. Expect questions about why you are traveling, planned medical care, and whether you intend to return home. Be ready to show strong ties to your home country and a clear, documented reason for the trip other than giving birth.
- **If you or a family member has another temporary visa, or your company sponsors foreign workers:** EO 14419 refers to any temporary visa, not just a visitor visa. People in H-1B, L-1, F-1, J-1, or other temporary categories could face questions about whether giving birth in the U.S. is one purpose of the stay.
- **If you previously traveled to the U.S. to give birth:** Even if the trip was years ago and lawful, you may face consequences when applying for a new visa, seeking reentry, or applying to adjust status. The government could use the prior trip as a basis to deny a visa, refuse entry, or place you in removal proceedings.
- **If you run a business that helps arrange these trips:** Travel agents, maternity-hotel operators, medical-tourism companies, immigration consultants, and other service providers could face enforcement action. The phrase “in any manner” invites a broad reading.

We are closely monitoring this legal issue and will keep you updated as it continues to develop. If you have any questions, please contact Maria del Carmen Ramos at mramos@shumaker.com or 813.227.2252, or Haley Kole at hkole@shumaker.com or 813.676.7254.