



U.S. MIGRATION METRICS

Birthright Citizenship and the 2025 Executive Order

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Main Takeaways

- Birthright citizenship guarantees automatic U.S. citizenship to anyone born in the country, under the 14th Amendment; the Supreme Court case *U.S. v. Wong Kim Ark* (1898) confirmed this constitutional right.
- On January 20, 2025, President Trump issued an Executive Order to deny citizenship to children of certain noncitizen parents.
- The order was immediately challenged in court and temporarily blocked nationwide by multiple lower federal courts.
- Although the Supreme Court limited courts' ability to grant nationwide injunctions, new legal challenges have secured the same result. The Supreme Court will rule on the constitutionality of the order in 2026.

About the Authors

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Origins of Birthright Citizenship

Birthright citizenship is a legal principle codified in the 14th Amendment to the U.S. Constitution, which states, "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." The Amendment was passed to overturn the [Dred Scott Supreme Court](#) ruling, which excluded people of African descent from eligibility for U.S. citizenship. Since then, the 14th Amendment has been interpreted to automatically bestow U.S. citizenship on anyone born in the United States, regardless of their ancestry, with some [limited exceptions](#). This principle has been affirmed by key Supreme Court cases such as [U.S. v. Wong Kim Ark](#), in which the Court held that a child born in the United States to parents of Chinese descent was a U.S. citizen at birth. The Court reasoned that citizenship by birth is established simply by the fact of birth under the Constitution's terms, regardless of the parents' immigration status.

The 2025 Executive Order

On January 20, 2025, President Donald Trump issued an Executive Order (EO) reinterpreting the 14th Amendment to deny birthright citizenship to certain children born in the United States to noncitizen parents. Specifically, the EO states that birthright citizenship would not apply to children born to mothers who (1) lacked lawful status and whose father was not a U.S. citizen or lawful permanent resident (LPR), or (2) were lawfully present on a temporary basis, such as students, workers, or tourists, and whose father was also not a U.S. citizen or LPR. The EO's reinterpretation was swiftly challenged in court by affected individuals, immigrant rights organizations, and several states. Initially, multiple District Courts issued [nationwide injunctions](#) blocking its enforcement while litigation proceeded. However, on June 27, 2025, the Supreme Court, in [Trump v. CASA, Inc.](#), limited nationwide injunctions, ruling that such relief should generally apply only to the parties involved unless necessary to provide complete relief.

Current Status of Legal Challenges

Following *Trump v. CASA*, different groups of litigants pursued new legal paths. Individual and association plaintiffs filed a class action lawsuit, *Barbara v. Donald J. Trump*, in which the U.S. District Court for the District of New Hampshire issued a preliminary injunction halting enforcement of the EO for all U.S.-born children of undocumented or temporary-status parents—effectively reinstating nationwide protection. Meanwhile, state litigants argued that a nationwide injunction was still essential to avoid a "patchwork citizenship" system where citizenship rules would differ by state. On July 23, 2025, the Ninth Circuit upheld that argument in *Washington v. Trump*, followed by the Massachusetts District Court in [New Jersey v. Trump](#), both maintaining nationwide injunctions. The Supreme Court will hear oral argument on this matter on April 1, 2026.