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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; STATE OF
ARIZONA; STATE OF ILLINOIS; and
STATE OF OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity
as President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; BENJAMINE HUFFMAN, in
his official capacity as Acting Secretary of
Homeland Security; U.S. SOCIAL
SECURITY ADMINISTRATION;
MICHELLE KING, in her official capacity
as Acting Commissioner of the Social
Security Administration; U.S.
DEPARTMENT OF STATE; MARCO
RUBIO, in his official capacity as Secretary
of State; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
DOROTHY FINK, in her official capacity
as Acting Secretary of Health and Human
Services; U.S. DEPARTMENT OF
JUSTICE; JAMES MCHENRY, in his
official capacity as Acting Attorney
General; U.S. DEPARTMENT OF
AGRICULTURE; GARY WASHINGTON,
in his official capacity as Acting Secretary
of Agriculture; and the UNITED STATES
OF AMERICA,

Defendants.

NO.

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

I. INTRODUCTION

1
2 1. The States of Washington, Arizona, Illinois, and Oregon bring this action to
3 protect the States—including their public agencies, public programs, public fiscs, and state
4 residents—against the illegal actions of the President and federal government that purport to
5 unilaterally strip United States citizens of their citizenship.

6 2. The President’s Executive Order, issued on January 20, 2025, and styled
7 “Protecting the Meaning and Value of American Citizenship” (Citizenship Stripping Order),¹ is
8 contrary to the plain terms of the Fourteenth Amendment’s Citizenship Clause and Section 1401
9 of the Immigration and Nationality Act. The President has no authority to amend the Constitution
10 or supersede the Citizenship Clause’s grant of citizenship to individuals born in the United
11 States. Nor is he empowered by any other constitutional provision or law to determine who shall
12 or shall not be granted United States citizenship at birth. The Fourteenth Amendment and federal
13 law automatically confer citizenship upon individuals born in the United States and subject to
14 its jurisdiction.

15 3. If the Citizenship Stripping Order is allowed to stand, the Plaintiff States and their
16 residents will suffer immediate and irreparable harm. Nationally, in 2022 alone, there were
17 approximately 255,000 births of citizen children to non-citizen mothers without lawful status
18 (undocumented) and approximately 153,000 births to two undocumented parents. In
19 Washington, in 2022 alone, approximately 7,000 United States citizen children were born to
20 mothers who lacked legal status and approximately 4,000 United States citizen children were
21 born to two parents who lacked legal status. In Arizona, in 2022 alone, there were approximately
22 6,000 United States citizen children born to mothers who lacked legal status and approximately
23 3,400 United States citizen children born to two parents who lacked legal status. Likewise, in
24 Illinois, in 2022 alone, there were approximately 9,100 United States citizen children born to

25
26 ¹ Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>, attached as Ex. A.

1 mothers who lacked legal status and approximately 5,200 United States citizen children born to
2 two parents who lacked legal status. And in Oregon, in 2022 alone, there were approximately
3 2,500 United States citizen children born to mothers who lacked legal status and approximately
4 1,500 United States citizen children born to two parents who lacked legal status. Using these
5 numbers, likely more than 12,000 babies born in the United States each month who are entitled
6 to citizenship—including more than 1,100 babies born each month in the Plaintiff States—will
7 no longer be considered United States citizens under the Citizenship Stripping Order and will be
8 left with no immigration status. This estimate is conservative, because it includes only a subset
9 of the newborns that would be stripped of citizenship. The actual number of newborns affected
10 in Plaintiff States is certainly higher.

11 4. The individuals who are stripped of their United States citizenship will be
12 rendered undocumented, subject to removal or detention, and many will be stateless—that is,
13 citizens of no country at all. They will lose eligibility for myriad federal benefits programs. They
14 will lose their right to travel freely and re-enter the United States. They will lose their ability to
15 obtain a Social Security number (SSN) and work lawfully. They will lose their right to vote,
16 serve on juries, and run for certain offices. And they will be placed into lifelong positions of
17 instability and insecurity as part of a new underclass in the United States. In short, despite the
18 Constitution’s guarantee of their citizenship, thousands of newborns and children will lose their
19 ability to fully and fairly be a part of American society as a citizen with all its benefits and
20 privileges.

21 5. The Citizenship Stripping Order will also directly injure the Plaintiff States. The
22 Plaintiff States will suffer immediate and irreparable harm by losing federal funding or
23 reimbursements to programs that the Plaintiff States administer, such as Medicaid, the Children’s
24 Health Insurance Program (CHIP), foster care and adoption assistance programs, and programs
25 to facilitate streamlined issuance of SSNs to eligible babies—among others. By purporting to
26 unilaterally strip citizenship from individuals born in the Plaintiff States based on their parents’

1 citizenship or immigration status, the Plaintiff States will be forced to bear significantly
2 increased costs to operate and fund programs that ensure the health and well-being of their
3 residents. The Plaintiff States will also be required—on no notice and at their considerable
4 burden and expense—to immediately begin modifying their funding and operational structures
5 and administration of programs to account for this change. This will impose significant
6 administrative and operational burdens for multiple of the Plaintiff States’ agencies that operate
7 programs for the benefit of their residents.

8 6. To prevent the President’s and the federal government’s unlawful action from
9 harming the Plaintiff States and their residents, the Court should invalidate the Citizenship
10 Stripping Order in its entirety and enjoin any actions taken to implement its directives.

11 II. JURISDICTION AND VENUE

12 7. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1346(a)(2). The
13 Court has further remedial authority under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a)
14 and 2202.

15 8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(2) and
16 1391(e)(1). Defendants are United States agencies or officers sued in their official capacities.
17 The State of Washington is a resident of this judicial district and a substantial part of the events
18 or omissions giving rise to this Complaint occurred within the Seattle Division of the Western
19 District of Washington, including the harms to UW Medicine at its Montlake and Northwest
20 campuses, as well as at Harborview Medical Center in Seattle.

21 III. PARTIES

22 PLAINTIFFS

23 9. The State of Washington is a sovereign state of the United States of America.

24 10. The Attorney General of Washington is the chief legal adviser to the State and is
25 authorized to act in federal court on behalf of the State on matters of public concern.

26 11. The State of Arizona is a sovereign state of the United States of America.

1 12. The Attorney General of Arizona is the chief legal officer of the State and is
2 authorized to act in federal court on behalf of the State.

3 13. The State of Illinois is a sovereign state of the United States of America.

4 14. The Attorney General of Illinois is the chief legal officer of the State and is
5 authorized to act in federal court on behalf of the State on matters of public concern. *See Ill.*
6 *Const. art. V, § 15; 15 ILCS 205/4.*

7 15. The State of Oregon is a sovereign state of the United States of America.

8 16. The Attorney General of Oregon is the chief legal officer of the State of Oregon
9 and is authorized to act in federal court on behalf of the State on matters of public concern.

10 17. The Plaintiff States are aggrieved and have standing to bring this suit because
11 Defendants' action purporting to strip citizenship from United States citizens born and residing
12 in the Plaintiff States, receiving benefits in the Plaintiff States, and receiving government
13 services in the Plaintiff States—including children who are wards of the Plaintiff States and in
14 their custody—harms the Plaintiff States' sovereign, proprietary, and quasi-sovereign interests
15 and will continue to cause injury unless and until enforcement of the Citizenship Stripping Order
16 is permanently enjoined.

17 **DEFENDANTS**

18 18. Defendant Donald Trump is the President of the United States. He is sued in his
19 official capacity.

20 19. Defendant Department of Homeland Security (DHS) is a federal cabinet agency
21 responsible for implementing the Citizenship Stripping Order, including by issuing regulations,
22 policies, and guidance consistent with the Executive Order. DHS is a department of the
23 Executive Branch of the U.S. Government and is an agency within the meaning of 5 U.S.C.
24 § 552.

25 20. Defendant Benjamine Huffman is the Acting Secretary of Homeland Security.
26 He is responsible for implementing and enforcing the Immigration and Nationality Act, and

1 oversees the U.S. Citizenship and Immigration Services, U.S. Immigration and Customs
2 Enforcement, and U.S. Customs and Border Protection. He is sued in his official capacity.

3 21. Defendant United States Social Security Administration (SSA) is a federal
4 agency responsible for administering federal retirement, survivors, and disability income
5 programs, as well as the program of supplemental security income for the aged, blind, and
6 disabled. The SSA processes applications for and issues Social Security numbers (SSNs) to
7 eligible applicants. SSA is responsible for implementing, the Citizenship Stripping Order,
8 including by ceasing issuance of SSNs to children born in the United States but subject to the
9 Citizenship Stripping Order's interpretation of the Citizenship Clause. SSA is a department of
10 the Executive Branch of the U.S. Government and is an agency within the meaning of 5 U.S.C.
11 § 552.

12 22. Defendant Michelle King is the Acting Commissioner of the SSA. The Office of
13 the Commissioner is directly responsible for all programs administered by the SSA, including
14 the development of policy, administrative and program direction, and program interpretation and
15 evaluation. She is sued in her official capacity.

16 23. Defendant United States Department of State is responsible for implementing the
17 Citizenship Stripping Order, including by issuing regulations, policies, and guidance consistent
18 with the Order. The State Department is a department of the Executive Branch of the U.S.
19 Government and is an agency within the meaning of 5 U.S.C. § 552. It is authorized by law to
20 grant and issue passports.

21 24. Defendant Marco Rubio is the Secretary of State. He is responsible for carrying
22 out the President's foreign policies through the State Department and Foreign Service of the
23 United States. He is sued in his official capacity.

24 25. Defendant United States Department of Health and Human Services (HHS) is a
25 federal cabinet agency responsible for implementing the Citizenship Stripping Order, including
26 through the administration of Medicaid, the Children's Health Insurance Plan, and Title IV-E.

1 HHS is a department of the Executive Branch of the U.S. Government and is an agency within
2 the meaning of 5 U.S.C. § 552. HHS is responsible for implementing the Citizenship Stripping
3 Order in its agency program, operations, and activities.

4 26. Defendant Dorothy Fink is the Acting Secretary of Health and Human Services.
5 She is responsible for overseeing and administering all HHS programs through the Office of the
6 Secretary and HHS's Operating Divisions. She is sued in her official capacity.

7 27. Defendant United States Department of Justice (DOJ) is a federal cabinet agency
8 responsible for the federal government's legal affairs. The DOJ is a department of the Executive
9 Branch of the U.S. Government and is an agency within the meaning of 5 U.S.C. § 552. DOJ is
10 responsible for implementing the Citizenship Stripping Order, including by ensuring agency
11 regulations are consistent with the Order.

12 28. Defendant James McHenry is the Acting Attorney General of the United States.
13 He is responsible for overseeing and administering all duties and programs of the DOJ. He is
14 sued in his official capacity.

15 29. Defendant United States Department of Agriculture (USDA) is a cabinet-level
16 department of the United States. USDA is in charge of administering the Supplemental Nutrition
17 Assistance Program (SNAP), which provides food benefits to eligible low-income families to
18 supplement their grocery budget. USDA is responsible for implementing the Citizenship
19 Stripping Order in its agency operations and activities.

20 30. Defendant Gary Washington is the Acting Secretary of Agriculture. He is
21 responsible for overseeing and administering all USDA programs. He is sued in his official
22 capacity.

23 31. Defendant the United States of America includes all government agencies and
24 departments responsible for the implementation, modification, and execution of the Citizenship
25 Stripping Order.
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IV. ALLEGATIONS

A. The United States Constitution Confers Automatic Citizenship on All Individuals Born in the United States and Subject to the Jurisdiction Thereof

32. Section 1 of the Fourteenth Amendment to the United States Constitution 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.” U.S. Const. amend. XIV, § 1. This provision is known as the Citizenship Clause. The Citizenship Clause’s automatic conferral of citizenship on all individuals born in the United States and subject to its jurisdiction, regardless of the citizenship or immigration status of their parents, is confirmed by the Fourteenth Amendment’s text and history, judicial precedent, and longstanding Executive Branch interpretation.

33. The Citizenship Clause was passed and ratified as part of the Fourteenth Amendment following the Civil War to overturn the Supreme Court’s infamous holding in *Dred Scott v. Sanford*, 60 U.S. 393 (1857), where the Supreme Court ruled that Black Americans who were enslaved or were descended from enslaved persons could not be citizens. The Citizenship Clause reaffirmed the longstanding common law principle of *jus soli* as the default rule of citizenship in the United States: All individuals born in the United States and subject to its jurisdiction are citizens. Its operation is automatic. No further action is required for individuals born in the United States to “become” citizens and no additional limitations are imposed.

34. Unlike the Naturalization Clause, U.S. Const. art. I, § 8, cl. 4, which empowers Congress to set rules for naturalization, the Constitution nowhere else speaks to citizenship by birth in the United States and nowhere empowers the President or Congress to set additional requirements that override or conflict with the Citizenship Clause’s plain and broad grant of automatic citizenship to individuals born in the United States.

35. The Citizenship Clause contains no exceptions based on the citizenship or immigration status of one’s parents or their country of origin. Rather, the Citizenship Clause’s

1 only requirements are that an individual be born “in the United States” and “subject to the
2 jurisdiction thereof.” The only individuals who are excluded under the “subject to the jurisdiction
3 thereof” language are the extremely limited number of individuals who are in fact *not* subject to
4 the jurisdiction of the United States at birth—the children of diplomats covered by diplomatic
5 immunity or children born to enemy combatants engaged in war against the United States while
6 on United States soil.² Indeed, before the Fourteenth Amendment’s adoption, there was explicit
7 legislative debate and clarity that the Citizenship Clause was meant to reach all persons born in
8 the United States, with only the limited exceptions above. *See* Garrett Epps, *The Citizenship*
9 *Clause: A “Legislative History,”* 60 Am. Univ. L. Rev. 331, 355-56 (2010) (detailing
10 congressional debate).

11 36. The Supreme Court cemented this longstanding and established understanding of
12 the Citizenship Clause more than 125 years ago in *United States v. Wong Kim Ark*, 169 U.S. 649
13 (1898). There, the Supreme Court held that a child born in the United States to non-citizen
14 parents was entitled to automatic citizenship by birth under the Fourteenth Amendment. In so
15 holding, the Court explained:

16 The fourteenth amendment affirms the ancient and fundamental rule of citizenship
17 by birth within the territory, in the allegiance and under the protection of the
18 country, including all children here born of resident aliens, with the exceptions or
19 qualifications (as old as the rule itself) of children of foreign sovereigns or their
20 ministers, or born on foreign public ships, or of enemies within and during a hostile
21 occupation of part of our territory, and with the single additional exception of
22 children of members of the Indian tribes owing direct allegiance to their several
23 tribes. The amendment, in clear words and in manifest intent, includes the children
24 born within the territory of the United States of all other persons, of whatever race
25 or color. . . . To hold that the fourteenth amendment of the constitution excludes
26 from citizenship the children born in the United States of citizens or subjects of
other countries, would be to deny citizenship to thousands of persons of English,

² Despite the original understanding for purposes of the Fourteenth Amendment that children born to Native American tribes with their own sovereign status are not subject to the United States’ jurisdiction at birth, it is well established under federal law that such children are granted U.S. citizenship at birth. *See* 8 U.S.C. § 1401(b) (1924) (declaring to be a national and citizen of the United States at birth “a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe.”).

1 Scotch, Irish, German, or other European parentage, who have always been
2 considered and treated as citizens of the United States.

3 *Id.* at 693-94.

4 37. In addition to *Wong Kim Ark*, the Supreme Court has separately made clear that
5 undocumented immigrants are “subject to the jurisdiction” of the United States. In *Plyler v. Doe*,
6 457 U.S. 202, 215 (1982), the Supreme Court interpreted the Fourteenth Amendment’s Equal
7 Protection Clause—the sentence immediately following the Citizenship Clause—and explained
8 that the term “within its jurisdiction” makes plain that “the Fourteenth Amendment extends to
9 anyone, citizen or stranger, who *is* subject to the laws of a State, and reaches into every corner
10 of a State’s territory.” The Court concluded:

11 That a person’s initial entry into a State, or into the United States, was unlawful,
12 and that he may for that reason be expelled, cannot negate the simple fact of his
13 presence within the State’s territorial perimeter. Given such presence, he is
14 subject to the full range of obligations imposed by the State’s civil and criminal
15 laws.

16 *Id.* As the Supreme Court explained, “no plausible distinction with respect to Fourteenth
17 Amendment ‘jurisdiction’ can be drawn between resident aliens whose entry into the United
18 States was lawful, and resident aliens whose entry was unlawful.” *Id.* at 211 n.10. The Supreme
19 Court further confirmed that the phrases “within its jurisdiction” and “subject to the jurisdiction
20 thereof” in the first and second sentences of the Fourteenth Amendment have the same meaning.

21 *Id.*

22 38. The Executive Branch has accepted and endorsed this reading and understanding
23 of the Citizenship Clause for more than a century. Indeed, in 1995, the U.S. Justice Department’s
24 Office of Legal Counsel (OLC) provided a statement to Congress explaining why proposed
25 legislation that would deny citizenship to certain children born in the United States based on
26 their parents’ immigration or citizenship status would be “unconstitutional on its face” and
“unquestionably unconstitutional.” 19 U.S. Op. Off. Legal Counsel 340, 1995 WL 1767990, at
*1-2 (1995). The OLC’s statement and opinion recognize that “[t]hroughout this country’s

1 history, the fundamental legal principle governing citizenship has been that birth within the
2 territorial limits of the United States confers United States citizenship.” *Id.* at *1. As OLC
3 explained: “Congress and the States adopted the Fourteenth Amendment in order to place the
4 right of citizenship based on birth within the jurisdiction of the United States *beyond question*.
5 Any restriction on that right contradicts both the Fourteenth Amendment and the underlying
6 principle that the amendment safeguards.” *Id.* (emphasis added). Indeed, the OLC statement and
7 opinion explain that “children born in the United States of aliens are subject to the full
8 jurisdiction of the United States,” and that “as consistently recognized by courts and the
9 Attorneys General for over a century, most notably by the Supreme Court in *United States v.*
10 *Wong Kim Ark*, there is no question that they possess constitutional citizenship under the
11 Fourteenth Amendment.” *Id.* at *2.

12 39. Congress likewise has reaffirmed through statute the Citizenship Clause’s
13 commandment regarding birthright citizenship. The Immigration and Nationality Act states:
14 “The following shall be nationals and citizens at birth: (a) a person born in the United States,
15 and subject to the jurisdiction thereof.” 8 U.S.C. § 1401(a). This language was originally enacted
16 in 1940, well after *Wong Kim Ark*, and taken directly from the Fourteenth Amendment.

17 40. Federal and state agencies rely on this fundamental and longstanding
18 constitutional grant of birthright citizenship in implementing various federal programs. For
19 example, the U.S. State Department is granted the authority under federal law to issue U.S.
20 passports. 22 U.S.C. § 211a. As explained in the State Department’s Foreign Affairs Manual,
21 “[a]ll children born in and subject, at the time of birth, to the jurisdiction of the United States
22 acquire U.S. citizenship at birth even if their parents were in the United States illegally at the
23 time of birth.” 8 F.A.M. 301.1 (Acquisition by Birth in the United States).³ The U.S. State
24 Department’s Application for a U.S. Passport confirms that for “Applicants Born in the United
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³ Available at: <https://fam.state.gov/FAM/08FAM/08FAM030101.html>, attached as Ex. B.

1 States,” a U.S. birth certificate alone is sufficient to prove one’s citizenship.⁴ USCIS likewise
2 confirms in public guidance that “[i]f you were born in the United States, you do not need to
3 apply to USCIS for any evidence of citizenship. Your birth certificate issued where you were
4 born is proof of your citizenship.”⁵

5 41. SSA also has long accepted that all children born in the United States are citizens.
6 Under current public guidance, SSA states that “[t]he easiest way to get a Social Security number
7 (SSN) for your newborn is to apply when you provide information for your baby’s birth
8 certificate in the hospital.”⁶ With respect to citizenship, SSA explains that for children born in
9 the United States, the child’s U.S. birth certificate is proof of U.S. citizenship.⁷

10 42. SSA’s guidance is consistent with federal regulations, which establish that
11 “[g]enerally, an applicant for an original or replacement social security number card may prove
12 that he or she is a U.S. citizen by birth by submitting a birth certificate or other evidence . . . that
13 shows a U.S. place of birth.” 20 C.F.R. § 422.107(d). Indeed, for newborn babies, SSA utilizes
14 what is called “Enumeration at Birth.” Under that program, SSA enters into agreements with
15 states to streamline the process for obtaining SSNs. Where a parent requests an SSN as part of
16 an official birth registration process, the State vital statistics office electronically transmits the
17 request to SSA along with the child’s name, date and place of birth, sex, mother’s maiden name,
18 father’s name, address of the mother, and birth certificate number. That information alone is
19 used to establish the age, identity, and U.S. citizenship of the newborn child. 20 C.F.R.
20 § 422.103(c)(2). States receive payment from the federal government under this program for
21 each record transmitted to the SSA for purposes of issuing an SSN—approximately \$4.19 per
22 SSN that is issued. Currently, Washington receives approximately \$440,000 per year for
23 administering this process and transmitting birth data for newborn babies in Washington to SSA.

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25 ⁴ Available at: https://eforms.state.gov/Forms/ds11_pdf.pdf, attached as Ex. C.

⁵ Available at: <https://www.uscis.gov/sites/default/files/document/guides/A4en.pdf>, attached as Ex. D.

26 ⁶ Available at: <https://www.ssa.gov/pubs/EN-05-10023.pdf>, attached as Ex. E.

⁷ *Id.* at 2-3.

1 Arizona, likewise, has received approximately \$874,000 for FY 2024 and more than \$935,000
2 for FY 2025 through the Enumeration at Birth program, and is expected to receive more than \$1
3 million in FY 2026. Oregon received approximately \$158,000 in 2023 and \$129,000 through the
4 first three quarters of 2024 through the program. Illinois likewise participates in this program
5 and receives federal funds for each record transmitted.

6 43. State law also relies on the basic constitutional principle that a person born in the
7 territorial United States is an American citizen. For example, Arizona has unique and
8 complicated proof of citizenship requirements for voter registration. Birth certificates play an
9 important role in this process. One of the documents that qualifies as “satisfactory evidence of
10 citizenship” for voter registration in Arizona is “the applicant’s birth certificate that verifies
11 citizenship to the satisfaction of the county recorder.” Ariz. Rev. Stat. § 16-166(F)(2). Another
12 document that qualifies as “satisfactory evidence of citizenship” for voter registration in Arizona
13 is a “driver license” number, if the driver license indicates that the applicant previously submitted
14 proof of citizenship to the Arizona Department of Transportation or equivalent agency of another
15 state. Ariz. Rev. Stat. § 16-166(F)(1). Applicants often use their birth certificate to meet this
16 requirement.

17 44. If a U.S. birth certificate were to stop being sufficient for proof of citizenship,
18 voter registration in Arizona would become substantially more difficult and time-consuming.
19 This is because election officials in Arizona would face a dilemma each time a prospective voter
20 submits a birth certificate or driver license number. Under current registration procedures, the
21 assumption is that these kinds of documents prove U.S. citizenship, and nothing further is
22 required. Without this assumption, a new and more complex set of procedures would need to be
23 developed to try to identify which birth certificates, and driver license numbers qualify as proof
24 of U.S. citizenship.
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1 **B. The President Acted Without Legal Authority in Purporting to Strip Individuals of**
2 **Their U.S. Citizenship**

3 45. President Trump’s public statements make clear that he wishes to end birthright
4 citizenship purely as a policy tactic to purportedly deter immigration to the United States.
5 Despite a president’s broad powers to set immigration policy, the Citizenship Stripping Order
6 falls far outside the legal bounds of the president’s authority.

7 46. During his most recent campaign for President, for example, then-candidate
8 Trump made clear that an Executive Order would issue “[o]n Day One” to “stop federal agencies
9 from granting automatic U.S. citizenship to the children of illegal aliens.”⁸ As he explained, the
10 goal is for this Executive Order to “eliminate a major incentive for illegal immigration,
11 discourage future waves of illegal immigration to exploit this misapplication of citizenship, and
12 encourage illegal aliens in the U.S. to return home.”⁹ He explained that the Executive Order
13 would do this by instructing agencies not to issue passports, Social Security numbers, and
14 otherwise have the federal government treat those children as non-citizens.

15 47. After the 2024 election, President-Elect Trump continued to state that birthright
16 citizenship should be ended. In December 2024, for example, President-Elect Trump again
17 promised an executive order “directing federal agencies to require a child to have at least one
18 parent be either a U.S. citizen or legal permanent resident to automatically become a U.S.
19 citizen.”¹⁰

20 48. The Citizenship Stripping Order is the promised Executive Order. It declares that
21 U.S. citizenship “does not automatically extend to persons born in the United States” if (1) the
22 individual’s mother is “unlawfully present in the United States” and the father “was not a citizen
23 or lawful permanent resident at the time of said person’s birth”; or (2) the “person’s mother’s

24 _____
25 ⁸ Available at: <https://www.donaldjtrump.com/agenda47/agenda47-day-one-executive-order-ending-citizenship-for-children-of-illegals-and-outlawing-birth-tourism>, attached as Ex. F.

26 ⁹ *Id.*

¹⁰ Available at: <https://www.wsj.com/politics/policy/trump-birthright-citizenship-executive-order-battle-0900a291>, attached as Ex. G.

1 presence in the United States at the time of said person’s birth was lawful but temporary . . . and
2 the father was not a United States citizen or lawful permanent resident at the time of said person’s
3 birth.” The Citizenship Stripping Order affects at least hundreds of thousands of newborns in the
4 United States, including those who are born to two undocumented parents.

5 49. The Order states that, effective in 30 days, it is the “policy of the United States”
6 that no department or agency of the federal government recognize as U.S. citizens persons within
7 those categories. The Order directs the Secretary of State, the Attorney General, the Secretary of
8 Homeland Security, and the Commissioner of Social Security to “take all appropriate measures
9 to ensure that the regulations and policies of their respective departments and agencies are
10 consistent with this order[.]” The Order further directs that “the heads of all executive
11 departments and agencies shall issue public guidance within 30 days of the date of this order
12 regarding this order’s implementation with respect to their operations and activities.” This
13 includes Defendants USDA and HHS.

14 50. The Constitution does not empower the President to set rules regarding
15 citizenship at birth.

16 51. The Constitution does not empower the President to condition citizenship at birth
17 on the citizenship or immigration status of one’s parents.

18 52. The Constitution does not empower the President to unilaterally amend the
19 Fourteenth Amendment.

20 53. The Constitution does not empower the President to grant or deny citizenship to
21 individuals born in the United States.

22 54. The Constitution and federal law confer automatic citizenship to individuals born
23 in the United States and subject to its jurisdiction. The Constitution removes control over the
24 grant of birthright citizenship from the category of legitimate policy options the President and
25 Congress may exercise to address immigration policy issues. As the Office of Legal Counsel
26 explained when discussing the unconstitutionality of such proposals: “In short, the text and

1 legislative history of the citizenship clause as well as consistent judicial interpretation make clear
2 that the amendment's purpose was to remove the right of citizenship by birth from transitory
3 political pressures." 19 U.S. Op. Off. Legal Counsel 340, 1995 WL 1767990, at *5.

4 **C. United States Citizens Are Entitled to All Rights and Benefits of Citizenship as**
5 **Defined by Law**

6 55. United States citizens are entitled to a broad array of rights and benefits as a result
7 of their citizenship. Withholding citizenship or stripping individuals of their citizenship will
8 result in an immediate and irreparable harm to those individuals and to the Plaintiff States.

9 56. For example, natural born United States citizens are not subject to deportation
10 from the United States. Relatedly, they are entitled to obtain a U.S. passport and may travel
11 abroad for an unlimited period of time and with unlimited frequency without risk of being denied
12 re-entry to the United States. Such travel may be needed to visit family, receive healthcare, travel
13 for work or pleasure, or for many other reasons.

14 57. Individuals over 18 years of age who are United States citizens are eligible to
15 vote in federal, state, and local elections. U.S. Const. amend. XXVI; Wash. Const. art. VI, § 1;
16 Ariz. Const. art. VII, § 2; Or. Const. art. II, § 2; Ill. Const. art III, § 1. The right to vote is a
17 fundamental political right.

18 58. Individuals over 18 years of age who are United States citizens are eligible to
19 serve on federal and state juries. 28 U.S.C. § 1865(b)(1); Wash. Rev. Code § 2.36.070; Ariz Rev.
20 Stat. § 21-202(1); Or. Rev. Stat. Ann. § 10.030(2)(c); 705 ILCS 305/1(a).

21 59. Individuals who are United States citizens may petition for immigration status for
22 family members including spouses, children, parents, and siblings. *See* 8 U.S.C.
23 §§ 1151(b)(2)(A)(i), 1153(a).

24 60. Individuals who are natural born United States citizens are eligible for election to
25 the offices of President and Vice President of the United States. U.S. Const. art. II, § 1; U.S.
26 Const. amend. XXII.

1 61. Individuals who are United States citizens are eligible for election to the United
2 States House of Representatives and the United States Senate, and to certain state offices. U.S.
3 Const. art I, §§ 2-3; Wash. Const. art. II, § 7, art. III, § 25; Ariz. Const. art. IV pt. 2 § 2, art. V §
4 2; Or. Const. art. V, § 2, art. IV, § 8; Or. Rev. Stat. Ann. § 204.016(1); Ill. Const. art. V, § 3,
5 art. 4.

6 62. Individuals who are United States citizens or nationals are eligible for
7 appointment to competitive service federal jobs. Executive Order 11935 (Sept. 2, 1976); 5 C.F.R.
8 § 7.3(b).

9 63. Depending on immigration or citizenship status, residents of Plaintiff States may
10 also be eligible to participate in a number of federal and state programs that ensure the health
11 and welfare of individuals, families, and communities. Those include programs administered by
12 the Plaintiff States and funded by federal and state dollars. These programs provide healthcare
13 coverage for newborns and children, foster care and custodial services for children in need, and
14 other forms of social and economic assistance to those in need.

15 64. Longer term, a child stripped of birthright citizenship who remains
16 undocumented will face effects of a lack of legal status over their lifespan. While U.S. citizens
17 of sufficient age are authorized to work in the United States, only non-citizens granted particular
18 immigration statuses are or can be authorized to work. *See* 8 C.F.R. § 274a.12. A noncitizen who
19 is unlawfully present is ineligible for employment authorization, affecting their lifetime earning
20 potential and job opportunities. Undocumented individuals are not eligible for federal student
21 financial aid, affecting their educational opportunities. Research also shows that undocumented
22 individuals are more likely to report greater depression, social isolation, longer hospital stays,
23 and higher levels of stress.

24 65. A person without legal immigration status is not generally eligible to be issued a
25 social security number. *See* 20 C.F.R. § 422.107. This creates cascading barriers to basic needs
26 and milestones, such as accessing traditional mortgages or banking services, as well as eligibility

1 for federal housing programs, among other things. Likewise, undocumented individuals are not
2 eligible for a REAL ID Act compliant driver's license or identification card, which will be
3 required for all air travel, including domestic flights, as of May 7, 2025. *See* 49 U.S.C. § 30301.

4 **D. Plaintiff States Will be Irreparably Injured by Defendants' Citizenship Stripping**
5 **Order**

6 66. The Plaintiff States will be immediately and irreparably injured by Defendants'
7 Citizenship Stripping Order separate and apart from the grievous harms its residents will suffer
8 as a result of the Order.

9 67. As noted above, in Washington in 2022 alone, approximately 7,000 United States
10 citizen children were born to mothers who lacked legal status and approximately 4,000 United
11 States citizen children were born to two parents who lacked legal status. This is a conservative
12 estimate of the number of children affected by the Citizenship Stripping Order, and the full
13 number of children affected will be greater.

14 68. In Arizona in 2022 alone, approximately 6,000 United States citizen children
15 were born to mothers who lacked legal status and approximately 3,400 United States citizen
16 children were born to two parents who were non-citizens and lacked legal status. This is a
17 conservative estimate of the number of children affected by the Citizenship Stripping Order, and
18 the full number of children affected will be greater.

19 69. In Illinois in 2022 alone, approximately 9,100 United States citizen children were
20 born to mothers who lacked legal status and approximately 5,200 United States citizen children
21 were born to two parents who were non-citizens and lacked legal status. This is a conservative
22 estimate of the number of children affected by the Citizenship Stripping Order, and the full
23 number of children affected will be greater.

24 70. In Oregon in 2022 alone, approximately 2,500 United States citizen children were
25 born to mothers who lacked legal status and approximately 1,500 United States citizen children
26 were born to two parents who were non-citizens and lacked legal status. This is a conservative

1 estimate of the number of children affected by the Citizenship Stripping Order, and the full
2 number of children affected will be greater.

3 71. The Plaintiff States administer numerous programs for the benefit of their
4 residents, including for newborns and young children, some of whom are wards of the Plaintiff
5 States who are entitled to care by statute. Some of these programs are funded in part by federal
6 dollars, with federal funding frequently tied to the citizenship and immigration status of the
7 individuals served. As detailed below, stripping individuals of their citizenship and rendering
8 them without a qualifying immigration status will render them ineligible to receive federally
9 funded benefits, leaving them to rely on state-only funded benefits and services that the Plaintiff
10 States must provide, and causing direct, immediate, and measurable financial harm to Plaintiff
11 States.

12 72. The Medicaid and CHIP health insurance programs were created by federal law
13 and are jointly funded by the federal and state governments. Medicaid provides health insurance
14 for individuals, including children, whose household incomes fall below certain eligibility
15 thresholds that vary slightly by state. CHIP is a program through which health insurance
16 coverage is provided for children whose household incomes exceed the eligibility thresholds for
17 Medicaid but fall below a separate threshold. The federal government pays states a percentage
18 of program expenditures for individuals enrolled in Medicaid and CHIP. This percentage varies
19 by program, state, covered population, and service, but generally ranges between 50 and 90
20 percent of the total expenditure.

21 73. Only individuals who are U.S. citizens or have a qualifying immigration status
22 are eligible for Medicaid and CHIP except for certain emergency medical services that must be
23 provided and can be covered under Medicaid where the individual is otherwise qualified but for
24 their immigration or citizenship status. 8 U.S.C. § 1611(a), (c)(1)(B); 8 U.S.C. § 1612(b)(3)(C);
25 42 C.F.R. § 435.406. In all Plaintiff States, children who would be eligible for Medicaid or CHIP
26 but for the fact that they are not United States citizens or qualifying noncitizens are eligible for

1 certain health insurance or emergency services that are funded entirely by the State. The
2 Citizenship Stripping Order will therefore result in newborn children who would otherwise be
3 eligible for federally funded Medicaid or CHIP instead being enrolled in entirely state-funded
4 health care programs or provided entirely state-funded healthcare services, transferring the cost
5 for their health care to the States and causing a direct loss of federal funding. And for some
6 Plaintiff States, those State-funded services may be underfunded or restricted to emergency care
7 only, resulting in newborns and children not receiving regular or preventative care and ultimately
8 leading to more expensive emergency care in the long term.

9 74. One example is Washington's programs for ensuring healthcare coverage for its
10 most vulnerable residents. The Washington State Health Care Authority (HCA) is the designated
11 single state agency responsible for administering Washington's Medicaid program and CHIP. In
12 Washington, Medicaid is called Apple Health. Coverage programs for children are provided
13 under the name Apple Health for Kids and serve all kids regardless of immigration status up to
14 317 percent of the Federal Poverty Limit (FPL). Between 215 and 317 percent of the FPL, for
15 children who are citizens or qualified and authorized immigrants, the funding for this coverage
16 comes through CHIP, and households pay a minimal premium for children's coverage. Below
17 that range, for children who are citizens or qualified and authorized immigrants, funding for
18 coverage is provided through Medicaid. Under federal law, HCA must provide Medicaid and
19 CHIP coverage to citizens and qualified noncitizens whose citizenship or qualifying immigration
20 status is verified and who are otherwise eligible. For those children who would be eligible but
21 for their lack of citizenship or a qualifying immigration status, the State provides coverage
22 through what is called the Children's Health Plan (CHP).

23 75. As of December 2024, HCA administers federally-backed Medicaid and CHIP
24 funded coverage for more than 860,000 children in Washington. HCA estimates that coverage
25 on a per-child basis costs approximately \$2,844 per year on average for physical health care
26 coverage alone. For this coverage, Washington expended approximately \$2.37 billion with

1 approximately \$1.3 billion coming from the federal government under Medicaid and CHIP. With
2 respect to the division of funding in Washington, health coverage provided through CHIP
3 generally receives a 65 percent federal match rate as opposed to Medicaid’s 50 percent federal
4 match rate.

5 76. If deemed ineligible because they are no longer United States citizens, children
6 enrolled in CHIP who do not meet the income eligibility guidelines for Medicaid would be left
7 without health coverage unless Washington provides it using only state funding—even for
8 emergency medical care that hospitals (including State-operated hospitals) are required by
9 federal law to provide. *See, e.g.*, 42 U.S.C. § 1395dd. The result would be that federal law would
10 *require* State-providers, like UW Medicine’s Harborview hospital, to provide emergency and
11 other care, but *withhold* federal contribution for that care at the normal CHIP rates. Washington
12 would provide coverage to these individuals using State-only funds, and therefore be required to
13 spend substantial funds it otherwise should receive from the federal government through the
14 CHIP program.

15 77. The CHIP program also enables certain healthcare services to be provided to
16 children prior to birth in the form of prenatal care for their mother, regardless of the mother’s status.
17 Under CHIP, a child is defined as “an individual under age 19 including the period from conception
18 to birth.” 42 C.F.R. § 457.10. In Washington, children are eligible at conception for prenatal care
19 through CHIP. This prenatal care coverage is provided regardless of the immigration status of the
20 mother because the child is assumed to be a U.S. citizen. In State Fiscal Year 2025, Washington
21 expects to receive \$161.5 million in federal CHIP funding to provide prenatal health care to children
22 born in Washington to mothers ineligible for Medicaid and CHIP.

23 78. Certain children born whose health care would have been covered through
24 Medicaid or CHIP as U.S. citizens will become ineligible for those programs because they are
25 no longer deemed U.S. citizens or qualifying noncitizens under the Citizenship Stripping Order.
26 This poses an immediate risk to HCA’s federal funding stream used to provide healthcare

1 coverage to vulnerable Washington newborns and children. In state fiscal year 2022, for
2 example, there were more than 4,000 children born to unauthorized and non-qualifying mothers
3 whose labor and delivery was covered by Emergency Medicaid. Those children, by being born
4 in the United States and deemed citizens, were eligible for federally-backed coverage. If this
5 number of children became ineligible due to a loss of citizenship and moved to the State-funded
6 CHP coverage, however, that will result in a loss of \$6.9 million in federal reimbursements to
7 Washington and a corresponding increase to State expenditures of the same amount, based on
8 the current expenditures for the complete physical and behavioral health package of benefits.

9 79. In Arizona, in 2024 there were 4,519 births paid for by the Federal Emergency
10 Services Program (FES births). For each of these births, the parent's household income fell under
11 133% of the Federal Poverty Level and the parent would have been eligible for Title XIX
12 (Medicaid) if they were U.S. citizens or "lawfully residing." However, because these children
13 were born in the United States, the children were eligible for Medicaid and qualified for
14 Arizona's Medicaid program, the Arizona Health Care Cost Containment System (AHCCCS),
15 but they would not be eligible if birthright citizenship were removed. If each of these children
16 became ineligible for AHCCCS until 18, using FFY2026 figures for FMAP of 64.34% (federal
17 match) and capitation rates, then this would likely cost the State \$39,400 in federal revenue per
18 child used to pay \$61,300 in total capitation payments over the first 18 years of that child's life.

19 80. In addition, based on current data, AHCCCS estimates that approximately 3,126
20 births each year are for children whose family income are low enough to make them eligible for
21 Title XXI (KidsCare) under birthright citizenship, but who would not be eligible if birthright
22 citizenship were removed. And given the scope of the Executive Order, the number of children
23 affected will likely be higher.

24 81. Removing birthright citizenship from the above 7,645 (4,519 + 3,126) children
25 would reduce federal revenues to Arizona by \$321,844,600 used to pay \$468,638,500 in total
26 capitation payments over the first 18 years of the children's lives. This amount is only for the

1 first “cohort” of children and only through their first 18 years of life. Each year additional
2 children would be born, adding to the lost revenue.

3 82. In Illinois, the Department of Healthcare and Family Services (HFS) is
4 responsible for administering Illinois’s Medicaid program and CHIP. HFS currently administers
5 federally-backed Medicaid and CHIP funded coverage for over 1 million children in Illinois.
6 Some of those children—children whose health care would have been covered through Medicaid
7 or CHIP as U.S. citizens—will become ineligible for those programs because they are no longer
8 deemed U.S. citizens or qualifying noncitizens under the Citizenship Stripping Order. That
9 threatens the federal funds that HFS uses to provide healthcare coverage to vulnerable Illinois
10 newborns and children and risks transferring the cost for their health care to Illinois.

11 83. Similarly, Plaintiff States’ child welfare systems are funded in part through an
12 annual appropriation based on an open-ended formula grant entitlement operated by the U.S.
13 Department of Health and Human Services Federal Foster Care Program, known as “Title IV-
14 E.” For example, in Federal Fiscal Year 2024, Washington received approximately \$219 million
15 in federal Title IV-E funding.

16 84. The Title IV-E grant amount is awarded to partially reimburse the States’
17 expenditures on allowable uses of funds for the direct costs of supporting eligible children in
18 foster care. The States receive no Title IV-E funding for the costs to care for foster children who
19 do not meet Title IV-E eligibility. Children who are neither citizens nor qualifying noncitizens,
20 which will include children who would be natural-born U.S. citizens but for the Citizenship
21 Stripping Order, are not covered by Title IV-E. 8 U.S.C. §§ 1611(a), (c)(1)(A).

22 85. Plaintiff States also receive federal funding under Title IV-E for certain program
23 administrative costs based in part on the number of children eligible for Title IV-E. Washington’s
24 Department of Children, Youth, and Families (DCYF) receives reimbursements for foster care
25 maintenance, adoption support, guardianship support, and associated legal, administrative, and
26 training costs. Therefore, any decrease in the number of foster children who are Title IV-E

1 eligible will reduce federal funding to States for foster care and related programs. As a result of
2 the Citizenship Stripping Order, fewer children will be eligible for welfare and support services
3 and Plaintiff States will suffer a negative financial impact to their child welfare programs.

4 86. Washington's DCYF foster care services provide support for children and
5 families when they may be most vulnerable and ensures that children have the tools they need
6 to succeed. In Washington, those services will often be provided for a long period of time—the
7 median length of stay for a child in out-of-home care is nearly two years. If that child is ineligible
8 for Title IV-E because they are not a citizen, DCYF cannot receive federal reimbursements for
9 any of the services they provide to that child. And any decrease in Title IV-E funding means that
10 DCYF will have fewer resources to help all of the children it serves, including children whose
11 citizenship status is unaffected by the Citizenship Stripping Order.

12 87. Arizona's Department of Child Services (DCS) also relies on Title IV-E funding
13 and operates on a limited budget appropriated by the State Legislature. The Citizenship Stripping
14 Order will cause DCS to lose material amounts of federal funding that it would use for foster
15 care maintenance payments for those children, as well as reimbursement for administrative
16 expenses associated with their care.

17 88. Illinois Department of Child and Family Services (DCFS) also relies on Title IV-
18 E funding. The guaranteed reduction in Title IV-E funding—as well as other federal
19 reimbursements—that will result from the Citizenship Stripping Order will have a meaningful
20 effect and strain on DCFS's ability to fulfill its statutory mandate to provide care to the wards in
21 its custody.

22 89. The loss of federal funding and reimbursement will have other significant and
23 negative ripple effects on the Plaintiff States. For example, in Arizona, DCS prioritizes kinship
24 placements for the children within its custody. In kinship placements, children are placed in the
25 homes of relatives or individuals with a significant relationship to the children. Placements with
26 relatives and kin provides children with more stability by maintaining connections to

1 neighborhood, community, faith, family, tribe, school and friends. A family's willingness and
2 ability to accept a kinship placement is often dependent on the family's ability to receive
3 financial and resource assistance from DCS. If fewer children are considered U.S. citizens and
4 therefore are ineligible for these vouchers and resources, DCS will not be able to provide the
5 same assistance to support relative and kinship placements, and the number of these placements
6 will decrease. That will harm these already-vulnerable children. It will also increase costs for
7 DCS, which will have to place those same children in group homes, which are significantly more
8 expensive.

9 90. Because the benefit is to the child, not the caregiver, an increase of children
10 without legal status in DCS care will also impact community foster homes. Community foster
11 homes may not be willing to take placement of a child if they are not able to receive benefits like
12 child care assistance. Many community foster caregivers work outside of the home and rely on
13 child care assistance to pay for care while they work.

14 91. Plaintiff States will also suffer a direct and immediate loss of federal
15 reimbursements that they receive for every SSN that is assigned to a child born in their state
16 through the Enumerated at Birth (EAB) program. Pursuant to this program, Plaintiff States are
17 under contract with the SSA to collect and transmit to the SSA certain birth information on behalf
18 of parents who wish to obtain an SSN for their newborn child. For their services under this
19 program, the States receive a payment from SSA of approximately \$4.19 per assigned SSN.
20 These funds are used to support general administrative expenses for state agencies beyond the
21 cost of transmitting SSN applications to SSA.

22 92. As noted above, each year, the Citizenship Stripping Order is likely to impact—
23 at a bare minimum—at least 4,000 children born in Washington; 3,400 children born in Arizona;
24 5,200 children born in Illinois; and 1,500 children born in Oregon. Those children will therefore
25 be ineligible for SSNs, which in turn will cause the Plaintiff States to suffer an immediate
26 decrease in the number of SSNs assigned and payments received through the EAB program. For

1 example, withholding issuance of approximately 4,000 SSNs through the EAB process will
2 cause Washington to lose approximately \$16,000 per year at a minimum, because of the
3 Citizenship Stripping Order's direction to SSA to stop issuing SSNs to these children.
4 Withholding issuance of approximately 3,400 SSNs through the EAB process will cause Arizona
5 to lose approximately \$14,000 per year at a minimum, because of the Citizenship Stripping
6 Order's direction to SSA to stop issuing SSNs to certain children. Withholding issuance of
7 approximately 5,200 SSNs through the EAB process will cause Illinois to lose approximately
8 \$21,000 per year at a minimum. And withholding issuance of approximately 1,500 SSNs through
9 the EAB process will cause Oregon to lose approximately \$6,200 per year at a minimum, because
10 of the Citizenship Stripping Order's direction to SSA to stop issuing SSNs to certain children.

11 93. As noted above, the Citizenship Stripping Order will also harm Arizona's ability
12 to implement its voter registration laws aimed at ensuring that only citizens register to vote.

13 94. The Citizenship Stripping Order will immediately begin to upend administrative
14 and operational processes within the Plaintiff States. States must immediately alter their systems
15 for verifying which children they serve are eligible for federal reimbursement programs like
16 Medicaid, CHIP, and Title IV-E; operationalize those altered systems; and plan for the fiscal
17 impact of losing substantial federal funding that the Plaintiff States rely on receiving to support
18 a range of programs.

19 95. In Washington, for example, agencies rely on birthright citizenship in their
20 internal processes to determine eligibility for federal programs. This includes Washington's
21 HCA, which administers Washington's Medicaid and CHIP programs. The Citizenship Stripping
22 Order will require HCA to develop updated training and guidance for staff, partners, and health
23 care providers across Washington about which children are citizens and therefore eligible for
24 Medicaid and CHIP. HCA anticipates this will take at least seven to eight full-time employees
25 around two to three years to make these changes. These updates may then require training for up
26 to 2,000 staff, on top of coordination with external community partners. Similarly, the

1 Citizenship Stripping Order requires health care providers like UW Medicine to immediately
2 update their understanding of how to assess coverage to assist patients and parents in
3 understanding and navigating applications for coverage, when those parents may have a due date
4 in just a few weeks.

5 96. Washington's DCYF likewise relies on birthright citizenship to determine which
6 services it may receive reimbursement for. Federal law requires DCYF to verify citizenship
7 status of children it serves as a part of determining Title IV-E eligibility. Currently, the primary
8 method of citizenship verification is through birth certificates issued by other state agencies.
9 DCYF relies on those birth certificates to determine whether children are eligible for Title IV-
10 E, and DCYF's services for children may begin as soon as they are born. The Citizenship
11 Stripping Order requires DCYF to amend its processes, trainings, and materials to make any
12 Title IV-E eligibility determinations. That will take staff time that would have been spent on
13 other projects to better serve children and families in Washington.

14 97. Washington's DOH also faces uncertainty and substantial administrative burdens
15 under the Citizenship Stripping Order. DOH cannot modify State's newborn registration process
16 immediately. Instead, doing so will require substantial operational time, manpower resources,
17 and technological resources from DOH and healthcare facilities in Washington. Indeed, because
18 more than 80,000 babies are born every year in Washington, DOH anticipates that any required
19 updates to the birth registration process or birth certificates in Washington will impose serious
20 burdens on DOH that it is not currently equipped to handle, as DOH has no way of determining
21 the immigration status or citizenship of every newborn (or their parents).

22 98. Similarly, in Arizona, the State's Medicaid program, AHCCCS, is jointly funded
23 by the federal and state governments for individuals and families who qualify based on income
24 level. AHCCCS does not currently rely on a Social Security Number or parental immigration
25 status to determine eligibility. Newborns are automatically approved for benefits through an
26 automated process when a mother living in Arizona on AHCCCS gives birth. Citizenship is

1 considered automatically verified if the child’s birth is verified through this method since they
2 are born in the United States. If this methodology no longer applied, AHCCCS would need to
3 update its eligibility policy and update three systems it uses: HEAPlus, PMMIS and AHCCCS
4 Online. This would take approximately 12 months to implement the change. Based on the
5 complexity of the potential update, the expense to change HEAPlus would be approximately \$1
6 million to \$2.5 million and would take about 12 months to develop. In addition, it would cost
7 \$1.3-1.9 million to update PMMIS and AHCCCS Online.

8 99. The Illinois Department of Public Health (IDPH) will also face substantive
9 administrative burdens under the Citizenship Stripping Order in order to modify its newborn
10 registration process immediately. IDPH would need to create systems for state-run healthcare
11 facilities to use to verify parents’ immigration statuses for purposes of issuing birth certificates
12 and applying for a newborn’s SSN. This would require training and hiring of staff and would
13 potentially cause delays in the registration and issuance of a newborn’s birth certificate.

14 100. In Oregon, the sudden need to collect proof of citizenship information from
15 parents at the birth of a child will cause the state to incur the expense of training its employees
16 and staff at Oregon hospitals on new protocols.

17 101. In sum, the Citizenship Stripping Order, if allowed to stand, will work direct and
18 substantial injuries to Washington, Arizona, Illinois, and Oregon, in addition to their residents.

19 **V. FIRST CAUSE OF ACTION**
20 **(Fourteenth Amendment – Citizenship Clause)**

21 102. Plaintiff States reallege and incorporate by reference the allegations set forth in
22 each of the preceding paragraphs.

23 103. The Fourteenth Amendment declares: “All persons born or naturalized in the
24 United States and subject to the jurisdiction thereof, are citizens of the United States and of the
25 State wherein they reside.”
26

1 104. Section 2 of the Citizenship Stripping Order states that Defendants will not
2 recognize United States citizenship of children when (1) the individual’s mother is “unlawfully
3 present in the United States” and the father “was not a citizen or lawful permanent resident at
4 the time of said person’s birth”; or (2) the “person’s mother’s presence in the United States at
5 the time of said person’s birth was lawful but temporary . . . and the father was not a United
6 States citizen or lawful permanent resident at the time of said person’s birth.”

7 105. Section 3 of the Citizenship Stripping Order requires Defendants to “take all
8 appropriate measures to ensure” that Defendant agencies do not recognize the citizenship of
9 certain United States citizens.

10 106. The Citizenship Stripping Order expressly violates the Fourteenth Amendment’s
11 guarantee of birthright citizenship to all individuals born in the United States and subject to the
12 jurisdiction thereof.

13 107. The President has no authority to override or ignore the Fourteenth Amendment’s
14 Citizenship Clause or otherwise amend the Constitution, and therefore lacks authority to strip
15 individuals of their right to citizenship.

16 108. The Citizenship Stripping Order will cause harm to Washington, Arizona,
17 Illinois, Oregon, and the residents of each Plaintiff State.

18 **VI. SECOND CAUSE OF ACTION**
19 **(Immigration and Nationality Act – 8 U.S.C. § 1401)**

20 109. Plaintiff States reallege and incorporate by reference the allegations set forth in
21 each of the preceding paragraphs.

22 110. Section 1401 of the Immigration and Nationality Act states that “a person born in
23 the United States, and subject to the jurisdiction thereof” “shall be [a] national[] and citizen[] of
24 the United States at birth.” 8 U.S.C. § 1401(a).

25 111. Section 2 of the Citizenship Stripping Order states that Defendants will not
26 recognize United States citizenship of children when (1) the individual’s mother is “unlawfully

1 present in the United States” and the father “was not a citizen or lawful permanent resident at
2 the time of said person’s birth”; or (2) the “person’s mother’s presence in the United States at
3 the time of said person’s birth was lawful but temporary . . . and the father was not a United
4 States citizen or lawful permanent resident at the time of said person’s birth.”

5 112. Section 3 of the Citizenship Stripping Order requires Defendants to “take all
6 appropriate measures to ensure” that Defendant agencies do not recognize the citizenship of
7 certain United States citizens.

8 113. The Citizenship Stripping Order expressly violates Section 1401’s guarantee of
9 birthright citizenship to all individuals born in the United States and subject to the jurisdiction
10 thereof.

11 114. The President has no authority to override Section 1401’s statutory guarantee of
12 citizenship, and therefore lacks any authority to unilaterally strip individuals of their right to
13 citizenship.

14 115. The Citizenship Stripping Order will cause harm to Washington, Arizona,
15 Illinois, Oregon, and the residents of each Plaintiff State.

16 **VII. PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff States pray that the Court:

18 a. Declare that the Citizenship Stripping Order is contrary to the Constitution and
19 laws of the United States;

20 b. Temporarily restrain and enjoin Defendants from implementing or enforcing the
21 Citizenship Stripping Order, pending further orders from this Court;

22 c. Pursuant to Federal Rule of Civil Procedure 65(b)(2), set an expedited hearing
23 within fourteen (14) days to determine whether the Temporary Restraining Order should be
24 extended; and

25 d. Award such additional relief as the interests of justice may require.
26

1 DATED this 21st day of January 2025.

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