



Politics

# Supreme Court agrees to decide constitutionality of Trump's plan to end birthright citizenship

By [Melissa Quinn](#)

Updated on: December 5, 2025 / 3:25 PM EST / CBS News

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Washington

Trump's executive order grants citizenship to children of immigrants

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United States

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President

announced

that he would

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order. The

order would

allow the

Department of

Justice to

cancel the 14th

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that those

born in the

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are citizens

of the

country.

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Cecilia Wang, national legal director of the American Civil Liberties Union, which is representing the plaintiffs in the case, said, "No president can change the 14th Amendment's fundamental promise of citizenship."

"For over 150 years, it has been the law and our national tradition that everyone born on U.S. soil is a citizen from birth. The federal courts have unanimously held that President Trump's executive order is contrary to the Constitution, a Supreme Court decision from 1898, and a law enacted by Congress," Wang said in a statement. "We look forward to putting this issue to rest once and for all in the Supreme Court this term."

Mr. Trump issued his executive order on birthright citizenship on his first day back in the White House. Under the plan, children born in the U.S. to parents who are either in the country illegally or on a temporary basis are not recognized as U.S. citizens.

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Instead, the issue before the justices was the scope of relief granted by lower courts hearing the birthright citizenship cases, which had issued nationwide injunctions preventing the administration from enforcing the policy. The Supreme Court, in a 6-3 decision, curtailed the ability of district court judges to issue those universal orders, but said plaintiffs could seek broad relief through class-action lawsuits. It also left open the possibility that states could secure nationwide relief.

On the heels of that ruling, two babies subject to Mr. Trump's order and their parents, as well as a pregnant woman, filed a lawsuit challenging the birthright citizenship order on behalf of a putative nationwide class. A federal district court in New Hampshire certified as a provisional class all babies who would be denied birthright citizenship by the president's plan and found that the order likely violates the Constitution.

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The 9th Circuit split 2-1 to leave in place a nationwide injunction that had been issued by a district court in February, finding it was necessary to give the states complete relief.

The Justice Department urged the Supreme Court to take up both cases and issue a final decision on whether Mr. Trump's executive order is constitutionally sound. Solicitor General D. John Sauer said it's a "mistaken view" that birth on U.S. soil confers citizenship, and said that understanding has had "destructive consequences."

But the American Civil Liberties Union, which is representing the plaintiffs in the New Hampshire case, argued that the Trump administration is effectively asking the Supreme Court to "rewrite" the Citizenship Clause and unwind more than a century of the nation's "everyday practice."

Arguments in the case are expected to take place next year, with a decision likely issued by the end of June or early July.

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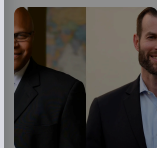
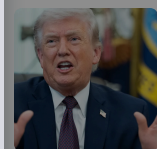
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