

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**

**AMICUS CURIAE BRIEF OF PROFESSORS
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DORANTES, PETER CATRON, CHLOE EAST,
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I. INTERESTS OF AMICI CURIAE¹

Amici curiae, listed in the Appendix, are 141 professors representing a broad range of expertise in Social Science and related fields, including Demography, Economics, Political Science, Public Health, Public Policy, Sociology, and others. Amici have compiled an extensive base of research demonstrating that non-citizen immigrants have strong ties to the United States, and that citizenship 1) is a key driver of stronger long-term educational, health, economic, and social outcomes for immigrants, their families and their communities, and 2) increases immigrants' contributions to the United States. This research demonstrates that the Executive Order ending birthright citizenship would not lessen immigration, but would create an underclass of undocumented U.S.-born children, causing great harm not just to those children and their families and communities, but to the American economy and the Nation as a whole

Accordingly, *amici* have an interest in ensuring that the Fourteenth Amendment is interpreted, as it has been historically, to grant citizenship to all children born in the United States, regardless of their parents' immigration status.

1. No party's counsel authored any part of this brief. No party or party's counsel contributed money that was intended to fund preparing or submitting this brief. No person – other than *amici curiae* or their counsel – contributed money that was intended to fund preparing or submitting this brief.

II. SUMMARY OF ARGUMENT

An extensive body of empirical research demonstrates that 1) birthright citizenship does not drive immigration, and 2) U.S. citizenship is a key driver of economic growth, education, and health, whereas the denial of legal status engenders legal, political, economic, and social harm to immigrants and to the United States. Based on this research, it is our professional opinion that ending birthright citizenship pursuant to the President’s Executive Order of January 20, 2025 (the “Order”)² would cause serious harm to the Nation for generations.

The Order, if implemented, would strip *4.8 million future U.S.-born children* of citizenship by 2045 and 12.8 million by 2075, with impacted children representing approximately 255,000 U.S. births per year (more than one in every 18 – or 5.7 percent) over that period.³

2. Exec. Order No. 14,160, 90 Fed. Reg. 8449 (Jan. 20, 2025)

3. This figure is based on calculations by Jennifer Van Hook, April 5, 2025, using estimates of the unauthorized foreign-born population produced by Van Hook, Ruiz Soto and Gelatt (Jennifer Van Hook et al., *Unauthorized Immigrant Population Reached 13.7 Million in 2023*, Migration Policy Institute (2025)), and projection methods similar to those used in Van Hook and Fix (Jennifer Van Hook & Michael Fix, *The Demographic Impacts of Repealing Birthright Citizenship*, Legal Briefs on Immigration Reform from 25 of the Top Legal Minds in the Country, Vol. 1, 173-86 (2011)). See also Jennifer Van Hook et al., *Repealing Birthright Citizenship Would Significantly Increase the Size of the U.S. Unauthorized Population*, Migration Policy Institute (May 2025), <https://www.migrationpolicy.org/news/birthright-citizenship-repeal-projections>; c.f. *Declaration of David C. Baluarte in State of Washington et al. v. Trump et al.*, Case No. 25 Civ. 00127 (W.D. Wash.) (Doc. 19) https://www.law.cuny.edu/wp-content/uploads/media-assets/2025_Faculty_Baluarte_Decl_Statelessness_Birthright-Citizenship.pdf.

Ending birthright citizenship would thus create a massive population of U.S.-born undocumented children whose status would be heritable and intergenerational, leaving many stateless. The creation of this caste would disrupt 150 years of intergenerational upward mobility for immigrants and would reverberate broadly through the U.S. economy and society while failing to address actual causes of migration.

While the United States and its *amici* allege a range of harms that they claim are caused by birthright citizenship, there is little empirical research supporting such claims. The promise of citizenship is not a significant driver of migration.⁴ So-called “birth tourism” (where expectant mothers purportedly travel to the U.S. to give birth) accounts for an infinitesimal proportion of the children who receive birthright citizenship each year.⁵ And noncitizens and their U.S.-born children show extensive allegiance to the nation through, for example, consistently higher rates of military service than the average United States citizen.⁶ The overwhelming evidence shows that the children of immigrants are a benefit to the United States, and that the Order would weaken the country across several domains.

First, stripping U.S.-born children of birthright citizenship would have profound economic consequences. Recent estimates show that children born under the status quo birthright citizenship scenario from 1975

4. Section III.A.3, *infra*.

5. *Id.*

6. Section III.A.2, *infra*.

onwards will have contributed a projected \$7.7 trillion to the U.S. economy between now and 2074, including \$1 trillion by future children not yet born who would be impacted by the Order.⁷ Citizenship increases the social and economic mobility of immigrants, their children, and later generations, promoting economic stability, workforce participation, economic growth, and increased fiscal contributions to the U.S. By dramatically expanding the population of undocumented individuals, the Order would limit immigrants' potential to make economic contributions, thus hindering national growth.

Second, citizenship increases educational attainment, including by enabling students to afford college and resulting class mobility. Conversely, lacking legal status harms educational attainment, by delinking educational attainment from future job prospects and excluding students from lawful employment, financial support, and in some cases higher education. Research overwhelmingly shows that barriers to educational attainment create lifelong disadvantages and reduce earnings, decreasing future tax revenue and stifling innovation.

Third, citizenship protects access to healthcare, while lacking citizenship or permanent status causes health harms from cradle to grave. Undocumented people are

7. Phillip Connor et al., *Multi-Trillion Dollar and Multi-Million Worker Contributions: An Economic Accounting of Birthright Citizenship*, *Working Paper Series*, Center for Migration and Development, Princeton University (February 2026), <https://cmd.princeton.edu/sites/g/files/toruqf1406/files/documents/Connor%20Hall%20Ortega%20Birthright%20citizenship%20working%20paper%20for%20Princeton%27s%20CMD%20website%20FINAL.pdf>.

more likely to be denied insurance and thus have greater difficulty accessing preventative and acute healthcare. In contrast, citizenship decreases health harms, thus benefitting society more broadly.

In light of this research, our professional consensus is that ending birthright citizenship for U.S.-born children would not only fail to discourage migration, but would undermine drivers of first- and later-generation economic and social mobility, and harm the United States by compromising the contributions these generations would make. Indeed, creating a system of hereditary disadvantage based on the legal status of one's parents would institute categorical exclusions from American institutions and rights for U.S.-born children, precisely the harm the Fourteenth Amendment was created to prevent.

III. ARGUMENT

A. The Order Would Dramatically Expand the Undocumented Population and Would Severely Disrupt American Social and Economic Life.

1. The Order Is Vast in Scope, Reaching Millions of Children Whose Parents Have Settled in the United States.

Implementing the Order would harm millions of children. Approximately 4.8 million children in the next two decades alone would be born to approximately 16.2-18.7 million immigrant parents who hold a range of immigration statuses impacted by the Order.⁸

8. Jennifer Van Hook, *Who Are Immigrants to the US, Where Do They Come from and Where Do They Live?*, The Conversation

Many of these immigrants have been living in the U.S. for decades while seeking permanent authorization and/or cannot safely return to their countries of origin.⁹

As of 2023, this group includes approximately 2.4 million individuals on nonimmigrant visas (such as employment or student visas), many of whom are able to seek (or are currently seeking) Legal Permanent Resident (“LPR”) or citizenship status.¹⁰ About 3.9 million additional individuals hold “liminal” or in-between statuses, often for decades. This includes more than 700,000 Temporary Protected Status (“TPS”) holders; approximately 600,000 Deferred Action for Childhood Arrivals (“DACA”) recipients, who have lived in the U.S. since childhood; nearly 500,000 individuals with humanitarian parole (e.g., Afghans who assisted the U.S. military in Afghanistan); around 200,000 with other types of Deferred Action (e.g. U-visas for crime victims); and more than 2.1 million asylum applicants, who have presented themselves for inspection and have access to work permits.¹¹ In addition, approximately 9.7 million individuals in this group lack formal authorization or protection from deportation, but

(Feb. 4, 2025) <https://theconversation.com/who-are-immigrants-to-the-us-where-do-they-come-from-and-where-do-they-live-247430>; Phillip Connor et al., *Mapping the Undocumented and Temporary Status Populations*. (December 8, 2025, with forthcoming updates in March 2026), <https://www.fwd.us/news/mapping-the-undocumented/>.

9. Phillip Connor, *Protected, yet undocumented: The U.S. case of growing liminal immigration status and the theoretical, advocacy, and policy implications for the U.S. and beyond*. 58(4) *International Migration Review*, (2024) 2118-2040.

10. Van Hook, *supra* n.8.

11. *Id.*

may have available pathways to status.¹² Collectively, these groups represent about one-third of the 51.3 million foreign-born people, and nearly five percent of the entire population in the U.S. as of 2023 (334.9 million).¹³ Given the scope of the impacted population, the Order would result in permanent social stratification and disenfranchisement for a substantial portion of the U.S. population.

2. The Order Would Strip Citizenship from Millions of Children Born and Raised in the United States, Whose Families Are Deeply Integrated into American Society.

The government's brief posits that immigrants without permanent legal status are transient and that their children therefore lack "allegiance" to the United States, *see, e.g.*, Pet. Br. at 9, 29-30, and that such immigrants present a threat to "public safety," *id.* at 4, 8. But research shows that a large majority of non-LPR or U.S. citizen immigrant parents have lived in the U.S. for many years and have traits consistent with long-term settlement: attending school, having children, and making a life in the United States.¹⁴ With extremely few exceptions,

12. *Id.*

13. *Id.*; *U.S. Population Trends Return to Pre-Pandemic Norms as More States Gain Population*, United States Census Bureau (December 19, 2023) <https://www.census.gov/newsroom/press-releases/2023/population-trends-return-to-pre-pandemic-norms.html>.

14. Van Hook, *supra* n.8; *see also* Robert Courtney Smith, *Will DACA Recipients Return to Their Birth Countries If DACA Is Ended?* *Journal on Migration and Human Security*, 11(4), 295-314 (2023), <https://journals.sagepub.com/doi/10.1177/23315024231199713>;

the children who would be stripped of citizenship under the Order are not the children of visitors to the U.S., but rather are U.S.-born children who will know only America as their home.

The affected classes of immigrants and children of immigrants are strongly rooted in American social and economic life. For example, DACA recipients must have arrived in the U.S. as children, have been in school or have at least a high school degree, and have lived continuously in the U.S. since June 2007.¹⁵ 73% of DACA recipients were under the age of 10 when they came to the U.S. (including 61% under age 7), and all have lived here for at least 19 (and up to 44) years.¹⁶ DACA recipients enroll in postsecondary education and participate in the labor market at very high rates: A 2024 survey found that 92.4% were working and 26.3% were first-time homeowners.¹⁷ DACA eligibility has also led to occupational mobility,¹⁸

Andorra Bruno, *Deferred Action for Childhood Arrivals (DACA): By the Numbers*, Congressional Research Service (2021) <https://www.congress.gov/crs-product/R46764> (“CRS 2021”).

15. U.S. Citizenship and Immigration Services, *Consideration of Deferred Action for Childhood Arrivals (DACA)*, <https://www.uscis.gov/DACA>.

16. CRS 2021, *supra* n.14.

17. Tom K. Wong, *2024 National DACA Study*, Center for American Progress (August 4, 2025), <https://www.americanprogress.org/article/10th-annual-daca-survey-2024-findings-reveal-whats-at-stake-for-recipients-and-the-united-states/>.

18. Aimee Chin et al., *Unlocking Occupational Opportunity: The Labor Market Effects of DACA*, National Bureau of Economic Research (January 2026), <https://www.nber.org/system/files/>

and DACA recipients are now also marrying (24% as of 2020) and having children, further integrating them into American society.¹⁹

Research shows that TPS holders are also integrated into American economic and social life, with Salvadorans and Hondurans having lived in the U.S. for on average 20 years.²⁰ Nationwide, TPS holders have significantly higher rates of labor force participation than the overall U.S. population (88.5% compared to 62.9%).²¹ TPS holders from El Salvador, Honduras, and Haiti (the three countries with the largest TPS populations in 2017) contributed a combined \$4.5 billion in pre-tax wages or salary income annually, and \$45.2 billion over a decade;

working_papers/w34685/w34685.pdf; Erin Hamilton et al., *Transition into Liminal Legality: DACA's Mixed Impacts on Education and Employment Among Young Adult Immigrants in California*, 68(3) *Social Problems* 675-95 (2021)

19. CRS 2021, *supra* n.14; Caitlin Patler, et al., *Uncertainty About DACA May Undermine Its Positive Impact On Health For Recipients And Their Children*, *Health Affairs* (May 2019), <https://www.healthaffairs.org/doi/abs/10.1377/hlthaff.2018.05495>; Jens Hainmueller et al., *Protecting unauthorized immigrant mothers improves their children's mental health*, *Science* (August 31, 2017), <https://www.science.org/doi/abs/10.1126/science.aan5893>.

20. Cecilia Menjivar et al., *The Contradictions of Liminal Legality: Economic Attainment and Civic Engagement of Central American Immigrants on Temporary Protected Status*, 69(3) *Soc. Problems* 678-698 (2022); Cecilia Menjivar, *Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants*, Center for Migration Research, University of Kansas (2017), https://www.wola.org/wp-content/uploads/2017/06/TPS_REPORT_FINAL.pdf ("TPS Report").

21. Menjivar, TPS Report, *supra* n.20.

their contributions to social security and Medicare over a decade were over \$6.9 billion.²² Furthermore, one 2017 study found that 11% of TPS workers from these three countries had opened their own U.S. businesses, creating jobs.²³ Another study found that nearly one-third (32%) owned their own homes, and nearly two-thirds (61%) had at least one U.S citizen child.²⁴

Undocumented immigrants are also deeply woven into American economic and social life. U.S. Census data show that 54% of all undocumented people have lived in the U.S. for over a decade,²⁵ including 83% of those from Mexico.²⁶ The vast majority – over 7 million – live with at least one

22. Amanda Baran et al., *Economic Contributions by Salvadoran, Honduran, and Haitian TPS Holders*, Immigrant Legal Research Center (Apr. 2017), https://www.ilrc.org/sites/default/files/resources/2017-04_18_economic_contributions_by_salvadoran_honduran_and_haitian_tps_holders.pdf.

23. Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5(3) *Journal of Migration and Human Security*, 577-592 (2017); Menjívar, TPS Report, *supra* n.20.

24. Menjívar, TPS Report, *supra* n.20.

25. Matthew Lisiecki & Gerard Apruzzese, *Proposed 2024 Mass Deportation Program Would Socially and Economically Devastate American Families*, Center for Migration Studies (2024), <https://cmsny.org/publications/2024-mass-deportation-program-devastate-american-families-101024/>.

26. Ana Gonzalez-Barrera & Jens Manuel Krogstad, *What We Know About Illegal Immigration from Mexico*, Pew Research Center (2019), <https://www.pewresearch.org/short-reads/2019/06/28/what-we-know-about-illegal-immigration-from-mexico/>.

U.S. citizen, and 5.7 million U.S. citizen children (many of whose future siblings would be rendered deportable by the Order) live with an undocumented person, typically their parents.²⁷

Undocumented persons also contribute to the U.S. economy, with higher labor force participation than native-born workers (77.2% vs. 63.5%).²⁸ The economy relies extensively on undocumented workers, three-fourths of whom (74%) work in essential occupations (versus 65% of U.S.-born workers).²⁹ Undocumented workers paid \$96.7 billion in taxes in 2022.³⁰ In 2013, the Social Security Administration estimated that undocumented workers' payroll taxes contributed a net positive \$12 billion to Social Security in 2010 alone, supporting system solvency.³¹ Importantly, as described below, undocumented immigrants' contributions to the U.S. would be even greater were they able to access citizenship.

27. Robert Warren & Donald Kerwin, *Mass Deportations Would Impoverish US Families and Create Immense Social Costs*, Center for Migration Studies (2017), <https://cmsny.org/publications/mass-deportations-impoverish-us-families-create-immense-costs/>.

28. Lisiecki & Apruzzese, *supra* n. 25.

29. Donald Kerwin & Robert Warren, *US Foreign-Born Workers in the Global Pandemic: Essential and Marginalized*, 8(3) *J. of Migration and Human Security* 282-300 (2020).

30. Carl Davis, et al., *Tax Payments by Undocumented Immigrants*, Institute on Taxation and Economic Policy (2024), <https://itep.org/undocumentedimmigrants-taxes-2024/>.

31. Stephen Goss et al., *Effects of Unauthorized Immigration on the Actuarial Status of the Social Security Trust Funds*, Social Security Administration (2013), https://www.ssa.gov/oact/NOTES/pdf_notes/note151.pdf.

In other words, the immigrants targeted by the Order overwhelmingly strengthen American society – and do not, as the government suggests, threaten “public safety.” Pet. Br. at 4, 8. Furthermore, more than a century of empirical research on the relationship between immigration and crime reflects that there is no connection between immigration status and increased criminality. On the contrary, since the Wickersham Commission’s 1931 *Crime and the Foreign-Born* report, studies have consistently shown that immigrants are less likely to engage in criminal activity or to be incarcerated than the U.S.-born.³² The consensus in the now-extensive immigration-crime literature is that higher levels of immigration are associated with unchanged or lower crime rates across violent, property, and drug-related offenses.³³ These patterns are especially strong for undocumented immigrants, whose arrest rates are generally lower than those of native-born Americans,³⁴

32. Ran Abramitzky et al., *Law-abiding immigrants: The incarceration gap between immigrants and the US-born, 1870–2020*, *American Economic Review: Insights* 6, no. 4, 453-471 (2024); National Commission on Law Observance and Enforcement, *Crime and the Foreign-Born* (1931).

33. Kristin F. Butcher & Anne Morrison Piehl, *Recent immigrants: Unexpected implications for crime and incarceration*, *ILR Review* 51, no. 4, 654-679 (1998); Kristin F. Butcher & Anne Morrison Piehl, *Why are immigrants’ incarceration rates so low? Evidence on selective immigration, deterrence, and deportation*, National Bureau of Economic Research (NBER) (2007); Graham C. Ousey & Charis E. Kubrin, *Exploring the connection between immigration and violent crime rates in US cities, 1980–2000*, *Social Problems* 56, no. 3, 447-473 (2009); Charis Kubrin & Graham C. Ousey, *Immigration and crime: taking stock*, Springer Nature (2023).

34. Michael T. Light & Ty Miller, *Does undocumented immigration increase violent crime?* *Criminology* 56, no. 2, 370-

and whose population growth is associated with lower rates of violent crime.³⁵ Finally, there is no evidence that increased deportation reduces crime or improves employment or wages.

Additionally, immigrants demonstrate high levels of allegiance to the United States. Research finds that immigrants and children of immigrants serve in the military at similar or higher rates than children with two U.S.-born parents.³⁶ Indeed, 12 percent of veterans in the U.S. in 2012 were immigrants or children of immigrants.³⁷ And 20 percent of all Congressional Medal of Honor recipients are immigrants.³⁸ Immigrants and children of immigrants who speak more than one language provide translation skills to the military and national security agencies, and research indicates that immigrants in the military have more education and stronger cyber skills,

401 (2018); Michael T. Light et al., *Comparing crime rates between undocumented immigrants, legal immigrants, and native-born US citizens in Texas*, Proceedings of the National Academy of Sciences, 117(51), 32340-32347 (2020).

35. Light & Miller, *supra* n.34.

36. Amy Lutz, *Who Joins the Military?: A Look at Race, Class, and Immigration Status*, Journal of Political and Military Sociology 36 (2): 167-188 (2008); Christopher Simon et al., *Re-examining Willingness to Fight for One's Country: Exploring Nature of Conflict and Citizenship Status Effects in the United States and Canada*, Armed Forces and Society, 52(1) (2024).

37. Catherine N. Barry, *New Americans in Our Nation's Military*, Center for American Progress (Nov. 8, 2013), <https://www.americanprogress.org/article/new-americans-in-our-nations-military/>.

38. *Id.*

finish their enlistments at higher rates, and are more likely to be promoted in rank, compared to native-born people.³⁹ Moreover, Latinos are the fastest growing ethnic group in the U.S. Army, increasing from 11.4% in 2011 to 17.6% in 2023 of active-duty soldiers,⁴⁰ and make up 51% of U.S. Border Patrol agents.⁴¹ These patterns underscore that immigrants and their children have repeatedly demonstrated extraordinary skill, commitment, and allegiance in service to the Nation.

3. The Order Would Drastically Increase, Not Decrease, the Population of Undocumented Immigrants.

If enforced, the Order would dramatically expand the undocumented population of the U.S., destabilizing U.S. communities and labor markets. A large body of research shows that immigrants (regardless of legal status) come to the U.S. and remain here for economic opportunity, family reunification, and to build lives free from poverty,

39. Muzaffar Chishti et al., *Noncitizens in the U.S. Military*, Migration Policy Institute (May 2019), <https://www.migrationpolicy.org/sites/default/files/publications/MPI-Noncitizens-Military-Final.pdf>; Eiko Strader et al., *Warriors wanted: The performance of immigrants in the US Army*, *International Migration Review* 55, no. 2, 382-401 (2021).

40. U.S. Army, *Active Component Demographics (2022)*, <https://api.army.mil/e2/c/downloads/2022/11/15/62a2d64b/active-component-demographic-report-october-2022.pdf>.

41. U.S. Equal Employment Opportunity Commission, *Permanent Workforce Statistics, Dept. of Homeland Security*, <https://www.eeoc.gov/federal-sector/department-homeland-security-dhs-0>.

danger, or war.⁴² Ending birthright citizenship would not reduce these key drivers of migration. Instead, it would result in a massive expansion of the undocumented population, creating approximately 4.8 million additional undocumented children over the next 20 years, more than doubling the portion of undocumented U.S. children to about 5.7% of all American children.⁴³ Moreover, the Order would continue this growth intergenerationally.

Meanwhile, the justifications the government and its *amici* put forth for the Order would do little to decrease the undocumented population. Although the government suggests that so-called “birth tourism” significantly impacts migration, *see, e.g.*, Pet. Br. at 4, there is no evidence that it has even a marginally significant impact on U.S. births. The estimate proffered by Petitioners’ *amicus* (citing 33,000 instances of birth tourism annually)⁴⁴ was recanted six years ago.⁴⁵ The author’s new estimate shows a “possibility” of 20,000-25,000 occurrences in a year, and cautions that these numbers “should not be seen as

42. Katharine Donato & Douglas S. Massey, *Twenty-First-Century Globalization and Illegal Migration*, Ann. Am. Acad. of Polit. and Soc. Sci. 666.1 (2016); Anna Maria Mayda, *International Migration: A Panel Data Analysis of the Determinants of Bilateral Flows*, 23 J. of Population Econ. 1249-1274 (2010).

43. Van Hook, *supra* n.3.

44. Brief Amicus Curiae of America’s Future, *et al.* at 32 (citing Pawel Styrna, *Birth Tourism*, Federation for American Immigration Reform (Mar. 2020) <https://www.fairus.org/issue/birth-tourism>).

45. Stephen A. Camarota, *There May Be 33,000 Birth Tourists Annually*, Center for Immigration Studies (Dec. 19, 2019), <https://cis.org/Camarota/33000-Birth-Tourists-2016-2017>.

hard data points.”⁴⁶ Even if accurate, these figures would represent only 0.52-0.65% of the 3,855,550 U.S. births in 2017.⁴⁷ More accurate calculations are closer to 2,000 (0.051% of births in 2017).⁴⁸

Similarly, there is little to no indication that, as the government’s *amici* claim, birthright citizenship drives any significant amount of international surrogacy.⁴⁹ Between 2014 and 2020, an annual average of 1,846 children were born in the United States to two international parents, primarily from France, Spain, the United Kingdom, Israel, Canada, and other European countries.⁵⁰ Additionally, while the government’s amici direct particular hysteria towards isolated stories about international surrogacy among Chinese nationals, surrogacy agencies that offer international services report that just 3% of their clientele come from China and that Chinese nationals are far more likely to choose surrogacy in Ukraine rather than the United States.⁵¹

46. *Id.*

47. Joyce Martin et al., *Births: Final data for 2017*, 67(8) Nat’l Vital Stat. Rep. 1- 50 (2018).

48. Jeremy Neufeld, *The Birth Tourism Bogeyman*, Niskanen Center (2020), <https://www.niskanencenter.org/the-birth-tourism-bogeyman/>.

49. *See, e.g.*, Amicus Curiae Brief of Tennessee et al., at 28-29; Amicus Curiae Brief of America’s Future, et al., at 33-34.

50. Alexandra Herweck et al., *International Gestational Surrogacy in the United States, 2014-2020*, Fertil Steril 121(4), 662-630 (April 2024); Sam G. Everingham & Andrea Whittaker, *Trends in engagement in surrogacy by nationality 2018-2020: A survey of surrogacy agencies*, Global Reproductive Health, 8(1) (Spring 2023), <https://doi.org/10.1097/GRH.0000000000000064>.

51. Everingham & Whittaker, *supra* n.50.

In other words, the government and its amici focus on *de minimis* occurrences to justify ending birthright citizenship while ignoring the irreparable harm to millions of children who would grow up as U.S.-born undocumented persons, while only knowing America as home. Those harms would then be passed on to those children's children, creating an inheritable status disability that would engender a wide variety of injuries to the country as a whole.

B. Ending Birthright Citizenship Would Negatively Impact the U.S. Economy.

Immigration enhances economic stability and long-term growth, and citizenship opens doors to expanded labor markets, entrepreneurship, fiscal contributions, and intergenerational economic mobility. Conversely, the denial of citizenship limits economic opportunity and mobility, diminishing individual and family prosperity, and weakening the entire economy.

1. Immigrants Strengthen American Economic and Fiscal Health.

Immigration contributes positively to American economic and fiscal health, according to a 2017 report by the National Academies of Science, Engineering, and Medicine ("NASEM 2017") based on a review of decades of research by a large, interdisciplinary team of experts.⁵²

52. NASEM, *The Economic and Fiscal Consequences of Immigration*, National Academies Press (2017), <https://doi.org/10.17226/23550>.

First, immigration drives the U.S. economy by addressing a demographic imbalance in American society. Without immigration, the country’s increasingly older population would be supported by a smaller and decreasing pool of active workers. By bringing new, working-age individuals into the labor market, immigration balances the U.S. workforce.⁵³ *Second*, immigration increases economic demand through the goods and services that immigrants buy and sell.⁵⁴ *Third*, immigrants tend to be more geographically mobile than native-born Americans, thus decreasing frictions in the labor market.⁵⁵ *Fourth*, immigrants are disproportionately likely to innovate and start businesses that create jobs for U.S.-born workers.⁵⁶ *Fifth*, immigrant workers often perform jobs that complement native-born workers, increasing both native-born workers’ job opportunities and their capacity to take those jobs. For example, immigrant construction workers may have native-born supervisors, and native-born women may be able to work outside the home because of immigrant-provided childcare.⁵⁷

53. *Id.* More immigration into the U.S. raises the number of health care workers and saves the lives of older Americans. David C. Grabowski et al., *Is Immigration Good for Health? The Effect of Immigration on Older Adult Mortality in the United States*, National Bureau of Econ. Research (2026) <https://www.nber.org/papers/w34791>.

54. NASEM, *supra* n. 52.

55. *Id.*

56. *Id.*

57. *Id.*; Wendy Edelberg et al., *Immigration and the Macroeconomy in the Second Trump Administration*, The Hamilton Project (Dec. 3, 2024) <https://www.hamiltonproject.org/publication/post/immigration-and-the-macroeconomy-second-trump-administration/>.

This complementary function can also lower inflation.⁵⁸

Sixth, immigration increases GDP. The NASEM 2017 report estimates that in 2013 alone, immigration increased U.S. GDP by at least 11%, or the equivalent of about 2 trillion in 2016 dollars. Given this data, researchers estimate that current restrictive immigration policies could cause the GDP to fall by \$30 to \$110 billion.⁵⁹

Finally, the NASEM 2017 report found that, projected over 75 years, the fiscal impacts of immigrants are “generally positive at the federal level,”⁶⁰ a conclusion also supported by research from the Cato Institute.⁶¹ Ending birthright citizenship would disrupt this long-established pattern of economic and fiscal contributions of immigrants and their children by reducing the earning potential of those later generations, undermining America’s future fiscal health.

58. Philip Barrett, et al., *Immigration and Local Inflation*, IMF Working Papers (2025) <https://www.imf.org/en/Publications/WP/Issues/2025/01/10/Immigration-and-Local-Inflation-560285>.

59. Wendy Edelberg & Tara Watson, *New Immigration Estimates Help Make Sense of the Pace of Employment*, The Hamilton Project (Mar. 7, 2024), <https://www.hamiltonproject.org/publication/paper/new-immigration-estimates-help-make-sense-of-the-pace-of-employment/>.

60. NASEM, *supra* n. 52.

61. Alex Nowrasteh et al., *The Fiscal Impact of Immigration in the United States*, Cato Institute White Paper (Mar. 21, 2023), <https://www.cato.org/white-paper/fiscal-impact-immigration-united-states>. Of course, both immigrants *and* U.S. citizens usually receive more in services than they pay in local or state taxes, because most services are delivered at the local or state level, while most taxes are paid at the federal level. *Id.*

2. Birthright Citizenship Increases Intergenerational Mobility, Economic Growth, and Fiscal Health.

Birthright citizenship bolsters America's economic health through macro-level impacts that are driven by U.S.-born second-generation mobility. Second-generation children born to immigrant parents, whose citizenship would be stripped by the Order, have a large, positive fiscal impact on the U.S. economy. According to the NASEM 2017 report, these second-generation individuals provide a net fiscal contribution to the U.S. of \$85,000 (paying more in taxes than they receive in services) over their lifetimes. They also make higher long-term contributions, and have greater upward mobility, than their counterparts with native-born parents.⁶²

These gains are a direct result of citizenship, which grants the children of immigrants increased job opportunities and higher wages and leads to increased tax revenue and decreased government spending.⁶³

62. Ran Abramitzky & Leah Boustan, *Streets of Gold: America's Untold Story of Immigrant Success*, New York: Public Affairs (2022); Peter Catron, *The Citizenship Advantage: Immigrant Socioeconomic Attainment in the Age of Mass Migration*, 124(4) *Am. J. Socio.* (2019); Philip Kasinitz, *Inheriting the City: The Second Generation Comes of Age*, Russell Sage Foundation (2008); Van Tran, *Social Mobility Across Immigrant Generations: Recent Evidence and Future Data Requirements*, *ANNALS of the American Academy of Political and Social Science* (2018).

63. Francesc Ortega & Amy Hsin, *Occupational Barriers and the Productivity Penalty from Lack of Legal Status*, 76 *Lab. Economics* (2022); Giovanni Peri & Reem Zaiour, *Citizenship for Undocumented Immigrants Would Boost U.S. Economic Growth*,

Remarkably, recent estimates quantify “the economic contribution of beneficiaries of birthright citizenship over the century between 1975 and 2074” at a staggering \$7.7 trillion, including “a projected \$1 trillion by future children not yet born and whose economic contribution would be most at risk under the implementation of the [Order].”⁶⁴ Research shows birthright citizenship is a driver of these economic contributions. A study analyzing the impacts of citizenship on immigrants and their descendants between 1900 and 1940 found that children of immigrants who gained citizenship earned 12% more than children of immigrants who did not gain citizenship.⁶⁵ Birthright citizenship plays a powerful role in spurring intergenerational economic mobility, which enriches the broader economy.

Other Western Democracies show similar benefits to immigrants when they gain citizenship. After Germany expanded access to birthright citizenship in 2000, children of immigrants showed stronger developmental outcomes in preschool, stronger German language facility, and better academic performance.⁶⁶ In fact, the German citizenship law “led to near-closure of the educational achievement gap between young immigrant men and

Ctr. for Am. Progress (2021), <https://www.americanprogress.org/article/citizenship-undocumented-immigrants-boost-u-s-economic-growth/>.

64. Connor et al., *supra* n.7.

65. Catron, *supra* n.62.

66. Christina Felfe et al., *Why Birthright Citizenship Matters for Immigrant Youth: Short- and Long-Run Impacts of Educational Integration*. *Journal of Labor Economics* 38(1), 143-182 (2020).

their native peers.”⁶⁷ A study of related policies found that gaining Swiss citizenship increased immigrants’ earnings by approximately \$5,000 U.S. dollars over 15 years, compared to similar immigrants who could not become citizens.⁶⁸ Whether in America or elsewhere, citizenship is a great equalizer.

3. Denying Citizenship to U.S.-Born Children Would Reduce Economic Security and Likely Increase Costly Deportations.

Stripping birthright citizenship from this second generation would limit their upward mobility, harming them, their families, and the American economy. Without birthright citizenship, millions of U.S.-born children would be unable to work in the formal labor market, leading to fewer job opportunities, reduced incomes and worse working conditions. A 2010 study found that undocumented Mexican men earned 17% less, and undocumented Mexican women earned 9% less, than their documented Mexican counterparts.⁶⁹ Other research found that undocumented workers more often face dangerous, unhealthy working conditions, compromising future health

67. Christina Felfe et al., *More opportunity, more cooperation? The behavioral effects of birthright citizenship on immigrant youth*, *Journal of Public Economics*, 200 (2021).

68. Jens Hainmueller et al., *The effect of citizenship on the long-term earnings of marginalized immigrants: Quasi-experimental evidence from Switzerland*. *Science Advances*, 5(12) (2019).

69. Matthew Hall et al., *Legal Status and Wage Disparities for Mexican Immigrants*, 89(2) *Soc. Forces* 491-513 (2010).

and productivity.⁷⁰ Ending birthright citizenship would also disqualify millions of U.S.-born children from access to programs that protect health and economic security for any child, which would increase future government spending. An analysis of twenty years of data found that children's access to public health insurance improved health outcomes and produced \$4 in government savings for each \$1 spent.⁷¹ Another study analyzing novel, large-scale data from 17.5 million Americans showed that access to food stamps during the first five years of life led to better adult outcomes, including improvements in education, economic self-sufficiency, quality of neighborhood, and even life expectancy, and yielded a \$62 return (marginal value) for every \$1 spent.⁷²

Finally, by rendering nearly five million additional people undocumented and deportable over the next two decades alone,⁷³ the Order would likely result in increased deportations. Mass deportations are not only costly to taxpayers,⁷⁴ they also hurt the economy

70. Heide Castañeda et al., *Immigration as a Social Determinant of Health*, 36 Ann. Rev. of Pub. Health 375-392 (2015).

71. Janet Currie & Anna Chorniy, *Medicaid and Child Health Insurance Program Improve Child Health and Reduce Poverty But Face Threats*, 21(8) Academic Pediatrics S146-53 (2021).

72. Martha Bailey et al., *Is the Social Safety Net a Long-Term Investment? Large-Scale Evidence from the Food Stamps Program*, 91(3) Rev. Econ. Stud., 1291-1330 (2024).

73. Van Hook, *supra* n.3.

74. American Immigration Council, *Mass Deportation: Devastating Costs to America, its Budget and Economy* (2024), https://www.americanimmigrationcouncil.org/sites/default/files/research/mass_deportation_report_2024.pdf.

without fixing the problems they purport to address.⁷⁵ Because immigrants are over-represented in foundational economic sectors like agriculture, caregiving, and construction, mass deportations would likely cause higher food prices and inflation.⁷⁶ Past increases in deportations caused a decrease in the supply of household workers, increasing the cost of childcare and cleaning services and leading to fewer U.S.-born people working outside the home.⁷⁷ Past mass deportation efforts also did not increase job opportunities for U.S.-born workers because immigrants, including undocumented immigrants, typically perform jobs that complement rather than substitute U.S.-born workers.⁷⁸

75. Lisiecki & Apruzzese, *supra* n.25; Warren & Kerwin, *supra* n.27; Chloe East et al., *The Labor Market Effects of Immigration Enforcement*, 41(4) J. of Lab. Econ. 957-96 (2023); Annie Hines & Giovanni Peri, *Immigrants' Deportations, Local Crime, and Police Effectiveness*, Research Briefs in Econ. Pol'y 196 (2020), <https://pubmed.ncbi.nlm.nih.gov/24511162/>.

76. Algernon Austin, *Mass Deportation: A Bad Idea for the US Economy*, Center for Economic and Policy Research (Jan. 16, 2025), <https://cepr.net/publications/mass-deportation-a-bad-idea/>; *see also* Jorge González-Hermoso et al., *Mass Deportations Would Worsen Our Housing Crisis*, Urban Institute (2025), <https://www.urban.org/urban-wire/mass-deportations-would-worsen-our-housing-crisis>.

77. Chloe East & Andrea Velásquez, *Unintended Consequences of Immigration Enforcement*, J. of Human Resources (2024); Umair Ali et al., *Secure Communities as Immigration Enforcement: How Secure Is the Child Care Market?* 233 J. of Pub. Econ. (2024).

78. East, *supra* n.75; Hines & Peri, *supra* n.75.

C. Ending Birthright Citizenship Would Negatively Impact Educational Attainment, Which in Turn Limits Achievement and U.S. Growth.

U.S. citizenship confers rights and opportunities that increase children’s educational attainment, which promotes stronger economic contributions to U.S. society. Conversely, undocumented status reduces access to supports that allow children to reach their educational potential and blocks their access to the labor market. Combined, these exclusions can create lifelong limits on economic contributions to the United States.

1. Immigration Status Impacts Early Learning, K-12, and Postsecondary Education.

The economic benefits associated with birthright citizenship described above would be severely undercut by the expansion of the undocumented population that would result from the Order. One of the major ways this would manifest is via educational harm, with corresponding economic harms following into adulthood. Undocumented status causes children to be more likely to experience poverty due to denial of access to key social programs, which can increase toxic stress, harm brain development, lower school readiness, and limit future educational attainment.⁷⁹

79. Gregory Duncan et al., *Early Childhood Poverty and Adult Achievement, Employment and Health*, 93 *Family Matters* 27-35 (2013). In the K-12 setting, increased worry about immigration enforcement can cause psychological trauma and decreased system engagement for children and youth, including decreases in school enrollment, which research predicts impacts opportunities for future employment. Joaquin Alfredo-Angel Rubalcaba et al., *Immigration*

One study found that that “the odds of college enrollment are about four times higher for documented immigrants than their undocumented peers.”⁸⁰ Undocumented immigrants also face barriers to completing higher education.⁸¹ Moreover, lacking legal status decouples academic effort and better job and life prospects in the future, because students know that, regardless of effort, they cannot secure higher paying jobs in the formal labor market.⁸²

enforcement and labor supply: Hispanic youth in mixed-status families. J Popul Econ 37, 43 (2024), <https://doi.org/10.1007/s00148-024-01022-x>; Sophia Rodriguez, “Immigration Knocks on the Door . . . We Are Stuck . . .”: A Multilevel Analysis of Undocumented Youth’s Experiences of Racism, System Failure, and Resistance in Policy and School Contexts, *Teachers College Record: The Voice of Scholarship in Education*, 124(6), 3-37 (2022) <https://doi.org/10.1177/01614681221093286>; Caitlin Patler & Gabriela Gonzalez, *Compounded Vulnerability: The Consequences of Immigration Detention for Institutional Attachment and System Avoidance in Mixed-Immigration Status Families*. 68(4) *Social Problems* 886-902 (2021); Liwei Zhang & Wen-Jui Han, *Poverty Dynamics and Academic Trajectories of Children of Immigrants*, 14 *Int. J. of Env’t Rsch.* 9 (2017); Smith, *supra* n.14.

80. Emily Greenman & Matthew Hall, *Legal status and educational transitions for Mexican and Central American immigrant youth*, *Social Forces* (2013) <https://pubmed.ncbi.nlm.nih.gov/24511162/>.

81. Nicole Kreisberg & Amy Hsin, *The Higher Educational Trajectories of Undocumented Youth in New York City*, 47(17) *J. of Ethnic & Migration Stud.* 3822-45 (2021); Leisy Abrego, *I Can’t Go to College Because I Don’t Have Papers: Incorporation Patterns of Latino Undocumented Youth*, 4(3) *Latino Studies* 212-31 (2006).

82. Smith, *supra* n.14; Caitlin Patler et al., *The Limits of Gaining Rights While Remaining Marginalized: The Deferred Action for Childhood Arrivals (DACA) Program and the*

2. Citizenship Provides Opportunities that Lead to Improved Educational Outcomes.

Access to citizenship or lawful status leads to improved educational outcomes, and larger contributions to the United States. Research on the 1986 Immigration Reform and Control Act (“IRCA”), which granted legal status to around three million previously undocumented immigrants in the U.S., showed that immigrant youth who were granted legal status under IRCA were “13.9 percentage points more likely to enroll in college” than their peers who did not get legal status.⁸³ The DACA program also significantly increased high school attendance and completion,⁸⁴ and enabled bachelor’s degree attainment for many, especially those who were younger when DACA was implemented.⁸⁵

Psychological Wellbeing of Latina/o Undocumented Young Adults, 100(1) Soc. Forces 246-72 (2020).

83. Kalena Cortes, *Achieving the DREAM: The Effect of IRCA on Immigrant Youth Postsecondary Educational Access*, 103(3) Am. Econ. Rev. 428-432 (2013); Smith, *supra* n. 14.

84. Elira Kuka et al., *Do Human Capital Decisions Respond to the Returns to Education? Evidence from DACA*, 12(1) Am. Econ. J. 293-324 (2020).

85. Erin Hamilton et al., *Transition into Liminal Legality: DACA’s Mixed Impacts on Education and Employment Among Young Adult Immigrants in California*, 68(3) Social Problems 675-95 (2021); Amy Hsin & Francesc Ortega, *The Effects of Deferred Action for Childhood Arrivals on the Educational Outcomes of Undocumented Students*, 55(4) Demography 1487-1506 (2018); Nolan Pope, *The Effects of DACAmentation: The Impact of Deferred Action for Childhood Arrivals on Unauthorized Immigrants*, 143 J. of Pub. Econ. 98-114 (2016) <https://journals.sagepub.com/>

Improved educational outcomes associated with citizenship and permanent status also translate into economic, health, and innovation benefits for American society. *First*, increased education translates into increased adult earnings.⁸⁶ Attaining a bachelor’s degree is worth, on average, “an additional \$1.3 million over the lifetime compared to those without a college degree (in 2009 dollars).”⁸⁷ *Second*, increased education has a positive effect on health outcomes,⁸⁸ by increasing income and future taxes, and reducing morbidities, mortality, and birth complications, which thus save on government costs toward hospital and emergency services.⁸⁹ *Third*, higher levels of education lead to increased entrepreneurship and innovation, particularly among immigrants.⁹⁰ For

doi/10.1177/23780231211058958.

86. See e.g., David Card, *The Causal Effect of Education on Earnings*, Handbook of Labor Economics, Vol. 3 (1999); James Heckman et al., *Returns to Education: The Causal Effects of Education on Earnings, Health, and Smoking*, 126 J. Polit. Econ. S197-246 (2018).

87. Anthony Carnevale et al., *The College Payoff: Education, Occupations, Lifetime Earnings*, Georgetown Univ. Center on Education and the Workforce (2011) <https://www.ed.gov/sites/ed/files/policy/highered/reg/heardulemaking/2011/collegepayoff.pdf>.

88. Gabriella Conti et al., *The Education-Health Gradient*, 100(2) Am. Econ. Rev. 234-238 (2010).

89. Andrew Halpern-Manners et al., *The Effects of Education on Mortality: Evidence from Linked U.S. Census and Administrative Mortality Data*, 57(4) Demography 1513-1541 (2020); David Cutler & Adriana Lleras-Muney, *Understanding Differences in Health Behaviors by Education*, 29 J. of Health Econ. 1-28 (2010).

90. Phillip Kim et al., *Access (Not) Denied: The Impact of Financial, Human, and Cultural Capital on Entrepreneurial Entry in the United States*, 27 Small Business Econ. 5-22 (2006).

example, immigrants are twice as likely to apply for patents, and their patenting per capita increases the GDP by 1.4 to 2.4 percentage points over a decade.⁹¹

D. Ending Birthright Citizenship Would Negatively Impact Health Outcomes and Increase Costs.

1. Without Citizenship or Lawful Status, Those Subject to the Order Would Lose Access to Health Care, Worsening Health Outcomes.

Citizenship and lawful status facilitate critical access to health care from cradle to grave, which promotes better long-term health.⁹² Ending birthright citizenship would deny millions of U.S.-born children access to healthcare as they grow up, resulting in lifelong harms to their health, their family members' health, and the health of the Nation as a whole.⁹³

91. Jennifer Hunt, *Immigrant Patents Boost Growth*, 356 *Science* 697 (2017).

92. Adrian Bacong & Ceelia Menjivar, *Recasting the Immigrant Health Paradox Through Intersections of Legal Status and Race*, 23(5) *J. Immigr. Minority Health* 1092 (2021); Heide Castañeda et al., *Immigration as a Social Determinant of Health*, 36 *Annual Rev. Pub. Health* 375-92 (2015); Krista Perreira & Juan Pedroza, *Policies of Exclusion: Implications for the Health of Immigrants and Their Children*, 40 *Annual Rev. Pub. Health* 147-166 (2019).

93. Jacqueline Torres & Maria-Elena D. Young, *A Life-Course Perspective on Legal Status Stratification and Health*, 2 *SSM-Population Health* 141-148 (2016); Edward Vargas & Vickie D. Ybarra, *U.S. Citizen Children of Undocumented Parents: The Link Between State Immigration Policy and the Health of Latino Children*, 19(4) *J. Immigr. Minority Health* 913-20 (2017).

First, lacking legal status directly harms health by blocking access to health insurance, such that “undocumented immigrants present more advanced stage diseases, such as breast cancer . . . than their documented counterparts” at the initiation of treatment.⁹⁴ Among Latina women ages 50-70 surveyed in the 2000 National Health Interview Survey, noncitizens were 14% less likely than citizens to have obtained a mammogram in the past two years and 11% less likely than citizens to have obtained a cervical cancer screening in the past three years.⁹⁵ Recent research indicates that as immigration enforcement intensifies, foreign-born adults “experience accelerated health decline.”⁹⁶ These adverse health outcomes have economic consequences: An economic analysis of adverse birth outcomes caused by increased deportation suggested that the health harms resulting from the program had an “unintended social cost of \$872 million to \$1.59 billion annually.”⁹⁷

94. Jacqueline Cabral & Adolfo G. Cuevas, *Health Inequities Among Latinos/Hispanics: Documentation Status as a Determinant of Health*, 7 J. Racial and Ethnic Health Disparities 874-879 (2020).

95. Sandra Echeverria & Olven Carrasquillo, *The Roles of Citizenship Status, Acculturation, and Health Insurance in Breast and Cervical Cancer Screening Among Immigrant Women*, 44 Med. Care 788-92 (2006).

96. Courtney Boen et al., *The bodily scars of legal violence: local immigration enforcement, state immigrant policy, and health inequality*, Oxford Academic (2025) <https://academic.oup.com/sf/advance-article-abstract/doi/10.1093/sf/soaf181/8315918>.

97. Hoa Vu, *I wish I were born in another time: Unintended consequences of immigration enforcement on birth outcomes*, Health Econ. 33(2), 345-362 (Nov. 1, 2023) <https://onlinelibrary.wiley.com/doi/abs/10.1002/hec.4775>.

Citizenship may reverse some of these harms: For example, an analysis of IRCA's impacts on mortality rates in California showed reduced mortality among the IRCA-eligible immigrants following passage of the legislation.⁹⁸ Another study analyzed U.S. birth records and found that in areas with a higher concentration of IRCA applications, infants' average birth weights increased, and the likelihood of low birthweight births was reduced by 5 to 15%.⁹⁹ Similarly, analyses of U.S. birth records found that DACA-eligible Latina mothers gave birth to healthier infants, on average, compared to ineligible Latina immigrants.¹⁰⁰ The Order would likely have the opposite effect: babies born in contexts of increased enforcement have worse birth outcomes.¹⁰¹

2. Citizenship and Immigrant Legal Status Impact Mental Health and Wellbeing of Immigrants and Their Children.

Ending birthright citizenship would force millions of children into a purgatory of undocumented status, with great potential for harms to their mental health. Studies

98. Scott Baker, *Effects of Legal Status and Health Service Availability on Mortality*, Stanford Institute for Economic Policy Research (2010), <https://ideas.repec.org/p/sip/dpaper/09-018.html>.

99. Laxman Timilsina, *Immigration Policy Shocks and Infant Health*, 51 *Econ. & Human Bio.* 1-18 (2023).

100. Erin Hamilton et al., *DACA's Association with Birth Outcomes Among Mexican-Origin Mothers in the United States*, 58(3) *Demography* 975-85 (2021).

101. Catalina Amuedo-Dorantes et al., *Immigration Enforcement and Infant Health*, 8 *Univ. Chicago Press* 3 (2022). <https://www.journals.uchicago.edu/doi/abs/10.1086/718510>.

have found higher rates of anxiety among undocumented adolescents, compared to documented peers.¹⁰² Mental and related health harms of undocumented status include “greater depression and social isolation, higher rates of hypertension with longer length of hospital stay, greater anxiety and post-traumatic stress, and higher levels of acculturative stress” compared to immigrants with lawful status.¹⁰³ Despair about blocked paths to mobility caused by undocumented status can lead to self-harm, suicidal ideation, or suicide.¹⁰⁴ Lacking legal status can even discourage young people from seeking mental health care even when they have access to it: for example, some undocumented college students reported feeling treatment was “futile because it could not address underlying immigration-related issues.”¹⁰⁵

Conversely, research shows that even partial inclusion through DACA correlated with improvements to self-

102. Stephanie Potochnick & Krista Perreira, *Depression and Anxiety Among First-Generation Immigrant Latino Youth: Key Correlates and Implications for Future Research*, 198(7) *J. Nerv. Ment. Dis.* 470-477 (2010).

103. Cabral & Cuevas, *supra* n. 94; Margarita Alegría et al., *Health Insurance Coverage for Vulnerable Populations: Contrasting Asian Americans and Latinos in the United States*, *Inquiry* (2006), https://doi.org/10.5034/inquiryjrnl_43.3.

104. Roberto G. Gonzales et al., *No Place to Belong: Contextualizing Concepts of Mental Health Among Undocumented Immigrant Youth in the United States*, 57(8) *Am. Behavior. Sci.* 1175 (2013).

105. Biblia S. Cha et al., *Beyond Access: Psychosocial Barriers to Undocumented Students' Use of Mental Health Services*, 233 *Soc. Sci. Med.* 193 (2019).

reported health, psychological distress, and mental illness.¹⁰⁶ These positive impacts are also intergenerational: One study found that children of mothers eligible for DACA “had 50% fewer diagnoses of adjustment and anxiety disorder” than children of mothers whose birth dates were just before or after DACA.¹⁰⁷

3. The Health Impacts of Citizenship and Immigrant Legal Status Last a Lifetime.

The health harms to children resulting from the denial of U.S. citizenship or permanent status follow them into adulthood, with broader impacts to the U.S. economy and society.¹⁰⁸ Undocumented status creates chronic fear across childhood and adolescence, harming children’s social, educational, and overall development.¹⁰⁹ Undocumented youth in one study reported that their

106. Caitlin Patler & Whitney Laster Pirtle, *From Undocumented to Lawfully Present: Do Changes to Legal Status Impact Psychological Wellbeing Among Latino Immigrant Young Adults?* 199(1) Soc. Sci. & Med. 39-48 (2018); Atheendar Venkataramani et al., *Health Consequences of the US Deferred Action for Childhood Arrivals (DACA) Immigration Programme: A Quasi-Experimental Study*, 2(4) The Lancet 175-181 (2017).

107. Jens Hainmueller et al., *Protecting Unauthorized Immigrant Mothers Improves Their Children’s Mental Health*, 357(6355) Science 1041-1044 (2017).

108. Torres & Young, *supra* n. 93.

109. Roxanne Kerani & Helena Kwakwa, *Scaring Undocumented Immigrants Is Detrimental to Public Health*, 108(9) Am. J. Pub. Health 1165-1166 (2018); Tara Watson, *Inside the Refrigerator: Immigration Enforcement and Chilling Effects in Medicaid Participation*, 6(3) Am. Econ. J. 313-338 (2014).

status caused many health challenges, including “chronic sadness, [] depression, [] overeating or undereating, [] difficulties sleeping, and [] a desire simply to never get out of bed (and) exacerbation of chronic diseases like high blood pressure, chronic headaches, toothaches, and bodily pain.”¹¹⁰ By early adulthood, undocumented status predicts lower self-rated health and higher chronic stress and distress.¹¹¹ By creating a new, and continuously expanding, class of undocumented U.S.-born children, the Order would institutionalize these additional stressors, with resulting harms to the U.S. economy and society.¹¹²

* * *

For over 150 years, the Constitutional right to birthright citizenship has driven U.S. economic growth, social integration, educational attainment and health. By erecting permanent, legal barriers in each of these domains, the Order would institutionalize a massive, undocumented underclass, prevent millions of U.S.-born children from fully participating in society, and undermine American growth for generations to come.

110. Gonzales et al., *supra* n. 104 at 1187.

111. Erin Hamilton et al., *Immigrant Legal Status Disparities in Health Among First- and One-point-five-Generation Latinx Immigrants in California*, Population Research and Policy Review, Springer, Southern Demographic Association (SDA), vol. 41(3), pages 1241-1260, June, https://ideas.repec.org/a/kap/poprpr/v41y2022i3d10.1007_s11113-021-09689-w.html; Arin Martinez et al., *Household fear of deportation in relation to chronic stressors and salivary proinflammatory cytokines in Mexican-origin families post-SB 1070*, 5 Population Health 188-200 (2018) <https://www.sciencedirect.com/science/article/pii/S2352827317302483>.

112. Torres & Young, *supra* n. 93.

IV. CONCLUSION

The Court should affirm.

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APPENDIX

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- Cynthia Feliciano, Washington University in St. Louis
- Daniel Cortes, Villanova University
- Daniel Martinez, University of Arizona
- David C. Baluarte, City University of New York (CUNY) School of Law
- Dialika Sall, City University of New York (CUNY) Lehman College
- Dina Gail Okamoto, Indiana University

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- Edward Vargas, Arizona State University
- Eileen Diaz McConnell, Arizona State University
- Elizabeth Aranda, University of South Florida
- Elizabeth U. Cascio, Dartmouth College
- Emilio Alberto Parrado, University of Pennsylvania
- Emily Rauscher, Brown University
- Erin Hamilton, University of California Davis
- Ernesto Castaneda, American University
- Ethan G. Lewis, Dartmouth College
- Evelyn Nakano Glenn, University of California Berkeley
- Felicia Arriaga, Baruch College
- Francisco Lara-Garcia, Hofstra University
- G. Cristina Mora, University of California Berkeley
- Gail Kligman, UCLA
- Genevieve Negron-Gonzales, University of San Francisco

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- Goleen Samari, University of Southern California
- Graeme Blair, UCLA
- Graham Ousey, College of William & Mary
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- Hani Mansour, University of Colorado Denver
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- Helen Marrow, Tufts University
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- Hirokazu Yoshikawa, New York University
- India Ornelas, University of Washington
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- Irene Isela Vega, University of California Irvine
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- Joseph Tiffany, Northeastern University
- Katharine M. Donato, Georgetown University
- Kevin Johnson, University of California Davis
- Kim Ebert, North Carolina State University
- Krista M. Perreira, University of North Carolina
- Lauren Duquette-Rury, Wayne State University
- Laurie Kain Hart, UCLA
- Leah Boustan, Yale University
- Leisy Abrego, UCLA

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- Luis Edward Tenorio, Colby College
- Mae Ngai, Columbia University
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- Margaret E. Peters, UCLA
- Margarita Alegria, Harvard Medical School
- Margot Moinester, Washington University in St. Louis
- Maria-Elena Young, University of California Merced
- Marjorie Elaine Faulstich Orellana, UCLA
- Mark Ellis, University of Washington
- Maryann Bylander, Lewis & Clark College
- May Sudhinaraset, UCLA
- Michael J. White, Brown University
- Mirian Martinez-Aranda, University of California

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- Nathan Isaac Hoffmann, Emory University
- Nazli Kibria, Boston University
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- Paul Ong, UCLA
- Peter Catron, University of Washington
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- Phillip Connor, Princeton University
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- Steven P. Raphael, University of California Berkeley
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- Whitney N. L. Pirtle, UCLA
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- Yader R. Lanuza, University of California Santa Barbara
- Zulema Valdez, University of California Merced