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Trump's Citizenship Order Partially Takes Effect; USVI Among Territories Impacted Amid Fears for Immigrants' U.S.-Born Children

As the Court limits nationwide injunctions, Trump's birthright order may now be enforced in the USVI, sparking fears for families of H-1B workers, tourists, and undocumented immigrants whose U.S.-born children may lose their citizenship rights.

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In a 6-3 ruling on Friday, the U.S. Supreme Court granted the Trump administration's request to partially lift nationwide injunctions blocking President Donald Trump's controversial executive order on birthright citizenship, allowing its enforcement in 28 states and U.S. territories not covered by ongoing lawsuits.

The decision, which sidesteps the order's constitutionality, enables the administration to deny automatic U.S. citizenship to children born to undocumented immigrants or those on temporary visas in regions outside the 22 plaintiff states and specific advocacy groups' jurisdictions. Hailed by Trump as a "massive victory" on Truth Social, the ruling has sparked fierce backlash, with critics warning it creates a fractured system of citizenship and violates the 14th Amendment's long-standing guarantee of birthright citizenship.

The Supreme Court's decision in *Trump v. CASA, Inc.*, issued on the final day of the 2024-2025 term, centers on the scope of nationwide injunctions rather than the merits of the executive order signed on January 20, 2025. The order challenges the 14th Amendment's clause granting citizenship to "all persons born or naturalized in the United States, and subject to the jurisdiction thereof," asserting that children of undocumented immigrants or nonimmigrant visa holders are not entitled to automatic citizenship. Federal district courts in Maryland, Massachusetts, and Washington issued nationwide injunctions in early 2025, citing the 1898 *United States v. Wong Kim Ark* precedent, which affirmed birthright citizenship for nearly all U.S.-born individuals.

In an opinion by Justice Amy Coney Barrett, the Court's conservative majority ruled that the injunctions apply only to the 22 plaintiff states (including New Jersey, Massachusetts, and Washington), Washington, D.C., the city of San Francisco, and advocacy groups like CASA and the ACLU. "The court has made it clear that it is not deciding whether the executive order is constitutional and instructed the district courts to 'move expeditiously to ensure that, with respect to each plaintiff, the injunctions comport with this rule and otherwise comply with principles,'" Barrett wrote. As a result, the order remains blocked in these jurisdictions, protecting individuals there from its effects, but can now be enforced in the 28 non-plaintiff states and other U.S. territories, such as Puerto Rico and the U.S. Virgin Islands.

Governor Albert Bryan Jr. spoke with the Consortium on Friday shortly after the ruling, clarifying that the Trump-era executive order does not apply to the U.S. Virgin Islands. "I don't think the order counts, as we have an explicit right to citizenship by Congress, and an executive order is not stronger than law," he said. However, the governor was referring to born Virgin Islanders, while the order targets illegal immigrants or those with temporary visas.

The Court's three liberal justices—Sonia Sotomayor, Elena Kagan, and Ketanji Brown Jackson—issued a scathing dissent, warning of a "patchwork system of citizenship" that undermines constitutional protections. During oral arguments on May 15, 2025, Kagan challenged Solicitor General D. John Sauer, stating, "On the merits, you are wrong," stressing that the order's conflict with over a century of precedent. Sotomayor's dissent warned of "catastrophic consequences," noting that the policy could render thousands of U.S.-born children stateless or deportable in parts of the country.

Trump's executive order, [signed on his first day in office](#), argues that the 14th Amendment does not universally grant citizenship, claiming that "subject to the jurisdiction thereof" excludes children of undocumented immigrants or those on temporary visas like H-1B or tourist visas. The policy directs federal agencies to deny citizenship documentation, such as passports or Social Security numbers, to affected newborns. Legal scholars have widely condemned the order as unconstitutional, with Cornell Law School's Stephen Yale-Loehr calling it "a direct assault on one of the most settled principles of American law."

Lawsuits quickly followed, led by 22 Democratic-led states, cities like San Francisco, and advocacy groups including the ACLU and CASA. Federal judges, including Reagan appointee John Coughenour in Washington, issued nationwide injunctions, with Coughenour declaring,

“This is a blatantly unconstitutional order.” The 9th Circuit Court of Appeals upheld the injunctions in February 2025, prompting the administration’s appeal to the Supreme Court. The administration argued that nationwide injunctions overstep judicial authority, a view echoed by conservative justices like Samuel Alito, who have long criticized such rulings as “patently unworkable.”

The ruling has intensified an already polarized national debate. Trump celebrated on Truth Social, posting, “This is a massive victory for America First and our sovereignty!” Supporters, including Sen. Ted Cruz, praised the decision as a curb on “activist judges,” arguing it restores executive authority over immigration policy.

However, critics decried the decision as a dangerous precedent. Hannah Liu, a 26-year-old Washington, D.C., resident whose parents are Chinese immigrants, protested outside the Court, saying, “This is enshrined in the Constitution. My parents are Chinese immigrants.”

ACLU executive director Anthony Romero vowed to continue the fight, stating, “I’ve never been this bold... this particular move from Trump is really, really going a step too far.” New Jersey Solicitor General Jeremy Feigenbaum warned of “chaos on the ground,” noting, “An infant would be a United States citizen... in New Jersey, but a deportable noncitizen if born in Tennessee.” The Center for American Progress estimated that 4.7 million U.S.-born citizens could have been affected had the order been fully implemented, highlighting its sweeping implications.

The Supreme Court’s decision does not resolve the order’s constitutionality, which lower courts are now tasked with addressing swiftly. Advocacy groups are preparing class-action lawsuits in unaffected states, while Democratic lawmakers have called for legislative action to reaffirm birthright citizenship. The ruling also bolsters the administration’s broader immigration agenda, including mass deportation plans, by limiting the scope of judicial injunctions—a precedent that could affect future policies.

For now, the partial enforcement creates uncertainty for families, with pregnant women in non-plaintiff states facing fears of their children’s legal status.

Justice Amy Coney Barrett’s opinion gave the administration 30 days to establish rules for implementation in non-plaintiff regions, noting that the Court did not rule on the order’s constitutionality but instructed lower courts to resolve this “expeditiously.” The decision also addressed concerns about executive overreach, with the Court stressing that the administration’s directive to verify parents’ immigration status via federal agencies could disproportionately harm mixed-status families, a point raised by amici briefs from immigration scholars and unaddressed in prior injunctions.