

No. 25-365

IN THE
Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT
OF THE UNITED STATES, *et al.*,

Petitioners,

v.

BARBARA, *et al.*,

Respondents.

ON WRIT OF CERTIORARI BEFORE JUDGMENT TO THE
UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

**BRIEF OF *AMICI CURIAE*
LOCAL GOVERNMENTS AND
LOCAL GOVERNMENT LEADERS
IN SUPPORT OF RESPONDENTS**

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STATEMENT OF INTEREST

Amici are local governments and local government leaders from across the nation representing 106 jurisdictions in 26 states.¹ *Amici* share a strong interest in ensuring that the Fourteenth Amendment confers citizenship—as it has since its ratification—on all persons born in the U.S. and subject to its laws. *Amici* likewise hold a common interest and responsibility in protecting the general welfare of all our residents, including by promoting the well-being, safety, and integration of all persons born in this country to non-citizen immigrant parents in our communities.

Under President Trump’s Executive Order “Protecting the Meaning and Value of American Citizenship” (“Executive Order”), many of these children would be stripped of their birthright citizenship. But children born on our soil are beloved members of our communities. They are our neighbors and attend our schools. They play in our parks and playgrounds. When they are sick, they obtain services through local health care providers. When these children grow older, they start businesses, teach schoolchildren, pay taxes, and contribute to our local and national economies in myriad other ways. They are our frontline workers, medical providers, law enforcement personnel, and local government leaders—some of whom one day sign on to amicus briefs of national import.

1. Pursuant to Supreme Court Rule 37.6, *amici curiae* state that no counsel for a party authored this brief in whole or in part, and no person other than *amici curiae* or its counsel made a monetary contribution to its preparation or submission. A list of all *amici* is listed at Appendix A.

If the Executive Order goes into effect, thousands of children born in *amici*'s jurisdictions, as well as their families, will face irreparable harm. Children stripped of citizenship will be socially stigmatized and hampered by lifelong instability and uncertainty, undermining their ability to thrive and contribute to *amici*'s communities. And given the Administration's aggressive deportation of non-citizens, any change in status could be catastrophic for families. *Amici* themselves will also be harmed, as local governments will be on the frontlines of confronting the downstream impacts, including the resulting spikes in poverty and public health and public safety harms. *Amici* will also be charged with the near impossible task of rebuilding a complex administrative structure to determine benefits eligibility of newborn children. The proposed new framework under the Executive Order represents a fundamental and unprecedented shift in the administration of citizenship for all Americans.

SUMMARY OF ARGUMENT

The Citizenship Clause of the Fourteenth Amendment establishes that all persons born or naturalized in the U.S. "are citizens of the United States and of the State wherein they reside." U.S. CONST. amend. XIV, § 1. This provision's meaning has been long-recognized, statutorily enshrined by Congress, and repeatedly affirmed by every court, including this one, since 1868. *See United States v. Wong Kim Ark*, 169 U.S. 649 (1898). President Trump's interpretation of the Citizenship Clause would jettison, with a stroke of his pen, a shared understanding of birthright citizenship that has existed for over a hundred and fifty years. *Amici* write to emphasize the

many immediate and dire consequences that would be felt across the nation, including in our jurisdictions, if this Administration's baseless effort to narrow the scope of birthright citizenship is not rejected.

The Executive Order would restrict *amici's* residents from fully participating in American life and create a new permanent, multigenerational underclass. While some impacted children may acquire the citizenship of their parents, others would have no citizenship or nationality—leaving them stateless. Affected children will be subjected to stigma and discrimination and grow up under the constant specter of deportation. Infants who, but for the Executive Order, would be U.S. citizens will lose access to basic services, including nutrition assistance and health care, putting their health and safety at risk, as well as that of the community at large. These harms to non-citizens are especially acute under the current Administration, which has taken aggressive and unprecedented executive action affecting immigrants, including terminating humanitarian protections, reducing lawful pathways to residency, and pursuing an indiscriminate deportation agenda. Denying citizenship to the children of lawful immigrants will also hamper our universities' and businesses' efforts to recruit and retain international talent, stunting economic growth and innovation.

The Executive Order will also complicate identification of *citizen* children, because a U.S. birth certificate will no longer serve as definitive proof of citizenship. Securing proof of one's parents' status may prove extremely difficult for some individuals. Moreover, state and local governments will also expend significant resources to overhaul existing processes and educate the public about

relevant changes. The overall result: it will be harder for all Americans, no matter who their parents are, to prove that they are citizens. For these reasons, among others, *amici* join Respondents in respectfully requesting that this Court affirm the decision of the district court and ensure that the Executive Order does not go into effect.

ARGUMENT

Respondents and other *amici* in support ably argue that a careful examination of the history of the adoption of the Fourteenth Amendment and the reasoning of this Court's decision in *United States v. Wong Kim Ark* require the President's legal arguments to be rejected. The real-world impacts of such a sudden and ill-founded change in constitutional understanding, as described below, also counsel strongly in favor of affirmance.

I. The Impacts of Stripping U.S.-Born Children of Citizenship Will Be Widespread, Jeopardizing the Well-Being of Young People and Community Cohesion Around the Nation

The harm to American-born children and their families from the Executive Order would be widespread, as it purports to eliminate birthright citizenship for practically all children whose parents are neither citizens nor permanent residents. This framework would have compounding impacts, creating a permanent and multi-generational subclass of *amici's* residents who are excluded from both the protections and privileges of citizenship and from contributing fully to the economic, cultural, and social vibrancy of their communities.

A. The Sweeping Scope of the Executive Order Will Impact Wide Swaths of the Public, Including *Amici*'s Residents

The magnitude of the change and scale of the affected population underscores the gravity of the harm to the public that would be wrought by the Executive Order. Though political rhetoric opposing birthright citizenship often focuses on children born to newly-arrived, undocumented parents, the Executive Order has a broader scope. Indeed, despite the Government's assertion that the Executive Order is consistent with the Fourteenth Amendment, the effect of the Executive Order is to practically eliminate citizenship by birthright (*jus soli*). Under the new proposed regime, place of birth is nearly irrelevant—a baby's citizenship will be determined instead by the citizenship or immigration status of their biological parents.

Agency guidance issued over the past year, which provides more specificity on the categories of immigrants affected, confirms that the Executive Order will apply to a broad array of immigration statuses, harming longtime members of our communities.² The Executive Order excludes from citizenship children born in the U.S. to any mother who is either “unlawfully present” or whose presence is “lawful but temporary,” if their fathers are not citizens or legal permanent residents.³ It thus denies

2. See U.S. Citizenship & Immigr. Servs., *Implementation Plan of Executive Order 14160* (July 25, 2025) (“USCIS Implementation Plan”), <https://perma.cc/9L68-7TR2>. Notably, neither the Implementation Plan nor the Executive Order itself preclude future changes to USCIS's guidance.

3. Exec. Order No. 14,160, § 1, 90 Fed. Reg. 8449 (Jan. 20, 2025). The Executive Order describes “lawful but temporary” status as

citizenship to the children of immigrants who hold long-term work and student visas, many of whom have lived in the U.S. for years and are on a pathway to permanent residency.⁴ Citizenship will also be denied to children born to Deferred Action for Childhood Arrivals (DACA) recipients who, by definition, themselves came to the U.S. as young children and have resided here continuously since.⁵ Likewise, the Executive Order strips citizenship from children of immigrants who qualify for humanitarian relief, such as Temporary Protected Status⁶ and U and T visas.⁷ These individuals are valued members of our communities, not temporary visitors.

including persons “such as, *but not limited to*, [those] visiting the United States under the auspices of the Visa Waiver Program or visiting on a student, work, or tourist visa.” *See* 90 Fed. Reg. at 8449 (emphasis added).

4. For example, H1-B specialized occupation visas are initially valid for three years and extendable to six years, and H1-B visa holders can apply for legal permanent residency. *See* U.S. Citizenship & Immigr. Servs., *H-1B Specialty Occupations*, <https://perma.cc/QG68-GPHG>; U.S. Citizenship & Immigr. Servs., *FAQs for Individuals in H-1B Nonimmigrant Status*, <https://perma.cc/2FAX-NV2Y>.

5. *See* USCIS Implementation Plan, *supra* n.2. DACA recipients, by definition, were born on or after June 16, 1981 but have resided in the U.S. since June 15, 2007, meaning they are presently 18 to 44 years old, or of childbearing age. *See* U.S. Citizenship & Immigr. Servs., *Consideration of Deferred Action for Childhood Arrivals*, <https://perma.cc/77LP-CX54>.

6. *See* USCIS Implementation Plan, *supra* n.2.

7. USCIS’s Implementation Plan indicates that this Administration does not plan to strip citizenship from children whose *mothers* have been granted asylum or refugee status. *See* USCIS Implementation Plan, *supra* n.2 (defining asylees and refugees as “aliens whose presence is lawful and *not* temporary”).

The Executive Order also creates uncertainty as to how citizenship eligibility will be determined for a number of common family structures, such as same-sex parents and children born through assisted reproductive technologies. By defining “mother” and “father” as the “biological progenitor(s)” of a child, Exec. Order No. 14,160, § 4, the Executive Order raises the possibility that children who have a citizen non-biological parent will nonetheless be ineligible for birthright citizenship.

By so limiting birthright citizenship, the Executive Order will *increase* the undocumented population, according to demographic projections. The Migration Policy Institute and Penn State’s Population Research Institute estimate that eliminating birthright citizenship for children born to parents who are either unauthorized or are temporary immigrants would significantly swell the population of unauthorized residents by 2.7 million by 2045 and by 5.4 million by 2075 when compared to the baseline of no change in birthright citizenship.⁸ These projections reflect an estimated 255,000 children born each year in the U.S. who would not be entitled to citizenship under the new regime.⁹

8. Jennifer Van Hook, Michael Fix & Julia Gelatt, *Repealing Birthright Citizenship Would Significantly Increase the Size of the U.S. Unauthorized Population*, Migration Pol’y Inst. (May 2025), <https://perma.cc/6YU8-XZCF>.

9. *Id.* These projections assume a steady state of net migration after birthright citizenship is eliminated, an assumption that may be contested. However, the researchers also found that even if illegal immigration completely ceased after 2025 and unauthorized immigrants left the U.S. at double the current rate—neither of which scenarios are realistically supported by social science data—the unauthorized population would *still* increase by 1.3 million people in 2045 compared to the status quo of no change to birthright citizenship.

The USCIS Implementation Plan envisions that children of immigrants with “lawful but temporary” statuses may be able to acquire the lawful status of their parents.¹⁰ Critically, no such legal framework exists yet, nor is it guaranteed. Nor is securing proof of one’s parents’ status always feasible. Moreover, temporary status is subject to both revocation and expiration and thus provides neither the full benefits nor security of citizenship. Indeed, the precarity of temporary statuses has been strikingly clear under this Administration.¹¹ This is especially significant for children born in the U.S. who have no realistic possibility of safely migrating to the country or countries of origin of their parents or who would be rendered stateless by combined operation of the Executive Order and nationality rules in their parents’ countries of origin.

B. Citizenship Stripping Will Undermine Integration for U.S.-Born Non-Citizens, Eroding Community Cohesion and Economic and Cultural Vibrancy

Over forty years ago, this Court cautioned against the creation of “a permanent caste of undocumented resident aliens . . . denied the benefits that our society makes available to citizens and lawful residents.” *Plyler v. Doe*,

10. See USCIS Implementation Plan, *supra* n.2.

11. See, e.g., Kate Selig & Halina Bennet, *The Trump Administration Revoked 800 Student Visas. Here Is What To Know*, N.Y. Times (Apr. 11, 2025), <https://perma.cc/B8R5-EUUDR>; Arelis R. Hernández & Teo Armus, *New DHS Memo Outlines Plan to Detain Refugees for Further Vetting*, Wash. Post (Feb. 19, 2026), <https://perma.cc/8PUL-QANR>.

457 U.S. 202, 218–19 (1982). In unilaterally seeking to rewrite the Constitution, the Executive Order would do exactly that. Children born as non-citizens will exist as an “underclass”—and denying them full participation in our communities will fray “the fabric of our society.” *Id.* at 219, 221.

Stripping U.S.-born children of citizenship would develop a permanent underclass of extremely vulnerable subjects with no legal status in the U.S., some of whom will be left stateless. Instead of enjoying the deep sense of membership in our society as U.S. citizens, these children will experience immense mental and social strain, which will extend to their families. These children might, if they are lucky enough, go to local schools, learn to speak English, internalize U.S. values, and envision their futures here like their citizen peers. At the same time, they will become legal outcasts that grow up in our communities experiencing stigma and social exclusion—based on the inheritance of a subordinate legal status from their parents. They will be excluded from core aspects of American life, including voting, serving in elected office and on federal juries, and, in many states, getting driver’s licenses. The Executive Order will thus damage community cohesion.

Scholars have documented the severe negative impacts of social exclusion and discrimination on undocumented youth in the U.S., including persistent feelings of fear, stress, and shame.¹² In fact, in the last year, high school

12. See e.g., Jean C. Williams, “*It’s Always with You, that You’re Different*”: *Undocumented Students and Social Exclusion*, 20 *J. of Poverty* 168, 168–93 (2015); Roberto G. Gonzales, Carola

principals have reported dramatic increases in bullying of immigrant students by their peers and an overall “climate of distress” in schools.¹³ In addition, many children affected by the Executive Order will justifiably experience fear of deportation, which itself causes negative health outcomes.¹⁴ The erosion of societal cohesion and direct harmful impacts on affected families caused by the Executive Order will be heightened given the current context of both anti-immigrant political rhetoric and policymaking at both the national and, in some cases, state levels. Now, more than ever, being a U.S. citizen is essential for securing both our residents’ legal rights as well as their sense of belonging in our communities.

Critically, the children of immigrants form an essential part of the American economy and workforce and contribute invaluable to the cultural life of this country. Members of this so-called “second generation,” whose families trace their origins to countries around the world, attend college and own their own homes at

Suárez-Orozco & Maria C. Dedios-Sanguinetti, *No Place to Belong: Contextualizing Concepts of Mental Health Among Undocumented Immigrant Youth in the United States*, 57 *Am. Behav. Scientist* 1174, 1174–99 (2013).

13. Iris Kwok & Howard Blume, *High school bullying is up, attendance down as ICE raids sow ‘climate of distress,’ study says*, *L.A. Times* (Dec. 9, 2025), <https://perma.cc/CE33-J34V>.

14. See Airín Martínez, Lilian Ruelas & Douglas Granger, *Household fear of deportation in relation to chronic stressors and salivary proinflammatory cytokines in Mexican-origin families post-SB 1070*, 5 *SSM Population Health* 188, 188–200 (2018) (finding fear of deportation strongly correlated with increased levels of oral inflammation, an important indicator and predictor of oral health).

higher rates than their parents.¹⁵ They hold elected office at city, state, and federal levels.¹⁶ And these children of immigrants open successful restaurants and other small businesses that bolster local economies.¹⁷ In addition, as one scholar has observed, “[i]mmigrants, and especially the children and grandchildren of immigrants, have played a disproportionate role in the development of the American performing arts [and] made fundamental contributions in many other realms of artistic, cultural, culinary, athletic, and scientific endeavor.”¹⁸ Indeed, second-generation Americans contribute to the national and local economies and to cultural life in countless ways. For this reason, the National Academies of Sciences, Engineering, and Medicine has described this group as “among the strongest economic and fiscal contributors in the U.S. population.”¹⁹

15. Pew Rsch. Ctr., *Second-Generation Americans: A Portrait of the Adult Children of Immigrants* (Feb. 7, 2013), <https://perma.cc/HF62-ZBY3>.

16. See Janakee Chavda, *Immigrants and children of immigrants make up at least 15% of 119th Congress*, Pew Rsch. Ctr., (Feb. 27, 2025), <https://perma.cc/D2SQ-U5Z3>.

17. See e.g., Caitlin Yoshiko Kandil, *Little Saigon’s restaurant scene revives as second-generation Vietnamese Americans mix it up*, L.A. Times (Nov. 29, 2017) (discussing contributions of second-generation Vietnamese American entrepreneurs in revival of restaurant industry in Orange County), <https://perma.cc/DA5C-8KA6>.

18. Charles Hirschman, *The Contributions of Immigrants to American Culture*, 142(3) *Daedalus* 26, 27 (July 8, 2013).

19. Nat’l Acads. of Sci., Eng’g, & Med., *The Economic and Fiscal Consequences of Immigration* (2016) (“[S]econd-generation adults—the children of immigrants—had, on average, a more

If allowed to go into effect, however, the Executive Order would hamper the ability of a substantial segment of this population to continue these contributions, by depriving them of the stability, access to resources, and sense of belonging that comes with citizenship. Indeed, when they become adults, children born here without legal status presumably will not automatically be authorized to work. If they nonetheless participate in the work force, they are more likely to hold lower-paying jobs and will be vulnerable to coercion and exploitation in the workplace, despite being protected by various labor laws.²⁰ Pushing entire segments of the population born in the U.S. into this precarious work situation will have rippling effects on local governments, who invest significant resources in combatting wage-theft and other abusive employer practices.²¹

favorable net fiscal impact for all government levels combined than either first-generation immigrants or the rest of the native-born population. Reflecting their slightly higher educational achievement, as well as their higher wages and salaries, the second generation contributed more in taxes on a per capita basis during working ages than did their parents or other native-born Americans.”), <https://perma.cc/3F4T-GR9Z>.

20. See Jennifer J. Lee, *Legalizing Undocumented Work*, 42(5) *Cardozo L. Rev.* 1893, 1905-1906 (Sept. 2021) (describing the factors that make undocumented workers less likely to exercise their legal rights and employers more likely to exploit these workers); see also S. Poverty L. Ctr., *Injustice on Our Plates: Immigrant Women in the U.S. Food Industry* (2010) (describing labor abuses including wage theft, sexual harassment, and unsafe working conditions experienced by Latina women working in the food industry, in both fields and factories), <https://perma.cc/S62J-E6DH>.

21. See Terri Gerstein & LiJia Gong, *The role of local government in protecting workers' rights*, Economic Policy Institute,

Denying citizenship to children born in the U.S. whose parents are neither citizens nor lawful permanent residents will have intergenerational impacts as well. Few children born in the U.S. under the Executive Order are likely to have access to the existing highly-restricted pathways to naturalization even once they reach adulthood (which have only become more restricted under this Administration) and will therefore not be able to pass along citizenship to the next generation. As policy experts have warned, “repealing birthright citizenship would create a self-perpetuating class that would be excluded from social membership for generations.”²² The impacts of this exclusion will expand rapidly over the generations, as even some children whose parents and grandparents were born in the U.S. will permanently lack any path to citizenship and the legal, civic, and social protections it provides. Entire communities will be made more divided and more uncertain by this perpetual exclusion. And local governments will face poorer educational outcomes, increased unemployment, and other social ills. Moreover, all Americans will lose out when these individuals are impeded from fully contributing their talents and creativity to our economies and community life.

Harvard L. Sch. (June 13, 2022) (describing growing role of cities and localities in expanding and enforcing workers rights, including through establishment of municipal departments dedicated to protecting workers), <https://perma.cc/KEF6-KSEQ>.

22. Michael Fix, *Repealing Birthright Citizenship: The Unintended Consequences*, Migration Pol’y Inst. (Aug. 2015), <https://perma.cc/PW24-AJ4G>.

II. Citizenship Stripping Will Exclude Many Residents from Essential Public Programs and Upend Decades of Established Administrative Practices

By fundamentally redefining U.S. citizenship and thus creating a permanent underclass, the Executive Order will have many additional concrete, immediate, and dire impacts on affected families as well as on the localities where they reside. To start, children deemed non-citizens under the Executive Order will be excluded from access to a wide range of federal programs. Their exclusion will create concrete challenges for localities as they confront higher rates of illness, decreased school funding to support children with diverse educational needs, and greater food insecurity. The ultimate result will be to strain limited local resources. The Executive Order will also hinder academic excellence and economic growth by impeding universities' and employers' recruitment of international talent, as it introduces doubt concerning the long-term residence of their children in the U.S. Apart from these substantive harms, the Executive Order will create extraordinary administrative challenges and uncertainty in proving who is entitled to citizenship, the provision of identity documents, and public benefits.

A. Citizenship Stripping Will Result in Lost Access to Social Safety Nets for Children, Threatening Public Health and Increasing Poverty

By stripping children of legal status, the Executive Order would render many children ineligible for essential federal programs, severely impacting public health and community well-being both in the short and long term.

Numerous federally-funded programs are available only to citizens and to limited categories of “qualified” resident aliens. 8 U.S.C. §§ 1611(a); (c)(1)(B). While lawful permanent residents are “qualified” immigrants for the purpose of these benefits, work and student visa holders, some humanitarian visa holders, and those with other lawful temporary statuses are not. 8 U.S.C. § 1641(b). Nor are individuals who lack any legal status. *Id.*

By denying children birthright citizenship and by extension rendering them ineligible for federal public assistance, the Executive Order will increase hunger, poverty,²³ and preventable disease in local communities across the nation.

i. Citizenship Stripping Will Result in Increased Public Health Threats Due to Declines in Insurance Rates and Access to Health Care

The Executive Order will jeopardize access to health care for some of our nation’s most vulnerable residents, thus undermining public health in our communities. To start, children denied citizenship under the Executive Order will have limited health insurance options. Immigrants, including children, who lack lawful status are ineligible to enroll in the private insurance plans available on the public health insurance marketplace. *See* 42 U.S.C. § 18032(f)(3). Non-citizens and non-“qualified” immigrants are also not eligible to receive subsidized insurance

23. *See* John Creamer, *Government Assistance Lifts 45.4 Million Out of Poverty in 2021*, U.S. Census Bureau (Sept. 13, 2022), <https://perma.cc/P363-HU5C>.

through the Children’s Health Insurance Program (CHIP) or Medicaid. *See* 8 U.S.C. § 1611(a); 42 C.F.R. § 457.320(d) (CHIP); 42 C.F.R. 435.406 (Medicaid).²⁴ Although refugees and asylum recipients have historically been considered “qualified” immigrants for benefits purposes, recently-passed legislation limits even their eligibility for federally-subsidized health care coverage.²⁵

Some states have elected to extend publicly subsidized insurance coverage under state programs to individuals whose immigration status bars them from federally-funded benefits. *See, e.g.*, OR. REV. STAT. 414.231 (expanding medical assistance eligibility regardless of immigration status). These states, however, are in the minority.²⁶

24. Despite being ineligible for these programs, “[i]t is well established that undocumented workers contribute to the solvency of major social insurance programs through their tax contributions.” Carl Davis et al., *Tax Payments by Undocumented Immigrants*, *Instit. on Tax’n & Econ. Pol’y*, at 6 (July 30, 2024); *see also* Lucia Felix Beltran, et al., *Born Into Uncertainty: The Health and Social Costs of Ending Birthright Citizenship*, *UCLA Latino Pol’y & Pols. Inst.* (Feb. 12, 2025), (“Immigrants contribute more to the U.S. health system than they receive in healthcare services.”), <https://perma.cc/D5Z9-RBHG>.

25. H.R.1 - An act to provide for reconciliation pursuant to title II of H. Con. Res. 14. (2025-2026), <https://perma.cc/5QSE-H97B>; *see also* Drishti Pillai, Alisha Rao, & Samantha Artiga, *1.4 Million Lawfully Present Immigrants are Expected to Lose Health Coverage due to the 2025 Tax and Budget Law*, *Kaiser Fam. Found.* (September 25, 2025) (describing changes in immigrant eligibility for Medicaid, Medicare, and CHIP), <https://perma.cc/4TVB-JPT2>.

26. *See* Willa Murphy et al., *Covering the Uninsured: A National Scan of State-Based Coverage for Immigrants*, *California Health Care Foundation* (Sept. 4, 2025), <https://perma.cc/KHU7-543A>. In 2025, California, Illinois, and Minnesota restricted

The limited options for health insurance for immigrants without legal status is reflected in insurance coverage rates: in 2023, 50% of undocumented immigrants and 18% of lawfully present immigrants were uninsured, compared to only 8% of U.S.-born citizens and 6% of naturalized citizens.²⁷

Children who lack health insurance are much less likely to receive preventative care, including vaccinations, health screenings, and wellness visits, making them more vulnerable to preventable diseases.²⁸ A decline in preventative health care at the individual level increases public health risks in a community. Obtaining high vaccination rates, for example, is essential to prevent the spread of communicable diseases among children. Yet uninsured children are less likely to receive vaccines than their insured peers. A recent study found uninsured children are 9.2% to 37.8% less likely to receive vaccines, varying by vaccine type, and 3.3% of the uninsured children in the study had received *no* vaccinations.²⁹

eligibility for undocumented immigrants for state funded medical care. See Lauren Rosenhall, *Newsom Signs Budget That Includes Health Care Cuts for Undocumented Immigrants*, N.Y. Times (June 27, 2025), <https://perma.cc/6XDT-MX2E>.

27. Kaiser Fam. Found., *Key Facts on Health Coverage of Immigrants* (Jan. 15, 2025), <https://perma.cc/B9M6-JL7Y>. Although non-citizens are significantly more likely to be uninsured than citizens, the majority of uninsured people are citizens. *Id.*

28. Paul J. Chung et al., *Preventive care for children in the United States: quality and barriers*, 27 *Ann. Rev. Public Health* 491, 491–515 (2006).

29. Holly A. Hill et al., *Vaccination Coverage by Age 24 Months Among Children Born in 2017 and 2018 - National Immunization*

Any increase in the rate of unvaccinated children would increase the risk of disease spread and even death from preventable childhood illnesses.³⁰ Preventative health care also reduces hospitalizations and emergency department use, thus saving health care providers and the government money.³¹

ii. Citizenship Stripping Will Increase Hunger and Threaten School Performance by Limiting the Reach of Childhood Nutrition Programs

The Executive Order will further undermine public health by reducing the number of families eligible for federal nutrition assistance benefits through the Supplemental Nutrition Assistance Program (SNAP) program. SNAP is considered “the nation’s most important anti-hunger program.”³² An average of 42 million people

Survey-Child, United States, 2018-2020, 70 *Morb. Mortal. Wkly. Rep.* 1435, 1435–40 (2021).

30. For example, hotspots of undervaccination correspond with locations of recent measles outbreaks in the U.S. *See* Eric Gheng Zhou, John S. Brownstein & Benjamin Rader, *Assessing MMR vaccination coverage gaps in US children with digital participatory surveillance*. 1 *Nat. Health* 138, 139 (2026); Pooja Salhotra, *Measles hits ICE family detention center in Texas*, *N.Y. Times* (Feb. 2, 2026), <https://perma.cc/4S9V-83P7>.

31. *See, e.g.*, Mark D. Piehl et al., *Narrowing the gap: decreasing emergency department use by children enrolled in the Medicaid program by improving access to primary care*, 154 *Archives Pediatrics Adolescent Med.* 791, 791–95 (2000).

32. Ctr. on Budget & Pol’y Priorities, *Policy Basics: The Supplemental Nutrition Assistance Program (SNAP)* (Nov. 24, 2025), <https://perma.cc/Z4VL-NBCZ>.

received benefits through SNAP each month in 2025.³³ Proper early-life nutrition is essential for young children and adults to thrive. SNAP benefits improve school performance: they are correlated with higher test scores and fewer disciplinary issues.³⁴ SNAP also has lifelong impacts: adults who received SNAP benefits as children have a lower risk of heart disease and obesity.³⁵ Improved education and healthcare outcomes benefit the whole community.

Critically, SNAP benefits are available to mixed-status families containing citizen children and non-citizen parents. *See* 7 C.F.R. § 273.11(c)(3) (eligibility determined for each household member). In these cases, stripping children of citizenship means parents will lose support for their children’s nutritional needs, increasing the family’s overall financial burden. This is particularly true as recent legislation significantly curtails eligibility for SNAP benefits for non-citizens, excluding, for example, refugees and asylees from receiving benefits.³⁶ Against this policy

33. Drew Desilver, *What the data says about food stamps in the U.S.*, Pew Rsch. Ctr. (Nov. 14, 2025), <https://perma.cc/CZU3-RQTE>.

34. Anna Gassman-Pines & Laura Bellows, *Food Instability and Academic Achievement: A Quasi-Experiment Using SNAP Benefit Timing*, 55 *Am. Educ. Rsch. J.*, 897, 897-927 (2018); Lisa A. Gennetian et al., *Supplemental nutrition assistance program (SNAP) benefit cycles and student disciplinary infractions*, 90 *Soc. Serv. Rev.*, 403, 403–33 (2016).

35. Steven Carlson & Joseph Llobrera, *SNAP is Linked with Improved Health Outcomes and Lower Health Care Costs*, Ctr. on Budget & Pol’y Priorities (Dec. 14, 2022), <https://perma.cc/BRG6-V5WG>.

36. H.R. 1 limited SNAP eligibility to citizens, legal permanent residents, and a few very limited and narrow groups of non-citizens.

backdrop, by rendering large numbers of children born in the U.S. non-citizens, the Executive Order substantially increases the risk of hunger and associated harms among *amici*'s vulnerable residents.

iii. Federal Funding for Schooling-Related Services and Foster Care Will Decrease

Access to certain schooling-related and foster care services that are administered at the local level will also be impacted by the Executive Order. Federal law requires school districts to provide services to students with disabilities under the Individuals with Disabilities in Education Act, and partially reimburses districts for providing those services to citizens and qualified immigrants. *See* 34 C.F.R. § 300.154(d). Under the Executive Order, school districts would lose this funding for impacted students.

Similarly, many *amici* localities administer foster care programs that rely on certain federal Title IV-E funds that are only available for citizen and “qualified alien” children. *See* 8 U.S.C. § 1641. Reduced funding for these foster care programs would limit their effectiveness and the number of children they can serve. In both the schooling and foster care contexts, localities will have to bear the full financial burden of program operations if they are to continue to provide life-altering services to all children that need them.

See H.R. 1, sec. 10108; *see also* U.S. Dep’t of Agric., *Supplemental Nutrition Assistance Program (SNAP) Implementation of the One Big Beautiful Bill Act of 2025 - Alien SNAP Eligibility* (Oct. 31, 2025), <https://perma.cc/LEE8-6EMC>.

iv. By Reducing Access to Federal Programs for Children, the Executive Order Will Harm Communities and Strain Local Safety-Net Services

Inevitably it will be states, cities, and counties that must deal with the on-the-ground consequences of reduced access to federally-funded health, welfare, and educational benefits for children and families.

First, when substantial numbers of children in our communities are denied critical resources for their healthy development and education, our communities suffer. For example, denying health care access to individuals will have rippling effects on community health and well-being. Historical data has shown that past *expansions* of health care access led to declines in preventable hospitalizations, disability levels, and infant mortality, and had long-term positive effects on educational attainment, earnings, workforce participation, and self-reported health.³⁷ Contractions to public health insurance can be expected to have the opposite effect. Moreover, when members of our communities are forced to spend more money out of pocket for health care expenses, they have less resources to, for example, pay their rent,³⁸ invest in their and

37. See Janet Currie & Anna Chorney, *Medicaid and Child Health Insurance Program Improve Child Health and Reduce Poverty But Face Threats*, 21 Acad. Pediatrics, S146, S148 (2021).

38. See Robert W. Seifert, *Home Sick: How Medical Debt Undermines Housing Security*, 51 St. Louis U. L.J. 325, 327 (2007) (More than a quarter of survey respondents reported housing instability resulting from medical debt, including inability to pay rent and mortgages.).

their children’s education, and spend money in our local economies.

Second, the burdens on counties and cities, which provide safety-net services to uninsured, low-income, and vulnerable populations, will surely increase as access to federal programs decreases. Some county governments are frontline health care providers, operating public hospitals, community health centers, and nursing homes. Cities, counties, and states collaborate to provide homelessness services. Local education departments provide resources to high-needs students in schools. And law enforcement officials address public safety issues that rise in correlation with increases in poverty. The fiscal and programmatic burden on local governments like *amici* to absorb a spike in demand for these services would be severe and likely untenable.³⁹

B. The Executive Order Will Hamper Recruitment Efforts, Undermining Academic Excellence and Economic Growth

The Executive Order will also likely hamper recruitment at companies and universities, risking a “brain drain” on localities that rely on hiring and retaining international talent to thrive. Any international applicant considering a job offer or an acceptance to an American university may rightfully be wary of moving,

39. Local governments will already shoulder increased costs and face strains on safety-net services in 2026 due to legislation implementing federal funding cuts, new verification requirements, and changes to cost sharing for numerous public benefit programs. See Nat’l Assoc. of Cntys., *The Big Shift: An Analysis of the Local Cost of Federal Cuts* (July 9, 2025), <https://perma.cc/P5FT-4Z7B>.

even temporarily, to a country where their future child would have uncertain legal status and a limited ability to maintain legal status after their parent’s studies or position conclude.

Local economies are bolstered by robust, competitive universities and corporations that recruit and produce great talent. According to the Brookings Institute, “[t]he U.S. is grappling with growing labor shortages across various industries [...] [i]mmigrant labor plays a pivotal role, stabilizing our workforce and driving economic growth.”⁴⁰ Similarly, international academics contribute substantially to innovation and academic excellence at universities and research institutions across the nation, including many in *amici*’s jurisdictions.⁴¹ These centers of learning and research, in turn, drive job creation and economic growth in local economies. For example, Johns Hopkins University in fiscal year 2019 generated \$17.2 million in taxes and fees for the City of Baltimore, plus \$20.8 million in income tax from its employees.⁴² Undermining these institution’s ability to

40. Brookings Instit., *Visa Outlook Explorer*, <https://perma.cc/3ZS3-XDF8>.

41. See, e.g., Pat J. Morin, Denis Wirtz & Ashani T. Weeraratna, *Completing the Great Unfinished Symphony of Cancer Together: The Importance of Immigrants in Cancer Research*, 38 *Cancer Cell* 301, 301-302 (2020) (“The contribution of immigrants to the biomedical, and specifically cancer research, workforce cannot be overstated. . . . [I]mmigrant scientists have played a major role in U.S. cancer research, working in laboratories across the nation and helping to unravel the basic mechanisms of oncogenesis and develop new innovative tools for cancer therapies.”).

42. Johns Hopkins Off. of Gov’t and Cmty. Affs., *Johns Hopkins in Baltimore City Fact Sheet* (Apr. 2023), <https://perma.cc/UPE9-QZ57>.

recruit exceptional talent, now uncertain whether their children can belong and build their lives in the U.S., will have rippling economic effects.⁴³

C. Under the Executive Order, a Birth Certificate Will Be Insufficient to Demonstrate Citizenship, Affecting *Amici*'s Residents and Burdening Our Localities

Over the last 150 years, federal, state, and local governments have built an administrative structure centered around the accepted fact that birth in the U.S. is a guarantee of citizenship.⁴⁴ The brightline rule of birthright citizenship has allowed Americans, including the constituents *amici* serve, to use a birth certificate as documentary proof of citizenship in myriad administrative contexts. The Executive Order would throw into disarray existing administrative processes, affecting core government functions including the provision of passports, the assignment of Social Security numbers, and the administration of public benefits programs. Though early agency guidance attempts to reassure that the federal government will bear the weight of procedural changes, the reality is these major changes will significantly burden

43. For example, nearly 17,000 employees of Johns Hopkins University reside in the city of Baltimore and the total economic output of the University was estimated at \$6.2 billion in 2019. Johns Hopkins Off. of Gov't and Cmty. Affs., *supra* n. 42. Overall, by one estimate, international students studying at U.S. colleges and universities contributed \$42.9 billion to the U.S. economy in the 2024-2025 academic year. NAFSA, *NAFSA International Student Economic Value Tool*, <https://perma.cc/99NM-6Z5P>.

44. See generally Angela R. Remus, *Caught Between Sovereigns: Federal Agencies, States, and Birthright Citizens*, 34 *Stan. L. & Pol'y Rev.* 225, 247 (2023).

local governments. Moreover, the new procedures already proposed by the relevant federal agencies for determining citizenship status of newborns are inherently flawed, as they rely on datasets with known gaps and inaccuracies. Importantly, these flawed systems will complicate the process of determining citizenship for *every* baby born in our communities, no matter the status of their parents. These impacts should not be minimized, as they “would make it more difficult for all Americans to claim the rights of citizenship,”⁴⁵ including by creating the likelihood of U.S. citizens being denied timely provision of essential benefits and of documentary proof of citizenship.

i. Obtaining Passports Will Become More Difficult, Jeopardizing the Security of *Amici*’s Residents in a Climate of Aggressive Immigration Enforcement

The Executive Order would also require an overhaul of the process for issuing U.S. passports. Under existing law, U.S.-born citizens submit a birth certificate as evidence of citizenship when applying for a passport. 22 C.F.R. § 51.42. But not so under the new regime. Pursuant to State Department guidance, every U.S. citizen born after the Executive Order takes effect will need to submit “original proof” of their parents’ citizenship or qualifying immigration status.⁴⁶ As an immediate result, any parent seeking a passport for a U.S.-citizen baby will confront

45. Jacob Hamburger, *The Consequences of Ending Birthright Citizenship*, 103 Wash. U. L. Rev. 209, 229 (2025) (describing “chaos” likely to occur under proposed agency guidance).

46. U.S. Dep’t of State, *Executive Order 14160: Protecting the Meaning and Value of American Citizenship* (July 27, 2025), <https://perma.cc/P4H7-MLR2>.

greater administrative hurdles, as many Americans do not have ready access to documents proving their own citizenship, including birth certificates and passports.⁴⁷ Future adult citizens applying for a first passport will face the even greater obstacle of tracking down their parents' proof of citizenship.

By complicating the U.S. passport issuance process, the Executive Order will cause a downstream burden on local governments, who rely on proof of citizenship in certain contexts. With birth certificates no longer proving citizenship, passports would take on added importance. For example, in their capacity as employers, local governments can rely on passports, among other alternatives, to verify an employees' employment authorization.⁴⁸ Similarly, because a passport is definitive proof of U.S. citizenship, 22 U.S.C. § 2705(1), local governments may rely on passports to determine eligibility for benefits reserved to U.S. citizens and qualifying immigrants.

Beyond procedural implications, the consequences of increasing barriers to obtaining a U.S. passport can be serious. In recent months, federal agents have detained and questioned those they suspect to be immigrants, who in many cases are U.S. citizen people of color,⁴⁹ at record levels not just at our borders but within the interior of

47. Kevin Morris & Cora Henry, *Millions of Americans Don't Have Documents Proving Their Citizenship Readily Available*, Brennan Ctr. for Just. (June 11, 2024), <https://perma.cc/2B3G-WQFS>.

48. See U.S. Citizen & Immigr. Serv., Form I-9 (Employment Eligibility Verification), <https://perma.cc/3LL6-G8NR>.

49. See *Noem v. Vasquez Perdomo*, 606 U.S. _____, 146 S. Ct. 1, 7 (2025) (Sotomayor, J., dissenting).

the country. Considering such actions, some U.S. citizens have adopted the defensive tactic of carrying a passport, undisputable evidence of U.S. citizenship, on their persons.⁵⁰ A passport is, of course, also critical for facilitating international travel, including ensuring U.S. citizens are allowed to return home. But for many, a passport has now also become a tool for guarding against wrongful detention at home and even against expedited removal.

ii. Adding New Complications to Determining a Newborn’s Citizenship Status Will Cause Predictable Problems in Local Public Benefits Administration

Eligibility determinations for certain federally-funded public benefits require determining a resident’s citizenship or immigration status. The Executive Order would impair existing methods for demonstrating benefits eligibility. Social Security Administration (SSA) guidance indicates the agency expects to automatically determine a baby’s citizenship (and resultant eligibility for a Social Security number at birth) through a dramatic modification of the current Enumeration at Birth system if the Executive Order goes into effect.⁵¹ Scant on details, the

50. See Talya Minsberg & Lauren McCarthy, *Minneapolis residents wear their passports, desperate to ward off ICE*, N.Y. Times (Jan. 31, 2026), <https://perma.cc/LTN2-YMXW>.

51. See Soc. Sec. Admin., *Guidance on Protecting the Meaning and Value of American Citizenship (Executive Order 14160) for Verification Requirements under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at 2-3* (July 2025), <https://perma.cc/4XYC-D5ME>; see also Soc. Sec. Admin., *What is Enumeration at Birth and how does it work?* (Dec. 30, 2022), <https://perma.cc/4GDV-HF29>.

SSA proposes to use parents' Social Security numbers provided by hospitals and other local entities registering births to determine a newborn's parents' immigration status by searching existing SSA records and also using the USCIS/DHS SAVE search tool to query other government datasets.⁵²

The databases the government proposes to rely on have significant known gaps and inaccuracies, and their proposed use raises privacy concerns.⁵³ As the bipartisan U.S. Commission on Civil Rights has stated, the SAVE search tool “is not a comprehensive list of U.S. citizens” and does not include all naturalized citizens or citizens born outside the country.⁵⁴ Social Security data is similarly incomplete: in 2020, approximately a quarter of SSA records lacked information about citizenship status, and the SSA system does not capture changes to citizenship status.⁵⁵

52. SAVE was initially created in the 1980s to help states verify the immigration status of alien applicants for federally funded benefits, and its use has expanded over time. *See* U.S. Citizenship & Immigr. Servs., *About Save: History*, <https://perma.cc/C2YG-X4PN>.

53. The unreliability of these datasets have been analyzed extensively in the last year in the context of verifying voter eligibility. *See, e.g.,* Jasleen Singh & Spencer Reynolds, *Homeland Security's 'SAVE' Program Exacerbates Risks to Voters*, Brennan Ctr. for Just. (July 21, 2025), <https://perma.cc/D3PC-VP59>.

54. U.S. Comm'n on Civ. Rts., *An Assessment of Minority Voting Rights Access in the United States, 2018*, at 148 (2018), <https://perma.cc/FDC5-UZXG>.

55. Kathleen Romig, *Trump Administration's Legally Dubious Misuse of Social Security Data Risk Disenfranchising Eligible Voters*, Ctr. on Budget Pol'y Priorities (Dec. 9, 2025), <https://perma.cc/>

Overall, under the new framework imposed by the Executive Order, the practical obstacles to quickly and accurately determining a newborn's citizenship status will be significant. This impact of the Executive Order would affect all children born in the U.S., not just the children of immigrants, because it would introduce delays and inaccuracies into the process for determining and demonstrating every U.S.-born child's citizenship status.

This impact on citizenship determinations will, in turn, impact benefits eligibility determinations. Benefits administration currently relies primarily on birth certificates issued by a state or local government (often a county health department or recorder, in coordination with state agencies) to demonstrate eligibility when documentary evidence of citizenship is required. *See, e.g.,* 42 U.S.C. § 1396b(x)(3)(C) (birth certificates can be submitted to prove Medicaid eligibility). Per guidance issued by the U.S. Department of Health and Human Services and U.S. Department of Agriculture,⁵⁶ if the

cc/8G82-V8A6; *see also* Letter from Nancy Morales Gonzalez, Assoc. Gen. Couns., Soc. Sec. Admin., to Jon Sherman, Litig. Dir. & Senior Couns., Fair Election Ctr. (July 13, 2023) (explaining that SSA records do not provide “definitive information” on citizenship and “merely represent[] a snapshot of [an] individual’s citizenship status at the time of their interaction with SSA”), <https://perma.cc/KS2N-U2US>.

56. *See* U.S. Dep’t of Health & Hum. Servs., *Guidance on Protecting the Meaning and Value of American Citizenship (Executive Order 14160) for Verification Requirements under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (July 25, 2025), <https://perma.cc/X387-NF8G>; U.S. Dep’t of Agric., *Guidance on Protecting the Meaning and Value of American Citizenship (Executive Order 14160) for Verification*

Executive Order takes effect, parents applying for benefits for a child will be required to submit their child's passport, naturalization certificate, or valid Social Security number. Or, if they want to submit the child's birth certificate, they will also have to submit a qualifying parent's approved document, in addition to a parent's attestation of their child's benefits eligibility.⁵⁷

The impacts of this added complexity will be two-fold. First, states and localities will be forced to grapple with the administrative consequences of implementing these burdensome new eligibility verification protocols, because the federal government delegates the administration of many federally funded public benefits programs to the states,⁵⁸ which in turn delegate to counties and municipal governments in some cases.⁵⁹ States and local governments will need to develop new processes and procedures to comply with new federal rules. This will require significant time and expense at every stage,

Requirements under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (July 26, 2025), <https://perma.cc/LK67-VBD6>.

57. *Id.*

58. *See* Hamburger, *supra* n.45, at 236–38 (describing the delegation to states of federal benefits administration); *see also* 8 U.S.C. § 1612(b)(1) (“[A] State is authorized to determine the eligibility of an alien who is a qualified alien . . . for any designated Federal program. . .”).

59. For example, ten states delegate to counties responsibility for administering SNAP benefits, representing 34.3% of program participants. Julia Cortina, *Supplemental Nutrition Assistance Program (SNAP) Reauthorization and Appropriations*, Nat'l Assoc. of Cntys. (Feb. 13, 2025), <https://perma.cc/33R2-BGNC>.

including design, training, and implementation. Second, at least in some cases, U.S. citizens who cannot provide the requisite documentation will be denied benefits for which they are eligible. This will, in turn, impact local governments, which, as discussed (see *supra* Part II.A.iv), fund and operate public safety nets that are often utilized by residents who are not eligible for federal benefits.

* * *

As these examples demonstrate, the practical consequences of upending citizenship determinations will be felt nationwide as soon as the Executive Order takes effect, starting with the first baby born on U.S. soil, whether to citizen parents or not. It is simply unavoidable that the massive social restructuring the Executive Order demands will cause unintended consequences for the American families who rely on public programs daily. With about 10,000 children born each day in the U.S., confusion and delays will rapidly snowball.

CONCLUSION

The Executive Order contravenes the established meaning of the Fourteenth Amendment, and threatens to upend our long-settled understanding of citizenship and unleash turmoil in *amici's* communities. It will harm countless children and families and communities as a whole. For these reasons, and those provided by Respondents, *Amici* Local Governments and Local Government Leaders respectfully request that this Court affirm the decision of the district court.

Respectfully submitted,

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APPENDIX

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APPENDIX — LIST OF *AMICI CURIAE*

Local Governments

City of Alameda, California

County of Alameda, California

City of Albany, New York

City of Alexandria, Virginia

Allegheny County, Pennsylvania

City of Ann Arbor, Michigan

Arlington County, Virginia

City of Austin, Texas

City of Baltimore, Maryland

City of Berkeley, California

City of Boston, Massachusetts

Bucks County, Pennsylvania

City of Burlington, Vermont

City of Cambridge, Massachusetts

City of Chicago, Illinois

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City of Cincinnati, Ohio

City of Columbus, Ohio

Dane County, Wisconsin

City and County of Denver, Colorado

City of Detroit, Michigan

City of Evanston, Illinois

City of Jersey City, New Jersey

King County, Washington

City of Los Angeles, California

County of Los Angeles, California

City of Madison, Wisconsin

County of Marin, California

City of Minneapolis, Minnesota

County of Monterey, California

Montgomery County, Maryland

Metropolitan Nashville & Davidson County, Tennessee

Appendix

City of New Haven, Connecticut

City of New York, New York

City of Oakland, California

City of Pasadena, California

Pima County, Arizona

City of Portland, Oregon

City of Portsmouth, New Hampshire

City of Providence, Rhode Island

City of Sacramento, California

City of San Diego, California

City of San José, California

County of San Mateo, California

City of Saint Paul, Minnesota

County of Santa Clara, California

City of Santa Monica, California

City of Seattle, Washington

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