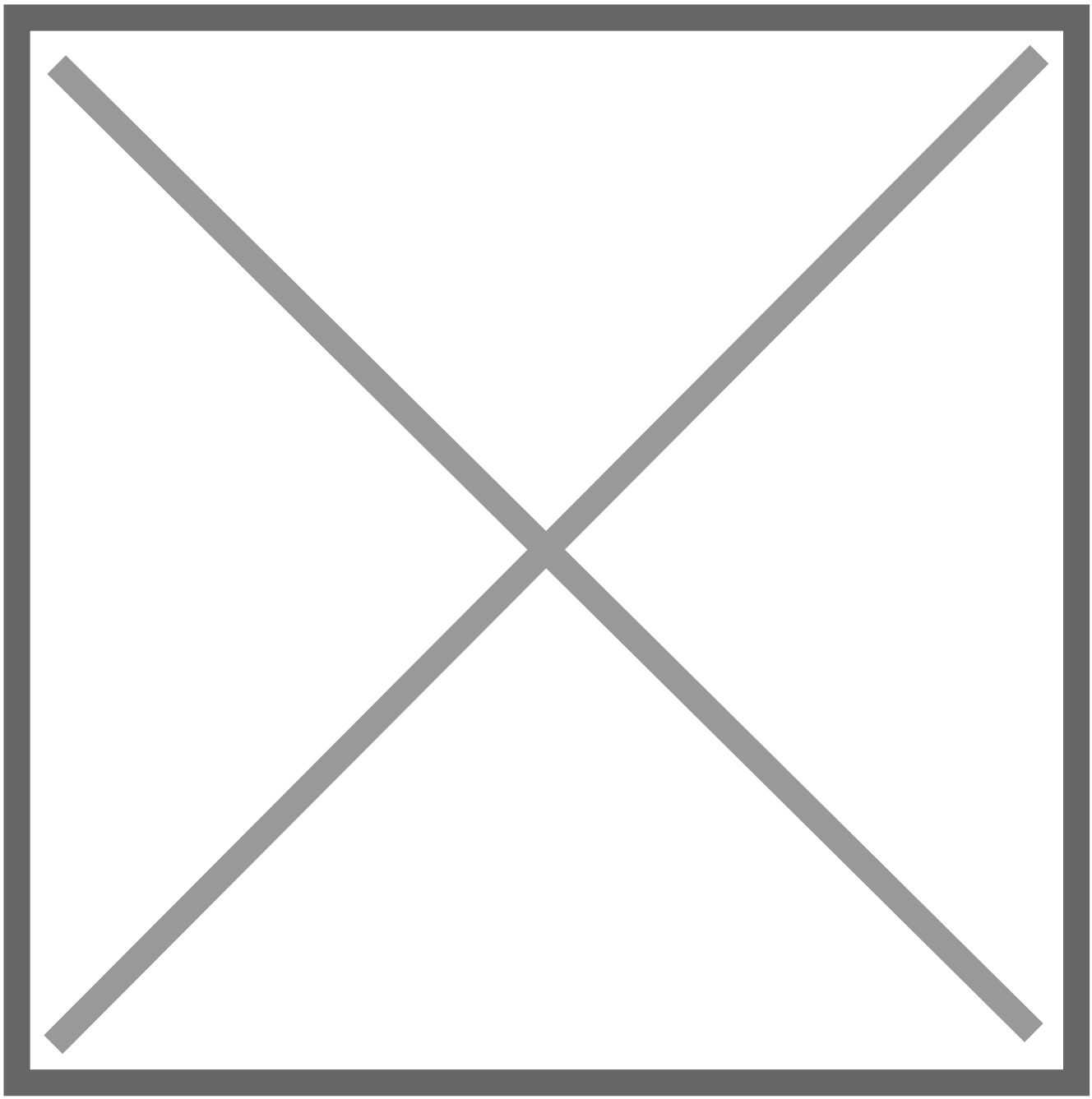
News



An intern runs outside the U.S. Supreme Court in Washington June 30, 2026, to deliver the court's ruling on birthright citizenship to the media. The nation's highest court upheld a broad conception of birthright citizenship, rejecting President Donald Trump’s executive order declaring that children born to parents who are in the United States illegally or temporarily are not American citizens. (OSV News/Reuters/Cheney Orr)

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Washington — June 30, 2026
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The U.S. Supreme Court struck down President Donald Trump's executive order limiting birthright citizenship on June 30, finding the order violated the 14th Amendment.

A cornerstone of his efforts to restrict immigration, the ruling comes as a loss for Trump, who even attended oral arguments in the case, Trump v. Barbara, in person, marking the first time a sitting president has done so, according to records from the high court and the nonprofit Supreme Court Historical Society.

Writing for the majority, Chief Justice John Roberts wrote, "Citizenship, then and now, was the right to have rights — to freely participate in our political community."

Citing comments made by Sen. Lyman Trumbull, a proponent of the Civil Rights Act of 1866, which led to the 14th Amendment, Roberts wrote, "The Framers of the Fourteenth Amendment extended that promise to 'every free-born person in this land.' We keep that promise today."

The case concerned an executive order signed by Trump within hours of returning to the Oval Office on Jan. 20, 2025, that sought to change the longstanding legal interpretation of the 14th Amendment, which 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."

Trump's order, part of his administration's broader efforts to restrict immigration, sought to end birthright citizenship for children born in the U.S. to parents who either lack permanent legal status or are temporary visa holders. The order said that after 30 days from the executive order's date, only children born to at least one U.S. citizen or lawful permanent resident parent would automatically acquire citizenship. It was promptly challenged in court.

Previously, the Supreme Court limited the ability of federal judges to issue nationwide injunctions against the order while litigation over it proceeded, but did not directly address the merits of the order itself.

The Trump administration previously argued in defense of the order that the phrase "subject to the jurisdiction thereof" makes the president's order lawful, despite longstanding legal interpretation that children born in the U.S. are granted citizenship with only narrow exceptions.

But Roberts wrote, "The word 'jurisdiction' was hardly unknown to the drafters and ratifiers of the Fourteenth Amendment. Congress chose to use an established legal term and the Clause must be interpreted in that light."

Roberts was joined in his opinion by Justices Amy Coney Barrett, Sonia Sotomayor, Elena Kagan and Ketanji Brown Jackson. Justice Brett Kavanaugh filed an opinion that concurred in the judgment but dissented in part. Justices Samuel Alito, Clarence Thomas and Neil Gorsuch dissented.

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In his own opinion, Kavanaugh wrote that he disagrees with the court's finding that the order violates the 14th Amendment, instead arguing that it is unlawful because it ran afoul of a federal statute governing birthright citizenship under the 14th Amendment, which specifies particular circumstances under which citizenship is granted at birth in accordance with that amendment.

"Congress could — consistent with the Fourteenth Amendment — amend §1401(a) or otherwise enact new legislation establishing exceptions to birthright citizenship for children born to foreign citizens unlawfully or temporarily in the country," he said.

"But Congress has not yet done so."

Writing for the minority, Thomas argued the majority's ruling "adds to the sad history of the Fourteenth Amendment, which was designed and understood to secure equal rights for the freed blacks but has instead been repurposed for political projects that the Reconstruction Congress did not support."

Ashley Feasley, the legal expert in residence at the Immigration Law and Policy Initiative at The Catholic University of America Columbus School of Law, told OSV News, "Today's opinion is a victory for immigrant children born in the United States."

Robert's opinion, she said, "while focused on Constitutional analysis and history and tradition, aligns with the bishops, who noted in their amicus brief on the case, the alignment of birthright citizenship with Church teaching as it treats 'birth within a community as a sufficient and objective basis for political belonging.'"

Kevin Appleby, senior fellow for policy and communications at the Center for Migration Studies of New York and the former director of migration policy for the U.S. Conference of Catholic Bishops, told OSV News, "This decision shows that, when push comes to shove, the Constitution retains its authority and still guides our 250-year-old republic. It also sends a message to the administration that to change the Constitution you must go through a constitutional amendment process, not just use a pen."

"The executive order that was struck down would have returned us to a two-tiered society, with one group being stateless and having no rights in our democracy," he said. "The justices rightly did not take the nation back to that era."

Catholic social teaching on immigration involves three interrelated principles: the right of persons to migrate in order to sustain their lives and those of their families, the right of a country to regulate its borders and control immigration, and a nation's duty to regulate its borders with justice and mercy.

Anna Gallagher, executive director of the Catholic Legal Immigration Network, also known as CLINIC, said in a statement, "We are relieved and grateful that the Supreme Court has upheld this right that is so important for our identity as a nation and for safeguarding justice and human dignity."

"In our amicus brief, we explained how the values of Catholic social teaching, the particular realities of undocumented immigration in the United States, and our nation's legal history make upholding the tradition of birthright citizenship the most just outcome of this case," she said. "We are glad to receive a decision that will bring relief to immigrant families and our network. This is a win for immigrants, and a win for justice."

The U.S. Conference of Catholic Bishops and CLINIC previously submitted a friend-of-the-court brief in the case, arguing that ending the practice of birthright citizenship would weaken families and risk leaving children stateless, thereby making them targets for violence, trafficking and exploitation.

"The principle of citizenship by birth is firmly rooted in Western legal tradition, enshrined in the Fourteenth Amendment, and reaffirmed by this Court's precedent," it said. "It is equally grounded in Church teachings, which affirms the inherent dignity of every human person, especially the innocent child."

Appleby told OSV News, "I think the Church's voice made a difference here."

"This is a victory for human dignity and for human life," he said. "Catholics of all political views should celebrate this decision."

This story appears in the **Immigration and the Church** feature series. View the full series.