

Federal Court Blocks Trump's Birthright Citizenship Order, Setting Stage for Supreme Court Showdown

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A U.S. federal appeals court has ruled against President Donald Trump's executive order aimed at curbing birthright citizenship, calling it unconstitutional. The ruling affirms a lower court's decision to halt the directive nationwide, highlighting the constitutional protection

granted under the 14th Amendment for children born on U.S. soil, regardless of their parents' immigration status.

The U.S. Court of Appeals for the Ninth Circuit, based in San Francisco, delivered a 2–1 decision rejecting the order, which sought to deny automatic citizenship to children born in the United States to unauthorized immigrants or foreign nationals on temporary visas. The panel argued that the directive conflicted with the Citizenship Clause of the U.S. Constitution's 14th Amendment, which guarantees citizenship to “all persons born or naturalized in the United States.”

The ruling was issued by Judges Ronald M. Gould and Michael Daly Hawkins, both appointed by President Bill Clinton, who agreed that the executive order was unconstitutional in both scope and intent. “The district court correctly concluded that the Executive Order's proposed interpretation, denying citizenship to many persons born in the United States, is unconstitutional. We fully agree,” wrote Judge Gould in the court's majority opinion. Judge Patrick J. Bumatay, a Trump appointee, dissented in part, suggesting a narrower approach might have been considered.

The Ninth Circuit also upheld the nationwide preliminary injunction issued by the district court in Seattle. The injunction was requested by a coalition of Democratic-led states, which argued that the order would create administrative chaos across state lines and infringe on rights that have long been protected under federal law.

This decision arrives just weeks after the U.S. Supreme Court weighed in on the broader issue of universal injunctions, ruling in favor of the Trump administration's argument that lower courts had overreached in blocking federal policy nationwide. However, the high court left room for exceptions, including class-action lawsuits. That caveat has already come into play: a federal judge in New Hampshire recently certified a class-action challenge on behalf of U.S.-born children who could be affected by the order, issuing a second nationwide injunction.

Supporters of the order had hoped the Supreme Court's recent ruling on universal injunctions would clear a path for it to take effect. Instead, the Ninth Circuit's reaffirmation of the lower court's ruling means the matter will likely return to the Supreme Court shortly for a more definitive judgment on the constitutional merits.

Washington State Attorney General Nick Brown, one of the lead plaintiffs in the case, remarked on social media, “The court agrees that the president cannot redefine what it means to be American with the stroke of a pen. He cannot strip away the rights, liberties, and protections of children born in our country.”

While the decision represents a legal roadblock for President Trump’s order, it also underscores the ongoing legal debate over executive power and constitutional interpretation, particularly in areas concerning immigration and citizenship. As legal challenges continue, the final decision will likely rest with the U.S. Supreme Court, setting the stage for a consequential ruling on a core question of American identity.