

Federal Appeals Court Rules Against Ending Birthright Citizenship

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A federal appeals court has struck down an executive order from President Donald Trump aimed at terminating birthright citizenship, declaring it unconstitutional. The decision, handed down by a three-judge panel of the 9th U.S. Circuit Court of Appeals, marks another chapter in the contentious legal struggle over the policy, which sought to deny citizenship to children born in the United States to illegal or temporary immigrants.

The ruling upholds a prior decision by U.S. District Judge John C. Coughenour in Seattle, who blocked the order and criticised it as an attempt to sidestep constitutional protections for political purposes. “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 Judges Michael Hawkins and Ronald Gould, both appointed by President Bill Clinton, in the majority opinion.

This decision keeps in place a block on the Trump administration’s efforts to enforce the order, which would have stripped citizenship rights from children born to non-citizens or those with temporary legal status. The case, brought by states including Washington, Arizona, Illinois, and Oregon, argued that a patchwork application of birthright citizenship would create significant administrative and social challenges. The majority opinion supported the need for a nationwide injunction to ensure consistent application of the law, stating, “The district court did not abuse its discretion in issuing a universal injunction to give the States complete relief.”

However, the ruling was not unanimous. Judge Patrick Bumatay, a Trump appointee, dissented, arguing that the states lacked the legal standing to bring the case. He cautioned against the use of nationwide injunctions, writing, “We should approach any request for universal relief with good faith scepticism, mindful that the invocation of ‘complete relief’ isn’t a backdoor to universal injunctions.” Notably, Bumatay did not address the constitutionality of ending birthright citizenship.

The legal battle hinges on the Citizenship Clause of the 14th Amendment, which states that all persons born or naturalised in the United States, and subject to its jurisdiction, are citizens. The states contended that the clause’s language is clear, reinforced by an 1898 Supreme Court decision affirming citizenship for a child born in San Francisco to Chinese parents. In contrast, Justice Department attorneys argued that the phrase “subject to United States jurisdiction” implies that birth alone does not confer citizenship, particularly for children of illegal or temporary residents.

The White House and Justice Department have not yet commented on the ruling. The decision brings the issue closer to a potential Supreme Court review, especially following recent high court restrictions on nationwide injunctions. A prior 6-3 Supreme Court ruling, supported by its conservative justices, had temporarily allowed Trump’s order to take effect, prompting the current class-action lawsuit as a means to challenge it.

At least nine lawsuits across the country have challenged the executive order, reflecting widespread opposition. In a statement at the time of the Supreme Court's earlier ruling, Trump hailed it as a victory, saying, "This brings back the Constitution. This is what it's all about." However, critics argue that the executive order undermines a fundamental principle of American citizenship, creating uncertainty for countless families.

As the legal saga continues, the debate over birthright citizenship remains a polarising issue, with significant implications for the nation's immigration policy and constitutional framework.