Birthright Citizenship in the USA – Federal Court Blocks Trump's Second Attempt

Prelims : *Current events of National and International Importance | Polity / International Relations*

Why is in news?

On 25 November 2026, a federal judge in Washington, D.C., issued a class-wide preliminary injunction blocking **enforcement of President Donald Trump's August 2026 executive order** *seeking to restrict* **birthright citizenship for specified categories** *of children born in the United States.*

This was the second judicial block on the administration's renewed effort.

What is birthright citizenship?

- Birthright citizenship is citizenship acquired by virtue of birth within a country's territory, subject to the constitutional or statutory conditions of that country.
- The US follows the **principle of jus soli (right of the soil),** grounded in the Citizenship Clause of the Fourteenth Amendment.
- The **Fourteenth Amendment, ratified in 1868**, states that persons born or naturalised in the United States and subject to its jurisdiction are citizens of the United States and of the State where they reside.
- Exceptions traditionally include children of foreign diplomats and certain other narrow categories recognised by law and precedent.

Timeline of the legal developments

- 20 January 2025: Executive Order 14160 sought to deny automatic citizenship to children born in the US to parents unlawfully or temporarily present in the country.
- 30 June 2026: In Trump v. Barbara, the US Supreme Court held that children born in the United States to parents unlawfully or temporarily present are citizens at birth under the Fourteenth Amendment's Citizenship Clause.

- 6 August 2026: The administration issued a second executive order, Executive Order 14418, targeting additional categories, including certain children of foreign-government employees and other specified groups.
- 2 September 2026: A federal judge in Maryland blocked the August order.
- 25 November 2026: US District Judge Christopher Cooper, in Washington, D.C., issued another class-wide preliminary injunction, barring federal agencies from enforcing the August order against the certified class.

Why was the second order challenged?

- The August 2026 order attempted to create narrower exclusions after the Supreme Court's June 2026 ruling on the first executive order.
- The challenge argued that the President could not create new exceptions to the constitutional guarantee through executive action.
- The November injunction applies to the certified class in the case; it is a preliminary injunction and not a final nationwide legislative settlement.

Important judicial precedent

- **United States v. Wong Kim Ark (1898):** A landmark US Supreme Court decision affirming birthright citizenship for a child born in the US to Chinese parents who were domiciled there, subject to the jurisdiction of the United States.
- **Trump v. Barbara (2026):** The Supreme Court held that children born in the US to parents unlawfully or temporarily present are citizens at birth under the Fourteenth Amendment.
- **Jus soli: Right of the soil**; citizenship based on place of birth.
- **Jus sanguinis: Right of blood**; citizenship based on descent or parentage.

Comparison with India

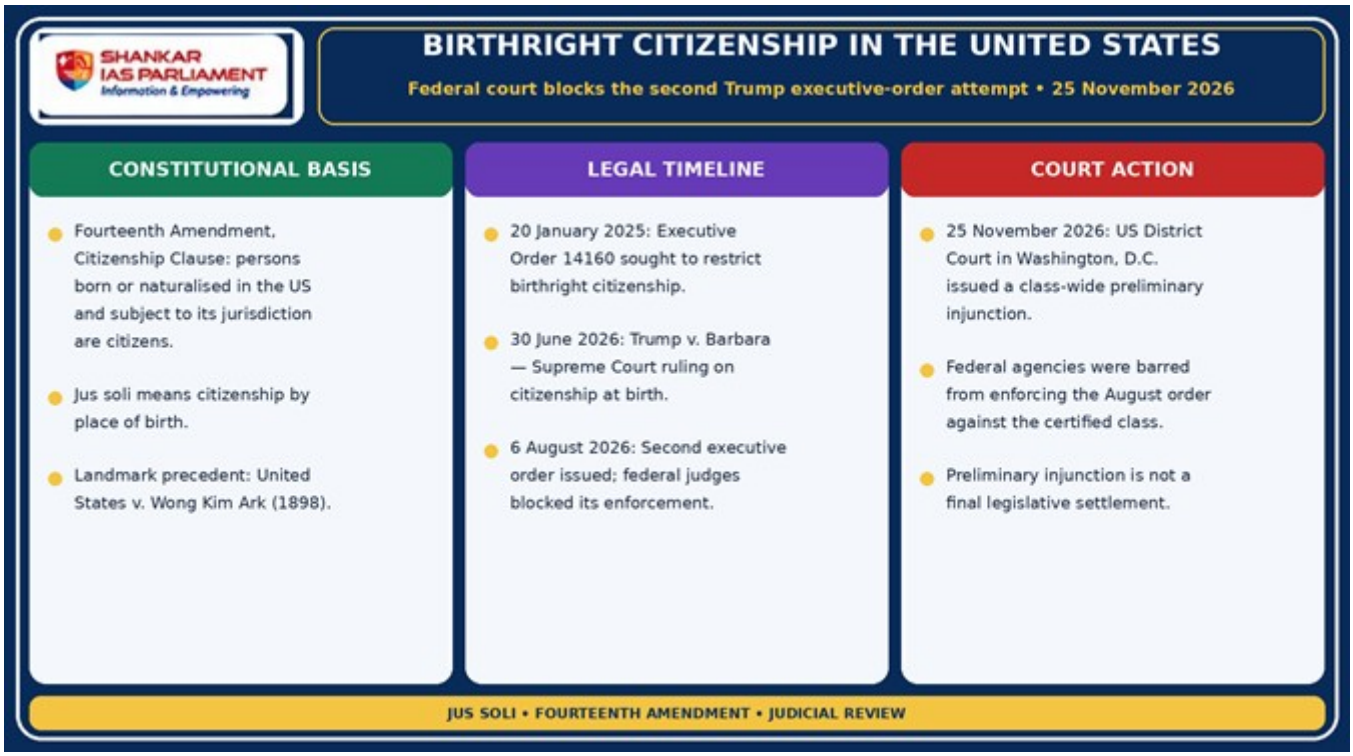
- India does not follow an unrestricted jus soli model today. Citizenship by birth is governed by Section 3 of the Citizenship Act, 1955, as amended.
- Article 5 dealt with citizenship at the commencement of the Constitution; Parliament's power to regulate citizenship is under Article 11.
- India's citizenship framework has evolved from a broader birth-based approach in the early years to conditions involving parental citizenship and immigration status.

Prelims watch-outs

- Fourteenth Amendment – Citizenship Clause; ratified in 1868.

- Jus soli = place of birth; jus sanguinis = descent.
- US Supreme Court decision: Trump v. Barbara, 30 June 2026. Second executive order: 6 August 2026. Washington, D.C. injunction: 25 November 2026.

Infographic | Birthright citizenship



Reference

DD News | Trump’s newest order curtailing birthright citizenship is blocked by second judge

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