

Groups File Nationwide Class-Action Lawsuit Over Trump Birthright Citizenship Order

New lawsuit comes in response to today's Supreme Court ruling

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CONCORD, N.H. — Immigrants rights' advocates today [filed](#) a new nationwide class-action lawsuit challenging the Trump administration's executive order restricting birthright citizenship. The lawsuit is in response to today's Supreme Court ruling that potentially opens the door for partial enforcement of the executive order.

This new case was filed 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 a proposed class of babies subject to the executive order, and their parents.

The same group of organizations filed a similar suit in January 2025 in the same court, on behalf of groups with members whose babies born on U.S. soil will be denied citizenship under the order, including New Hampshire Indonesian Community Support, League of United Latin American Citizens

(LULAC), and Make the Road New York. The court issued a ruling protecting members of those organizations, and that case is pending at the First Circuit Court of Appeals, with oral argument set for August 1.

Three other lawsuits originally obtained nationwide injunctions protecting everyone subject to the order, but the Supreme Court's decision narrowed those injunctions, potentially leaving some children without protection.

This new case seeks protection for all families in the country, filling the gaps that may be left by the existing litigation.

Birthright citizenship is the principle that every baby born in the United States is a U.S. citizen. The Constitution's 14th Amendment guarantees the citizenship of all children born in the United States (with the extremely narrow exception of children of foreign diplomats) regardless of race, color, or ancestry. Specifically, it states that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."

Today's lawsuit charges the Trump administration with flouting the Constitution, congressional intent, and longstanding Supreme Court precedent, and it is national in scope.

"Every court to have looked at this cruel order agrees that it is unconstitutional," said **Cody Wofsy, deputy director of the ACLU's Immigrants' Rights Project and lead attorney in this case.** "The Supreme Court's decision did not remotely suggest otherwise, and we are fighting to make sure President Trump cannot trample on the citizenship rights of a single child."

"This executive order directly opposes our Constitution, values, and history, and it would create a permanent, multigenerational subclass of people born in the U.S. but who are denied full rights. No politician can ever decide who among those born in our country is worthy of citizenship — and we will keep fighting to ensure that every child born in the United States has their

right to citizenship protected,” said **Devon Chaffee, executive director of the ACLU of New Hampshire.**

“Citizenship is a right afforded to us by birth, not by privilege,” said **Karla McKanders, director of the Legal Defense Fund’s Thurgood Marshall Institute.** “The Trump administration’s executive order is an unlawful attempt to entrench racial hierarchies and establish a second class of citizens in the United States. We will continue working to ensure that birthright citizenship — a right granted by the U.S. Constitution — is protected, and that families are not torn apart because of this executive order.”

“In the face of authoritarian attacks, we’re filing a class-action lawsuit to defend the fundamental rights of immigrant families across the country,” said **Aarti Kohli, executive director of Asian Law Caucus.** “Asian American communities know firsthand the dangers when citizenship becomes a weapon of exclusion — from the Chinese Exclusion Act to Wong Kim Ark to Japanese American incarceration. It is this legacy that drives us to preserve a constitutional promise that has defined American citizenship for over a century.”

“The Constitution guarantees birthright citizenship, and no procedural ruling will stop us from fighting to uphold that promise,” said **Tianna Mays, legal director for Democracy Defenders Fund.** “Our plaintiffs, and millions of families across this country, deserve clarity, stability, and justice. We look forward to making our case in court again.”

“While some of this week’s decisions have the potential to shift our legal strategies, they will not change the commitments the ACLU has held for over 100 years,” said **Molly Curren Rowles, executive director of the ACLU of Maine.** “The constitutional principles that form the foundation of freedom in this country have always been challenging, complex, and multifaceted. The president’s executive order violates the plain language of the 14th Amendment and flouts fundamental American values.”

“For more than 125 years, birthright citizenship has made the United States the strong and dynamic nation that it is. The Trump administration wants to end that right and create a permanent subclass with no vote, no voice, and no due process protection,” said **Carol Rose, executive director of the ACLU of Massachusetts**. “We simply won’t let that happen, and are using every tool in our toolkit to defend birthright citizenship.”

The complaint is [here](#).

This press release is [here](#).