



COMMUNITY EXPLAINER

PRESIDENT TRUMP'S EXECUTIVE ORDER ON BIRTHRIGHT CITIZENSHIP

Update as of 02/05/2025: A federal judge in Maryland issued a nationwide preliminary injunction against President Trump's executive order restricting birthright citizenship.

On Monday, January 20, 2025, President Trump signed a new executive order, "[Protecting the Meaning and Value of American Citizenship](#)," which orders the federal government to deny federal documents recognizing U.S. citizenship (such as social security cards and U.S. passports) to children born in the United States to certain noncitizen parents. The order was set to take effect on February 18, 2025, and is not retroactive.

This executive order aims to deny millions of children U.S. citizenship based on the immigration status of their parents. Specifically, this order could **affect children 1) born after February 18, 2025, 2) to mothers who are here unlawfully or in a temporary status, 3) unless the father is a Lawful Permanent Resident (LPR) or a U.S. citizen.**

While this attempt to end birthright citizenship is widely viewed as unconstitutional and likely to fail, it has already created significant fear and confusion within immigrant communities.

KEY POINTS:

Scope of the Executive Order

- The order primarily tasks federal agencies with enforcing these restrictions and directs the agencies to provide guidance on implementation while coordinating efforts across departments.
- If implemented, these agencies would cease to issue passports and social security cards to children born in the United States who meet the criteria above.

Who Is Not Affected

- Children born before the effective date (currently February 18, 2025).
- Children born to a mother who is a U.S. citizen, LPR, or in a non-temporary immigration status.

- Children born to a father who is a U.S. citizen or LPR (regardless of the immigration status of the mother).

Legal Challenges Are Likely to Succeed

- The U.S. Constitution guarantees the right of citizenship to any individual born in the United States. The Constitution cannot be altered through Executive Order. As such, legal experts believe that this order will not go into effect because it is unconstitutional.
- Multiple lawsuits have already been filed, and a national injunction has stopped the order from being enforced.
- The ultimate legality of this order will likely be decided by the Supreme Court. However, this process could take years to conclude. In the meantime, until a court decides otherwise, all children born in the United States will be citizens (with limited exceptions, such as the children of foreign diplomats).

Stay Informed and Prepared

- **For parents who are U.S. citizens, LPRs, or have other non-temporary immigration status:** Ensure you keep all paperwork that demonstrates your status (e.g., naturalization certificates, green cards, U.S. passports, asylum grant).
- **For those in temporary status or without status:** Consult a trusted immigration service provider for guidance on how this order might affect your family. Visit ILRC's [family preparedness plan](#), Immigration Advocates Network's [legal services directory](#), and NAC's [news and updates page](#).
- **Embassy and Consulate Contact: Know the contact information for your country of origin's nearest embassy or consulate** in the U.S. If your country recognizes citizenship for children born abroad, they may issue passports and identification for your child.
- **Access to Education:** Undocumented children maintain the right to attend schools in the United States. Consult an attorney if your child's school system is resistant to enrolling them based on immigration status.

Confusion and delays are likely as the legal challenges unfold. But community members should remain hopeful that courts will provide clarity and protections while these lawsuits progress. Continue to check back with NAC and ILRC for up-to-date information.