



## Defending Birthright Citizenship

On January 20, 2025, President Trump issued an Executive Order purporting to end birthright citizenship. Make the Road New York is fighting back to protect this important constitutional right for our members and communities.

**\*\* The order has been challenged in federal court and is currently blocked by a court order! \*\***

### What is birthright citizenship?

Birthright citizenship is the right of anyone born in a country to claim citizenship there. The United States of America (U.S.), Canada, and many Latin American countries offer birthright citizenship to anyone born in the country. That means a child born in the U.S. is a citizen regardless of their parents' immigration status.

### What did Trump announce and whom will it impact?

On his first day in office, President Trump issued an Executive Order directing an end to birthright citizenship. Under the Order, the following people will not be able to claim U.S. citizenship:

- **Babies born in the U.S. on or after Feb. 19, 2025 and**
- **Who do not have at least one parent who is a U.S. citizen or Lawful Permanent Resident\***

\*The order does not speak directly to the children of mothers with a renewable lawful status like DACA, TPS or DALE but suggests that any *temporary* status is not enough to result in a child having U.S. citizenship.

### Can my children lose their citizenship?

No. The administration did not try to take away U.S. citizenship from anyone – including children – who already have it.

### Isn't this illegal or unconstitutional?

Yes, it is. The 14th Amendment to the U.S. Constitution, passed in 1868, has been interpreted to provide for birthright citizenship for over a hundred years. Make the Road and allies were the first to file a lawsuit challenging the new order in federal court – and we will fight to stop it before it takes effect on February 19, 2025.

### If my child is born after February 19, 2025, what will their rights and status be?

We will fight to prevent this unlawful order ever taking effect. Already, the order is halted by a court order – and we will fight to keep it halted! But if it does take effect, children born after February 19, 2025 will not have lawful immigration status in the U.S.

It is still not clear how agencies in New York would implement this change and how children may access pathways to lawful status under the immigration law. We will provide updates as we continue to fight to stop this Order.

→ **Remember, in New York State, all children can obtain health insurance until age 19. Visit Make the Road or another health provider to enroll your child in a health insurance plan, no matter what their immigration status is.**

**How can I help fight?**

Join Make the Road NY to help fight all attacks on the immigrant community and to receive important updates and resources. You can also visit our website at [weprotectusny.org](http://weprotectusny.org) for helpful information.

