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Federal Judge Issues Preliminary Injunction, Blocking Enforcement of New Birthright Citizenship Executive Order

Immigrant families, We Are CASA, ASAP, and ICAP asked the court to reaffirm birthright citizenship regardless of immigration status

WASHINGTON, D.C. — Today, a preliminary injunction was granted, enjoining the President's [new Executive Order](#) attempting to limit birthright citizenship, which was issued on August 6. U.S. District Court Judge Deborah Boardman blocked implementation of this latest executive order in response to a motion filed by immigrant families, We Are CASA, the Asylum Seeker Advocacy Project (ASAP), and the Institute for Constitutional Advocacy and Protection (ICAP) asking for urgent relief from the administration's latest efforts to curtail birthright citizenship.

The plaintiffs are part of [a class action lawsuit](#) (*CASA v. Trump*) which was certified in August 2025 by Judge Boardman. The motion included sworn declarations from We Are CASA and ASAP members who describe how the constant threat of losing citizenship destabilizes their daily lives, risking access to essential healthcare, documentation, and family unity.

"When I joined this lawsuit, I was two months pregnant and terrified that the government would refuse to recognize my baby as a citizen simply because we are an immigrant family," **said Juana, a We Are CASA member and class representative.** "I am grateful that we came together and that the courts continue to uphold our children's rights. Today's decision gives me relief because my child and thousands of other children remain protected. I will continue to raise my voice with other immigrant families to show that we have the power to defeat these attacks."

"During my pregnancy, I felt so much anxiety over the fact that my child could be born stateless," said **Monica, a class representative and ASAP member.** "For now, my child and children like mine are protected and guaranteed U.S. citizenship. But I know this isn't over. The threat to birthright citizenship is still out there. I'll keep fighting for permanent protection for my child, and for every child born in this country."

"The Court's decision is simple and clear: The children of immigrants whom the Supreme Court held in *Barbara* have a constitutional right to citizenship cannot be deprived of that citizenship

under any Executive Order,” **said William Powell, Senior Counsel at ICAP**. “The Court rightly rejected the government’s attempt to insert its own exceptions into the Supreme Court’s ruling about the meaning of the Fourteenth Amendment. This preliminary injunction order is an important step, but it will not be the last step, and we look forward to continuing to defend the tradition of birthright citizenship in the United States.”

Just two months ago in [Trump v. Barbara](#), the Supreme Court ruled unequivocally that children born on American soil are U.S. citizens at birth, regardless of their parents’ immigration status. Despite that ruling, the administration’s new executive order tries to reframe who qualifies for citizenship.

“When it comes to attacking birthright citizenship, the Trump administration has lost before this court, lost before the Supreme Court, and lost again today,” **said Shana Khader, Legal Director at We Are CASA**. “The White House must recognize it will not succeed in stripping children of their right to citizenship, evading binding court decisions or placing the president’s anti-immigrant agenda above the Constitution. We are very proud to continue this fight alongside the families who have endured more than a year of fear and uncertainty and still refuse to surrender their children’s constitutional rights.”

“The Supreme Court has made it clear that U.S. born children are U.S. citizens, regardless of their parents’ immigration status,” said **Conchita Cruz, Co-Executive Director of the Asylum Seeker Advocacy Project (ASAP)**. “Immigrant families should not have to come back to court to defend the rights of their U.S.-born children and others whose citizenship is being questioned by a new Executive Order.”

Since the case was certified as a class action in August 2025, ICAP and ASAP have acted as counsel for the class. We Are CASA and ASAP remain plaintiffs in the case.

You can read the court’s decision [here](#), as well as the court order [here](#).

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Note: Moving forward, “CASA, Inc.” will be operating under the name “We Are CASA.” Thank you for updating accordingly. With more than 192,000 lifetime members across 46 states, We Are CASA is a national powerhouse organization building power and improving the quality of life in working-class Black, Latino/a/e, Afro-descendant, Indigenous, and immigrant communities. We Are CASA creates change through a power-building model that blends human services, community organizing, and advocacy to serve the full spectrum of its members’ needs, dreams, and aspirations.

The Asylum Seeker Advocacy Project (ASAP) believes that asylum seekers can make change by standing together. We work with our members — over 700,000 asylum seekers — to build a more welcoming United States. Learn more about ASAP’s work at [asaptogether.org](#).

The Institute for Constitutional Advocacy and Protection (ICAP) is a non-partisan public interest legal group within Georgetown Law. Our mission is to use litigation, policy, and public education to protect constitutional rights and to hold our governmental institutions to the highest standards of integrity and accountability. Connect with ICAP at www.law.georgetown.edu/icap/ or reachICAP@georgetown.edu.