

U.S. Push to Restrict Birthright Citizenship Raises Alarm Among Indian Immigrants

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The United States has moved to curb automatic birthright citizenship through an executive order signed by President Trump, a policy shift that could significantly impact Indian nationals residing in the country on temporary visas. The directive seeks to redefine eligibility under the 14th Amendment, limiting automatic U.S. citizenship to children born to American citizens or lawful permanent residents.

On January 20, 2025, President Trump signed Executive Order 14160, titled “Protecting the Meaning and Value of American Citizenship.” The order challenges the long-standing interpretation of the 14th Amendment by denying automatic citizenship to children born on U.S. soil if their parents are not permanent residents or citizens. This would include individuals in the country on temporary student, tourist, or work visas.

Supporters of the move argue that the 14th Amendment has been misapplied, allowing for “birth tourism” and encouraging illegal immigration. By narrowing the scope of citizenship, the administration claims it aims to strengthen national integrity and reduce the misuse of U.S. immigration laws.

However, the policy has been met with legal resistance. Federal courts quickly issued injunctions against the order, with several judges deeming it likely unconstitutional. The Supreme Court has yet to rule on the core legality of the directive but has restricted the ability of lower courts to issue sweeping nationwide blocks. A recent ruling from the Ninth Circuit Court of Appeals reaffirmed the injunction, citing the constitutional protections under the 14th Amendment and the risk of creating inconsistent citizenship standards across states.

The Indian American community, particularly those on H-1B, L, and H-4 visas, could face serious consequences if the order is upheld. Currently, many Indian families depend on birthright citizenship as a path to long-term residency and legal stability for their children. Without it, children born to parents with temporary status would not automatically receive U.S. citizenship, instead assuming the nationality of their parents.

Immigration attorney Cyrus D. Mehta warned that such a shift could disrupt the lives of countless Indian families, complicating matters such as schooling, legal residency, and future sponsorships for permanent status. He stressed that denying birthright citizenship would “sever an important bridge” for many families stuck in green card backlogs.

The legal battle over this order continues, with its ultimate fate likely to be determined by the Supreme Court. If upheld, it would mark a significant departure from established constitutional interpretation and reshape the future of U.S. immigration policy.