

## What did SCOTUS rule on birthright citizenship?

Why and how did U.S. President Donald Trump seek to limit birthright citizenship and what did the Supreme Court rule? Has this always been a political issue in the U.S.? What is the link between birthright citizenship and slavery? How has the judgment affected

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On June 30, 2026, the Supreme Court of the United States (SCOTUS) upheld birthright citizenship provided under the 14th Amendment to the U.S. Constitution. The SCOTUS struck down President Donald Trump's Executive Order (EO) 14160, which sought to end unconditional birthright citizenship that the U.S. grants. With the 6-3 judgment, anyone who is born on U.S. soil becomes a citizen, regardless of the status of their parents. Exceptions include children of foreign diplomats and invading militaries.



Mr. Trump's EO directed federal agencies to stop issuing citizenship-recognising documents — social security numbers and passports — to children born after February 19, 2025 (i) to mothers unlawfully present when the father was not a citizen or lawful permanent resident, or (ii) to mothers lawfully but temporarily present (students, tourists, guest workers) when the father was not a citizen or permanent resident.

The 14th Amendment to the U.S. Constitution, ratified in 1868, says "all persons born or naturalised in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The Immigration and Nationality Act (INA), 1952, is the foundational body of U.S. citizenship and immigration law, which draws from the above constitutional provision with regard to birthright citizenship. The INA declares that a person born in the U.S. and

The majority judgment took the position that the framers deliberately chose sweeping, universal language so the promise wouldn't be limited to one group or vulnerable to a future court narrowing it subject to its jurisdiction is a citizen "at birth." Among the questions that SCOTUS examined was whether birthright citizenship is only a statutory guarantee or both statutory and constitutional. One of the judges who struck down the EO — Justice Brett Kavanaugh — limited it as a statutory question.

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It was Mr. Trump's 2016 presidential campaign that put the spotlight on birthright citizenship as a question of population management. This was in the broader context of the anti-immigration politics, a

central concern of the politics of the 'Make American Great Again' (MAGA) movement. In fact, when the Court heard the oral arguments in the case on April 1, 2026, Mr. Trump was personally present. This showed how critical this was to his politics of influencing the population composition of the country. But before it was adapted by Mr. Trump, birthright citizenship was more a concern of Democrats, who are traditionally more anti-immigrant than Republicans. Democratic Senator Harry Reid's 1993 Immigration Stabilization Act proposed a narrower reading of the 14th Amendment. The argument against birthright citizenship is based on the assumption that a large number of non-citizens — both authorised residents (such as visa holders) and unauthorised residents (including illegal immigrants) — were having children who would automatically become citizens at birth.

It has been estimated that births to unauthorised immigrant mothers rose from roughly 1.2 lakh in 1990 (about 3% of all U.S. births) to a peak of approximately 3.7 lakh-3.9 lakh in 2006-2007 (roughly 9% of all U.S. births.) This growth mirrored the tripling of the unauthorised immigrant population between 1990 and 2007.

After the 2008 financial crisis, the trend reversed. By 2016, births to unauthorised immigrant mothers had fallen about 36% from the 2007 peak, to roughly 2.5 lakh (about 6% of that year's U.S. births in total).

Pew Research Center's most recent analysis found that births to unauthorised or temporary status immigrant mothers grew rapidly again between 2019 and 2023, reaching an estimated 9% of all U.S. births in 2023.

Apart from its place within the broader anti-immigration politics of the MAGA movement, opposition to birthright citizenship is also rooted in allegations of its misuse. An entire industry of 'birth tourism' facilitates expectant foreigners to give birth in the U.S. Opponents also say the 14th Amendment provision was meant to address the citizenship status of freed slaves; it cannot apply universally and unconditionally in the changed circumstances. The SCOTUS held that the text of the Constitution is clear, and changes in circumstances can't justify new meanings to it. The evolution of the U.S. citizenship regime is closely linked to slavery and racism in the country. In the original Constitution of the U.S., there was no definition of the word citizen; instead, citizenship was guided by multiple factors. In practice, citizenship depended on the laws of individual States governing civil and political rights, including voting and property ownership. The Federal Naturalisation Act, 1790, made it clear that only "free white persons" can be eligible. The result was varied practices across the U.S.: in northern States, free Black residents had some rights including voting rights, but in southern States, citizenship was denied to them. This changed in 1857, when the Supreme Court held that no Black person can ever be a citizen of the U.S; and that the political community established by the Constitution did not include them at all. This followed a plea by an enslaved Black man, Dred Scott, for freedom. In 1865, the 13th

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Amendment abolished slavery, but the 1857 judgment stood as law, making the citizenship status of freed slaves ambiguous.

In 1866, the Civil Rights Act was passed by Congress, legislating that any person born in the country is a citizen. President Andrew Johnson vetoed it; and Congress overturned the veto. To pre-empt a future

Congress or a future President from overturning it, the principle of birthright citizenship was written into the Constitution in 1868, as part of the 14th Amendment. The Trump administration argued that birthright citizenship was a remedy for the specific situation of former slaves, and the provision must be read with that narrow view. The majority judgment took the position that the framers deliberately chose sweeping, universal language so the promise wouldn't be limited to one group or vulnerable to a future court narrowing it the way the judgment in Dred Scott had narrowed citizenship before. The Trump administration has said it will pursue a legislative path to end birthright citizenship, but the move will not have enough support for a constitutional amendment in the U.S. Congress. The administration argues that an ordinary statute can achieve the objective but that is contested. For now, birthright citizenship will continue, but so will the political slugfest over it.