

How Might Trump's Executive Orders Impact Canadians Doing Business In The U.S.?



The 47th President of the United States was sworn in on Monday, January 20, 2025, and the first slate of Executive Orders were signed shortly after the inauguration. Some of the Executive Orders dealt with administrative restructuring, but the bulk of the Executive Orders involved immigration and the processes currently in place.

Here is a brief overview of the current Executive Orders that were signed the week of January 20 through to January 23, 2025, and what these changes may mean for Canadians doing business in the U.S.

1. Executive Order Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats:

The Executive Order is intended to protect the United States from national security and public safety threats, which involves a policy of heightened vetting of all foreign nationals entering the United States. This includes Canadian citizens, Canadian permanent residents and temporary residents of Canada.

As a result, this Executive Order may impact companies that rely on sending employees to the United States for business related purposes, especially employees that are required to travel to the United States regularly.

The Order directs Government Organizations to identify and evaluate a nation's vetting procedures, as defined by the Trump Administration. If the Administration determines that a nation does not vet and screen information sufficiently, all foreign nationals from that country will be ineligible to enter the United States.

The Executive Order also orders the Department of State and other Government Agencies to evaluate all visa programs. The Executive Order requires that all visa programs be evaluated for national security reasons and the programs ensure the safety and protection of all Americans. The lawful visa programs will include ones used regularly by Canadian businesses such as the [H-1B for specialty workers](#), the [L-1 for intra-company transfers](#), the [TN for professionals](#) entering pursuant to the U.S. – Mexico – Canada Agreement.

It is likely that lawful visa programs will be scaled back or foreign nationals applying for particular visas will be required to meet a heightened evidentiary standard. As a result, Canadian businesses should be prepared for changes to many of

these programs.

2. Executive Order America First Trade Policy:

This Order directs all U.S. Trade Policy to promote the “investment and productivity, enhances our Nation’s industrial and technological advantages, defends our economic and national security, and – above all – benefits American workers, manufacturers, farmers, ranchers and entrepreneurs and businesses.”

This has wide ranging implications but, more specifically, it is a directive to review the U.S. – Mexico Canada Agreement (USMCA), which had been previously renegotiated under the First Trump Administration. If the USMCA is renegotiated, it will likely impact nonimmigrant visa categories such as [E-1 \(treaty trader\)](#), [E-2 \(treaty investor\)](#), TN (professional) and H-1B (Specialty occupation worker).

Sections of the Executive Order already creates significant uncertainty for business employing foreign professionals under B-1 business visitor or L-1 visas. This policy shift could create tremendous uncertainty for many Canadian businesses that utilize L-1 and B-1 visas regularly for executives, managers and specialized employees entering the U.S. as well as Canadian installers who install machinery, equipment or software in the U.S. for their U.S. customers.

3. Executive Order Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government:

The Federal Government will only recognize two genders and the consequence is that government-issued identity documents will only reflect male or female.

This may be significant for Canadians and other non-U.S. citizens who are non-binary or transgender, if their passports or government-issued identification reflects their gender identity. If a Canadian or other non-U.S. citizen applies for a U.S. visa and their government ID does not state male or female, such foreign national may have difficulty obtaining a U.S. visa.

4. Executive Order Protecting the Meaning and Value of American Citizenship:

This executive orders redefines the 14th Amendment’s guarantee of citizenship for individuals born in the United States. Pursuant to the Executive Order, it redefines citizenship to only be granted to those children whose **mother and father** are lawful permanent residents or U.S. citizens. For example, if either parent is in the United States in lawful status (such as an H-1B or L-1 visa holder), their child born in the United States will not be recognized as a U.S. citizen.

The definition of mother and father also impacts same-sex couples and children born through artificial reproductive technologies (ART), because it will not abide by the strict definition of mother and father as defined in the Executive Order.

For Canadian companies that send employees to the U.S., this could have a dramatic effect on family members of their employees. While not necessarily a concern of the company, Canadian companies will want to be aware of impacts such a change could have on the families of their employees.

** This Executive Order has been temporarily blocked by U.S. District Judge John C. Coughenour and issued a [Temporarily Restraining Order](#) preventing the executive order from being enforced.

Other Executive Orders and immigration law changes

There have been other Executive Orders and changes to Immigration Law that do not pertain to U.S.-Canadian Immigration matters, but are immigration related. It is significant to highlight the other immigration related Executive Orders, as they may indirectly impact U.S. and Canadian matters.

With the changes to U.S. immigration policy and processes, Canada does have many different immigration solutions for U.S.-based employees of Canadian companies who many need to relocate to Canada. While the Canadian immigration system has become more restrictive in the last 18 months, Canadian immigration solutions such as the Intra-Company Transfer, other work permits through the International Mobility Program, and LMIA or LMIA exempt work permits still remain available.

(Please [see this article](#) that highlights various programs for bringing workers into Canada.)

1. Executive Order Protecting the American People Against Invasion:

This executive order is broad sweeping and its consequences are far reaching. It specifically prioritizes the Department of Homeland Security to expedite the removal of those who illegally entered the United States, have incurred unlawful presence and/or have final orders of removal. It also creates a task force under the Department of Homeland Security to detain those who are currently awaiting the outcome of their cases. It also directs Homeland Security and the Attorney General to deny "sanctuary jurisdiction" from receiving federal funds to the maximum extent under the law. Effectively requiring a review of all federal funding agreements with sanctuary jurisdictions and non-government organizations that are viewed to assist with the violation of immigration law.

The Executive Order calls for the registration of any undocumented alien in the United States and prioritizes the enforcement of the Executive Order for those who do not comply. If an undocumented alien remains uncompliant, they may be forced to pay fines and penalties. The Order also calls for the expansion of agreements with local governments and law enforcement agencies to assist with immigration enforcement. The Executive Order effectively deputizes local law enforcement and state agencies to facilitate in the removal and detention of foreign nationals in the United States.

The administration also orders sanctions against countries that do not accept or assist in the facilitation of the return of their nationals. If countries do not comply, nationals from that country will be denied visas unilaterally.

Finally, the executive order calls for an increase in hiring of Customs and Border Patrol Office and Immigration and Customs Enforcement Officers/Agents immediately.

2. Executive Order Securing Our Borders:

The most consequential effect of this Executive Order is the dismantling of the CBP One App, which terminated legal pathways for those attempting to request asylum at the United States and Mexico border. The Executive Order also ends the colloquially called "catch and release" program. The end of the "catch and release" programs will now require the detention of anyone apprehended by Customs and Border Agents. Finally, the Executive Order reinstates the Migrant Protection Protocols first introduced in January of 2019, which require foreign nationals to wait at the United States and Mexico Border for their immigration court hearings.

3. Executive Order Declaring a National Emergency at the Southern Border:

This Executive Order allows the President of the United States to deploy military personnel to the southern border to assist with mass deportations. The President will be able to use Department of Defense resources, which include but are not limited to the Armed Forces, the Army National Guard and other military personnel to execute orders at the southern border. It also authorizes the use of drone and other surveillance to monitor and surveil immigrant populations.

4. Executive Order Guaranteeing the States Protections Against Invasions:

This Executive Order declares an invasion of migrants into the United States and suspends all border entries along the Mexico/U.S. border.

5. Executive Order Realigning the United States Refugee Admissions Program:

This Executive order suspends U.S. refugee programs indefinitely and gives the Department of State and Department of Homeland Security the authority to admit refugees on a case-by-case basis.

6. Executive Order Initial Rescissions of “Harmful” Executive Orders and Action:

The Executive Order signed by President Trump rescinded the following Executive Orders signed by Former President Biden:

- [**Executive Order 139933**](#) – Revision of Civil Immigration Enforcement Policies and Priorities

What does this mean? DHS is now directed to prioritize the removal of individuals who are presently in the United States without authorization and with final orders of removal. This expands priorities the deportation of noncitizens and orders the use of State and local police to enforce immigration laws. The Executive Order also makes ‘sanctuary’ cities ineligible for federal grants.

- [**Executive Order 14010**](#) – Creates a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border

What does this mean? There are many different implications for the rescission of this executive order, but the main consequences are as follows:

- Ends HARP (Humanitarian Asylum Review Program);
- Directs Department of State to suspend and terminate the Guatemalan, Honduran and Salvadoran co-operation agreements;
- Directs the Attorney General and Department of Homeland Security to conduct a comprehensive evaluation of legal authority governing asylum claims based on gang violence and domestic violence (within 180 days) and to promulgate a joint regulation on particular social group membership (within 270 days).
- The immediate consequences of rescinding this Executive Order is the ending of family reunification parole programs, expanding expedited removal orders and eliminating any right to seek bond, and it also articulates a new definition of “particular social group” for those seeking asylum.

- [Executive Order 14012](#) – Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans
What does this mean? The Public Charge ground of inadmissibility will likely be reinstated and enforced along the same lines as the first Trump Administration. The Public Charge Rule requires that noncitizens applying for legal permanent residency prove that they will likely not become a public charge, at any time. It also means that previous efforts to streamline adjudications such as eliminating interviews, reusing biometrics, concurrent filing, etc. will likely be overturned.

[The Laken Riley Act](#)

Along with the signing of Executive Orders, the United States Congress passed the *Laken Riley Act* ("the Act") on January 23, 2025. The Act amends the *Immigration and Nationality Act* to require the mandatory detention of undocumented immigrants who have been charged with theft in the United States – even if they have never been convicted of the crime.

The Act also does the following:

- It expands the definition of "theft" to include burglary, larceny and shoplifting. It requires the Secretary of State to issue a detainer for any alien who is charged with, arrested for, convicted of, or admits to committing such an offense. The Act requires any alien to be detained, so it does not matter if they are undocumented or has legal status in the United States.
- It grants States Attorneys General to sue the Secretary of Homeland Security or the Attorney General to enforce the Act's provisions.
- It also prohibits the Secretary of State from granting visas to citizens of countries that refuse to accept the return of their nationals who have been deported from the United States.

What does this mean: This will allow for the removal of any national, currently living in the United States, either charged or convicted of theft, whether it be petty shoplifting or burglary. It removes the current practice of waiting for foreign nationals to be convicted of a crime before they are removed from the country, essentially foregoing due process.

[Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole:](#)

The Statement from the Acting Department of Homeland Security Secretary Benjamin Huffman issued on January 21, 2025, directs Customs and Border Protection Agents to enforce actions in previously considered "protected areas" such as places of worship, schools and health-care facilities. This will allow Agents to enter "protected areas" and arrest foreign nationals who are considered a public safety threat. Such a threat need not include foreign nationals with a criminal conviction but any foreign national who can be considered a public safety threat.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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