

The
American
Promise:



Defending
Birthright
Citizenship

Trump's Attack on Birthright Citizenship

Threats to Families, Threats to Democracy

March 2026

Summary

Birthright citizenship embodies America's most **fundamental promise** that all children born on our soil begin life as full and equal members of our national community, regardless of their parents' origins, status or circumstances. This principle has enabled generations of children and immigrant families to pursue their dreams and build a stronger America.

Now, this promise is under attack. Executive Order 14160, the Trump administration's attempt to strip citizenship from babies born in the U.S. to a wide swath of parents, violates the Fourteenth Amendment of the U.S. Constitution and the Immigration and Nationality Act. The Executive Order ("EO") is a radical departure from U.S. policy and tradition. If implemented, directly-impacted babies and their families may have the most to lose, but all Americans—including U.S. citizens—would be harmed.

Lawsuits have, so far, prevented the Trump administration from enforcing this dangerous EO, including the case *Trump v. Barbara*, which is now before the U.S. Supreme Court. The stakes could not be higher. The Supreme Court is expected to come to a decision by early July.



Executive Order 14160 would harm all Americans—including U.S. Citizens.

If the Trump administration gets the green light to implement Executive Order 14160, hundreds of thousands of families would be immediately harmed, and the reverberations of the implementation would be felt throughout U.S. society by **all Americans**, including U.S. citizens.



Children would be robbed of their basic and fundamental rights as citizens from the moment of birth.



The EO would sweep all parents, including U.S. citizens, into new and burdensome citizenship verification processes when they try to get a social security number for their child.



The EO would make it harder for many U.S. citizens to prove their citizenship because U.S.-issued birth certificates would no longer be accepted as sufficient proof of citizenship.



The EO would send a dangerous message, that the President can unilaterally rewrite the U.S. Constitution. This would be a threat to our entire constitutional democracy.

Executive Order 14160 seeks to strip citizenship from babies born in the U.S. to a wide swath of parents.

On January 20, 2025, Trump issued Executive Order 14160. The EO denies citizenship to U.S.-born babies based on the status of their parents. The language in the EO is so broad that nearly all children born to parents who are neither U.S. citizens nor legal permanent residents are impacted. This includes, but is not limited to, parents who are in the country on employment visas (e.g., H-1B visas for specialty occupations, R1 for religious workers, P visas for athletes), parents who are in the U.S. on a humanitarian basis (e.g., DACA, TPS, asylum applicants), and parents in the U.S. because of their research and studies (e.g., F-1, J-1 visas). **The EO impacts many people who have lived in the country for years**, many of whom are on a pathway to permanent residency. If allowed to take effect, generations of U.S.-born babies will be denied citizenship, creating a massive underclass of children, vulnerable to immigration enforcement and deprived of the social, economic, and political rights that come with citizenship.

About *The American Promise: Defending Birthright Citizenship*

Spearheaded by Asian Law Caucus, co-counsel on the suit to halt Trump's executive order in front of the Supreme Court, *The American Promise: Defending Birthright Citizenship* is a campaign designed to bring together workers, immigrants, diverse faith communities, veterans, parents, and more. In every corner of the country, across every political ideology and every generation, birthright citizenship has created a national fabric that is tougher than any one president and his pen.

Birthright citizenship is a widely cherished part of the U.S. Constitution.

As a policy, birthright citizenship is widely popular among Americans, and rightly so. Birthright citizenship embodies our spirit of self-determination. For over 150 years, it has shaped and defined who we are: **a nation where those who are born here are given a chance to belong and succeed from the very start**. The Framers of the 14th Amendment intentionally constitutionalized birthright citizenship so that it can be protected from the kind of political overreach we're seeing now. The 14th Amendment states that all persons born in the United States are citizens, a rule subject only to narrow and settled exceptions. In 1898, the U.S. Supreme Court agreed. In *U.S. v. Wong Kim Ark*, the Court affirmed the 14th Amendment's promise: if you are born here, you are a citizen. This right is so important Congress also codified birthright citizenship into federal law in 1940 and *again* in 1952. The history of birthright citizenship shows how civil rights victories strengthen protections for all communities, from Black Americans' fight for the 14th Amendment in the aftermath of the *Dred Scott* decision to Chinese Americans' organizing to help Wong Kim Ark take his case to victory before the Supreme Court.

What you can do to defend birthright citizenship

Will you join the fight? Here's how:

- Join the campaign as an endorsing organization: bit.ly/defendBRC
- Join us on social media as we await a decision using our toolkit: bit.ly/defendbirthright-toolkit
- Tap in on social media by adding a "Birthright Badge" frame to your social media profile picture and post using our hashtag #DefendBirthright: bit.ly/BRCbadge
- Share this and other resources with your family, friends, and organizational supporters: defendbirthright.com