

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; STATE OF
ARIZONA; STATE OF ILLINOIS; and
STATE OF OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity
as President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; BENJAMINE HUFFMAN, in
his official capacity as Acting Secretary of
Homeland Security; U.S. SOCIAL
SECURITY ADMINISTRATION;
MICHELLE KING, in her official capacity
as Acting Commissioner of the Social
Security Administration; U.S.
DEPARTMENT OF STATE; MARCO
RUBIO, in his official capacity as Secretary
of State; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
DOROTHY FINK, in her official capacity
as Acting Secretary of Health and Human
Services; U.S. DEPARTMENT OF
JUSTICE; JAMES MCHENRY, in his
official capacity as Acting Attorney
General; U.S. DEPARTMENT OF
AGRICULTURE; GARY WASHINGTON,
in his official capacity as Acting Secretary
of Agriculture; and the UNITED STATES
OF AMERICA,

Defendants.

NO.

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

I. INTRODUCTION

1. The States of Washington, Arizona, Illinois, and Oregon bring this action to protect the States—including their public agencies, public programs, public fiscs, and state residents—against the illegal actions of the President and federal government that purport to unilaterally strip United States citizens of their citizenship.

2. The President’s Executive Order, issued on January 20, 2025, and styled “Protecting the Meaning and Value of American Citizenship” (Citizenship Stripping Order),¹ is contrary to the plain terms of the Fourteenth Amendment’s Citizenship Clause and Section 1401 of the Immigration and Nationality Act. The President has no authority to amend the Constitution or supersede the Citizenship Clause’s grant of citizenship to individuals born in the United States. Nor is he empowered by any other constitutional provision or law to determine who shall or shall not be granted United States citizenship at birth. The Fourteenth Amendment and federal law automatically confer citizenship upon individuals born in the United States and subject to its jurisdiction.

3. If the Citizenship Stripping Order is allowed to stand, the Plaintiff States and their residents will suffer immediate and irreparable harm. Nationally, in 2022 alone, there were approximately 255,000 births of citizen children to non-citizen mothers without lawful status (undocumented) and approximately 153,000 births to two undocumented parents. In Washington, in 2022 alone, approximately 7,000 United States citizen children were born to mothers who lacked legal status and approximately 4,000 United States citizen children were born to two parents who lacked legal status. In Arizona, in 2022 alone, there were approximately 6,000 United States citizen children born to mothers who lacked legal status and approximately 3,400 United States citizen children born to two parents who lacked legal status. Likewise, in Illinois, in 2022 alone, there were approximately 9,100 United States citizen children born to

¹ Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>, attached as Ex. A.

1 mothers who lacked legal status and approximately 5,200 United States citizen children born to
 2 two parents who lacked legal status. And in Oregon, in 2022 alone, there were approximately
 3 2,500 United States citizen children born to mothers who lacked legal status and approximately
 4 1,500 United States citizen children born to two parents who lacked legal status. Using these
 5 numbers, likely more than 12,000 babies born in the United States each month who are entitled
 6 to citizenship—including more than 1,100 babies born each month in the Plaintiff States—will
 7 no longer be considered United States citizens under the Citizenship Stripping Order and will be
 8 left with no immigration status. This estimate is conservative, because it includes only a subset
 9 of the newborns that would be stripped of citizenship. The actual number of newborns affected
 10 in Plaintiff States is certainly higher.

11 4. The individuals who are stripped of their United States citizenship will be
 12 rendered undocumented, subject to removal or detention, and many will be stateless—that is,
 13 citizens of no country at all. They will lose eligibility for myriad federal benefits programs. They
 14 will lose their right to travel freely and re-enter the United States. They will lose their ability to
 15 obtain a Social Security number (SSN) and work lawfully. They will lose their right to vote,
 16 serve on juries, and run for certain offices. And they will be placed into lifelong positions of
 17 instability and insecurity as part of a new underclass in the United States. In short, despite the
 18 Constitution’s guarantee of their citizenship, thousands of newborns and children will lose their
 19 ability to fully and fairly be a part of American society as a citizen with all its benefits and
 20 privileges.

21 5. The Citizenship Stripping Order will also directly injure the Plaintiff States. The
 22 Plaintiff States will suffer immediate and irreparable harm by losing federal funding or
 23 reimbursements to programs that the Plaintiff States administer, such as Medicaid, the Children’s
 24 Health Insurance Program (CHIP), foster care and adoption assistance programs, and programs
 25 to facilitate streamlined issuance of SSNs to eligible babies—among others. By purporting to
 26 unilaterally strip citizenship from individuals born in the Plaintiff States based on their parents’

1 citizenship or immigration status, the Plaintiff States will be forced to bear significantly
 2 increased costs to operate and fund programs that ensure the health and well-being of their
 3 residents. The Plaintiff States will also be required—on no notice and at their considerable
 4 burden and expense—to immediately begin modifying their funding and operational structures
 5 and administration of programs to account for this change. This will impose significant
 6 administrative and operational burdens for multiple of the Plaintiff States’ agencies that operate
 7 programs for the benefit of their residents.

8 6. To prevent the President’s and the federal government’s unlawful action from
 9 harming the Plaintiff States and their residents, the Court should invalidate the Citizenship
 10 Stripping Order in its entirety and enjoin any actions taken to implement its directives.

11 **II. JURISDICTION AND VENUE**

12 7. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1346(a)(2). The
 13 Court has further remedial authority under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a)
 14 and 2202.

15 8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(2) and
 16 1391(e)(1). Defendants are United States agencies or officers sued in their official capacities.
 17 The State of Washington is a resident of this judicial district and a substantial part of the events
 18 or omissions giving rise to this Complaint occurred within the Seattle Division of the Western
 19 District of Washington, including the harms to UW Medicine at its Montlake and Northwest
 20 campuses, as well as at Harborview Medical Center in Seattle.

21 **III. PARTIES**

22 **PLAINTIFFS**

23 9. The State of Washington is a sovereign state of the United States of America.

24 10. The Attorney General of Washington is the chief legal adviser to the State and is
 25 authorized to act in federal court on behalf of the State on matters of public concern.

26 11. The State of Arizona is a sovereign state of the United States of America.

12. The Attorney General of Arizona is the chief legal officer of the State and is authorized to act in federal court on behalf of the State.

13. The State of Illinois is a sovereign state of the United States of America.

14. The Attorney General of Illinois is the chief legal officer of the State and is authorized to act in federal court on behalf of the State on matters of public concern. *See* Ill. Const. art. V, § 15; 15 ILCS 205/4.

15. The State of Oregon is a sovereign state of the United States of America.

16. The Attorney General of Oregon is the chief legal officer of the State of Oregon and is authorized to act in federal court on behalf of the State on matters of public concern.

17. The Plaintiff States are aggrieved and have standing to bring this suit because Defendants' action purporting to strip citizenship from United States citizens born and residing in the Plaintiff States, receiving benefits in the Plaintiff States, and receiving government services in the Plaintiff States—including children who are wards of the Plaintiff States and in their custody—harms the Plaintiff States' sovereign, proprietary, and quasi-sovereign interests and will continue to cause injury unless and until enforcement of the Citizenship Stripping Order is permanently enjoined.

DEFENDANTS

18. Defendant Donald Trump is the President of the United States. He is sued in his official capacity.

19. Defendant Department of Homeland Security (DHS) is a federal cabinet agency responsible for implementing the Citizenship Stripping Order, including by issuing regulations, policies, and guidance consistent with the Executive Order. DHS is a department of the Executive Branch of the U.S. Government and is an agency within the meaning of 5 U.S.C. § 552.

20. Defendant Benjamine Huffman is the Acting Secretary of Homeland Security. He is responsible for implementing and enforcing the Immigration and Nationality Act, and

1 oversees the U.S. Citizenship and Immigration Services, U.S. Immigration and Customs
2 Enforcement, and U.S. Customs and Border Protection. He is sued in his official capacity.

3 21. Defendant United States Social Security Administration (SSA) is a federal
4 agency responsible for administering federal retirement, survivors, and disability income
5 programs, as well as the program of supplemental security income for the aged, blind, and
6 disabled. The SSA processes applications for and issues Social Security numbers (SSNs) to
7 eligible applicants. SSA is responsible for implementing, the Citizenship Stripping Order,
8 including by ceasing issuance of SSNs to children born in the United States but subject to the
9 Citizenship Stripping Order's interpretation of the Citizenship Clause. SSA is a department of
10 the Executive Branch of the U.S. Government and is an agency within the meaning of 5 U.S.C.
11 § 552.

12 22. Defendant Michelle King is the Acting Commissioner of the SSA. The Office of
13 the Commissioner is directly responsible for all programs administered by the SSA, including
14 the development of policy, administrative and program direction, and program interpretation and
15 evaluation. She is sued in her official capacity.

16 23. Defendant United States Department of State is responsible for implementing the
17 Citizenship Stripping Order, including by issuing regulations, policies, and guidance consistent
18 with the Order. The State Department is a department of the Executive Branch of the U.S.
19 Government and is an agency within the meaning of 5 U.S.C. § 552. It is authorized by law to
20 grant and issue passports.

21 24. Defendant Marco Rubio is the Secretary of State. He is responsible for carrying
22 out the President's foreign policies through the State Department and Foreign Service of the
23 United States. He is sued in his official capacity.

24 25. Defendant United States Department of Health and Human Services (HHS) is a
25 federal cabinet agency responsible for implementing the Citizenship Stripping Order, including
26 through the administration of Medicaid, the Children's Health Insurance Plan, and Title IV-E.

1 HHS is a department of the Executive Branch of the U.S. Government and is an agency within
2 the meaning of 5 U.S.C. § 552. HHS is responsible for implementing the Citizenship Stripping
3 Order in its agency program, operations, and activities.

4 26. Defendant Dorothy Fink is the Acting Secretary of Health and Human Services.
5 She is responsible for overseeing and administering all HHS programs through the Office of the
6 Secretary and HHS's Operating Divisions. She is sued in her official capacity.

7 27. Defendant United States Department of Justice (DOJ) is a federal cabinet agency
8 responsible for the federal government's legal affairs. The DOJ is a department of the Executive
9 Branch of the U.S. Government and is an agency within the meaning of 5 U.S.C. § 552. DOJ is
10 responsible for implementing the Citizenship Stripping Order, including by ensuring agency
11 regulations are consistent with the Order.

12 28. Defendant James McHenry is the Acting Attorney General of the United States.
13 He is responsible for overseeing and administering all duties and programs of the DOJ. He is
14 sued in his official capacity.

15 29. Defendant United States Department of Agriculture (USDA) is a cabinet-level
16 department of the United States. USDA is in charge of administering the Supplemental Nutrition
17 Assistance Program (SNAP), which provides food benefits to eligible low-income families to
18 supplement their grocery budget. USDA is responsible for implementing the Citizenship
19 Stripping Order in its agency operations and activities.

20 30. Defendant Gary Washington is the Acting Secretary of Agriculture. He is
21 responsible for overseeing and administering all USDA programs. He is sued in his official
22 capacity.

23 31. Defendant the United States of America includes all government agencies and
24 departments responsible for the implementation, modification, and execution of the Citizenship
25 Stripping Order.
26

IV. ALLEGATIONS

A. The United States Constitution Confers Automatic Citizenship on All Individuals Born in the United States and Subject to the Jurisdiction Thereof

32. Section 1 of the Fourteenth Amendment to the United States Constitution states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” U.S. Const. amend. XIV, § 1. This provision is known as the Citizenship Clause. The Citizenship Clause’s automatic conferral of citizenship on all individuals born in the United States and subject to its jurisdiction, regardless of the citizenship or immigration status of their parents, is confirmed by the Fourteenth Amendment’s text and history, judicial precedent, and longstanding Executive Branch interpretation.

33. The Citizenship Clause was passed and ratified as part of the Fourteenth Amendment following the Civil War to overturn the Supreme Court’s infamous holding in *Dred Scott v. Sanford*, 60 U.S. 393 (1857), where the Supreme Court ruled that Black Americans who were enslaved or were descended from enslaved persons could not be citizens. The Citizenship Clause reaffirmed the longstanding common law principle of *jus soli* as the default rule of citizenship in the United States: All individuals born in the United States and subject to its jurisdiction are citizens. Its operation is automatic. No further action is required for individuals born in the United States to “become” citizens and no additional limitations are imposed.

34. Unlike the Naturalization Clause, U.S. Const. art. I, § 8, cl. 4, which empowers Congress to set rules for naturalization, the Constitution nowhere else speaks to citizenship by birth in the United States and nowhere empowers the President or Congress to set additional requirements that override or conflict with the Citizenship Clause’s plain and broad grant of automatic citizenship to individuals born in the United States.

35. The Citizenship Clause contains no exceptions based on the citizenship or immigration status of one’s parents or their country of origin. Rather, the Citizenship Clause’s

only requirements are that an individual be born “in the United States” and “subject to the jurisdiction thereof.” The only individuals who are excluded under the “subject to the jurisdiction thereof” language are the extremely limited number of individuals who are in fact *not* subject to the jurisdiction of the United States at birth—the children of diplomats covered by diplomatic immunity or children born to enemy combatants engaged in war against the United States while on United States soil.² Indeed, before the Fourteenth Amendment’s adoption, there was explicit legislative debate and clarity that the Citizenship Clause was meant to reach all persons born in the United States, with only the limited exceptions above. *See* Garrett Epps, *The Citizenship Clause: A “Legislative History,”* 60 Am. Univ. L. Rev. 331, 355-56 (2010) (detailing congressional debate).

36. The Supreme Court cemented this longstanding and established understanding of the Citizenship Clause more than 125 years ago in *United States v. Wong Kim Ark*, 169 U.S. 649 (1898). There, the Supreme Court held that a child born in the United States to non-citizen parents was entitled to automatic citizenship by birth under the Fourteenth Amendment. In so holding, the Court explained:

The fourteenth amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The amendment, in clear words and in manifest intent, includes the children born within the territory of the United States of all other persons, of whatever race or color. . . . To hold that the fourteenth amendment of the constitution excludes from citizenship the children born in the United States of citizens or subjects of other countries, would be to deny citizenship to thousands of persons of English,

² Despite the original understanding for purposes of the Fourteenth Amendment that children born to Native American tribes with their own sovereign status are not subject to the United States’ jurisdiction at birth, it is well established under federal law that such children are granted U.S. citizenship at birth. *See* 8 U.S.C. § 1401(b) (1924) (declaring to be a national and citizen of the United States at birth “a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe.”).

Scotch, Irish, German, or other European parentage, who have always been considered and treated as citizens of the United States.

Id. at 693-94.

37. In addition to *Wong Kim Ark*, the Supreme Court has separately made clear that undocumented immigrants are “subject to the jurisdiction” of the United States. In *Plyler v. Doe*, 457 U.S. 202, 215 (1982), the Supreme Court interpreted the Fourteenth Amendment’s Equal Protection Clause—the sentence immediately following the Citizenship Clause—and explained that the term “within its jurisdiction” makes plain that “the Fourteenth Amendment extends to anyone, citizen or stranger, who *is* subject to the laws of a State, and reaches into every corner of a State’s territory.” The Court concluded:

That a person’s initial entry into a State, or into the United States, was unlawful, and that he may for that reason be expelled, cannot negate the simple fact of his presence within the State’s territorial perimeter. Given such presence, he is subject to the full range of obligations imposed by the State’s civil and criminal laws.

Id. As the Supreme Court explained, “no plausible distinction with respect to Fourteenth Amendment ‘jurisdiction’ can be drawn between resident aliens whose entry into the United States was lawful, and resident aliens whose entry was unlawful.” *Id.* at 211 n.10. The Supreme Court further confirmed that the phrases “within its jurisdiction” and “subject to the jurisdiction thereof” in the first and second sentences of the Fourteenth Amendment have the same meaning. *Id.*

38. The Executive Branch has accepted and endorsed this reading and understanding of the Citizenship Clause for more than a century. Indeed, in 1995, the U.S. Justice Department’s Office of Legal Counsel (OLC) provided a statement to Congress explaining why proposed legislation that would deny citizenship to certain children born in the United States based on their parents’ immigration or citizenship status would be “unconstitutional on its face” and “unquestionably unconstitutional.” 19 U.S. Op. Off. Legal Counsel 340, 1995 WL 1767990, at *1-2 (1995). The OLC’s statement and opinion recognize that “[t]hroughout this country’s

1 history, the fundamental legal principle governing citizenship has been that birth within the
 2 territorial limits of the United States confers United States citizenship.” *Id.* at *1. As OLC
 3 explained: “Congress and the States adopted the Fourteenth Amendment in order to place the
 4 right of citizenship based on birth within the jurisdiction of the United States *beyond question*.
 5 Any restriction on that right contradicts both the Fourteenth Amendment and the underlying
 6 principle that the amendment safeguards.” *Id.* (emphasis added). Indeed, the OLC statement and
 7 opinion explain that “children born in the United States of aliens are subject to the full
 8 jurisdiction of the United States,” and that “as consistently recognized by courts and the
 9 Attorneys General for over a century, most notably by the Supreme Court in *United States v.*
 10 *Wong Kim Ark*, there is no question that they possess constitutional citizenship under the
 11 Fourteenth Amendment.” *Id.* at *2.

12 39. Congress likewise has reaffirmed through statute the Citizenship Clause’s
 13 commandment regarding birthright citizenship. The Immigration and Nationality Act states:
 14 “The following shall be nationals and citizens at birth: (a) a person born in the United States,
 15 and subject to the jurisdiction thereof.” 8 U.S.C. § 1401(a). This language was originally enacted
 16 in 1940, well after *Wong Kim Ark*, and taken directly from the Fourteenth Amendment.

17 40. Federal and state agencies rely on this fundamental and longstanding
 18 constitutional grant of birthright citizenship in implementing various federal programs. For
 19 example, the U.S. State Department is granted the authority under federal law to issue U.S.
 20 passports. 22 U.S.C. § 211a. As explained in the State Department’s Foreign Affairs Manual,
 21 “[a]ll children born in and subject, at the time of birth, to the jurisdiction of the United States
 22 acquire U.S. citizenship at birth even if their parents were in the United States illegally at the
 23 time of birth.” 8 F.A.M. 301.1 (Acquisition by Birth in the United States).³ The U.S. State
 24 Department’s Application for a U.S. Passport confirms that for “Applicants Born in the United
 25

26 ³ Available at: <https://fam.state.gov/FAM/08FAM/08FAM030101.html>, attached as Ex. B.

1 States,” a U.S. birth certificate alone is sufficient to prove one’s citizenship.⁴ USCIS likewise
 2 confirms in public guidance that “[i]f you were born in the United States, you do not need to
 3 apply to USCIS for any evidence of citizenship. Your birth certificate issued where you were
 4 born is proof of your citizenship.”⁵

5 41. SSA also has long accepted that all children born in the United States are citizens.
 6 Under current public guidance, SSA states that “[t]he easiest way to get a Social Security number
 7 (SSN) for your newborn is to apply when you provide information for your baby’s birth
 8 certificate in the hospital.”⁶ With respect to citizenship, SSA explains that for children born in
 9 the United States, the child’s U.S. birth certificate is proof of U.S. citizenship.⁷

10 42. SSA’s guidance is consistent with federal regulations, which establish that
 11 “[g]enerally, an applicant for an original or replacement social security number card may prove
 12 that he or she is a U.S. citizen by birth by submitting a birth certificate or other evidence . . . that
 13 shows a U.S. place of birth.” 20 C.F.R. § 422.107(d). Indeed, for newborn babies, SSA utilizes
 14 what is called “Enumeration at Birth.” Under that program, SSA enters into agreements with
 15 states to streamline the process for obtaining SSNs. Where a parent requests an SSN as part of
 16 an official birth registration process, the State vital statistics office electronically transmits the
 17 request to SSA along with the child’s name, date and place of birth, sex, mother’s maiden name,
 18 father’s name, address of the mother, and birth certificate number. That information alone is
 19 used to establish the age, identity, and U.S. citizenship of the newborn child. 20 C.F.R.
 20 § 422.103(c)(2). States receive payment from the federal government under this program for
 21 each record transmitted to the SSA for purposes of issuing an SSN—approximately \$4.19 per
 22 SSN that is issued. Currently, Washington receives approximately \$440,000 per year for
 23 administering this process and transmitting birth data for newborn babies in Washington to SSA.

24
 25 ⁴ Available at: https://eforms.state.gov/Forms/ds11_pdf.pdf, attached as Ex. C.

26 ⁵ Available at: <https://www.uscis.gov/sites/default/files/document/guides/A4en.pdf>, attached as Ex. D.

⁶ Available at: <https://www.ssa.gov/pubs/EN-05-10023.pdf>, attached as Ex. E.

⁷ *Id.* at 2-3.

1 Arizona, likewise, has received approximately \$874,000 for FY 2024 and more than \$935,000
2 for FY 2025 through the Enumeration at Birth program, and is expected to receive more than \$1
3 million in FY 2026. Oregon received approximately \$158,000 in 2023 and \$129,000 through the
4 first three quarters of 2024 through the program. Illinois likewise participates in this program
5 and receives federal funds for each record transmitted.

6 43. State law also relies on the basic constitutional principle that a person born in the
7 territorial United States is an American citizen. For example, Arizona has unique and
8 complicated proof of citizenship requirements for voter registration. Birth certificates play an
9 important role in this process. One of the documents that qualifies as “satisfactory evidence of
10 citizenship” for voter registration in Arizona is “the applicant’s birth certificate that verifies
11 citizenship to the satisfaction of the county recorder.” Ariz. Rev. Stat. § 16-166(F)(2). Another
12 document that qualifies as “satisfactory evidence of citizenship” for voter registration in Arizona
13 is a “driver license” number, if the driver license indicates that the applicant previously submitted
14 proof of citizenship to the Arizona Department of Transportation or equivalent agency of another
15 state. Ariz. Rev. Stat. § 16-166(F)(1). Applicants often use their birth certificate to meet this
16 requirement.

17 44. If a U.S. birth certificate were to stop being sufficient for proof of citizenship,
18 voter registration in Arizona would become substantially more difficult and time-consuming.
19 This is because election officials in Arizona would face a dilemma each time a prospective voter
20 submits a birth certificate or driver license number. Under current registration procedures, the
21 assumption is that these kinds of documents prove U.S. citizenship, and nothing further is
22 required. Without this assumption, a new and more complex set of procedures would need to be
23 developed to try to identify which birth certificates, and driver license numbers qualify as proof
24 of U.S. citizenship.
25
26

B. The President Acted Without Legal Authority in Purporting to Strip Individuals of Their U.S. Citizenship

45. President Trump’s public statements make clear that he wishes to end birthright citizenship purely as a policy tactic to purportedly deter immigration to the United States. Despite a president’s broad powers to set immigration policy, the Citizenship Stripping Order falls far outside the legal bounds of the president’s authority.

46. During his most recent campaign for President, for example, then-candidate Trump made clear that an Executive Order would issue “[o]n Day One” to “stop federal agencies from granting automatic U.S. citizenship to the children of illegal aliens.”⁸ As he explained, the goal is for this Executive Order to “eliminate a major incentive for illegal immigration, discourage future waves of illegal immigration to exploit this misapplication of citizenship, and encourage illegal aliens in the U.S. to return home.”⁹ He explained that the Executive Order would do this by instructing agencies not to issue passports, Social Security numbers, and otherwise have the federal government treat those children as non-citizens.

47. After the 2024 election, President-Elect Trump continued to state that birthright citizenship should be ended. In December 2024, for example, President-Elect Trump again promised an executive order “directing federal agencies to require a child to have at least one parent be either a U.S. citizen or legal permanent resident to automatically become a U.S. citizen.”¹⁰

48. The Citizenship Stripping Order is the promised Executive Order. It declares that U.S. citizenship “does not automatically extend to persons born in the United States” if (1) the individual’s mother is “unlawfully present in the United States” and the father “was not a citizen or lawful permanent resident at the time of said person’s birth”; or (2) the “person’s mother’s

⁸ Available at: <https://www.donaldjtrump.com/agenda47/agenda47-day-one-executive-order-ending-citizenship-for-children-of-illegals-and-outlawing-birth-tourism>, attached as Ex. F.

⁹ *Id.*

¹⁰ Available at: <https://www.wsj.com/politics/policy/trump-birthright-citizenship-executive-order-battle-0900a291>, attached as Ex. G.

1 presence in the United States at the time of said person's birth was lawful but temporary . . . and
2 the father was not a United States citizen or lawful permanent resident at the time of said person's
3 birth." The Citizenship Stripping Order affects at least hundreds of thousands of newborns in the
4 United States, including those who are born to two undocumented parents.

5 49. The Order states that, effective in 30 days, it is the "policy of the United States"
6 that no department or agency of the federal government recognize as U.S. citizens persons within
7 those categories. The Order directs the Secretary of State, the Attorney General, the Secretary of
8 Homeland Security, and the Commissioner of Social Security to "take all appropriate measures
9 to ensure that the regulations and policies of their respective departments and agencies are
10 consistent with this order[.]" The Order further directs that "the heads of all executive
11 departments and agencies shall issue public guidance within 30 days of the date of this order
12 regarding this order's implementation with respect to their operations and activities." This
13 includes Defendants USDA and HHS.

14 50. The Constitution does not empower the President to set rules regarding
15 citizenship at birth.

16 51. The Constitution does not empower the President to condition citizenship at birth
17 on the citizenship or immigration status of one's parents.

18 52. The Constitution does not empower the President to unilaterally amend the
19 Fourteenth Amendment.

20 53. The Constitution does not empower the President to grant or deny citizenship to
21 individuals born in the United States.

22 54. The Constitution and federal law confer automatic citizenship to individuals born
23 in the United States and subject to its jurisdiction. The Constitution removes control over the
24 grant of birthright citizenship from the category of legitimate policy options the President and
25 Congress may exercise to address immigration policy issues. As the Office of Legal Counsel
26 explained when discussing the unconstitutionality of such proposals: "In short, the text and

1 legislative history of the citizenship clause as well as consistent judicial interpretation make clear
 2 that the amendment's purpose was to remove the right of citizenship by birth from transitory
 3 political pressures." 19 U.S. Op. Off. Legal Counsel 340, 1995 WL 1767990, at *5.

4 **C. United States Citizens Are Entitled to All Rights and Benefits of Citizenship as**
 5 **Defined by Law**

6 55. United States citizens are entitled to a broad array of rights and benefits as a result
 7 of their citizenship. Withholding citizenship or stripping individuals of their citizenship will
 8 result in an immediate and irreparable harm to those individuals and to the Plaintiff States.

9 56. For example, natural born United States citizens are not subject to deportation
 10 from the United States. Relatedly, they are entitled to obtain a U.S. passport and may travel
 11 abroad for an unlimited period of time and with unlimited frequency without risk of being denied
 12 re-entry to the United States. Such travel may be needed to visit family, receive healthcare, travel
 13 for work or pleasure, or for many other reasons.

14 57. Individuals over 18 years of age who are United States citizens are eligible to
 15 vote in federal, state, and local elections. U.S. Const. amend. XXVI; Wash. Const. art. VI, § 1;
 16 Ariz. Const. art. VII, § 2; Or. Const. art. II, § 2; Ill. Const. art III, § 1. The right to vote is a
 17 fundamental political right.

18 58. Individuals over 18 years of age who are United States citizens are eligible to
 19 serve on federal and state juries. 28 U.S.C. § 1865(b)(1); Wash. Rev. Code § 2.36.070; Ariz Rev.
 20 Stat. § 21-202(1); Or. Rev. Stat. Ann. § 10.030(2)(c); 705 ILCS 305/1(a).

21 59. Individuals who are United States citizens may petition for immigration status for
 22 family members including spouses, children, parents, and siblings. *See* 8 U.S.C.
 23 §§ 1151(b)(2)(A)(i), 1153(a).

24 60. Individuals who are natural born United States citizens are eligible for election to
 25 the offices of President and Vice President of the United States. U.S. Const. art. II, § 1; U.S.
 26 Const. amend. XXII.

61. Individuals who are United States citizens are eligible for election to the United States House of Representatives and the United States Senate, and to certain state offices. U.S. Const. art I, §§ 2-3; Wash. Const. art. II, § 7, art. III, § 25; Ariz. Const. art. IV pt. 2 § 2, art. V § 2; Or. Const. art. V, § 2, art. IV, § 8; Or. Rev. Stat. Ann. § 204.016(1); Ill. Const. art. V, § 3, art. 4.

62. Individuals who are United States citizens or nationals are eligible for appointment to competitive service federal jobs. Executive Order 11935 (Sept. 2, 1976); 5 C.F.R. § 7.3(b).

63. Depending on immigration or citizenship status, residents of Plaintiff States may also be eligible to participate in a number of federal and state programs that ensure the health and welfare of individuals, families, and communities. Those include programs administered by the Plaintiff States and funded by federal and state dollars. These programs provide healthcare coverage for newborns and children, foster care and custodial services for children in need, and other forms of social and economic assistance to those in need.

64. Longer term, a child stripped of birthright citizenship who remains undocumented will face effects of a lack of legal status over their lifespan. While U.S. citizens of sufficient age are authorized to work in the United States, only non-citizens granted particular immigration statuses are or can be authorized to work. *See* 8 C.F.R. § 274a.12. A noncitizen who is unlawfully present is ineligible for employment authorization, affecting their lifetime earning potential and job opportunities. Undocumented individuals are not eligible for federal student financial aid, affecting their educational opportunities. Research also shows that undocumented individuals are more likely to report greater depression, social isolation, longer hospital stays, and higher levels of stress.

65. A person without legal immigration status is not generally eligible to be issued a social security number. *See* 20 C.F.R. § 422.107. This creates cascading barriers to basic needs and milestones, such as accessing traditional mortgages or banking services, as well as eligibility

1 for federal housing programs, among other things. Likewise, undocumented individuals are not
 2 eligible for a REAL ID Act compliant driver's license or identification card, which will be
 3 required for all air travel, including domestic flights, as of May 7, 2025. *See* 49 U.S.C. § 30301.

4 **D. Plaintiff States Will be Irreparably Injured by Defendants' Citizenship Stripping**
 5 **Order**

6 66. The Plaintiff States will be immediately and irreparably injured by Defendants'
 7 Citizenship Stripping Order separate and apart from the grievous harms its residents will suffer
 8 as a result of the Order.

9 67. As noted above, in Washington in 2022 alone, approximately 7,000 United States
 10 citizen children were born to mothers who lacked legal status and approximately 4,000 United
 11 States citizen children were born to two parents who lacked legal status. This is a conservative
 12 estimate of the number of children affected by the Citizenship Stripping Order, and the full
 13 number of children affected will be greater.

14 68. In Arizona in 2022 alone, approximately 6,000 United States citizen children
 15 were born to mothers who lacked legal status and approximately 3,400 United States citizen
 16 children were born to two parents who were non-citizens and lacked legal status. This is a
 17 conservative estimate of the number of children affected by the Citizenship Stripping Order, and
 18 the full number of children affected will be greater.

19 69. In Illinois in 2022 alone, approximately 9,100 United States citizen children were
 20 born to mothers who lacked legal status and approximately 5,200 United States citizen children
 21 were born to two parents who were non-citizens and lacked legal status. This is a conservative
 22 estimate of the number of children affected by the Citizenship Stripping Order, and the full
 23 number of children affected will be greater.

24 70. In Oregon in 2022 alone, approximately 2,500 United States citizen children were
 25 born to mothers who lacked legal status and approximately 1,500 United States citizen children
 26 were born to two parents who were non-citizens and lacked legal status. This is a conservative

1 estimate of the number of children affected by the Citizenship Stripping Order, and the full
2 number of children affected will be greater.

3 71. The Plaintiff States administer numerous programs for the benefit of their
4 residents, including for newborns and young children, some of whom are wards of the Plaintiff
5 States who are entitled to care by statute. Some of these programs are funded in part by federal
6 dollars, with federal funding frequently tied to the citizenship and immigration status of the
7 individuals served. As detailed below, stripping individuals of their citizenship and rendering
8 them without a qualifying immigration status will render them ineligible to receive federally
9 funded benefits, leaving them to rely on state-only funded benefits and services that the Plaintiff
10 States must provide, and causing direct, immediate, and measurable financial harm to Plaintiff
11 States.

12 72. The Medicaid and CHIP health insurance programs were created by federal law
13 and are jointly funded by the federal and state governments. Medicaid provides health insurance
14 for individuals, including children, whose household incomes fall below certain eligibility
15 thresholds that vary slightly by state. CHIP is a program through which health insurance
16 coverage is provided for children whose household incomes exceed the eligibility thresholds for
17 Medicaid but fall below a separate threshold. The federal government pays states a percentage
18 of program expenditures for individuals enrolled in Medicaid and CHIP. This percentage varies
19 by program, state, covered population, and service, but generally ranges between 50 and 90
20 percent of the total expenditure.

21 73. Only individuals who are U.S. citizens or have a qualifying immigration status
22 are eligible for Medicaid and CHIP except for certain emergency medical services that must be
23 provided and can be covered under Medicaid where the individual is otherwise qualified but for
24 their immigration or citizenship status. 8 U.S.C. § 1611(a), (c)(1)(B); 8 U.S.C. § 1612(b)(3)(C);
25 42 C.F.R. § 435.406. In all Plaintiff States, children who would be eligible for Medicaid or CHIP
26 but for the fact that they are not United States citizens or qualifying noncitizens are eligible for

1 certain health insurance or emergency services that are funded entirely by the State. The
2 Citizenship Stripping Order will therefore result in newborn children who would otherwise be
3 eligible for federally funded Medicaid or CHIP instead being enrolled in entirely state-funded
4 health care programs or provided entirely state-funded healthcare services, transferring the cost
5 for their health care to the States and causing a direct loss of federal funding. And for some
6 Plaintiff States, those State-funded services may be underfunded or restricted to emergency care
7 only, resulting in newborns and children not receiving regular or preventative care and ultimately
8 leading to more expensive emergency care in the long term.

9 74. One example is Washington's programs for ensuring healthcare coverage for its
10 most vulnerable residents. The Washington State Health Care Authority (HCA) is the designated
11 single state agency responsible for administering Washington's Medicaid program and CHIP. In
12 Washington, Medicaid is called Apple Health. Coverage programs for children are provided
13 under the name Apple Health for Kids and serve all kids regardless of immigration status up to
14 317 percent of the Federal Poverty Limit (FPL). Between 215 and 317 percent of the FPL, for
15 children who are citizens or qualified and authorized immigrants, the funding for this coverage
16 comes through CHIP, and households pay a minimal premium for children's coverage. Below
17 that range, for children who are citizens or qualified and authorized immigrants, funding for
18 coverage is provided through Medicaid. Under federal law, HCA must provide Medicaid and
19 CHIP coverage to citizens and qualified noncitizens whose citizenship or qualifying immigration
20 status is verified and who are otherwise eligible. For those children who would be eligible but
21 for their lack of citizenship or a qualifying immigration status, the State provides coverage
22 through what is called the Children's Health Plan (CHP).

23 75. As of December 2024, HCA administers federally-backed Medicaid and CHIP
24 funded coverage for more than 860,000 children in Washington. HCA estimates that coverage
25 on a per-child basis costs approximately \$2,844 per year on average for physical health care
26 coverage alone. For this coverage, Washington expended approximately \$2.37 billion with

1 approximately \$1.3 billion coming from the federal government under Medicaid and CHIP. With
 2 respect to the division of funding in Washington, health coverage provided through CHIP
 3 generally receives a 65 percent federal match rate as opposed to Medicaid's 50 percent federal
 4 match rate.

5 76. If deemed ineligible because they are no longer United States citizens, children
 6 enrolled in CHIP who do not meet the income eligibility guidelines for Medicaid would be left
 7 without health coverage unless Washington provides it using only state funding—even for
 8 emergency medical care that hospitals (including State-operated hospitals) are required by
 9 federal law to provide. *See, e.g.*, 42 U.S.C. § 1395dd. The result would be that federal law would
 10 *require* State-providers, like UW Medicine's Harborview hospital, to provide emergency and
 11 other care, but *withhold* federal contribution for that care at the normal CHIP rates. Washington
 12 would provide coverage to these individuals using State-only funds, and therefore be required to
 13 spend substantial funds it otherwise should receive from the federal government through the
 14 CHIP program.

15 77. The CHIP program also enables certain healthcare services to be provided to
 16 children prior to birth in the form of prenatal care for their mother, regardless of the mother's status.
 17 Under CHIP, a child is defined as "an individual under age 19 including the period from conception
 18 to birth." 42 C.F.R. § 457.10. In Washington, children are eligible at conception for prenatal care
 19 through CHIP. This prenatal care coverage is provided regardless of the immigration status of the
 20 mother because the child is assumed to be a U.S. citizen. In State Fiscal Year 2025, Washington
 21 expects to receive \$161.5 million in federal CHIP funding to provide prenatal health care to children
 22 born in Washington to mothers ineligible for Medicaid and CHIP.

23 78. Certain children born whose health care would have been covered through
 24 Medicaid or CHIP as U.S. citizens will become ineligible for those programs because they are
 25 no longer deemed U.S. citizens or qualifying noncitizens under the Citizenship Stripping Order.
 26 This poses an immediate risk to HCA's federal funding stream used to provide healthcare

1 coverage to vulnerable Washington newborns and children. In state fiscal year 2022, for
 2 example, there were more than 4,000 children born to unauthorized and non-qualifying mothers
 3 whose labor and delivery was covered by Emergency Medicaid. Those children, by being born
 4 in the United States and deemed citizens, were eligible for federally-backed coverage. If this
 5 number of children became ineligible due to a loss of citizenship and moved to the State-funded
 6 CHP coverage, however, that will result in a loss of \$6.9 million in federal reimbursements to
 7 Washington and a corresponding increase to State expenditures of the same amount, based on
 8 the current expenditures for the complete physical and behavioral health package of benefits.

9 79. In Arizona, in 2024 there were 4,519 births paid for by the Federal Emergency
 10 Services Program (FES births). For each of these births, the parent's household income fell under
 11 133% of the Federal Poverty Level and the parent would have been eligible for Title XIX
 12 (Medicaid) if they were U.S. citizens or "lawfully residing." However, because these children
 13 were born in the United States, the children were eligible for Medicaid and qualified for
 14 Arizona's Medicaid program, the Arizona Health Care Cost Containment System (AHCCCS),
 15 but they would not be eligible if birthright citizenship were removed. If each of these children
 16 became ineligible for AHCCCS until 18, using FFY2026 figures for FMAP of 64.34% (federal
 17 match) and capitation rates, then this would likely cost the State \$39,400 in federal revenue per
 18 child used to pay \$61,300 in total capitation payments over the first 18 years of that child's life.

19 80. In addition, based on current data, AHCCCS estimates that approximately 3,126
 20 births each year are for children whose family income are low enough to make them eligible for
 21 Title XXI (KidsCare) under birthright citizenship, but who would not be eligible if birthright
 22 citizenship were removed. And given the scope of the Executive Order, the number of children
 23 affected will likely be higher.

24 81. Removing birthright citizenship from the above 7,645 (4,519 + 3,126) children
 25 would reduce federal revenues to Arizona by \$321,844,600 used to pay \$468,638,500 in total
 26 capitation payments over the first 18 years of the children's lives. This amount is only for the

1 first “cohort” of children and only through their first 18 years of life. Each year additional
2 children would be born, adding to the lost revenue.

3 82. In Illinois, the Department of Healthcare and Family Services (HFS) is
4 responsible for administering Illinois’s Medicaid program and CHIP. HFS currently administers
5 federally-backed Medicaid and CHIP funded coverage for over 1 million children in Illinois.
6 Some of those children—children whose health care would have been covered through Medicaid
7 or CHIP as U.S. citizens—will become ineligible for those programs because they are no longer
8 deemed U.S. citizens or qualifying noncitizens under the Citizenship Stripping Order. That
9 threatens the federal funds that HFS uses to provide healthcare coverage to vulnerable Illinois
10 newborns and children and risks transferring the cost for their health care to Illinois.

11 83. Similarly, Plaintiff States’ child welfare systems are funded in part through an
12 annual appropriation based on an open-ended formula grant entitlement operated by the U.S.
13 Department of Health and Human Services Federal Foster Care Program, known as “Title IV-
14 E.” For example, in Federal Fiscal Year 2024, Washington received approximately \$219 million
15 in federal Title IV-E funding.

16 84. The Title IV-E grant amount is awarded to partially reimburse the States’
17 expenditures on allowable uses of funds for the direct costs of supporting eligible children in
18 foster care. The States receive no Title IV-E funding for the costs to care for foster children who
19 do not meet Title IV-E eligibility. Children who are neither citizens nor qualifying noncitizens,
20 which will include children who would be natural-born U.S. citizens but for the Citizenship
21 Stripping Order, are not covered by Title IV-E. 8 U.S.C. §§ 1611(a), (c)(1)(A).

22 85. Plaintiff States also receive federal funding under Title IV-E for certain program
23 administrative costs based in part on the number of children eligible for Title IV-E. Washington’s
24 Department of Children, Youth, and Families (DCYF) receives reimbursements for foster care
25 maintenance, adoption support, guardianship support, and associated legal, administrative, and
26 training costs. Therefore, any decrease in the number of foster children who are Title IV-E

1 eligible will reduce federal funding to States for foster care and related programs. As a result of
2 the Citizenship Stripping Order, fewer children will be eligible for welfare and support services
3 and Plaintiff States will suffer a negative financial impact to their child welfare programs.

4 86. Washington's DCYF foster care services provide support for children and
5 families when they may be most vulnerable and ensures that children have the tools they need
6 to succeed. In Washington, those services will often be provided for a long period of time—the
7 median length of stay for a child in out-of-home care is nearly two years. If that child is ineligible
8 for Title IV-E because they are not a citizen, DCYF cannot receive federal reimbursements for
9 any of the services they provide to that child. And any decrease in Title IV-E funding means that
10 DCYF will have fewer resources to help all of the children it serves, including children whose
11 citizenship status is unaffected by the Citizenship Stripping Order.

12 87. Arizona's Department of Child Services (DCS) also relies on Title IV-E funding
13 and operates on a limited budget appropriated by the State Legislature. The Citizenship Stripping
14 Order will cause DCS to lose material amounts of federal funding that it would use for foster
15 care maintenance payments for those children, as well as reimbursement for administrative
16 expenses associated with their care.

17 88. Illinois Department of Child and Family Services (DCFS) also relies on Title IV-
18 E funding. The guaranteed reduction in Title IV-E funding—as well as other federal
19 reimbursements—that will result from the Citizenship Stripping Order will have a meaningful
20 effect and strain on DCFS's ability to fulfill its statutory mandate to provide care to the wards in
21 its custody.

22 89. The loss of federal funding and reimbursement will have other significant and
23 negative ripple effects on the Plaintiff States. For example, in Arizona, DCS prioritizes kinship
24 placements for the children within its custody. In kinship placements, children are placed in the
25 homes of relatives or individuals with a significant relationship to the children. Placements with
26 relatives and kin provides children with more stability by maintaining connections to

1 neighborhood, community, faith, family, tribe, school and friends. A family's willingness and
2 ability to accept a kinship placement is often dependent on the family's ability to receive
3 financial and resource assistance from DCS. If fewer children are considered U.S. citizens and
4 therefore are ineligible for these vouchers and resources, DCS will not be able to provide the
5 same assistance to support relative and kinship placements, and the number of these placements
6 will decrease. That will harm these already-vulnerable children. It will also increase costs for
7 DCS, which will have to place those same children in group homes, which are significantly more
8 expensive.

9 90. Because the benefit is to the child, not the caregiver, an increase of children
10 without legal status in DCS care will also impact community foster homes. Community foster
11 homes may not be willing to take placement of a child if they are not able to receive benefits like
12 child care assistance. Many community foster caregivers work outside of the home and rely on
13 child care assistance to pay for care while they work.

14 91. Plaintiff States will also suffer a direct and immediate loss of federal
15 reimbursements that they receive for every SSN that is assigned to a child born in their state
16 through the Enumerated at Birth (EAB) program. Pursuant to this program, Plaintiff States are
17 under contract with the SSA to collect and transmit to the SSA certain birth information on behalf
18 of parents who wish to obtain an SSN for their newborn child. For their services under this
19 program, the States receive a payment from SSA of approximately \$4.19 per assigned SSN.
20 These funds are used to support general administrative expenses for state agencies beyond the
21 cost of transmitting SSN applications to SSA.

22 92. As noted above, each year, the Citizenship Stripping Order is likely to impact—
23 at a bare minimum—at least 4,000 children born in Washington; 3,400 children born in Arizona;
24 5,200 children born in Illinois; and 1,500 children born in Oregon. Those children will therefore
25 be ineligible for SSNs, which in turn will cause the Plaintiff States to suffer an immediate
26 decrease in the number of SSNs assigned and payments received through the EAB program. For

1 example, withholding issuance of approximately 4,000 SSNs through the EAB process will
 2 cause Washington to lose approximately \$16,000 per year at a minimum, because of the
 3 Citizenship Stripping Order's direction to SSA to stop issuing SSNs to these children.
 4 Withholding issuance of approximately 3,400 SSNs through the EAB process will cause Arizona
 5 to lose approximately \$14,000 per year at a minimum, because of the Citizenship Stripping
 6 Order's direction to SSA to stop issuing SSNs to certain children. Withholding issuance of
 7 approximately 5,200 SSNs through the EAB process will cause Illinois to lose approximately
 8 \$21,000 per year at a minimum. And withholding issuance of approximately 1,500 SSNs through
 9 the EAB process will cause Oregon to lose approximately \$6,200 per year at a minimum, because
 10 of the Citizenship Stripping Order's direction to SSA to stop issuing SSNs to certain children.

11 93. As noted above, the Citizenship Stripping Order will also harm Arizona's ability
 12 to implement its voter registration laws aimed at ensuring that only citizens register to vote.

13 94. The Citizenship Stripping Order will immediately begin to upend administrative
 14 and operational processes within the Plaintiff States. States must immediately alter their systems
 15 for verifying which children they serve are eligible for federal reimbursement programs like
 16 Medicaid, CHIP, and Title IV-E; operationalize those altered systems; and plan for the fiscal
 17 impact of losing substantial federal funding that the Plaintiff States rely on receiving to support
 18 a range of programs.

19 95. In Washington, for example, agencies rely on birthright citizenship in their
 20 internal processes to determine eligibility for federal programs. This includes Washington's
 21 HCA, which administers Washington's Medicaid and CHIP programs. The Citizenship Stripping
 22 Order will require HCA to develop updated training and guidance for staff, partners, and health
 23 care providers across Washington about which children are citizens and therefore eligible for
 24 Medicaid and CHIP. HCA anticipates this will take at least seven to eight full-time employees
 25 around two to three years to make these changes. These updates may then require training for up
 26 to 2,000 staff, on top of coordination with external community partners. Similarly, the

1 Citizenship Stripping Order requires health care providers like UW Medicine to immediately
2 update their understanding of how to assess coverage to assist patients and parents in
3 understanding and navigating applications for coverage, when those parents may have a due date
4 in just a few weeks.

5 96. Washington's DCYF likewise relies on birthright citizenship to determine which
6 services it may receive reimbursement for. Federal law requires DCYF to verify citizenship
7 status of children it serves as a part of determining Title IV-E eligibility. Currently, the primary
8 method of citizenship verification is through birth certificates issued by other state agencies.
9 DCYF relies on those birth certificates to determine whether children are eligible for Title IV-
10 E, and DCYF's services for children may begin as soon as they are born. The Citizenship
11 Stripping Order requires DCYF to amend its processes, trainings, and materials to make any
12 Title IV-E eligibility determinations. That will take staff time that would have been spent on
13 other projects to better serve children and families in Washington.

14 97. Washington's DOH also faces uncertainty and substantial administrative burdens
15 under the Citizenship Stripping Order. DOH cannot modify State's newborn registration process
16 immediately. Instead, doing so will require substantial operational time, manpower resources,
17 and technological resources from DOH and healthcare facilities in Washington. Indeed, because
18 more than 80,000 babies are born every year in Washington, DOH anticipates that any required
19 updates to the birth registration process or birth certificates in Washington will impose serious
20 burdens on DOH that it is not currently equipped to handle, as DOH has no way of determining
21 the immigration status or citizenship of every newborn (or their parents).

22 98. Similarly, in Arizona, the State's Medicaid program, AHCCCS, is jointly funded
23 by the federal and state governments for individuals and families who qualify based on income
24 level. AHCCCS does not currently rely on a Social Security Number or parental immigration
25 status to determine eligibility. Newborns are automatically approved for benefits through an
26 automated process when a mother living in Arizona on AHCCCS gives birth. Citizenship is

1 considered automatically verified if the child's birth is verified through this method since they
 2 are born in the United States. If this methodology no longer applied, AHCCCS would need to
 3 update its eligibility policy and update three systems it uses: HEAPlus, PMMIS and AHCCCS
 4 Online. This would take approximately 12 months to implement the change. Based on the
 5 complexity of the potential update, the expense to change HEAPlus would be approximately \$1
 6 million to \$2.5 million and would take about 12 months to develop. In addition, it would cost
 7 \$1.3-1.9 million to update PMMIS and AHCCCS Online.

8 99. The Illinois Department of Public Health (IDPH) will also face substantive
 9 administrative burdens under the Citizenship Stripping Order in order to modify its newborn
 10 registration process immediately. IDPH would need to create systems for state-run healthcare
 11 facilities to use to verify parents' immigration statuses for purposes of issuing birth certificates
 12 and applying for a newborn's SSN. This would require training and hiring of staff and would
 13 potentially cause delays in the registration and issuance of a newborn's birth certificate.

14 100. In Oregon, the sudden need to collect proof of citizenship information from
 15 parents at the birth of a child will cause the state to incur the expense of training its employees
 16 and staff at Oregon hospitals on new protocols.

17 101. In sum, the Citizenship Stripping Order, if allowed to stand, will work direct and
 18 substantial injuries to Washington, Arizona, Illinois, and Oregon, in addition to their residents.

19 V. FIRST CAUSE OF ACTION 20 (Fourteenth Amendment – Citizenship Clause)

21 102. Plaintiff States reallege and incorporate by reference the allegations set forth in
 22 each of the preceding paragraphs.

23 103. The Fourteenth Amendment declares: "All persons born or naturalized in the
 24 United States and subject to the jurisdiction thereof, are citizens of the United States and of the
 25 State wherein they reside."
 26

104. Section 2 of the Citizenship Stripping Order states that Defendants will not recognize United States citizenship of children when (1) the individual’s mother is “unlawfully present in the United States” and the father “was not a citizen or lawful permanent resident at the time of said person’s birth”; or (2) the “person’s mother’s presence in the United States at the time of said person’s birth was lawful but temporary . . . and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth.”

105. Section 3 of the Citizenship Stripping Order requires Defendants to “take all appropriate measures to ensure” that Defendant agencies do not recognize the citizenship of certain United States citizens.

106. The Citizenship Stripping Order expressly violates the Fourteenth Amendment’s guarantee of birthright citizenship to all individuals born in the United States and subject to the jurisdiction thereof.

107. The President has no authority to override or ignore the Fourteenth Amendment’s Citizenship Clause or otherwise amend the Constitution, and therefore lacks authority to strip individuals of their right to citizenship.

108. The Citizenship Stripping Order will cause harm to Washington, Arizona, Illinois, Oregon, and the residents of each Plaintiff State.

VI. SECOND CAUSE OF ACTION (Immigration and Nationality Act – 8 U.S.C. § 1401)

109. Plaintiff States reallege and incorporate by reference the allegations set forth in each of the preceding paragraphs.

110. Section 1401 of the Immigration and Nationality Act states that “a person born in the United States, and subject to the jurisdiction thereof” “shall be [a] national[] and citizen[] of the United States at birth.” 8 U.S.C. § 1401(a).

111. Section 2 of the Citizenship Stripping Order states that Defendants will not recognize United States citizenship of children when (1) the individual’s mother is “unlawfully

1 present in the United States” and the father “was not a citizen or lawful permanent resident at
 2 the time of said person’s birth”; or (2) the “person’s mother’s presence in the United States at
 3 the time of said person’s birth was lawful but temporary . . . and the father was not a United
 4 States citizen or lawful permanent resident at the time of said person’s birth.”

5 112. Section 3 of the Citizenship Stripping Order requires Defendants to “take all
 6 appropriate measures to ensure” that Defendant agencies do not recognize the citizenship of
 7 certain United States citizens.

8 113. The Citizenship Stripping Order expressly violates Section 1401’s guarantee of
 9 birthright citizenship to all individuals born in the United States and subject to the jurisdiction
 10 thereof.

11 114. The President has no authority to override Section 1401’s statutory guarantee of
 12 citizenship, and therefore lacks any authority to unilaterally strip individuals of their right to
 13 citizenship.

14 115. The Citizenship Stripping Order will cause harm to Washington, Arizona,
 15 Illinois, Oregon, and the residents of each Plaintiff State.

16 **VII. PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff States pray that the Court:

18 a. Declare that the Citizenship Stripping Order is contrary to the Constitution and
 19 laws of the United States;

20 b. Temporarily restrain and enjoin Defendants from implementing or enforcing the
 21 Citizenship Stripping Order, pending further orders from this Court;

22 c. Pursuant to Federal Rule of Civil Procedure 65(b)(2), set an expedited hearing
 23 within fourteen (14) days to determine whether the Temporary Restraining Order should be
 24 extended; and

25 d. Award such additional relief as the interests of justice may require.
 26

1 DATED this 21st day of January 2025.

2 NICHOLAS W. BROWN
3 Attorney General

4 s/ Lane M. Polozola

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EXHIBIT A

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PRESIDENTIAL ACTIONS

PROTECTING THE MEANING AND VALUE OF AMERICAN CITIZENSHIP

EXECUTIVE ORDER

January 20, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. The privilege of United States citizenship is a priceless and profound gift. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” That provision rightly repudiated the Supreme Court of the United States’s shameful decision in *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857), which

misinterpreted the Constitution as permanently excluding people of African descent from eligibility for United States citizenship solely based on their race. But the Fourteenth Amendment has never been interpreted to extend citizenship universally to everyone born within the United States. The Fourteenth Amendment has always excluded from birthright citizenship persons who were born in the United States but not “subject to the jurisdiction thereof.” Consistent with this understanding, the Congress has further specified through legislation that “a person born in the United States, and subject to the jurisdiction thereof” is a national and citizen of the United States at birth, 8 U.S.C. 1401, generally mirroring the Fourteenth Amendment’s text. Among the categories of individuals born in the United States and not subject to the jurisdiction thereof, the privilege of United States citizenship does not automatically extend to persons born in the United States: (1) when that person’s mother was unlawfully present in the United States and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth, or (2) when that person’s mother’s presence in the United States at the time of said person’s birth was lawful but temporary (such as, but not limited to, visiting the United States under the auspices of the Visa Waiver Program or visiting on a student, work, or tourist visa) and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth.

Sec. 2. Policy. (a) It is the policy of the United States that no department or agency of the United States government shall issue documents recognizing United States citizenship, or accept documents issued by State, local, or other governments or authorities purporting to recognize United States citizenship, to persons: (1) when that person’s mother was unlawfully present in the United States and the person’s father was not a United States citizen or lawful permanent resident at the time of said person’s birth, or (2) when that person’s mother’s presence in the United States was lawful but temporary, and the

person's father was not a United States citizen or lawful permanent resident at the time of said person's birth.

(b) Subsection (a) of this section shall apply only to persons who are born within the United States after 30 days from the date of this order.

(c) Nothing in this order shall be construed to affect the entitlement of other individuals, including children of lawful permanent residents, to obtain documentation of their United States citizenship.

Sec. 3. Enforcement. (a) The Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Commissioner of Social Security shall take all appropriate measures to ensure that the regulations and policies of their respective departments and agencies are consistent with this order, and that no officers, employees, or agents of their respective departments and agencies act, or forbear from acting, in any manner inconsistent with this order.

(b) The heads of all executive departments and agencies shall issue public guidance within 30 days of the date of this order regarding this order's implementation with respect to their operations and activities.

Sec. 4. Definitions. As used in this order:

(a) "Mother" means the immediate female biological progenitor.

(b) "Father" means the immediate male biological progenitor.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against

the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
January 20, 2025.

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EXHIBIT B

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8 FAM 300 U.S. CITIZENSHIP AND NATIONALITY

8 FAM 301 U.S. CITIZENSHIP

8 FAM 301.1 ACQUISITION BY BIRTH IN THE UNITED STATES

*(CT:CITZ-50; 01-21-2021)
(Office of Origin: CA/PPT/S/A)*

8 FAM 301.1-1 INTRODUCTION

(CT:CITZ-50; 01-21-2021)

- a. U.S. citizenship may be acquired either at birth or through naturalization subsequent to birth. U.S. laws governing the acquisition of citizenship at birth embody two legal principles:
 - (1) Jus soli (the law of the soil) - a rule of common law under which the place of a person's birth determines citizenship. In addition to common law, this principle is embodied in the 14th Amendment to the U.S. Constitution and the various U.S. citizenship and nationality statutes; and
 - (2) Jus sanguinis (the law of the bloodline) - a concept of Roman or civil law under which a person's citizenship is determined by the citizenship of one or both parents. This rule, frequently called "citizenship by descent" or "derivative citizenship", is not embodied in the U.S. Constitution, but such citizenship is granted through statute. As U.S. laws have changed, the requirements for conferring and retaining derivative citizenship have also changed.
- b. National vs. citizen: While most people and countries use the terms "citizenship" and "nationality" interchangeably, U.S. law differentiates between the two. Under current law all U.S. citizens are also U.S. nationals, but not all

U.S. nationals are U.S. citizens. The term “national of the United States”, as defined by statute (INA 101 (a)(22) (8 U.S.C. 1101(a)(22)) includes all citizens of the United States, and other persons who owe allegiance to the United States but who have not been granted the privilege of citizenship:

- (1) Nationals of the United States who are not citizens owe allegiance to the United States and are entitled to the consular protection of the United States when abroad, and to U.S. documentation, such as U.S. passports with appropriate endorsements. They are not entitled to voting representation in Congress and, under most state laws, are not entitled to vote in Federal, State, or local elections except in their place of birth. (See [7 FAM 012](#) and [7 FAM 1300 Appendix B](#) Endorsement 09.);
 - (2) Historically, Congress, through statutes, granted U.S. non-citizen nationality to persons born or inhabiting territory acquired by the United States through conquest or treaty. At one time or other natives and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone **were** U.S. non-citizen nationals. (See [7 FAM 1120](#) and [7 FAM 1100 Appendix P.](#));
 - (3) Under current law, only persons born in American Samoa and Swains Island are U.S. non-citizen nationals (INA 101(a)(29) (8 U.S.C. 1101(a)(29) and INA 308(1) (8 U.S.C. 1408)). (See [7 FAM 1125.](#)); and
 - (4) See [7 FAM 1126](#) regarding the citizenship/nationality status of persons born on the Commonwealth of the Northern Mariana Islands (CNMI).
- c. Naturalization – Acquisition of U.S. Citizenship Subsequent to Birth:
Naturalization is “the conferring of nationality of a State upon a person after birth, by any means whatsoever” (INA 101(a)(23) (8 U.S.C. 1101(a)(23)) or conferring of citizenship upon a person (see INA 310, 8 U.S.C. 1421 and INA 311, 8 U.S.C. 1422). Naturalization can be granted automatically or pursuant to an application. (See [7 FAM 1140.](#))
- d. “Subject to the Jurisdiction of the United States”: All children born in and subject, at the time of birth, to the jurisdiction of the United States acquire U.S. citizenship at birth even if their parents were in the United States illegally at the time of birth:
- (1) The U.S. Supreme Court examined at length the theories and legal precedents on which the U.S. citizenship laws are based in *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898). In particular, the Court discussed the types of persons who are subject to U.S. jurisdiction. The Court affirmed that a child born in the United States to Chinese parents acquired U.S. citizenship even though the parents were, at the time, racially ineligible for naturalization;
 - (2) The Court also concluded that: “The 14th Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on

foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The Amendment, in clear words and in manifest intent, includes the children born within the territory of the United States, of all other persons, of whatever race or color, domiciled within the United States." Pursuant to this ruling:

- (a) Acquisition of U.S. citizenship generally is not affected by the fact that the parents may be in the United States temporarily or illegally; and that; and
- (b) A child born in an immigration detention center physically located in the United States is considered to have been born in the United States and be subject to its jurisdiction. This is so even if the child's parents have not been legally admitted to the United States and, for immigration purposes, may be viewed as not being in the United States.

8 FAM 301.1-2 WHAT IS BIRTH "IN THE UNITED STATES"?

(CT:CITZ-45; 12-09-2020)

- a. INA 101(a)(38) (8 U.S.C. 1101 (a)(38)) provides that "the term 'United States,' when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States."
- b. On November 3, 1986, Public Law 94-241, "approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America", (Section 506(c)), took effect. From that point on, the Northern Mariana Islands have been treated as part of the United States for the purposes of INA 301 (8 U.S.C. 1401) and INA 308 (8 U.S.C. 1408) (see [8 FAM 302.1](#))
- c. The Nationality Act of 1940 (NA), Section 101(d) (54 Statutes at Large 1172) (effective January 13, 1941 until December 23, 1952) provided that "the term 'United States' when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States." The 1940 Act did not include Guam or the Northern Mariana Islands as coming within the definition of "United States."

See the text of the 1940 Act on the Intranet, Acquisition of Citizenship, Legal and Regulatory Documents.

- d. Prior to January 13, 1941, there was no statutory definition of "the United States" for citizenship purposes. The phrase "in the United States" as used in Section 1993 of the Revised Statutes of 1878 clearly includes states that have been admitted to the Union (see [8 FAM 102.2](#)).

- e. INA 304 (8 U.S.C. 1404) and INA 305 (8 U.S.C. 1405) provide a basis for citizenship of persons born in Alaska and Hawaii, respectively, while they were territories of the United States.

8 FAM 301.1-3 NOT INCLUDED IN THE MEANING OF "IN THE UNITED STATES"

(CT:CITZ-1; 06-27-2018)

- a. Birth on U.S. Registered Vessel On High Seas or in the Exclusive Economic Zone: A U.S.-registered or documented ship on the high seas or in the exclusive economic zone is not considered to be part of the United States. Under the law of the sea, an Exclusive Economic Zone (EEZ) is a maritime zone over which a State has special rights over the exploration and use of natural resources. The EEZ extends up to 200 nautical miles from the coastal baseline. A child born on such a vessel does not acquire U.S. citizenship by reason of the place of birth (*Lam Mow v. Nagle*, 24 F.2d 316 (9th Cir., 1928)).

NOTE: This concept of allotting nations EEZs to give better control of maritime affairs outside territorial limits gained acceptance in the late 20th century and was given binding international recognition by the United Nations Convention on the Law of the Sea (UNCLOS) in 1982.

Part V, Article 55 of the Convention states:

Specific legal regime of the EEZ:

The EEZ is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this convention.

- b. A U.S.-registered aircraft outside U.S. airspace is not considered to be part of U.S. territory. A child born on such an aircraft outside U.S. airspace does not acquire U.S. citizenship by reason of the place of birth.

NOTE: The United States of America is not a party to the U.N. Convention on Reduction of Statelessness (1961). Article 3 of the Convention does not apply to the United States. Article 3 provides

"For the purpose of determining the obligations of Contracting States under this Convention, birth on a ship or in an aircraft shall be deemed to have taken place in the territory of the State whose flag the ship flies or in the territory of the State in which the aircraft is registered, as the case may be."

This is a frequently asked question.

- c. Birth on U.S. military base outside of the United States or birth on U.S. embassy or consulate premises abroad:
- (1) Despite widespread popular belief, U.S. military installations abroad and U.S. diplomatic or consular facilities abroad are not part of the United

States within the meaning of the 14th Amendment. A child born on the premises of such a facility is not born in the United States and does not acquire U.S. citizenship by reason of birth;

- (2) The status of diplomatic and consular premises arises from the rules of law relating to immunity from the prescriptive and enforcement jurisdiction of the receiving State; the premises are not part of the territory of the United States of America. (See Restatement (Third) of Foreign Relations Law, Vol. 1, Sec. 466, Comment a and c (1987). See also, *Persinger v. Iran*, 729 F.2d 835 (D.C. Cir. 1984).

d. Birth on foreign ships in foreign government non-commercial service:

- (1) A child born on a foreign merchant ship or privately owned vessel in U.S. internal waters is considered as having been born subject to the jurisdiction of the United States. (See *U.S. v. Wong Kim Ark.*); and
- (2) Foreign warships, naval auxiliaries, and other vessels or aircraft owned or operated by a State and used for governmental non-commercial service are not subject to jurisdiction of the United States. Persons born on such vessels while in U.S. internal waters (or, of course, anywhere else) do not acquire U.S. citizenship by virtue of place of birth.

e. Alien enemies during hostile occupation:

- (1) If part of the United States were occupied by foreign armed forces against the wishes of the United States, children born to enemy aliens in the occupied areas would not be subject to U.S. jurisdiction and would not acquire U.S. citizenship at birth; and
- (2) Children born to persons other than enemy aliens in an area temporarily occupied by hostile forces would acquire U.S. citizenship at birth because sovereignty would not have been transferred to the other country. (See *U.S. v. Wong Kim Ark.*)

8 FAM 301.1-4 BIRTH IN U.S. INTERNAL WATERS AND TERRITORIAL SEA

(CT:CITZ-50; 01-21-2021)

- a. Persons born on ships located within U.S. internal waters (except as provided in [8 FAM 301.1-3](#)) are considered to have been born in the United States. Such persons will acquire U.S. citizenship at birth if they are subject to the jurisdiction of the United States. Internal waters include the ports, harbors, bays, and other enclosed areas of the sea along the U.S. coast. As noted above, a child born on a foreign merchant ship or privately owned vessel in U.S. internal waters is considered as having been born subject to the jurisdiction of the United States. (See *U.S. v. Wong Kim Ark.*)
- b. Twelve Nautical Mile Limit: The territorial sea of the United States was formerly three nautical miles. (See, e.g., *Cunard S.S. Co. v. Mellon*, 262 U.S. 100, 122, 43 S. Ct. 504, 67 L. Ed. 894 (1923).) However, the three-mile rule

was changed by a Presidential Proclamation in 1988, implementing the territorial-sea provision of the 1982 U.N. Convention on the Law of the Sea. (Presidential Proclamation 5928, signed December 27, 1988, published at 54 Federal Register 777, January 9, 1989.) As decreed by that Proclamation, the territorial sea of the United States henceforth extends to 12 nautical miles from the baselines of the United States determined in accordance with international law. (The Proclamation also stated that the jurisdiction of the United States extends to the airspace over the territorial sea.) (See Gordon, Immigration Law and Procedure, Part 8 Nationality and Citizenship, 92.03(2) (b) territorial limits.)

- c. FAM guidance up until 1995 ([7 FAM 1116.1-2](#) In U.S. Waters TL:CON-64; 11-30-95) advised that persons born within the 3-mile limit of the U.S. territorial sea were born “within the United States” and could be documented as U.S. citizens if they were also born subject to U.S. jurisdiction. Some commentators took this view as well, such as Gordon. Analysis of this issue undertaken in 1994-1995 revealed, however, that there is a substantial legal question whether persons born outside the internal waters of the United States but within the territorial sea are in fact born “within the United States” for purposes of the 14th Amendment and the INA.
- d. Cases involving persons born outside the internal waters but within the U.S. territorial sea, must be referred to AskPPTAdjudication@state.gov for coordination with L/CA, L/OES, and other appropriate offices within the United States government.

NOTE: *This is not a public-facing e-mail address and public inquiries will not be replied to.*

8 FAM 301.1-5 WHAT IS BIRTH IN U.S. AIRSPACE?

(CT:CITZ-45; 12-09-2020)

- a. Under international law, the limits of a country's sovereign airspace correspond with the extent of its territorial sea. The outer limit of the territorial sea of the United States is 12 nautical miles from the coastline. Airspace above the land territory, internal waters, and territorial sea is considered to be part of the United States (Presidential Proclamation 5928, signed December 27, 1988, published at 54 Federal Register 777, January 9, 1989).
- b. Comments on the applicability of the 14th Amendment to vessels and planes, are found in Gordon, Immigration Law and Procedure, Part 8, Nationality and Citizenship, Chapter 92, 92.03 (New York: Matthew Bender, 2007). This volume states:

“The rules applicable to vessels obviously apply equally to airplanes. Thus a child born on a plane in the United States or flying over its territory would acquire United States citizenship at birth.”

- c. Under the 1944 Convention on International Civil Aviation, articles 17–21, all aircraft have the nationality of the State in which they are registered, and may not have multiple nationalities. For births, the nationality law of the aircraft's "nationality" may be applicable, and for births that occur in flight while the aircraft is not within the territory or airspace of any State, it is the only applicable law that may be pertinent regarding acquisition of citizenship by place of birth. However, if the aircraft is in, or flying over the territory of another State, that State may also have concurrent jurisdiction.
- d. Cases of citizenship of persons born on planes in airspace above the United States land territory or internal waters may be adjudicated by passport specialists at domestic passport agencies and centers or consular officers at posts abroad in accordance with [8 FAM 301.1-6](#).
- e. Cases of persons born on planes in airspace outside the 12 nautical mile limit would be adjudicated as a birth abroad under INA 301 (8 U.S.C. 1401) or INA 309 (8 U.S.C. 1409) as made applicable by INA 301(g).
- f. Cases of persons born on a plane in airspace above the U.S. territorial sea (12 nautical mile limit) must be referred to AskPPTAdjudication@state.gov for consultation with L/CA.

8 FAM 301.1-6 DOCUMENTING BIRTH IN U.S. WATERS AND U.S. AIRSPACE

(CT:CITZ-1; 06-27-2018)

- a. Proof of birth in U.S. internal waters or U.S. airspace consists of a U.S. birth certificate certified by the issuing authority in the U.S. jurisdiction.
- b. There is no U.S. Federal law governing the report of such births.
- c. Generally speaking, U.S. Customs and Border Protection (CBP) would require some documentation of the birth, generally an excerpt of the ship's/aircraft's medical log or master/captain's log, reflecting the time, latitude, and longitude when the birth occurred.
- d. For ships/aircraft in-bound for the United States, the parents would then be responsible for reporting the birth to the civil authorities in the U.S. jurisdiction where the vessel put into port. (See the Centers for Disease Control and Prevention (CDC) publication "Where to Write for Birth Certificates.")
 - (1) The parents will have to contact the state vital records office to determine the exact procedures for report such a birth;
 - (2) Parents should obtain a certified copy of the ship's medical log, airplane's log, or other statement from the attending physician or other attendant and attempt to obtain information on how to contact attendants in the future should further questions arise;

- (3) If the mother and child were immediately taken to a U.S. hospital, authorities there may be of assistance in facilitating contact with the appropriate state authorities; and
- (4) It is unlikely that the vital records office in the parents' state of residence will issue such a birth certificate. Parents may be redirected to the vital records office in the state where the ship first put into port after the birth of the child.

8 FAM 301.1-7 NATIVE AMERICANS AND ESKIMOS

(CT:CITZ-1; 06-27-2018)

- a. Before *U.S. v. Wong Kim Ark*, the only occasion on which the Supreme Court had considered the meaning of the 14th Amendment's phrase "subject to the jurisdiction" of the United States was in *Elk v. Wilkins*, 112 U.S. 94 (1884). That case hinged on whether a Native American who severed ties with the tribe and lived among whites was a U.S. citizen and entitled to vote. The Court held that the plaintiff had been born subject to tribal rather than U.S. jurisdiction and could not become a U.S. citizen merely by leaving the tribe and moving within the jurisdiction of the United States. The Court stated that: "The Indian tribes, being within the territorial limits of the United States, were not, strictly speaking, foreign States; but they were alien nations, distinct political communities, with whom the United States might and habitually did deal through treaties or acts of Congress. They were never deemed citizens of the United States except under explicit provisions of treaty or statute to that effect, either declaring a certain tribe, or such members of it as chose to remain behind on the removal of the tribe westward, to be citizens, or authorizing individuals of particular tribes to become citizens upon application for naturalization."
- b. The Act of June 2, 1924 was the first comprehensive law relating to the citizenship of Native Americans. It provided: That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.
- c. Section 201(b) NA, effective January 13, 1941, declared that persons born in the United States to members of an Indian, Eskimo, Aleutian, or other aboriginal tribe were nationals and citizens of the United States at birth.
- d. INA 301(b) (8 U.S.C. 1401(b)) (formerly INA 301(a)(2)), in effect from December 24, 1952, restates this provision.

8 FAM 301.1-8 FOUNDLINGS

(CT:CITZ-1; 06-27-2018)

- a. Under INA 301(f) (8 U.S.C. 1401(f)) (formerly Section 301(a)(6)) INA), a child of unknown parents is conclusively presumed to be a U.S. citizen if found in the United States when under 5 years of age, unless foreign birth is established before the child reaches age 21.
- b. Under Section 201(f) of the Nationality Act of 1940, a child of unknown parents, found in the United States, was presumed to have been a U.S. citizen at birth until shown not to have been born in the United States no matter at what age this might have been demonstrated.

UNCLASSIFIED (U)

EXHIBIT C

**APPLICATION FOR A U.S. PASSPORT**

Please read all instructions first and type or print in black ink to complete this form.

For information or questions, visit travel.state.gov or contact the National Passport Information Center (NPIC) at 1-877-487-2778 (TDD/TTY: 1-888-874-7793) or NPIC@state.gov.

SECTION A. ELIGIBILITY TO USE THIS FORM

This form is used to apply for a U.S. passport book and/or card **in person** at an acceptance facility, a passport agency (by appointment only), or a U.S. embassy, consulate, or consular agency (if abroad). The U.S. passport is a travel document attesting to one's identity and issued to U.S. citizens or non-citizen U.S. nationals. To be eligible to use this form you must **apply in person** if at least one of the following is true:

- ✓ I am applying for my first U.S. passport
- ✓ I am under age 16
- ✓ My previous U.S. passport was either: a) issued under age 16; b) issued more than 15 years ago; c) lost, stolen, or damaged

If none of the above statements apply to you, then you may be eligible to apply using form DS-82 or DS-5504 depending on your circumstances. [Visit travel.state.gov](https://travel.state.gov) for more information.

- **Notice to Applicants Under Age 16:** You must appear in person to apply for a U.S. passport with your parent(s) or legal guardian(s). See Section D of these instructions or travel.state.gov for more details.
- **Notice to Applicants Ages 16 and 17:** At least one of your parent(s) or legal guardian(s) must know that you are applying for a U.S. passport. See Section D of these instructions or travel.state.gov for more details.
- **Notice to Applicants for No-Fee Regular, Service, Official, or Diplomatic Passports:** You may use this application if you meet all provisions listed; however, you must consult your sponsoring agency for instructions on proper routing procedures before forwarding this application. Your completed passport will be released to your sponsoring agency and forwarded to you.

SECTION B. STEPS TO APPLY FOR A U.S. PASSPORT

1. Complete this form (Do not sign until requested to do so by an authorized agent).
2. Attach one color photograph 2x2 inches in size and supporting documents (See Section D of these instructions).
3. Schedule appointment to apply in person by visiting our website or calling NPIC (see contact info at the top page).
4. Arrive for appointment and present completed form and attachments to the authorized agent who will administer the oath, witness you signing your form, and collect your passport fee.
5. Track application status online at Passportstatus.state.gov.
6. Receive new passport and original supporting documents (that you submitted with your application).

SECTION C. HOW TO COMPLETE THIS FORM

Please see the instructions below for items on the form that are not self-explanatory. The numbers match the numbered items of the form.

1. **Name (Last, First, Middle):** Enter the name to appear in the passport. The name to appear in the passport should be consistent with your proof of citizenship and identification. If you have changed your name and are not eligible to use a DS-82 or DS-5504, you must use this form. [Visit travel.state.gov/namechange](https://travel.state.gov/namechange) for more information.
2. **Date of Birth:** Use the following format: Month, Date, and Year (MM/DD/YYYY).
3. **Gender:** The gender markers used are "M" (male), "F" (female) and "X" (unspecified or another gender identity). The gender marker that you check on this form will appear in your passport regardless of the gender marker(s) on your previous passport and/or your supporting evidence of citizenship and identity. If changing your gender marker from what was printed on your previous passport, select "Yes" in this field on Application Page 1. If no gender marker is selected, we may print the gender as listed on your supporting evidence or contact you for more information. **Please Note:** We cannot guarantee that other countries you visit or travel through will recognize the gender marker on your passport. [Visit travel.state.gov/gender](https://travel.state.gov/gender) for more information.
4. **Place of Birth:** Enter the name of the city and state if in the U.S. or city and country as presently known.
5. **Social Security Number:** You must provide a Social Security number (SSN), if you have been issued one, in accordance with Section 6039E of the Internal Revenue Code (26 U.S.C. 6039E) and 22 U.S.C 2714a(f). If you do not have a Social Security number, you must enter zeros in this field and submit a statement, signed, and dated, that includes the phrase, "*I declare under penalty of perjury under the laws of the United States of America that the following is true and correct: I have never been issued a Social Security Number by the Social Security Administration.*" If you reside abroad, you must also provide the name of the foreign country where you reside. The U.S. Department of State must provide your SSN and foreign residence information to the U.S. Department of the Treasury which will use it in connection with debt collection and check against lists of persons ineligible or potentially ineligible to receive a U.S. passport, among other authorized uses. If you fail to provide the information, we may deny your application and the Internal Revenue Service (IRS) may enforce a penalty. Refer all questions on this matter to the nearest IRS office.
6. **Email:** By providing your email you are consenting to us communicating with you by email about your application.
7. **Primary Contact Phone Number:** If providing a mobile/cell phone number you are consenting to receive calls and/or text messaging about your application.
8. **Mailing Address Line 1 and 2 "In Care Of":** For line 1 enter applicant's Street/RFD #, or P.O. Box or URB. For line 2, if you do not live at the address listed in this field, put the name of the person who lives at this address and mark it "In Care Of". **If the applicant is a minor child, you must include the "In Care Of" name of the parent or adult registered to receive mail at this address.**
9. **List all other names you have used:** Enter all legal names previously used to include maiden name, name changes, and previous married names. You can enter up to two names one in item A and one in item B. If only your last name has changed just enter your last name. If you need more space to write additional names, please use a separate sheet of paper and attach it to this form.



Blue Section Application Page 1 - Identifying Documents and Signature Blocks: Skip this section and complete Application Page 2. Do not sign this form until requested to do so by the authorized agent who will administer the oath to you.

**APPLICATION FOR A U.S. PASSPORT****SECTION D. ATTACHMENTS TO SUBMIT WITH THIS FORM**

Once you have completed Application Pages 1 and 2, attach the supporting documents as outlined in this section.

1. PROOF OF U.S. CITIZENSHIP Information can be found on travel.state.gov/citizenship.**Applicants Born in the United States**

Your evidence will be returned to you if it is not damaged, altered, or forged. Submit an original or certified copy and a photocopy of the front and back if there is printed information on the back, of one of the following documents:

- U.S. Birth Certificate that meets all the following requirements:
 - Issued by the city, county, or state of birth
 - Lists your full name, birthdate, and birthplace
 - Lists your parent(s)' full names
 - Lists date filed with registrar's office (must be within one year of birth)
 - Shows registrar's signature and the seal of the issuing authority
- Fully valid, undamaged U.S. passport (may be expired)
- Consular Report of Birth Abroad or Certification of Birth Abroad
- Certificate of Naturalization or Citizenship
- Secondary documents may be submitted if the U.S. birth certificate was filed more than one year after your birth **or** if no birth record exists. For no birth record on file, submit a registrar's letter to that effect. For both scenarios, submit a combination of the evidence listed below, with your first and last name, birthdate and/or birthplace, the seal or other certification of the office (if customary), and the signature of the issuing official.
 - A hospital birth record
 - An early baptismal or circumcision certificate
 - Early census, school, medical, or family Bible records
 - Insurance files or published birth announcements (such as a newspaper article)
 - Notarized affidavits (or DS-10, Birth Affidavit) of older blood relatives having knowledge of your birth may be submitted in addition to some of the records listed above.

Applicants Born Outside the United States

If we determine that you are a U.S. citizen, your lawful permanent resident card submitted with this application will be forwarded to U.S. Citizenship and Immigration Services.

- Claiming Citizenship through Naturalization of One or Both Parent(s), submit all the following:
 - Your parent(s) Certificate(s) of Naturalization
 - Your parents' marriage/certificate and/or evidence that you were in the legal and physical custody of your U.S. citizen parent, if applicable
 - Your foreign birth certificate (and official translation if the document is not in English)
 - Your evidence of admission to the United States for legal permanent residence and proof you subsequently resided in the United States
- Claiming Citizenship through Birth Abroad to At Least One U.S. Citizen Parent, submit all the following:
 - Your Consular Report of Birth Abroad (Form FS-240), Certification of Birth (Form DS-1350 or FS-545), or your foreign birth certificate (and official translation if the document is not in English)
 - Your parent's proof of U.S. citizenship
 - Your parents' marriage certificate
 - Affidavit showing all your U.S. citizen parents' periods and places of residence and physical presence before your birth (DS-5507)
- Claiming Citizenship Through Adoption by a U.S. Citizen Parent(s), if your birthdate is on or after October 5, 1978, submit evidence of all the following:
 - Your permanent residence status
 - Your full and final adoption
 - You were in the legal and physical custody of your U.S. citizen parent(s)
 - You have resided in the United States

2. PROOF OF IDENTITY Information can be found at travel.state.gov/identification.

Present your original identification and submit a front and back photocopy with this form. It must show a photograph that is a good likeness of you. Examples include:

- Driver's license (not temporary or learner's permit)
- Previous or current U.S. passport book/card
- Military identification
- Federal, state, or city government employee identification
- Certificate of Naturalization or Citizenship

3. A RECENT COLOR PHOTOGRAPH See the full list of photo requirements on travel.state.gov/photos.

Attach one photo, 2x2 inches in size. U.S. passport photo requirements may differ from photo requirements of other countries. To avoid processing delays, be sure your photo meets all the following requirements (Refer to the photo template on Application Page 1):

- Taken less than six months ago
- Head must be 1-1 3/8 inches from the bottom of the chin to the top of the head
- Head must face the camera directly with full face in view
- No eyeglasses and head covering and no uniforms*
- Printed on matte or glossy photo quality paper
- Use a plain white or off-white background

*Head coverings are not acceptable unless you submit a signed statement verifying that it is part of recognized, traditional religious attire that is customarily or required to be worn continuously in public or a signed doctor's statement verifying its daily use for medical purposes. Glasses or other eyewear are not acceptable unless you submit a signed statement from a doctor explaining why you cannot remove them (e.g., during the recovery period from eye surgery). Photos are to be taken in clothing normally worn on a daily basis. You cannot wear a uniform, clothing that looks like a uniform, or camouflage attire.

**APPLICATION FOR A U.S. PASSPORT****4. PROOF OF PARENTAL RELATIONSHIP (FOR APPLICANTS UNDER AGE 16)**

Parents/guardians must appear in person with the child and submit the following:

- Evidence of the child's relationship to parents/guardian(s) (Example: a birth certificate or Consular Report of Birth Abroad listing the names of the parent(s)/guardian(s) and child)
- Original parental/guardian government-issued photo identification and a photocopy of the front and back (to satisfy proof of identity)

If only one parent/guardian can appear in person with the child, you must also submit one of the following:

- The second parent's notarized written statement or DS-3053 (including the child's full name and date of birth) consenting to the passport issuance for the child. The notarized statement cannot be more than three months old, must be signed and notarized on the same day, and must come with a front and back photocopy of the second parent's government-issued photo identification.
- The second parent's death certificate (if second parent is deceased)
- Evidence of sole authority to apply (Example: a court order granting sole legal custody or a birth certificate listing only one parent)
- A written statement (made under penalty of perjury) or DS-5525 explaining, in detail, why the second parent cannot be reached

OR

PROOF OF PARENTAL AWARENESS (FOR APPLICANTS AGES 16 AND 17)

We may request the consent of one legal parent/legal guardian to issue a U.S. passport to you. In many cases, the passport authorizing officer may be able to ascertain parental awareness of the application by virtue of the parent's presence when the minor submits the application or a signed note from the parent or proof the parent is paying the application fees. However, the passport authorizing officer retains discretion to request the legal parent's/legal guardian's notarized statement of consent to issuance (e.g., on Form DS-3053).

5. FEES Passport service fees are established by law and regulation (see 22 U.S.C. 214, 22 C.F.R. 22.1, and 22 C.F.R. 51.50-56) and are collected at the time you apply for the passport service. By law, the passport fees are **non-refundable**. Visit travel.state.gov/passport/fees for current fees and how fees are used and processed. Payment methods are as follows:

**Applicant Applying in the United States
At Acceptance Facility**

- Passport fees must be made by check (personal, certified, cashier's, travelers) or money order (U.S. Postal, international, currency exchange) with the applicant's full name and date of birth printed on the front and payable to "U.S. Department of State."
- The execution fee **must be paid separately** and made payable to the acceptance facility in the form that they accept.

**Applicant Applying at a Passport Agency or
Outside the United States**

- We accept checks (personal, certified, cashier's, travelers); major credit cards (Visa, Master Card, American Express, Discover); money orders (U.S. Postal, international, currency exchange); or exact cash (no change provided). Make all fees payable to the "U.S. Department of State."
- If applying outside the United States: Please see the website of your embassy, consulate, or consular agency for acceptable payment methods.

Other Services Requiring Additional Fee (Visit travel.state.gov for more details):

- **Expedite Service:** Only available for passports mailed in the United States and Canada.
- **1-2 Day Delivery:** Only available for passport book (and not passport card) mailings in the United States.
- **Verification of a previous U.S. Passport or Consular Report of Birth Abroad:** Upon your request, we verify previously issued U.S. passport or Consular Report of Birth Abroad if you are unable to submit evidence of U.S. citizenship.
- **Special Issuance Passports:** If you apply for a no-fee regular, service, official, or diplomatic passport at a designated acceptance facility, you must pay the execution fee. No other fees are charged when you apply.

SECTION E. HOW TO SUBMIT THIS FORM

Submitting your form depends on your location and how soon you need your passport.

- **Applicant Located Inside the United States:** For the latest information regarding processing times, scheduling appointments, and nearest designated acceptance facilities visit travel.state.gov or contact NPIC.
- **Applicant Located Outside the United States:** In most countries, you must apply in person at a U.S. embassy or consulate for all passport services. Each U.S. embassy and consulate has different procedures for submitting and processing your application. Visit travel.state.gov to check the U.S. embassy or consulate webpage for more information.

SECTION F. RECEIVING YOUR PASSPORT AND SUPPORTING DOCUMENTS

- **Difference Between U.S. Passport Book and Card:** The book is valid for international travel by air, land, and sea. The card is not valid for international air travel, only for entry at land border crossings and seaports of entry when traveling from Canada, Mexico, Bermuda, and the Caribbean. The maximum number of letters provided for your given name (first and middle) on the card is 24 characters. If both your given names are more than 24 characters, you must shorten one of your given names you list on item #1 of Application Page 1.
- **Separate mailings:** You may receive your newly issued U.S. passport book and/or card and your citizenship evidence in two separate mailings. If you are applying for both a book and card, you may receive three separate mailings: one with your returned evidence, one with your newly issued book, and one with your newly issued card. **All documentary evidence that is not damaged, altered, or forged will be returned to you.** Photocopies will not be returned.
- **Passport numbers:** Each newly issued passport book or card will have a different passport number than your previous one.
- **Shipping and Delivery Changes:** If your mailing address changes prior to receipt of your new passport, please contact NPIC. **NOTE:** We will not mail a U.S. passport to a private address outside the United States or Canada.
- **Passport Corrections, Non-Receipt/Undeliverable Passports, and Lost/Stolen Passport:** For more information visit travel.state.gov or contact NPIC.

**APPLICATION FOR A U.S. PASSPORT****WARNING**

False statements made knowingly and willfully in passport applications, including affidavits or other documents submitted to support this application, are punishable by fine and/or imprisonment under U.S. law including the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621. Alteration or mutilation of a passport issued pursuant to this application is punishable by fine and/or imprisonment under the provisions of 18 U.S.C. 1543. The use of a passport in violation of the restrictions contained herein or of passport regulations is punishable by fine and/or imprisonment under 18 U.S.C. 1544. All statements and documents are subject to verification.

Failure to provide information requested on this form, including your Social Security number, may result in significant processing delays and/or the denial of your application.

ACTS OR CONDITIONS

If any of the below-mentioned acts or conditions have been performed by or apply to the applicant, a supplementary explanatory statement under oath (or affirmation) by the applicant should be attached and made a part of this application.

I have not been convicted of a federal or state drug offense or convicted of a statutory "sex tourism" crime, and I am not the subject of an outstanding federal, state, or local warrant of arrest for a felony; a criminal court order forbidding my departure from the United States; or a subpoena received from the United States in a matter involving federal prosecution for, or grand jury investigation of, a felony.

PRIVACY ACT STATEMENT

AUTHORITIES: Collection of this information is authorized by 22 U.S.C. 211 a et seq.; 8 U.S.C. 1104; 26 U.S.C. 6039E, 22 U.S.C. 2714a(f), Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51.

PURPOSE: We are requesting this information in order to determine your eligibility to be issued a U.S. passport. Your Social Security number is used to verify your identity.

ROUTINE USES: This information may be disclosed to another domestic government agency, a private contractor, a foreign government agency, or to a private person or private employer in accordance with certain approved routine uses. These routine uses include, but are not limited to, law enforcement activities, employment verification, fraud prevention, border security, counterterrorism, litigation activities, and activities that meet the Secretary of State's responsibility to protect U.S. citizens and non-citizen nationals abroad. Your Social Security number will be provided to the U.S. Department of the Treasury and may be used in connection with debt collection, among other purposes authorized and generally described in this section. More information on the routine uses for the system can be found in System of Records Notices State-05, Overseas Citizen Services Records and Other Overseas Records and State-26, Passport Records.

DISCLOSURE: Providing information on this form is voluntary. Be advised, however, that failure to provide the information requested on this form may cause delays in processing your U.S. passport application and/or could also result in the refusal or denial of your application. Failure to provide your Social Security number may result in the denial of your application (consistent with 22 U.S.C. 2714a(f)) and may subject you to penalty enforced by the Internal Revenue Service, as described in the Federal Tax Law on Instruction Page 1 (Section C) to this form.

PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 85 minutes per response, including the time required for searching existing data sources, gathering the necessary data, providing the information and/or documents required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: Passport Forms Officer, U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, 44132 Mercure Cir, PO Box 1199, Sterling, Virginia 20166-1199.

For more information about your application status, online tools, current fees, and processing times, please visit travel.state.gov.



APPLICATION FOR A U.S. PASSPORT

OMB Control No. 1405-0004
Expiration Date: 04/30/2025
Estimated Burden: 85 MinutesUse **black ink only**. If you make an error, complete a new form. Do not correct.

Select document(s) for which you are submitting fees:

☐ U.S. Passport Book ☐ U.S. Passport Card ☐ BothThe U.S. passport card is **not** valid for international air travel. See Instruction Page 3☐ Regular Book (Standard) ☐ Large Book (Non-Standard)

The large book is for frequent international travelers who need more visa pages.

1. Name Last

☐ D ☐ O ☐ S ☐ NFR
End. # _____ Exp. _____

First

Middle

2. Date of Birth (mm/dd/yyyy)

3. Gender (Read Instruction Page 1)

4. Place of Birth (City & State if in the U.S. or City & Country as it is presently known.)

M F X Changing gender marker?
Yes

5. Social Security Number

6. Email (See application status at passportstatus.state.gov)

7. Primary Contact Phone Number

8. Mailing Address Line 1: Street/RFD#, P.O. Box, or URB

Address Line 2: (Include Apartment, Suite, etc. If applicant is a child, write "In Care Of" of the parent. Example: In Care Of - Jane Doe)

City

State

Zip Code

Country, (if outside the United States)

9. List all other names you have used. (Examples: Birth Name, Maiden, Previous Marriage, Legal Name Change. Attach additional pages if needed.)

A.

B.

STOP! CONTINUE TO PAGE 2

DO NOT SIGN APPLICATION UNTIL REQUESTED TO DO SO BY AUTHORIZED AGENT

Identifying Documents - Applicant or Mother/Father/Parent/Legal Guardian on Second Signature Line (if identifying minor)

☐ Driver's License ☐ State Issued ID Card ☐ Passport ☐ Military ☐ Other _____

Name _____

Issue Date
(mm/dd/yyyy)Exp. Date
(mm/dd/yyyy)State of
Issuance

ID No _____

Country of
Issuance _____

Identifying Documents - Applicant or Mother/Father/Parent/Legal Guardian on Third Signature Line (if identifying minor)

☐ Driver's License ☐ State Issued ID Card ☐ Passport ☐ Military ☐ Other _____

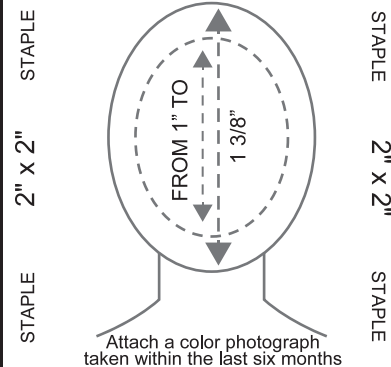
Name _____

Issue Date
(mm/dd/yyyy)Exp. Date
(mm/dd/yyyy)State of
Issuance

ID No _____

Country of
Issuance _____

I declare under penalty of perjury all of the following: 1) I am a citizen or non-citizen national of the United States and have not performed any of the acts listed under "Acts or Conditions" on page 4 of the instructions of this application (unless explanatory statement is attached); 2) the statements made on the application are true and correct; 3) I have not knowingly and willfully made false statements or included false documents in support of this application; 4) the photograph attached to this application is a genuine, current photograph of me; and 5) I have read and understood the warning on page 4 of the instructions to the application form.



Attach a color photograph taken within the last six months

☐ Acceptance Agent ☐ (Vice) Consul USA☐ Passport Staff Agent

(Seal)

Signature of person authorized to accept applications

Date

By signing this form, I certify that I have provided the verbal oath and witnessed the applicant's/legal guardian's signature.

Agent ID Number

Print Facility Name/Location

Facility ID Number

Name of courier company (if applicable)

For Issuing Office Only → Bk _____ Card _____ EF _____ Postage _____ Execution _____ Other _____



DS 11 C 03 2022 1

Name of Applicant (Last, First, & Middle)

Date of Birth (mm/dd/yyyy)

10. Parental Information

Mother/Father/Parent - First & Middle Name (at Parent's Birth)

Last Name (at Parent's Birth)

Date of Birth (mm/dd/yyyy)

Place of Birth (City & State if in the U.S. or City & Country as it is presently known)

Gender

U.S. Citizen?

☐ M☐ F☐ X☐ Yes☐ No

Mother/Father/Parent - First & Middle Name (at Parent's Birth)

Last Name (at Parent's Birth)

Date of Birth (mm/dd/yyyy)

Place of Birth (City & State if in the U.S. or City & Country as it is presently known)

Gender

U.S. Citizen?

☐ M☐ F☐ X☐ Yes☐ No**11. Have you ever been married?**☐ Yes☐ No

If yes, complete the remaining items in #11.

Full Name of Current Spouse or Most Recent Spouse (Last, First & Middle)

Date of Birth (mm/dd/yyyy)

Place of Birth

U.S. Citizen?

Date of Marriage

Have you ever been widowed or divorced?

Widow/Divorce Date

☐ Yes ☐ No

(mm/dd/yyyy)

☐ Yes ☐ No

(mm/dd/yyyy)

12. Additional Contact Phone Number**13. Occupation (if age 16 or older)****14. Employer or School (if applicable)**☐ Home ☐ Cell
☐ Work ☐**15. Height****16. Hair Color****17. Eye Color****18. Travel Plans (If no travel plans, please write "none")**

Departure Date (mm/dd/yyyy)

Return Date (mm/dd/yyyy)

Countries to be Visited

19. Permanent Address (Complete if P.O. Box is listed under Mailing Address or if residence is different from Mailing Address. Do not list a P.O. Box.)

Street/RFD # or URB

Apartment/Unit

City

State

Zip Code

20. Your Emergency Contact (Provide the information of a person not traveling with you to be contacted in the event of an emergency.)

Name

Address: Street/RFD # or P.O. Box

Apartment/Unit

City

State

Zip Code

Phone Number

Relationship

21. Have you ever applied for or been issued a U.S. Passport Book or Passport Card? ☐ Yes ☐ No If yes, complete the remaining items in #21.Name as printed on your most recent passport bookMost recent passport book numberMost recent passport book issue date (mm/dd/yyyy)Status of your most recent passport book: ☐ Submitting with application ☐ Stolen ☐ Lost ☐ In my possession (if expired)Name as printed on your most recent passport cardMost recent passport card numberMost recent passport card issue date (mm/dd/yyyy)Status of your most recent passport card: ☐ Submitting with application ☐ Stolen ☐ Lost ☐ In my possession (if expired)**PLEASE DO NOT WRITE BELOW THIS LINE - FOR ISSUING OFFICE ONLY**

Name as it appears on citizenship evidence

☐ Birth Certificate SR CR City Filed:

Issued:

☐ Sole
Parent☐ Nat. / Citiz. Cert. USCIS USDC Date/Place Acquired:

A#

☐ Report of Birth Filed/Place:☐ Passport C/R S/R See #21 #/DOI:☐ Other:☐ Attached:☐ P/C of Citiz ☐ P/C of ID ☐ DS-71 ☐ DS-3053 ☐ DS-64 ☐ DS-5520 ☐ DS-5525 ☐ PAW ☐ NPIC ☐ IRL ☐ Citiz W/S

DS 11 C 03 2022 2

EXHIBIT D



I am a U.S. citizen

A4

How do I get proof of my U.S. citizenship?



U.S. Citizenship
and Immigration
Services

If you were born in the United States, you do not need to apply to USCIS for any evidence of citizenship. Your birth certificate issued where you were born is proof of your citizenship.¹

If you were born outside the United States, but one or both of your parents were U.S. citizens when you were born, you may still be a U.S. citizen. This is called citizenship through derivation. There are usually additional specific requirements, and sometimes citizenship can be through a combination of a parent and grandparent.

What documents are usually accepted as proof of U.S. citizenship?

The most common documents that establish U.S. citizenship are:

- **Birth Certificate**, issued by a U.S. State (if the person was born in the United States), or by the U.S. Department of State (if the person was born abroad to U.S. citizen parents who registered the child's birth and U.S. citizenship with the U.S. Embassy or consulate);
- **U.S. Passport**, issued by the U.S. Department of State;
- **Certificate of Citizenship**, issued to a person born outside the United States who derived or acquired U.S. citizenship through a U.S. citizen parent; or
- **Naturalization Certificate**, issued to a person who became a U.S. citizen after 18 years of age through the naturalization process.

I was born in the United States. Where can I get a copy of my birth certificate?

Check with the Department of Health (Vital Records) in the U.S. State in which you were born. For more information, visit the National Center for Health Statistics web page at www.cdc.gov/nchs/births.htm.

¹An exception to this rule exists regarding children born in the United States to foreign diplomats.

I am a U.S. citizen. My child will be born abroad or recently was born abroad. How do I register his or her birth and U.S. citizenship?

Please contact the U.S. Department of State or the U.S. Embassy or consulate in the country where your child will be born for more information about eligibility requirements and how to register your child's U.S. citizenship.

I was born overseas. My birth and U.S. citizenship were registered with the U.S. Embassy or consulate. I need a copy of the evidence of my citizenship. Whom should I contact?

Contact the U.S. Department of State. For more information, please see their Web site at www.state.gov.

I was born overseas. I believe I was a U.S. citizen at birth because one or both my parents were U.S. citizens when I was born. But my birth and citizenship were not registered with the U.S. Embassy when I was born. Can I apply to have my citizenship recognized?

Whether or not someone born outside the United States to a U.S. citizen parent is a U.S. citizen depends on the law in effect when the person was born. These laws have changed over the years, but usually require a combination of the parent being a U.S. citizen when the child was born, and the parent having lived in the United States or its possessions for a specific period of time. Derivative citizenship can be quite complex and may require careful legal analysis.

I was born overseas. One of my parents was a U.S. citizen but never lived in the United States. One of my grandparents was also a U.S. citizen. Could I have derived U.S. citizenship?

If your parent was a U.S. citizen when you were born but had not lived in the United States for the required amount of time before your birth, but one of your grandparents was also a U.S. citizen and had already met the residence requirements, then you may still

have derived U.S. citizenship. The provisions of immigration law that govern derivative citizenship are quite precise and circumstances in individual cases can be complex. For specific information on how the law applies, please check our Web site at www.uscis.gov, or the U.S. Department of State Web site at www.state.gov, or call USCIS Customer Service at **1-800-375-5283**.

I was born overseas. After I was born, my parent(s) became naturalized U.S. citizens. Could I have derived U.S. citizenship?

If **one** of your parents naturalized after February 27, 2001, and you were a permanent resident and under 18 years old at the time, then you may have automatically acquired U.S. citizenship. Before that date, you may have automatically acquired U.S. citizenship if you were a permanent resident and under 18 years old when **both** parents naturalized, or if you had only **one** parent when that parent naturalized.

However, if your parent(s) naturalized after you were 18, then you will need to apply for naturalization on your own after you have been a permanent resident for at least 5 years.

How do I apply to have my citizenship recognized?

You have two options:

- You can apply to the U.S. Department of State for a U.S. passport. A passport is evidence of citizenship and also serves as a travel document if you need to travel. For information about applying for a U.S. passport, see the U.S. Department of State Web site at www.state.gov.
- If you are already in the United States, you also have the option of applying to USCIS using **Form N-600, Application for Certificate of Citizenship**. However, you may find applying for a passport to be more convenient because it also serves as a travel document and could be a faster process.

How do I replace a lost, stolen, or destroyed Naturalization Certificate or Certificate of Citizenship?

To apply to replace your Naturalization Certificate or Certificate of Citizenship issued by USCIS or by the U.S. Immigration and Naturalization Service, file a **Form N-565, Application for Replacement Naturalization Citizenship Document**. Filing instructions and forms are available on our Web site at www.uscis.gov.

Key Information

Key USCIS forms referenced in this guide	Form #
Application for Certificate of Citizenship	N-600
Application for Replacement Naturalization Citizenship Document	N-565

Other U.S. Government Services—Click or Call		
General Information	www.usa.gov	1-800-333-4636
New Immigrants	www.welcometoUSA.gov	
U.S. Dept. of State	www.state.gov	1-202-647-6575
National Center for Health Statistics	www.cdc.gov www.cdc.gov/nchs/birth.htm	1-800-311-3435

For more copies of this guide, or information about other customer guides, please visit www.uscis.gov/howdoi.

You can also visit www.uscis.gov to download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library.

If you cannot find what you need, please call **Customer Service at: 1-800-375-5283**
Hearing Impaired TDD Customer Service:
1-800-767-1833

Disclaimer: *This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our Web site. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.*

EXHIBIT E



Securing today
and tomorrow

Social Security Numbers for Children

SSA.gov



The easiest way to get a Social Security number (SSN) for your newborn is to apply when you provide information for your baby's birth certificate in the hospital.

If you wait to apply for a number at a Social Security office, there may be delays while we verify your child's birth certificate.

Why should I get a Social Security number for my child?

You need an SSN to claim your child as a dependent on your income tax return. Your child may also need a number if you plan to:

- Open a bank account for the child.
- Buy savings bonds for the child.
- Get medical coverage for the child.
- Apply for government services for the child.

Must my child have a Social Security number?

Getting an SSN for your newborn is voluntary, but may be necessary to obtain important services, such as those listed above, for your child. Therefore, getting a number when your child is born is a good idea.

How do I apply?

At the hospital: When you complete the application for your baby's birth certificate, you will be asked whether you want to apply for an SSN for your baby.

If you say “yes,” you will be asked to provide both parents’ SSNs. If you don’t know both parents’ SSNs, you still can apply for your child’s SSN.

At a Social Security office: If you wait to apply for your child’s number, you can use our online Social Security Number and Card application available at ***www.ssa.gov/number-card***. You will start the application online and complete the process in a local Social Security office or card center. If you are not able to apply online, you can fill out and print our Application for a Social Security Card (Form SS-5), available at ***www.ssa.gov/forms/ss-5.pdf***.

No matter where you apply, you will need to:

- Show us original documents proving your child’s:
 - U.S. citizenship.
 - Age.
 - Identity.
- Show us documents proving your identity and your relationship to your child.

Anyone age 12 or older who requests an original SSN must appear in person for an interview. This applies even if a parent or guardian will sign the application on the child’s behalf.

Citizenship

We can accept only certain documents as proof of U.S. citizenship. These include a:

- U.S. birth certificate.
- U.S. consular report of birth.
- U.S. passport (valid and unexpired).
- Certificate of Naturalization or Certificate of Citizenship.

Noncitizens should see *Social Security Numbers for Noncitizens* (Publication No. 05-10096) for more information.

Age

If your child was born in the United States, you need to present your child's birth certificate. If your child does not have a birth certificate, we may be able to accept a:

- Religious record made before the age of 5 showing the date of birth.
- U.S. hospital record of birth.
- U.S. passport or passport card.

If your child was born outside the United States, you need to present your child's foreign birth certificate. You may already have it or can get a copy within 10 business days. If you can't get it, we may be able to accept your child's:

- Certificate of Birth Abroad (FS-545).
- Certificate of Report of Birth (DS-1350).
- Consular Report of Birth Abroad (FS-240).
- Certificate of Naturalization.
- Passport.

Identity

Your child: We can accept only certain documents as proof of your child's identity. An acceptable document must be current (not expired) and show your child's name, identifying information, and, preferably, a recent photograph. We generally can accept a non-photo identity document if it has enough information to identify the child. Information may include the child's name and age, date of birth, or parents' names. We prefer to see the child's unexpired U.S. passport. If that document isn't available, we may accept the child's:

- Unexpired valid state-issued nondriver identification card.
- Adoption decree.
- Certified copy of medical record (doctor, clinic, or hospital).
- Religious record.
- Certified school record showing your child's name and your child's age or date of birth (must be for the current or prior year).
- School identification card showing your child's name and either a photograph of your child, your child's age, or date of birth (**must be for the current or prior year**).

You: If you're a U.S. citizen, we will ask to see your U.S. driver's license, state-issued nondriver identification card, or U.S. passport as proof of your identity. If you don't have these specific

documents, we'll ask to see other documents that may be available, such as:

- Unexpired U.S. passport or passport card.
- Certificate of U.S. Citizenship.
- Certificate of Naturalization.
- School identification card showing your name and either your photograph, age, or date of birth (**must be for the current or prior year**).
- Health insurance card (not a Medicare card) showing your name and either your photograph, or age, or date of birth.
- U.S. military identification card.
- Employee identification card showing your name and either your photograph or date of birth.
- Life insurance policy.

All documents must be either originals or copies certified by the issuing agency. We can't accept photocopies or notarized copies of documents. We may use 1 document for 2 purposes. For example, we may use your child's passport as proof of both citizenship and identity. Or, we may use your child's birth certificate as proof of age and citizenship. ***However, you must provide at least 2 separate documents.***

We'll mail your child's number and card as soon as we have all of your child's information and have verified your child's documents.

What if my child is adopted?

We can assign your adopted child an SSN before the adoption is complete, but you may want to wait until the adoption is finalized. Then, you can apply for the number using your child's new name, with your name as parent. You may want to claim your child for tax purposes while the adoption is still pending. If so, contact the Internal Revenue Service for Form W-7A, *Application for Taxpayer Identification Number for Pending U.S. Adoptions*.

What does it cost?

There's no charge for issuing an SSN and card. If someone contacts you and wants to charge you for getting a number or card, please remember that these Social Security services are free. You can report anyone attempting to charge you by calling our Office of the Inspector General hotline at **1-800-269-0271 (TTY 1-866-501-2101 deaf or hard of hearing)** from 10:00 a.m. to 4:00 p.m. Eastern Time or visit **<https://oig.ssa.gov>**.

What if I lose the card?

You can replace your Social Security card if it's lost or stolen. You're limited to 3 replacement cards in a year and 10 during your lifetime. Legal name changes and other exceptions don't count toward these limits. For example, changes in noncitizen status that require card updates may not count toward these limits. Also, you may not be affected by these limits if you can prove you need the card to prevent a significant hardship.

Your child's Social Security card is an important document. We recommend you keep it in a safe place. **Do not carry it with you.**

Social Security number misuse

If you think someone is using your child's SSN fraudulently, you should file a complaint with the Federal Trade Commission via:

- Internet — ***www.identitytheft.gov***.
- Telephone — **1-877-IDTHEFT (1-877-438-4338)**.
- TTY — **1-866-653-4261**.

It's against the law to:

- Use someone else's SSN.
- Give false information when applying for a number.
- Alter, buy, or sell Social Security cards.

Contacting Us

The most convenient way to do business with us is to visit **www.ssa.gov** to get information and use our online services. There are several things you can do online: apply for benefits; start or complete your request for an original or replacement Social Security card; get useful information; find publications; and get answers to frequently asked questions.

When you open a personal *my* Social Security account, you have more capabilities. You can review your *Social Security Statement*, verify your earnings, and get estimates of future benefits. You can also print a benefit verification letter, change your direct deposit information (Social Security beneficiaries only), and get a replacement SSA-1099/1042S. Access to your personal *my* Social Security account may be limited for users outside the United States.

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week, so you may not need to speak with a representative.

If you need to speak with someone, call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing. A member of our staff can answer your call from 8 a.m. to 7 p.m., Monday through Friday. We provide free interpreter services

upon request. For quicker access to a representative, try calling early in the day (between 8 a.m. and 10 a.m. local time) or later in the day. **We are less busy later in the week (Wednesday to Friday) and later in the month.**

Social Security Administration

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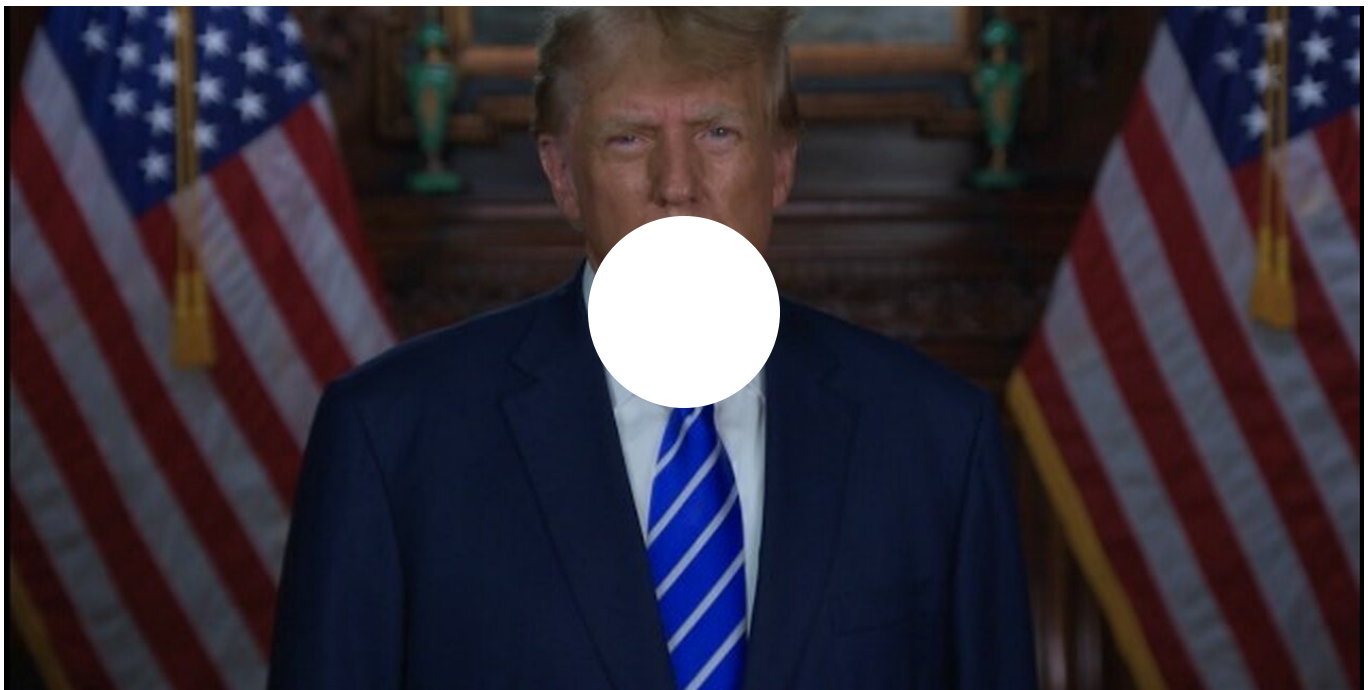
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Agenda47: Day One Executive Order Ending Citizenship for Children of Illegals and Outlawing Birth Tourism

May 30, 2023



Agenda47: Day One Executive Order Ending Citizenship for Children of Illegals a...



Mar-a-Lago, FL— In a new Agenda47 video, President Donald J. Trump announced his plan to sign an executive order on Day One to end automatic citizenship for

children of illegal aliens.

“As part of my plan to secure the border, on Day One of my new term in office, I will sign an executive order making clear to federal agencies that under the correct interpretation of the law, going forward, the future children of illegal aliens will not receive automatic U.S. citizenship,” President Trump said.

“My policy will choke off a major incentive for continued illegal immigration, deter more migrants from coming, and encourage many of the aliens Joe Biden has unlawfully let into our country to go back to their home countries.”

PRESIDENT TRUMP’S PLAN TO DISCOURAGE ILLEGAL IMMIGRATION BY ENDING AUTOMATIC CITIZENSHIP FOR THE CHILDREN OF ILLEGAL ALIENS AND OUTLAWING BIRTH TOURISM

A DAY-ONE EXECUTIVE ORDER TO SHUT OFF A MAGNET FOR ILLEGAL IMMIGRATION:

- On Day One, President Trump will sign an Executive Order to stop federal agencies from granting automatic U.S. citizenship to the children of illegal aliens.
- It will explain the clear meaning of the 14th Amendment, that U.S. Citizenship extends only to those both born in AND “subject to the jurisdiction” of the United States.
- It will make clear that going forward, the children of illegal aliens will not be granted automatic citizenship, and should not be issued passports, Social Security numbers, or be eligible for certain taxpayer funded welfare benefits.
- It will direct federal agencies to require that at least one parent be a U.S. citizen or lawful permanent resident for their future children to become automatic U.S. citizens.
- This Executive Order ending automatic citizenship for the children of illegal aliens will eliminate a major incentive for illegal immigration, discourage future waves of illegal immigration to exploit this misapplication of citizenship, and encourage illegal aliens in the U.S. to return home.

- The Executive Order will also stop “**Birth Tourism.**”
- Through “Birth Tourism,” **tens of thousands** of foreign nationals fraudulently enter the U.S. each year during the final weeks of their pregnancies for the sole purpose of obtaining U.S. citizenship for their child.
- Under the current erroneous interpretation, the children of these foreign nationals are then eligible to **receive** a host of government benefits reserved for U.S. citizens, including a myriad of welfare programs and taxpayer funded healthcare, as well as chain migration and the right to vote.
- The Executive Order is part of a larger strategy to fully secure the Southern Border starting on Day One. It will remove a major incentive for illegal aliens and other foreign nationals to come to and remain in the United States in violation of our laws and National sovereignty.
- The announcement of today’s Executive Order follows a historical slate of hundreds of executive actions, proclamations, and presidential memorandums on border security and immigration that President Trump implemented while in office to remake the immigration system in the United States for the interest of the American people, including:
 - Executive Order Implementing the Travel Ban and Pausing Refugee Admissions
 - Executive Order on Border Security and Immigration Enforcement
 - Presidential Memorandum on the Extreme Vetting of Foreign Nationals
 - Presidential Memorandum to Create a National Vetting Center
 - Executive Order to Unleash Interior Immigration Enforcement
 - Executive Order to Block Federal Grants to Sanctuary Cities
 - Presidential Memorandum Ordering DHS to Train National Guard Troops to Assist with Border Enforcement
 - Presidential Memorandum to End "catch and release" at the Border

- Presidential Proclamation Suspending Entry Across Southern Border Outside Ports of Entry to Bar Asylum Access
- Executive Order requiring the U.S. Government to Prioritize the Hiring of U.S. Workers in the Administration of all Immigration Programs
- Executive Order on Aligning Federal Contracting and Hiring Practices with the Interests of American Workers
- Presidential Proclamation Suspending Chain Migration, Visa Lottery, and All Non-Essential Foreign Workers
- Presidential Proclamation on Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System
- Presidential Memorandum to Cut Off Immigrant Access to the Welfare State

PRESIDENT TRUMP'S EXECUTIVE ORDER WILL FINALLY ENSURE THAT THE FEDERAL GOVERNMENT NO LONGER ADHERES TO A PATENTLY INCORRECT INTERPRETATION OF THE 14TH AMENDMENT:

- Constitutional scholars have shown for decades that granting automatic citizenship to the children of illegal aliens born in the United States is based on a patently incorrect interpretation of the 14th Amendment.
- The **14th Amendment** extends federal citizenship to “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof.”
- The purpose of the 14th Amendment had nothing to do with the citizenship of immigrants, let alone the citizenship of the children of illegal aliens. Its purpose was to extend citizenship to people newly freed from slavery, whose status was left in question after the infamous case **Dred Scott v. Sandford**.
- The framers of the 14th Amendment made **clear** that “persons born in the United States who are foreigners, aliens [or] who belong to the families of ambassadors or foreign ministers” are not “subject to the jurisdiction” of the U.S.

- For years, open-borders proponents have deliberately misinterpreted “subject to the jurisdiction” in the 14th Amendment to mean merely subject to American law, which is the case for anyone physically present in the United States.
- This twisting of the amendment's meaning and intent has caused America to become one of the few countries in the world to extend citizenship to the children of illegal aliens even if both parents are not citizens nor even legally present in the United States, thus diluting the privileges that Americans are entitled to.

BIDEN’S OPEN BORDER POLICY IS A NATIONAL SECURITY, ECONOMIC, AND HUMANITARIAN DISASTER:

- A record number of illegal aliens crossed the southern border in both 2021 and 2022. In the official numbers alone, there have been over 6.6 million **illegal crossings** since Biden took office—but the true numbers are much higher.
- Biden has deliberately made his border disaster worse by abolishing Title 42 this month, allowing for an additional **400,000** illegal aliens from all corners of the globe to pour across our border each month.
- This invasion is wasting our resources, lowering our citizens’ wages, poisoning our communities with lethal drugs, and threatening our national security.
- Illegal immigration **reduces** American workers’ wages by \$99 to \$118 billion each year, with the burden falling most heavily on low-wage workers.
- Thousands of pounds of deadly drugs are pouring across our borders, poisoning over 100,000 of our citizens each year. Fueled in large part by Biden’s border disaster, fentanyl poisoning has become the leading cause of death for Americans between the ages of 18 and 45.
- Nearly 100 known or suspected terrorists were **arrested** at the border last year—more than three times the total for the previous five years combined. Border arrests of illegal alien murderers **increased** by over 1,900% and arrests of illegal alien drug traffickers increased by 480% since 2020.
- Biden’s open border policy has also created a humanitarian crisis, with migrant deaths reaching a record **high** last year and human smuggling arrests **up** 82% since

2014.

TRANSCRIPT

Joe Biden has launched an illegal foreign invasion of our country allowing a record number of illegal aliens to storm across our borders. From all over the world, they came. Under Biden's current policies even though these millions of illegal border crossers have entered the country unlawfully, all of their future children will become automatic U.S. citizens. Can you imagine?

They'll be eligible for welfare, taxpayer-funded healthcare, the right to vote, chain migration, and countless other government benefits, many of which will also profit the illegal alien parents. This policy is a reward for breaking the laws of the United States and is obviously a magnet, helping draw the flood of illegals across our borders.

They come by the millions and millions and millions. They come from mental institutions, they come from jails-- prisoners, some of the toughest, meanest people you'll ever see. The United States is among the only countries in the world that says that even if neither parent is a citizen nor even lawfully in the country, their future children are automatic citizens the moment the parents trespass onto our soil. As has been laid out by many scholars, this current policy is based on a historical myth, and a willful misinterpretation of the law by the open borders advocates. There aren't that many of them around.

It's an amazing. Who wants this? Who wants to have prisoners coming into our country? Who wants to have people who are very sick coming into our country? People from mental institutions coming into our country? And come they will, they're coming by the thousands, by the tens of thousands.

As part of my plan to secure the border on Day One of my new term in office, I will sign an executive order making clear to federal agencies that under the correct interpretation of the law, going forward, the future children of illegal aliens will not receive automatic U.S. citizenship. It's things like this that bring millions of people to our country, and they enter our country illegally. My policy will choke off a major incentive for continued illegal immigration, deter more migrants from coming, and encourage many of the aliens Joe Biden has unlawfully let into our country to go back to their home countries.

They must go back. Nobody could afford this. Nobody could do this. And even morally it's so wrong. My order will also end their unfair practice known as birth tourism, where hundreds of thousands of people from all over the planet squat in hotels for their last few weeks of pregnancy to illegitimately and illegally obtain US citizenship for the child, often to later exploit chain migration to jump the line and get green cards for themselves and their family members.

It's a practice that's so horrible, and so egregious, but we let it go forward. At least one parent will have to be a citizen or a legal resident in order to qualify. We will secure our borders and we will restore our sovereignty. Starting on Day One, our country will be great again. Our country will be a country again. We'll have borders, we'll have proper education, and we'll put America First.

Thank you.



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POLITICS | POLICY

Trump Prepares for Legal Fight Over His ‘Birthright Citizenship’ Curbs

Many constitutional scholars and civil-rights groups have said a change can’t be done through executive action

By [Tarini Parti](#) [Follow](#) and [Michelle Hackman](#) [Follow](#)

Updated Dec. 8, 2024 9:16 pm ET



People riding the ferry to Ellis Island for a naturalization ceremony pass the Statue of Liberty. PHOTO: ALEX KENT/AFP/GETTY IMAGES

WASHINGTON—President-elect Donald Trump’s transition team is drafting several versions of his long-promised executive order to curtail automatic citizenship for anyone born in the U.S., according to people familiar with the matter, as his aides prepare for an expanded legal fight.

Trump, who has railed against so-called birthright citizenship for years, said during his first term that he was planning an executive order that would outright ban it. Such an order was never signed, but the issue remained a focus of Trump's immigration proposals during his re-election campaign. He has said he would tackle the issue in an executive order on day one of his second term.

Weeks before he takes office, Trump's transition team is now considering how far to push the scope of such an order, knowing it would almost immediately be challenged in court, according to a transition official and others familiar with the matter. The eventual order is expected to focus on changing the requirements for documents issued by federal agencies that verify citizenship, such as a passport.

Through an executive order or the agency rule-making process, Trump is also expected to take steps to deter what Trump allies call "birth tourism," in which pregnant women travel to the U.S. to have children, who receive the benefit of citizenship. One option on the table is to tighten the criteria to qualify for a tourist visa, according to people familiar with the Trump team's thinking. Tourist visas are most often issued for a period of 10 years, though the tourist can't stay in the U.S. on each visit for longer than six months.



President-elect Donald Trump has said he would tackle birthright citizenship in an executive order on day one of his second term. PHOTO: OLIVIER TOURON/AFP/GETTY IMAGES

Karoline Leavitt, a spokeswoman for the Trump transition, said the president-elect "will use every lever of power to deliver on his promises, and fix our broken immigration system once and for all."

Some on the right have backed Trump's plans and argued that birthright citizenship is a misinterpretation of the 14th amendment, which dates back to the 19th century and in part granted full citizenship to former slaves. They have also criticized birth tourism. Companies in China have attracted attention in recent years for advertising such services, and airlines in Asia even started turning away some pregnant passengers they suspected of traveling to give birth.

"Because you happen to be in this country when your child is born, is not a reason for that child to be a U.S. citizen. It's just silly, and the reliance on it in law is utterly misplaced," said Ken Cuccinelli, a senior fellow at the Center for Renewing America, a pro-Trump think tank, who previously served as deputy secretary of Homeland Security.

Many constitutional scholars and civil-rights groups have said a change to birthright citizenship can't be done through executive action and would require amending the Constitution—a rare and difficult process. The most recent amendment was ratified in 1992, more than 200 years after it was first proposed.

Trump on the campaign trail this year offered more details on what executive action related to birthright citizenship could include compared with his first term, a change that some backers took as an indication that he is more willing to act on the issue.

Trump said he would sign a "day one" executive order directing federal agencies to require a child to have at least one parent be either a U.S. citizen or legal permanent resident to automatically become a U.S. citizen. It would also stop agencies from issuing passports, Social Security numbers and other welfare benefits to children who don't meet the new requirement for citizenship, the president-elect's campaign had said.

"My policy will choke off a major incentive for continued illegal immigration, deter more migrants from coming, and encourage many of the aliens Joe Biden has unlawfully let into our country to go back to their home countries," Trump said in a campaign video.

But the requirement that at least one parent be a U.S. citizen or legal permanent resident would also affect children born to parents who immigrated legally

through visas, excluding them from automatic citizenship.

“The new piece of it is them talking publicly about the mechanism they might try to use to operationalize this unconstitutional plan,” said Omar Jadwat, director of the American Civil Liberties Union’s Immigrants’ Rights Project. “They just can’t do that consistent with the constitution.”



Portrait of Wong Kim Ark, whose case affirmed birthright citizenship. PHOTO: NATIONAL ARCHIVES/GETTY IMAGES

“Litigation is definitely going to follow,” he added.

The Supreme Court affirmed birthright citizenship in its 1898 ruling in *U.S. v. Wong Kim Ark*. But critics of automatic citizenship argue Trump’s proposed citizenship restrictions would be different from that case, which involved a child born to Chinese parents who were legal permanent residents in the U.S.

Trump’s allies say a legal fight that makes its way to the Supreme Court is the point of the executive order.

“Force the issue and see what happens,” said Mark Krikorian, executive director for the Center for Immigration Studies, a group favoring immigration restrictions that was close to Trump’s first administration. Even with the court’s conservative majority, Krikorian isn’t optimistic about Trump’s chances.

“I think they’ll probably uphold the current interpretation of the 14th Amendment,” he said. “They’re going to want to start that court fight as soon as possible to see if they can see it through to the end before the administration ends,” he said.

Write to Tarini Parti at tarini.parti@wsj.com and Michelle Hackman at michelle.hackman@wsj.com

Appeared in the December 9, 2024, print edition as 'Trump Set to Target 'Birthright' Citizens'.

Videos



WSJ Opinion: Hits and Misses of the Week

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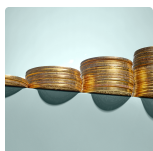
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