

Supreme Court to Hear High-Stakes Birthright Citizenship Challenge

Immigrants' rights advocates will argue critical case before the Supreme Court later this term. Courts have uniformly rejected President Trump's attempts to strip away a core constitutional protection and blocked his birthright citizenship executive order

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WASHINGTON — The Supreme Court today agreed to hear an appeal in a case challenging President Trump's birthright citizenship executive order that seeks to deny U.S. citizenship to many babies born in the United States.

The Supreme Court will hear oral argument in *Trump v. Barbara*. Courts have repeatedly blocked the administration from implementing the executive order, finding it violates the Constitution, over a century of Supreme Court precedent, and a longstanding federal statute.

The *Barbara* case is a nationwide class action, brought by the American Civil Liberties Union, ACLU of New Hampshire, ACLU of Maine, ACLU of Massachusetts, Legal Defense Fund, Asian Law Caucus, and Democracy Defenders Fund on behalf of babies who would be subject to the executive order.

This summer, the federal court in the *Barbara* case granted a preliminary injunction that protects birthright citizenship for all children born on U.S. soil.

Birthright citizenship is the legal principle, guaranteed by the 14th Amendment, that every baby born in the United States is a U.S. citizen. The Trump administration's order seeks to deny citizenship to children unless one of their parents is a U.S. citizen or has permanent immigration status, excluding children born to parents on temporary work, student, or other visas, or without immigration status at the time of birth.

This assault on birthright citizenship flouts the Constitution's dictates, longstanding Supreme Court precedent, a statute passed by Congress, and fundamental American values.

"No president can change the 14th Amendment's fundamental promise of citizenship," said **Cecillia Wang, ACLU national legal director**. "For over 150 years, it has been the law and our national tradition that everyone born on U.S. soil is a citizen from birth. The federal courts have unanimously held that President Trump's executive order is contrary to the Constitution, a Supreme Court decision from 1898, and a law enacted by Congress. We look forward to putting this issue to rest once and for all in the Supreme Court this term."

"The Trump administration's attempts to unilaterally rewrite the 14th Amendment — an essential Reconstruction-era measure that granted citizenship to all persons born or naturalized in the U.S., including formerly enslaved people — will not stand," said **Morenike Fajana, senior counsel at the Legal Defense Fund**. "We look forward to going before the Supreme Court to uphold the constitutional promise of citizenship for all babies born in America."

"It's deeply troubling that we must waste precious judicial resources relitigating what has been settled constitutional law for over a century," said **Aarti Kohli, executive director of Asian Law Caucus**. "Every federal judge who has considered this executive order has found it unconstitutional. If implemented, this policy would force all parents — including U.S. citizens — to prove their immigration status just to get a birth certificate or Social Security number for their baby, inevitably leading to racial profiling based on names, appearance, or accent."

"The attack on the fundamental right of birthright citizenship is an attack on the 14th Amendment and our Constitution," said **Tianna Mays, legal director for Democracy Defenders Fund**. "We are confident the court will affirm this basic right, which has stood for over a century. Millions of families across the country deserve and require that clarity and stability."

"Our Constitution and the more than a century of court decisions on this topic are

overwhelmingly clear: no politician can decide who among those born in this country is worthy of citizenship. We will continue fighting this cruel executive order to ensure that every child born in the United States has their right to citizenship protected instead of being relegated to a permanent, multigenerational subclass of people born in the U.S. but who are denied full rights,” said **SangYeob Kim, director of the Immigrants’ Rights Project at the ACLU of New Hampshire.**

‘The 14th Amendment established birthright citizenship as a bedrock principle on which Congress and the Supreme Court, together with generations of Americans, have worked to build a modern, democratic, and pluralistic society. By creating an unlawful regime where some American babies are treated as second-class citizens based on their parentage, the Trump administration is taking a sledgehammer to the foundations of that society. The ACLU will not let that happen. The court should use this opportunity to reaffirm its century-old precedents and confirm, once and for all, that birthright citizenship is here to stay,’ said **Carol Rose, executive director at the ACLU of Massachusetts.**

Additionally, these same legal groups brought another birthright citizenship lawsuit, which is on behalf of three organizations with members whose babies born on U.S. soil would be denied citizenship under the order: New Hampshire Indonesian Community Support, League of United Latin American Citizens, and Make the Road New York.