

Immigration, Citizenship, and Voting Rights in the Second Trump Administration

By: Andrew Kruck

On April 1st, the Supreme Court heard oral arguments in *Barbara v. Trump*, a case that revolves around an executive order Trump issued on the first day of his second term titled [“Protecting the Meaning and Value of American Citizenship.”](#) Since issuing that executive order, the second Trump Administration has continued to target undocumented immigrants through policy and executive actions. Trump’s touted “One Big Beautiful Bill Act” [stripped benefits](#), including tax credits, access to health insurance, and nutritional aid, from lawfully present immigrants while more than quadrupling the budget for the U.S. immigration detention system. In December 2025, Operation Metro Surge [sent 3,000 federal immigration agents into Minnesota](#), targeting Somali immigrants in the state with immigration enforcement even though [more than 90% of Minnesotans with Somali ancestry are U.S. citizens](#).

Barbara v. Trump is only one of [numerous](#) lawsuits challenging the second Trump Administration’s immigration policy, but the sweeping nature of the executive order it challenges makes the case particularly important. As written, the executive order would revoke the right to citizenship from two sweeping categories of American citizens. First, the executive order would potentially [strip citizenship](#) from citizens whose parents were not American citizens and were not in the United States legally. The second category includes American citizens whose citizenship comes from so-called [birth tourism](#), when someone expecting a child travels to the United States legally to give birth on American soil. The Trump administration claims that the executive order will not affect existing citizens, and the order explicitly states that it applies only to children [born after February 19, 2025](#). However, if the Supreme Court sides with the administration, it will have laid the legal groundwork for Trump to go further.

The Trump administration is unlikely to win its case in *Barbara v. Trump*. In 1898, the Supreme Court held in *United States v. Wong Kim Ark* that even though Mr. Wong’s parents had not been American citizens, [his birth on American soil made him an American citizen](#). The administration’s current case would ask the Supreme Court to abandon—or at least substantially reinterpret—a doctrine that is more than a century old. At the District Court level, Judge John C. Coughenour called the executive order [“blatantly unconstitutional”](#) in 2025, citing the [Fourteenth Amendment’s language](#) that “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.” Just before oral arguments began, the attorneys general of almost half of the states issued a joint

statement [affirming birthright citizenship](#). While neither of these precludes the Supreme Court from siding with the administration, they underscore the importance of the existing doctrine of birthright citizenship. We likely will not have the Supreme Court's decision in *Barbara v. Trump* until [late June or early July](#), but the tenor of the Justices' questions during oral arguments suggested [skepticism toward the administration's arguments](#).

Even if the executive order is struck down, it will still impact the rights of the citizens it targets. Since returning to office, Trump has [pursued a "shock and awe" strategy](#) of threatening mass deportations and sweeping anti-immigration actions. Even amid legal challenges, that strategy creates fear and may suppress targeted citizens' ability to vote. With the 2026 midterms on the horizon, Trump's Republican Party [lags behind Democrats](#) in some polls. "Roughly [10% of the U.S. electorate](#)" is made up of immigrants, and immigrants and their children tend to [skew towards the Democratic Party](#).

As the administration continues to push for the SAVE Act, which would [require voters to provide proof of citizenship](#) to vote, proof that millions of Americans do not have ready access to. [More than 140 million Americans do not have passports](#), and commonly used ID documents, such as drivers' licenses, including "Real ID" licenses, [would not satisfy the SAVE Act's requirements](#). The provisions of the SAVE Act would effectively disenfranchise tens of millions of Americans who would struggle to provide the required documentation. The act would also have a disproportionate impact on [nearly seventy million married women](#) who do not have birth certificates matching their legal name and would thus face even more hurdles to proving their identity. These barriers are allegedly aimed at preventing voter fraud, but [voter fraud is exceedingly uncommon in the United States](#), and has "[never impacted the outcome of a U.S. election](#)." The impact of the SAVE Act would not make elections meaningfully more secure than they are now. Its real impact would be mass disenfranchisement, making it harder for citizens to speak up against the administration's attacks on birthright citizenship and other groups.

The SAVE Act is currently under debate in the Senate, and the President has also issued an executive order to [create a nationwide list of eligible voters](#). Even if the Supreme Court does not side with the administration in *Barbara v. Trump*, the administration's efforts to question the citizenship of immigrants and their children, as well as to require proof of citizenship to vote, play into a broader [strategy of intimidation](#) aimed at voters who oppose the president. Already, federal immigration authorities have [intimidated workers](#) out of engaging in their public life normally, and the intimidation has also [extended to legal observers](#) of the administration's immigration enforcement actions. In an election year, and especially one where early polling is not in the President's favor, this intimidation will have real costs for citizens' rights to vote and for the integrity of the midterm elections.

Finally, it is important to remember that even if the Supreme Court strikes down Trump's executive order in *Barbara v. Trump*, millions of people who lack the benefits of citizenship will continue to be affected by the administration's policies. As of February 7th, [more than sixty-eight](#)

[thousand people were in U.S. immigration detention](#), three-quarters of whom have no criminal record, and even more of whom only have convictions for minor offenses such as traffic violations. In January, a Minnesota Judge reported that Immigration and Customs Enforcement had [violated nearly one hundred court orders](#) in the prior month. The administration's continuing intransigence surrounding immigration enforcement cases has even led to a Department of Justice lawyer being [ejected from court](#) in New Jersey.

If the Supreme Court upholds the precedent of *United States v. Wong Kim Ark*, the threat against birthright citizens will be blunted. But it is important to keep in mind the executive branch's ongoing refusal to cooperate with courts, and that those who do not have the protection of citizenship continue to be targeted even when they are in the United States legally. Our democratic system is premised on equal protection under the law. In its attacks on birthright citizenship, its repeated refusal to cooperate with the judicial system, and its ongoing campaign against non-citizens, the second Trump Administration is undermining the protections and promises that are the foundation of American democracy.