

Trump v. Barbara

Trump v. Barbara (No. 25–365) is a [pending](#) case before the [Supreme Court of the United States](#) regarding the compliance of [Executive Order 14160](#) with the [Citizenship Clause](#) of the [Fourteenth Amendment to the United States Constitution](#). Executive Order 14160 was signed in 2025 by President [Donald Trump](#) to end [birthright citizenship](#) for children of parents without U.S. citizenship or [permanent residency](#).^[1]

Background

The Fourteenth Amendment to the United States Constitution was enacted in 1868 following the [American Civil War](#) and emancipation of slaves, stating "[a]ll 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".^[2] The Supreme Court ruled in [Dred Scott v. Sandford](#) (1857) that citizenship did not extend to children of former slaves. Part of the goal in enacting the Fourteenth Amendment was to extend birthright citizenship to these children, overruling the *Dred Scott* decision. In [United States v. Wong Kim Ark](#) (1898), the Supreme Court ruled that the Fourteenth applied to all children born in the United States and granted birthright citizenship regardless of the citizenship status of the parents.^[2]

See also: [Background in Trump v. CASA](#)

Donald Trump, in his 2024 presidential run, campaigned on dealing with undocumented immigrants and eliminating birthright citizenship.^[3] On the day after his inauguration, January 20, 2025, Trump signed [Executive Order 14160](#), "Protecting the Meaning and Value of American Citizenship", which ordered all [departments of the executive branch](#) to refuse to recognize children born to illegal immigrants or visa holders as citizens.^[4] An estimated 150,000 such children are born in the United States each

year.^[5]

Multiple [district court](#) judges quickly blocked the order by issuing [universal injunctions](#).^[6] These cases were consolidated into *Trump v. CASA*. The Trump administration asked the US Supreme Court to limit the injunctions to the plaintiffs who were suing against the order.^[7] On June 27, 2025, the Supreme Court ruled 6–3 that federal district courts generally cannot issue nationwide injunctions, but made no decision to the underlying birthright citizenship question.^[8] Justice [Brett Kavanaugh](#) appeared to endorse class-wide injunctions in his concurring opinion.^[8]

Lower courts

The day of the court's ruling in *Trump v. CASA*, the [American Civil Liberties Union](#), seeing a [class action](#) as the best means to challenge the order, filed *Barbara v. Trump* asking the [U.S District Court for the District of New Hampshire](#) to grant a class-wide injunction covering those who would not qualify for birthright citizenship under the executive order.^[9] The representative plaintiff, Barbara, a [Honduran](#) citizen, is only known by her first name because she fears for her life and that of her family.^[10] [CASA de Maryland](#) filed a similar motion as well.^[11]

On July 10, 2025, Judge [Joseph Laplante](#) granted the ACLU's request, certified a class of born and unborn babies who would be deprived of their citizenship per the administration's policy, and issued a preliminary injunction blocking the order from being enforced upon that class.^[12]^[13]
^[14]

A separate case, *Washington v. Trump*, that had been consolidated with *Trump v. CASA* at the Supreme Court and similarly had its nationwide injunction lifted, was heard in full by the [Ninth Circuit](#) in June 2025. The Ninth Circuit ruled in July 2025 that Trump's EO was unconstitutional, the first appeals court to reach this finding, and deemed that this case necessitated a national injunction based on the Supreme Court's limited

exceptions outlined in *CASA*.^[15] Though the administration had also petitioned this decision to the Supreme Court, it had not been picked up along with the *Barbara* case.^[2]

Supreme Court

The Trump administration petitioned the Supreme Court in September 2025, challenging the district court's injunction in *Barbara*.^[16] The Supreme Court granted [certiorari before judgment](#) in December 2025.^[17]

The Trump administration has argued that the language of the 14th Amendment was only meant to apply to the newly emancipated slaves and their children, and not to those from other countries. They have cited statements of late-19th century writers Alexander Porter Morse, [Francis Wharton](#), and George D. Collins, all who proposed narrower interpretations of the 14th Amendment to limit who was eligible for birthright citizenship.^[18] The administration also referred to [Elk v. Wilkins](#), an 1884 Supreme Court case where the Court found that a [Native American](#), born on a [reservation](#), was not eligible for birthright citizenship since, at the time, reservations were sovereign from the federal government. The Court stated in the majority decision that Native American children were equivalent to "the children of subjects of any foreign government born within the domain of that government".^[19] Birthright citizenship of Native Americans was later affirmed by the [Indian Citizenship Act](#) in 1924.

Eighteen [amici curiae](#) were filed in support of Trump.^[20] Those writing in support of Trump included [New York University](#) law professor [Richard Epstein](#),^[21] legal scholars [Hans von Spakovsky](#) and [Ilan Wurman](#); Senators [Ted Cruz](#) and [Eric Schmitt](#), Representatives [Claudia Tenney](#), [Chip Roy](#), and 27 other Republican members of Congress; Gun Owners of America, [Citizens United](#), and the Conservative Legal Defense & Education Fund;^[22] the Republican attorneys general of 25 U.S. states and Guam;^[23] and

the [Federation for American Immigration Reform](#),^[24] an organization founded by [white nationalist John Tanton](#) in 1979 and classified by the [Southern Poverty Law Center](#) as a [hate group](#).

After the class respondents filed their brief on February 19, 2026, they were joined in condemnation of the order by briefs from 42 *amici curiae* across the legal profession, civil rights groups, and others. Organizations writing in response included [NAACP](#), the [League of Women Voters](#) and the [National Urban League](#)^[25] and more than 200 other immigrants' rights, legal defense, civil rights, veterans' rights nonprofits and organizations, 19 labor unions, hundreds of legal scholars and professors in conjunction with scholars on migration, sociology, economics and political science.^[26] Supporters also came from elected officials, including 217 Democratic members of Congress,^[27] more than 130 state and local governments and dozens of current and former judges,^[28] and over a dozen "former White House lawyers, senior government officials, federal judges, governors, and members of Congress who were appointed or nominated by Republican presidents, or who were elected as Republicans."^[29]

The [Cato Institute](#), a libertarian think tank founded in 1977 by [Ed Crane](#), libertarian economist [Murray Rothbard](#), and industrialist and Republican donor [Charles Koch](#), also submitted a February brief in support of the respondents, countering the petitioners' claim that "children of alien parents who are domiciled elsewhere, and are only temporarily present in the United States, owe primary allegiance to their parents' home country" with the Court's determination in [United States v. Wong Kim Ark](#) that "the status of citizenship [is] to be fixed by the place of nativity, irrespective of parentage". The U.S. Conference of Catholic Bishops also submitted a brief in support of Barbara and the class,^[30] citing more than a dozen papal encyclicals which, in addition to asserting the order was "unconstitutional and violative of [8 U.S.C. §1401\(a\)](#)", also condemned it as "immoral and contrary to the Catholic Church's fundamental beliefs and

teachings regarding the life and dignity of human persons", and invoked the Catholic doctrine of [subsidiarity](#):

Implicit in the notion of subsidiarity is social participation rooted in human dignity. Every member of a civil community, "either as an individual or in association with others, whether directly or through representation, contributes to the cultural, economic, political and social life of the civil community to which he belongs." Through this lens, social participation is not a discretionary benefit conferred by the state, but a fundamental right inherent in the very fact of being human... Birthright citizenship is consonant with this view. By recognizing citizenship at the place of someone's birth, the state justly acknowledges that a child is already embedded in a community—family, neighborhood, parish, and school—and empowers the child to participate in that community.

Oral arguments took place on April 1, 2026.^[31] Trump attended the oral arguments, a first for any sitting president in the official records.^{[32][33]} U.S. solicitor general [D. John Sauer](#) represented the government's case, while [Cecillia Wang](#) of the ACLU represented the respondents.^[34]

Court observers stated that from the questioning, the majority of the court was skeptical of the government's position on birthright citizenship.^{[35][36]} Some of the debate focused on the use of "domicile" in the *Wong Kim Ark* case, with Sauer arguing that this would require the parents to have some permanent residence to qualify, while several justices questioned how significant the word was to that case, as residence was never a factor in debates during drafting of the Fourteenth Amendment. Sauer also expressed concern about birthright tourism, immigrants coming to the U.S. to have their children and grant them U.S. citizenship, expressing the need as part of the "new world", to which chief justice [John Roberts](#) said "Well, it's a new world. It's the same Constitution."^[34] *The New York Times* stated that the questioning led to two possible paths for the

Supreme Court to rule against the administration: to uphold the findings in *Wong Kim Ark*, or to turn to the [Immigration and Nationality Act of 1952](#), which codified birthright citizenship. Ruling on the latter, statutory route, would allow the government to seek new laws to replace the 1952 one, Sauer said.^[34]

References

- Sec. 2. Policy. (a) It is the policy of the United States that no department or agency of the United States government shall issue documents recognizing United States citizenship, or accept documents issued by State, local, or other governments or authorities purporting to recognize United States citizenship, to persons: (1) when that person's mother was unlawfully present in the United States and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth, or (2) when that person's mother's presence in the United States was lawful but temporary, and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth.

—[Executive Order 14160](#) via [Wikisource](#)

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External links

- [Order granting preliminary injunction and certifying provisional class](#) issued by the [United States District Court for the District of New Hampshire](#)
- [District court docket](#) on [CourtListener](#)
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- [LIVE: Supreme Court hears arguments on birthright citizenship.](#)
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