

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION**

CASA, INC. *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Case No.: 8:25-cv-00201-DLB
Honorable Deborah L. Boardman

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiffs, by and through their undersigned counsel, hereby move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a temporary restraining order and preliminary injunction enjoining the enforcement of Defendant President Donald J. Trump's Executive Order entitled "Protecting the Meaning and Value of American Citizenship" (January 20, 2025). As set forth in the attached memorandum of law, the Executive Order violates the plain language of the Fourteenth Amendment and 8 U.S.C. § 1401(a) and conflicts directly with binding Supreme Court precedent. Plaintiffs respectfully request that this Court issue a temporary restraining order and preliminary injunction to prevent the imminent violation of Constitutional rights and prevent irreparable harm to Individual Plaintiffs, Organizational Plaintiffs' members, and their future children, and to maintain the status quo for babies being born within the United States to parents who are covered

by the Executive Order. In support of this motion, Plaintiffs submit the attached memorandum of law and accompanying exhibits.

Respectfully submitted this January 21, 2025,

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**Motion for admission pro hac vice forthcoming.*

CERTIFICATE OF SERVICE

I hereby certify that, on January 21, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. There is currently no Counsel of Record for Defendants. I certify that I will serve the foregoing motion, the accompanying brief in support, and all exhibits, on Defendants.

/s/ Joseph W. Mead
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INTRODUCTION

United States citizenship is a most cherished status. It signifies the citizen's full membership in our country's political, social, and civic community and guarantees the citizen numerous opportunities, rights, privileges, and benefits. From the Founding to today, citizenship has been the birthright of virtually everyone born in the United States, regardless of the citizenship or immigration status of their parents.

Birthright citizenship in the United States derives from the ancient common-law principle of *jus soli*, or “right of the soil.” The Supreme Court's *Dred Scott* decision constituted a short-lived and much-reviled departure from that common-law heritage. To ensure that birthright citizenship would never again be denied to a disfavored group—that *Dred Scott* would never again be the law—the framers of the Fourteenth Amendment enshrined it into the Constitution using unmistakable language: “All persons born . . . in the United States, and subject to the jurisdiction thereof, are citizens of the United States.” An unbroken line of Supreme Court precedent dating back more than a century acknowledges that this constitutional guarantee applies to children born in the United States regardless of whether their parents are citizens. *See United States v. Wong Kim Ark*, 169 U.S. 649, 693 (1898). Congress has reaffirmed this understanding by codifying (and re-enacting) birthright citizenship into statutory law over the generations. 8 U.S.C. § 1401(a).

President Trump's Executive Order “Protecting the Meaning and Value of American Citizenship” defies the clear command of the Fourteenth Amendment's Citizenship Clause and 8 U.S.C. § 1401(a), representing an unprecedented break from the promise of birthright citizenship to all children born on our soil. The Executive Order denies birthright citizenship to babies born in the United States “(1) when that person's mother was unlawfully present in the United States

and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth, or (2) when that person's mother's presence in the United States was lawful but temporary, and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth." Order § 2(a). The Executive Order calls into doubt the citizenship of babies born in the United States and sows chaos and fear in families yearning for the opportunities, rights, privileges, and benefits that accompany United States citizenship.

Absent an injunction, the effect of the Executive Order will be widespread, immediate, and severe. Every single day, babies are born in the United States who, absent an injunction, will have a cloud placed over their status as United States citizens. Denied their citizenship, these children may be left with no legal status, and no right to remain in their country of birth. These children will be left unable to apply for Social Security numbers or passports and will be denied access to all of the benefits that federal, state, and local governments provide to United States citizens. Those harms will affect not only those babies but their entire families.

Individual Plaintiffs each reside in the United States, are expecting a child in the next few months, and are in immigration statuses that appear to be covered by the Executive Order. Plaintiffs ASAP and CASA have hundreds of thousands of immigrant members across the United States, including thousands of members who fall into the immigration categories covered by the Executive Order (collectively, "Members"). Those Members give birth to children in the United States every day. According to the Constitution, these children are U.S. citizens, but according to the Executive Order, they have no legal status whatsoever. Individual Plaintiffs and Members across the country now must face the uncertainty and psychological toll of knowing that the U.S. government has stated that it will not recognize their children's status as U.S. citizens, nor respect

the rights that accrue to their children by virtue of that citizenship. Parents of these children will have their families' lives thrown into chaos and distress, uncertain if their children will be rendered deportable or stateless. Denied access to essential services and benefits of citizenship, parents will be forced to reorganize their families' lives to survive in the United States and seek alternative means of support, subsistence, and education. Parents will face these new challenges because of the Executive Order while also experiencing extreme distress at the potential discrimination their newborn children may now suffer without the protections of citizenship.

The Constitution's clear textual command, centuries of history, and binding Supreme Court precedent all compel one conclusion: the Executive Order is flagrantly unconstitutional and must be enjoined. Plaintiffs are likely to prevail on their challenge to the Executive Order, which is inflicting immediate and irreparable harm on newborns and their families across the United States, including Individual Plaintiffs and Members. The Court should immediately halt Defendants' intrusion on one of the most precious constitutional rights.

BACKGROUND

On January 20, 2025, President Trump issued an Executive Order titled, "Protecting the Meaning and Value of American Citizenship."¹ The order purports to reinterpret the Fourteenth Amendment as not extending birthright citizenship to babies "born in the United States: (1) when that person's mother was unlawfully present in the United States and the father was not a United States citizen or lawful permanent resident at the time of said person's birth, or (2) when that person's mother's presence in the United States at the time of said person's birth was lawful but

¹ Available at www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship.

temporary (such as, but not limited to, visiting the United States under the auspices of the Visa Waiver Program or visiting on a student, work, or tourist visa) and the father was not a United States citizen or lawful permanent resident at the time of said person's birth." Order § 1. The Executive Order directs that "no department or agency of the United States government shall issue documents recognizing United States citizenship, or accept documents issued by State, local, or other governments or authorities purporting to recognize United States citizenship, to persons" falling into those two categories. *Id.* § 2(a). The Order states that this directive to agencies "shall apply only to persons who are born within the United States after 30 days from the date of this order." *Id.* § 2(b). The Order directs agencies to issue guidance on implementation during that 30-day window. *Id.* § 3. Notably, however, the Order does not mention any delay in the effect of its declaration in Section 1 that covered children are not citizens, suggesting that the Order's purported denial of citizenship may take immediate effect.

Individual Plaintiffs are Maribel, Juana, Trinidad Garcia, Monica, and Liza. Compl. ¶¶ 45–49. All five Individual Plaintiffs are pregnant women residing in the United States. They fear that the Executive Order will be applied to deprive their children of the citizenship to which they are entitled under the Fourteenth Amendment. Plaintiffs CASA and ASAP are immigrant-rights organizations with hundreds of thousands of members. Compl. ¶¶ 19, 31. This includes thousands of immigrant members who fall into the categories of parents covered by the Executive Order and who are likely to give birth to a child in the United States in the near future. *Id.* Indeed, ASAP estimates that more than 20 of its members give birth to children in the United States each day. ASAP Decl. ¶ 24. The Executive Order purports to deny many of these newborn children their

constitutionally guaranteed citizenship status, placing them at risk for removal and cutting off their access to government benefits that are available to citizen children.

LEGAL STANDARD

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 236 (4th Cir. 2014). “The standards for granting a TRO and granting a preliminary injunction are the same.” *ClearOne Advantage, LLC v. Kersen*, 710 F. Supp. 3d 425, 431 (D. Md. 2024).

ARGUMENT

I. Plaintiffs are Likely to Succeed on the Merits of their Claims.

A. The Executive Order Violates the Fourteenth Amendment and 8 U.S.C. § 1401(a).

The Executive Order violates the Fourteenth Amendment’s Citizenship Clause, which provides: “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. The Executive Order also violates 8 U.S.C. § 1401(a), which likewise provides that “a person born in the United States, and subject to the jurisdiction thereof” is a “national[] and citizen[] of the United States at birth.” Under the original understanding of these provisions, informed by the ancient common-law principle of *jus soli*, children born to noncitizen parents within the United States are citizens. This Court has authority to enjoin actions by the Executive Branch that violate the Constitution or a federal statute. *See, e.g., Trump v. Hawaii*, 585 U.S. 667 (2018); *Chamber of*

Commerce v. Reich, 74 F.3d 1322, 1327–28 (D.C. Cir. 1996). Because the Executive Order does just that, it should be enjoined.

“Throughout this country’s history, the fundamental legal principle governing citizenship has been that birth within the territorial limits of the United States confers United States citizenship.” Walter Dellinger, *Legislation Denying Citizenship at Birth to Certain Children Born in the United States*, 19 Op. O.L.C. 340, 340 (1995) (Statement Before the Subcommittees on Immigration and Claims and on the Constitution of the House Committee on the Judiciary). Even before the adoption of the Fourteenth Amendment, the Constitution incorporated this common-law principle of *jus soli*, or the “right of the soil.” The Framers referred to citizenship in prescribing the qualifications for holding public office, including the Office of the President, but included no definition of citizenship. *See, e.g.*, U.S. Const. art. II, § 1, cl. 5 (“No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President.”). It was well understood at the time of the Founding that, by not defining citizenship, the Framers intended for the common law to govern.

The “roots” of this common law tradition “lie deep in England’s medieval past.” Polly J. Price, *Natural Law and Birthright Citizenship in Calvin’s Case* (1608), 9 Yale J.L. & Humans. 73, 73 (1997); *see Calvin v. Smith*, 77 Eng. Rep. 377 (K.B. 1608) (holding that after unification of the Scottish and English crowns, children born in Scotland owing allegiance to the King and under the King’s protection became English citizens by birth). As the Supreme Court later explained, in surveying the common-law history, “by the law of England for the last three centuries, beginning before the settlement of this country, and continuing to the present day, aliens, while residing in the dominions possessed by the crown of England, were within the allegiance, the obedience, the

faith or loyalty, the protection, the power, and the jurisdiction of the English sovereign; and therefore every child born in England of alien parents was a natural-born subject.” *United States v. Wong Kim Ark*, 169 U.S. 649, 658 (1898). There were only two exceptions to this common law rule, for children born to “an ambassador or other diplomatic agent of a foreign state” and for children born to “an alien enemy in hostile occupation of the place where the child was born.” *Id.* Because those children did not owe allegiance to the King, they were not considered the King’s subjects, despite their presence within his domain. But all other children born within the King’s protection were citizens from birth. *See* 1 Blackstone’s Commentaries on the Laws of England 357 (1st ed. 1765) (“Natural allegiance is such as is due from all men born within the king’s dominions immediately upon their birth. For, immediately upon their birth, they are under the king’s protection; at a time too, when (during their infancy) they are incapable of protecting themselves.”).

In the early years of the Republic, the Supreme Court repeatedly assumed that the common law conferred U.S. citizenship on all people born within the territory of the United States, regardless of their parents’ immigration status. *E.g.*, *Murray v. The Schooner Charming Betsy*, 6 U.S. (2 Cranch) 64, 119–20 (1804) (presuming that all persons born in the United States were citizens thereof); *McCreery v. Somerville*, 22 U.S. (9 Wheat.) 354, 354 (1824) (assuming, in determining title to land in Maryland, that children born in the state to noncitizen parents were “native born citizens of the United States”). It is thus “beyond doubt that,” even before ratification of the Fourteenth Amendment, “all white persons, at least, born within the sovereignty of the United States, whether children of citizens or of foreigners, excepting only children of

ambassadors or public ministers of a foreign government, were native-born citizens of the United States.” *Wong Kim Ark*, 169 U.S. at 674–75.

The Supreme Court’s departure from that bedrock principle of birthright citizenship in *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857), helped spark the Civil War and ultimately led to the Fourteenth Amendment. In that ignominious decision, the Court denied citizenship to African-Americans born in the United States. But following the Civil War, Congress enacted the Civil Rights Act of 1866, and Congress and the States adopted the Fourteenth Amendment, overruling *Dred Scott* and reasserting the principle of birthright citizenship. *See* Act of Apr. 9, 1866, ch. 31, 14 Stat. 27; U.S. Const. amend XIV, § 1. Speaking in support of the Civil Rights Act, the Chairman of the House Judiciary Committee explained that the Act would codify birthright citizenship as described by influential legal theorist William Rawle: “Every person born within the United States, its Territories, or districts, whether the parents are citizens or aliens, is a natural-born citizen in the sense of the Constitution, and entitled to all the rights and privileges appertaining to that capacity.” Cong. Globe, 39th Cong., 1st Sess. 1117 (1866) (quoting William Rawle, *A View of the Constitution of the United States of America* 80 (1829)). The Fourteenth Amendment’s Citizenship Clause ensured that birthright citizenship would not be selectively given to some people born in the United States and denied to others, but instead would serve as a guarantee for all. *Dred Scott* would never again be the law.

In the more than 150 years since then, the Supreme Court has consistently recognized that the Fourteenth Amendment, along with parallel statutory provisions, guarantees citizenship to children born in the United States to noncitizen parents. In *Wong Kim Ark*, the Supreme Court held that a child born in San Francisco to noncitizen parents became a citizen of the United States at

birth, by virtue of the Fourteenth Amendment. As the Court explained, through the Fourteenth Amendment, “the fundamental principle of citizenship by birth within the dominion was reaffirmed in the most explicit and comprehensive terms.” *Wong Kim Ark*, 169 U.S. at 675.

To obtain birthright citizenship under the Fourteenth Amendment, a child simply must be “born in the United States, and subject to the jurisdiction thereof.” U.S. Const. XIV, § 1. In *Wong Kim Ark*, the Supreme Court held that the Citizenship Clause’s qualification that the child must be “subject to the jurisdiction” of the United States was intended merely “to exclude, by the fewest and fittest words,” the existing common law exceptions to birthright citizenship for “children born of alien enemies in hostile occupation” and “children of diplomatic representatives of a foreign state.” *Id.* at 682. In keeping with those common law exceptions, the Court further excluded from the reach of birthright citizenship children born aboard foreign ships in U.S. waters and children born to Indian tribes, given that those classes of people, under the law of that time, fell within the power of a separate sovereign. But the Court emphasized that the Amendment’s qualifying language “was not intended to impose any new restrictions upon citizenship, or to prevent any persons from becoming citizens by the fact of birth within the United States, who would thereby have become citizens according to the law existing before its adoption.” *Id.* at 676. The Fourteenth Amendment is “declaratory in form, and enabling and extending in effect.” *Id.*

Aside from those narrow historical exceptions, the Court reasoned, the Amendment “in clear words and in manifest intent, includes the children born within the territory of the United States, of all other persons, of whatever race or color, domiciled within the United States.” *Id.* at 693. Children born to noncitizen parents within the United States were thus subject to this Nation’s jurisdiction and entitled to birthright citizenship. In reaching that conclusion, the Court drew an

analogy between the Citizenship Clause’s reference to people “subject to the jurisdiction thereof” and the Equal Protection Clause’s reference to people “within its jurisdiction.” U.S. Const. amend. XIV, § 1. According to the Court, “[i]t is impossible . . . to hold that persons ‘within the jurisdiction’ of one of the States of the Union are not ‘subject to the jurisdiction of the United States.’” *See Wong Kim Ark*, 169 U.S. at 687. That is because people physically present within a State must necessarily submit to the rule of U.S. law. The *Wong Kim Ark* Court therefore held that “[e]very citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States.” *Id.*; *see also* James C. Ho, *Defining “American,”* 9 Green Bag 2d 359, 360 (2006) (“To be ‘subject to the jurisdiction’ of the U.S. is simply to be subject to the authority of the U.S. government,” and “[t]he phrase thus covers the vast majority of persons within our borders who are required to obey U.S. laws,” which, “of course, does not turn on immigration status, national allegiance, or past compliance.”); Michael D. Ramsey, *Originalism and Birthright Citizenship*, 109 Geo. L. J. 405, 472 (2020) (“[T]he Clause’s original meaning provides a definite solution to contested modern issues... [T]he original meaning indicates that the Clause does not exclude U.S.-born children of temporary visitors or of persons not lawfully present in the United States.”).

Numerous Supreme Court decisions have either reiterated or applied this understanding of Fourteenth Amendment “jurisdiction,” further entrenching the rule that people born in the United States to noncitizen parents attain citizenship at birth. In several instances, the Court has explicitly stated that children of undocumented immigrants are birthright citizens. For instance, in *Hirabayashi v. United States*, 320 U.S. 81, 96 (1943), the Court observed that tens of thousands of Americans of Japanese descent were “citizens because born in the United States.” No further

refinement—no detailed inquiry into familial immigration histories—was necessary to substantiate that claim. In *United States ex rel. Hintopoulos v. Shaughnessy*, 353 U.S. 72, 73 (1957), the Court said that a child born in the United States was “an American citizen by birth,” despite his parents’ “illegal presence.” And even though both sets of respondents in *INS v. Errico*, 385 U.S. 214, 215–16 (1966), had obtained admission through fraud, the Court acknowledged that their native-born children became U.S. citizens at birth. *INS v. Rios-Pineda*, 471 U.S. 444, 446 (1985), similarly involved alien parents whose child became “a citizen of this country” at birth, even though they had “enter[ed] . . . without inspection.”

The principle that “one born in the United States” becomes “a citizen of the United States by virtue of the *jus soli* embodied in the [Fourteenth] Amendment” pervades Supreme Court precedent. *Weedin v. Chin Bow*, 274 U.S. 657, 670 (1927); *see also, e.g., Ah How v. United States*, 193 U.S. 65, 65 (1904); *Zartarian v. Billings*, 204 U.S. 170, 173 (1907); *Morrison v. California*, 291 U.S. 82, 85 (1934); *Perkins v. Elg*, 307 U.S. 325, 328–29 (1939); *Kawakita v. United States*, 343 U.S. 717, 720 (1952); *Nishikawa v. Dulles*, 356 U.S. 129, 131 (1958); *Rogers v. Bellei*, 401 U.S. 815, 829–30 (1971); *Vance v. Terrazas*, 444 U.S. 252, 255 (1980); *Miller v. Albright*, 523 U.S. 420, 424 (1998) (plurality); *Hamdi v. Rumsfeld*, 542 U.S. 507, 510 (2004) (plurality). The Fourth Circuit also has operated on this understanding of the Fourteenth Amendment. *See United States v. Carvalho*, 742 F.2d 146, 148 (4th Cir. 1984) (describing a child born to removable aliens as “a United States citizen by virtue of her birth in the United States”); *Herrera v. Finan*, 709 F. App’x 741, 743 (4th Cir. 2017) (explaining that the plaintiff “was born in the United States and, thus, is a United States citizen”). The precedent of other circuits is to the same effect. *E.g., Perkins v. Elg*, 99 F.2d 408, 411 (D.C. Cir. 1938) (“[I]t may now be stated as an established rule that every

person born within the United States (except in the case of children of ambassadors, etc.), whether born of parents who are themselves citizens of the United States or of foreign parents, is a citizen of the United States.”). The Executive Order’s abrupt departure from this settled understanding is not only invalid, but it throws into chaos the countless policies and practices built around the fundamental assumption that any child born in the United States is a United States citizen. *See* Compl. ¶¶ 98–99.

The Supreme Court’s Equal Protection precedent subsequent to *Wong Kim Ark* further bolsters this understanding of the Fourteenth Amendment’s Citizenship Clause. Most significantly, in *Plyler v. Doe*, 457 U.S. 202, 215 (1982), the Court invoked *Wong Kim Ark*’s reasoning in holding that undocumented aliens are “within [the] jurisdiction” of any state in which they are physically present. “That a person’s initial entry into a State, or into the United States, was unlawful . . . cannot negate the simple fact of his presence within the State’s territorial perimeter.” *Id.* “Given such presence,” the Court explained, “he is subject to the full range of obligations imposed by the State’s civil and criminal laws.” *Id.* In short, “no plausible distinction with respect to Fourteenth Amendment ‘jurisdiction’ can be drawn between resident aliens whose entry into the United States was lawful, and resident aliens whose entry was unlawful.” *Id.* at 211 n.10 (citing *C. Bouvé, Exclusion and Expulsion of Aliens in the United States* 425–427 (1912)).

Congress has likewise reaffirmed birthright citizenship. 8 U.S.C. § 1401(a) provides that “a person born in the United States, and subject to the jurisdiction thereof” is a “national[] and citizen[] of the United States at birth.” That statutory provision carries forward the 1866 Civil Rights Act’s guarantee of birthright citizenship, which has been repeatedly re-enacted against the backdrop of *Wong Kim Ark*’s understanding of *jus soli*.

Children born to Members covered by the Executive Order are thus entitled to citizenship under the Fourteenth Amendment and 8 U.S.C. § 1401(a). Those children will be born in the United States. And they will be subject to this Nation’s jurisdiction because their parents are neither foreign ministers or diplomats, nor serving aboard a foreign ship, nor soldiers in an occupying army.² *See Wong Kim Ark*, 169 U.S. at 693. Plaintiffs are therefore likely to succeed on their claim that, by denying those children the citizenship to which they are entitled, the Executive Order is unlawful under the Constitution and federal law.

B. Plaintiffs Have Standing.

To demonstrate standing, a plaintiff must show “(i) that she has suffered or likely will suffer an injury in fact, (ii) that the injury likely was caused or will be caused by the defendant, and (iii) that the injury likely would be redressed by the requested judicial relief.” *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 380 (2024); *Deal v. Mercer Cnty. Bd. of Educ.*, 911 F.3d 183, 187 (4th Cir. 2018). “To establish injury in fact, a plaintiff must show that he or she suffered an invasion of a legally protected interest that is concrete and particularized and actual or imminent, not conjectural or hypothetical.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016) (internal quotation marks omitted).

CASA and ASAP assert standing as representatives of their members. Both ASAP and CASA are voluntary organizations, whose members freely affiliate themselves with the groups. ASAP Decl. ¶¶ 10–21; CASA Decl. ¶¶ 5–7. Members are issued cards and IDs to indicate their affiliation, regularly communicate with the organizations, and set the organizations’ agendas and

² *Wong Kim Ark*’s fourth exception, for Indian children, has been superseded by statute. *See* Act of June 2, 1924, ch. 233, 43 Stat. 253 (current version at 8 U.S.C. § 1401(b)).

priorities. ASAP Decl. ¶¶ 10–21; CASA Decl. ¶¶ 5–7. In order for a voluntary membership organization to establish standing as representative of its membership, it “must demonstrate that (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 199 (2023) (internal quotation marks omitted). So long as one plaintiff has standing to seek each form of relief requested in the complaint, the court need not consider whether other plaintiffs also have standing. *Carolina Youth Action Project v. Wilson*, 60 F.4th 770, 778 (4th Cir. 2023).

Individual Plaintiffs, as well as Members of CASA and ASAP, are harmed by the Executive Order. Individual Plaintiffs reside in the United States, are pregnant, and their children will be deprived of citizenship under the Executive Order. Both organizations likewise have many Members who currently reside in the United States, who plan to have children while living in this country, and who are covered by the Executive Order. CASA Decl. ¶ 14; ASAP Decl. ¶¶ 22–26. Some are already pregnant. CASA Decl. ¶ 14; ASAP Decl. ¶¶ 25, 36. The Executive Order will deprive those children, once born, of their constitutionally guaranteed United States citizenship. The parents of children who are denied citizenship will also suffer immediate and direct harm. *See Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 719 (2007) (explaining that, for purposes of associational standing, “members of Parents Involved can validly claim” Article III injury “on behalf of their children”).

“Citizenship is a most precious right,” *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 159 (1963), and interference with a constitutional right undoubtedly creates an Article III injury,

TransUnion LLC v. Ramirez, 594 U.S. 413, 425 (2021). The Executive Order’s threat to newborns’ citizenship would deny them “the priceless benefits that derive from that status.” *Schneiderman v. United States*, 320 U.S. 118, 122 (1943). For example, although citizens enjoy an unqualified right to remain in their homeland, children denied citizenship may have no legal status in this country. Immediately upon birth, they will face the threat of deportation to a strange land, as noncitizens possess no constitutional right against removal. *See Harisiades v. Shaughnessy*, 342 U.S. 580, 587 (1952). This risk of deportation threatens to tear families apart. For many immigrant families, some family members are legally allowed to remain in the United States, and older siblings are citizens, but under the Executive Order, newborn children will not be citizens and will not have a right to remain. *See also Trump v. Hawaii*, 585 U.S. 667, 698 (2018) (“[A] person’s interest in being united with his relatives is sufficiently concrete and particularized to form the basis of an Article III injury in fact.”).

Worse yet, without U.S. citizenship, many of these U.S.-born children will be unable to obtain citizenship in any country, leaving them stateless, forever having their very existence subject to the mercy of whatever nation in which they find themselves. Statelessness is “a condition deplored in the international community of democracies.” *Trop v. Dulles*, 356 U.S. 86, 101 (1958) (plurality). Without a homeland, a stateless person’s “very existence is at the sufferance of the country in which he happens to find himself.” *Id.* at 101.

The Executive Order also cuts off newborns’ access to various government benefits on which many families rely, inflicting another concrete injury. Citizen children are eligible to receive public benefits through a variety of programs, such as the Supplemental Nutrition Assistance Program (“SNAP”), Temporary Assistance for Needy Families (“TANF”), the Children’s Health

Insurance Program (“CHIP”), and Medicaid. CASA Decl. ¶¶ 16–24. By denying citizenship to newborn children, the Executive Order also denies them access to all of the government benefits citizens enjoy. That is undoubtedly an injury in fact. *Czyzewski v. Jevic Holding Corp.*, 580 U.S. 451, 464 (2017) (losing “a small amount of money”—and even losing a “chance” at such funds—“is ordinarily an ‘injury’”); *accord, e.g., Kadel v. Folwell*, 100 F.4th 122, 141 n.15 (4th Cir. 2024) (holding that a plaintiff challenging ineligibility for a government benefit need not submit a claim “to show standing” where the relevant law “explicitly excludes” those in the plaintiff’s position).

All of those harms inflicted by the Executive Order will affect not only newborn children but their entire families, including Individual Plaintiffs and Members. Parents will experience the fear and uncertainty that accompany their children being deprived of legal status in this country—status to which they are entitled under the Constitution. Juana Decl. ¶ 6; Trinidad Garcia Decl. ¶ 11; CASA Decl. ¶¶ 24–29; ASAP Decl. ¶¶ 27–35; *see also, e.g., id.* ¶ 44 (ASAP member Nohelimar explaining her fears for her son if he is denied birthright citizenship); *id.* ¶ 42 (ASAP member Lesly expressing her concern about the lack of opportunities her child will have in this country without birthright citizenship). And the Executive Order’s discrimination threatens to tear families apart, with newborn babies having no legal status in this country even if their older siblings are citizens and their parents have a legal right to remain in the United States. *See* Maribel Decl. ¶ 6; ASAP Decl. ¶ 41 (ASAP member Nivida explaining that she fears her child would face violence and persecution if denied citizenship and then removed from the United States). Parents also worry about the opportunities that their children will be denied in this country if they are not citizens, including educational and employment opportunities. Juana Decl. ¶ 7; Liza Decl. ¶ 6. Parents’ settled expectations about their children’s status will be thrown into chaos, and they will

need to seek additional immigration counsel and expend resources in order to help navigate serious travel restrictions that apply unevenly to their families, prevent their U.S.-born infants from being deported, and protect stateless children. *See* Monica Decl. ¶ 9 (expressing concern that her child will become stateless); Liza Decl. ¶ 4 (same); ASAP Decl. ¶ 38 (same for ASAP member Niurka).

These injuries are the direct result of Defendants’ actions and would be redressed by judicial relief. There is a clear “causal connection” between the Executive Order and the injuries that Members have incurred and will continue to incur. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992). Absent the Executive Order, Members would not face uncertainty as to their children’s legal status, nor would their households be ineligible for the array of government benefits for which they plan to apply. The harms at issue here were “caused directly” by the Executive Order, and a “favorable decision” for Plaintiffs would provide “full redress.” *Cooksey v. Futrell*, 721 F.3d 226, 238 (4th Cir. 2013).

CASA and ASAP satisfy the remaining requirements for associational standing. The interests at stake in this lawsuit are undoubtedly “germane” to each organization’s “purpose.” *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333, 344 (1977); *see Kravitz v. U.S. Dep’t of Commerce*, 366 F. Supp. 3d 681, 741 (D. Md. 2019) (“[A]n interest is germane to an organization’s purpose if the lawsuit would reasonably tend to further the general interests that individual members sought to vindicate in joining the association and . . . bears a reasonable connection to the association’s knowledge and experience.” (internal quotation marks omitted)). A core part of the mission of both CASA and ASAP is to promote the stability and well-being of immigrant families—a mission fundamentally undermined by the Executive Order, which sows uncertainty among immigrant families, subjects them to the threat of family separation, and denies them the

opportunity to receive important government benefits. *See* CASA Decl. ¶¶ 24–29; ASAP Decl. ¶¶ 27–35. Finally, as the Supreme Court has recognized, declaratory and injunctive relief of the type sought here do not require the individual participation of an organization’s members in the lawsuit but instead are “properly resolved in a group context.” *See Hunt*, 432 U.S. at 344. Indeed, this Court has previously recognized that both CASA and ASAP have standing to maintain lawsuits on behalf of their members. *Casa de Maryland, Inc. v. Wolf*, 486 F. Supp. 3d 928, 947 (D. Md. 2020).

II. The Remaining Factors Weigh Decisively in Favor of Granting a TRO and PI

The harm that Individual Plaintiffs, Members, and others across the country are suffering as a result of the Executive Order is devastating and irreparable. The Executive Order is also contrary to the public interest. Preliminary injunctive relief is not just appropriate, but necessary.

A. The Executive Order Is Causing Irreparable Harm.

“Because there is a likely constitutional violation, the irreparable harm factor is satisfied.” *Leaders of a Beautiful Struggle v. Baltimore Police Dep’t*, 2 F.4th 330, 346 (4th Cir. 2021) (en banc); *see also Ross v. Meese*, 818 F.2d 1132, 1135 (4th Cir. 1987) (noting that “the denial of a constitutional right” itself “constitutes irreparable harm for purposes of equitable jurisdiction”). That irreparable harm is especially pronounced here, where the *ultra vires* Executive Order will rip away the promise of citizenship for countless babies and leave them without legal status. Loss of citizenship represents “the total destruction of the individual’s status in organized society.” *Trop*, 356 U.S. at 101 (plurality). It as “a form of punishment more primitive than torture, for it destroys for the individual the political existence that was centuries in the development.” *Id.* A baby denied citizenship has been denied “status in the national and international political

community.” *Id.* Many such newborns will have no other citizenship options available, leaving them stateless, with their “very existence” subjected to “the sufferance of the country in which [they] happen[] to find [themselves].” *Id.* In short, these children have “lost the very right to have rights.” *Id.* at 102; *see also* ASAP Decl. ¶¶ 29–31.

Depriving children of their birthright citizenship and leaving them and their families in legal limbo “is offensive to cardinal principles for which the Constitution stands.” *Trop*, 356 U.S. at 102. It subjects Members “to a fate of ever-increasing fear and distress,” left in the dark about “when and for what cause” their children’s “existence in [their] native land may be terminated.” *Id.* They must contend with the constant threat that their children could be torn away from them and deported, a separation that would “create not only temporary feelings of anxiety but also lasting strains on the most basic human relationships cultivated through shared time and experience.” *Int’l Refugee Ass. Proj. v. Trump*, 883 F.3d 233, 270 (4th Cir. 2018), *vacated on other grounds*, 585 U.S. 1028 (2018). The looming threat of deportation and family separation created by the Executive Order shapes Members’ choices about fundamental aspects of their lives and deters them from doing what best serves their families. CASA Decl. ¶ 29.

The lack of clarity in the Executive Order about the status of children born after the Order takes effect and the uncertainty about how the Order will be implemented have engendered widespread confusion and fear, which causes Members additional irreparable harm. Those who are currently pregnant now face a world in which the citizenship status of their unborn children has been thrown into doubt, undermining the plans they have made for those children and for their families more broadly. ASAP Decl. ¶¶ 27–35; *see also id.* ¶ 44 (ASAP member Nohelimar expressing her concerns about her son’s status if he is denied birthright citizenship). Some mothers,

fearful about their child’s immigration status, may be driven by the Executive Order to induce labor or schedule a cesarean section before the effective date, risk harm to their health and the health of their baby. And many will lose the opportunity to apply for government benefits on behalf of their newborn children—benefits on which they planned to rely to ensure their families received necessary nutrition and healthcare. CASA Decl. ¶¶ 16–24; ASAP Decl. ¶ 34. The longer the Order remains in effect, the more dramatic the impact on Individual Plaintiffs’ and Members’ lives, forcing them to make irreversible choices about growing and caring for their families.

B. Enjoining the Executive Order Would Serve the Public Interest.

The third and fourth preliminary injunction factors also weigh in favor of granting relief. Where the government is a party, analysis of those factors—the balance of the equities and the public interest—merge. *See Nken v. Holder*, 556 U.S. 418, 435 (2009). As the Fourth Circuit has consistently recognized, “upholding constitutional rights surely serves the public interest.” *Centro Tepeyac v. Montgomery County*, 722 F.3d 184, 191 (4th Cir. 2013) (en banc) (quoting *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002)); *see also Leaders of a Beautiful Struggle*, 2 F.4th at 346 (“[I]t is well-established that the public interest favors protecting constitutional rights.”); *Legend Night Club v. Miller*, 637 F.3d 291, 303 (4th Cir. 2011) (“[U]pholding constitutional rights is in the public interest . . .”). Indeed, “[if] anything,” our government “is *improved*” when a court issues “a preliminary injunction which prevents the state from enforcing restrictions likely to be found unconstitutional.” *Leaders of a Beautiful Struggle*, 2 F.4th at 346 (emphasis added).

Moreover, while the harms caused by allowing the Executive Order to remain in effect will be severe, the harms to the government if it is enjoined are virtually nonexistent. *See Newsom ex*

rel. Newsom v. Albemarle Cnty. Sch. Bd., 354 F.3d 249, 261 (4th Cir. 2003) (recognizing that a governmental entity “is in no way harmed by issuance of a preliminary injunction” that prevents enforcement of a policy likely to be found unconstitutional). Granting preliminary relief will merely preserve a status quo that is reflected across countless regulatory programs and has existed throughout our Nation’s history. Compl. ¶¶ 98–99. It will avoid throwing families around the country into chaos as they grapple with unanswerable questions about the status of their children and families. And, in fact, an injunction will save the government billions of dollars per year by avoiding the added bureaucratic costs that would be necessary to make citizenship determinations through means other than birth certificates. *Id.* ¶ 99.

The federal government has recognized birthright citizenship since the Founding, and it will not be harmed by continuing to do so pending a final determination on the merits of this case. That is especially true given that the Executive Order represents a drastic policy change implemented without constitutional amendment or authorization from Congress, and it is in the public interest to protect the “separation of powers by curtailing unlawful executive action.” *Texas v. United States*, 809 F.3d 134, 187 (5th Cir. 2015), *aff’d by an equally divided Court*, 570 U.S. 547 (2016). Given the dramatic changes wrought by the Executive Order, the substantial changes that would need to be made to a huge variety of complex federal and state programs in order to implement it fully, and the immediate harm that the Executive Order inflicts on newborns and their families, the public interest strongly favors an injunction.³

³ Because Defendants face no monetary cost from the preliminary injunction, because any imposition of bond would work a severe hardship on Plaintiffs as nonprofit organizations, and because the preliminary injunction serves the public interest, this Court should waive any security requirement. *See* Fed. R. Civ. P. 65(c); *Pashby v. Delia*, 709 F.3d 307, 332 (4th Cir. 2013).

CONCLUSION

This Court should grant Plaintiffs' motion for a temporary restraining order and preliminary injunction.

Respectfully submitted this January 21, 2025,

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**Motion for admission pro hac vice forthcoming.*

CERTIFICATE OF SERVICE

I hereby certify that, on January 21, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. There is currently no Counsel of Record for Defendants.

I certify that I will serve the foregoing on Defendants.

/s/ Joseph Mead
Joseph Mead

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASA, INC. *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Case No.: _____

**DECLARATION OF GEORGE ESCOBAR, CHIEF OF PROGRAMS AND SERVICES
FOR CASA, INC.**

I, George Escobar, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am the Chief of Programs and Services of CASA, Inc. (“CASA”). I have worked at CASA for fourteen years.
2. I make this statement based upon personal knowledge, files and documents of CASA that I have reviewed (such as case files, reports, and collected case metrics), as well as information supplied to me by employees of CASA whom I believe to be reliable. These files, documents, and information are of a type that is generated in the ordinary course of our business and that I would customarily rely upon in conducting CASA business.
3. CASA is a nonprofit membership organization headquartered in Langley Park, Maryland, with offices in Maryland, Virginia, Pennsylvania, and Georgia.
4. Founded in 1985, CASA is the largest membership-based immigrant rights

organization in the mid-Atlantic region, with more than 175,000 lifetime members from across the United States. CASA's members are predominantly noncitizens in a variety of immigration statuses.

5. A CASA member is a person who shares CASA's values, envisions a future where we can achieve full human rights for all, and is convinced that, when united and organized, we can create a more just society by building power in our working-class and immigrant communities. CASA members play an important role in deciding what campaigns we work on and how CASA serves the community.

6. CASA membership is voluntary. In order to become a member, an individual must apply for membership, pay dues, and subscribe to the principles of CASA. CASA members also must self-identify as members of an immigrant or working-class community. Although CASA does not issue formal membership directly to individuals under 15 years of age, we routinely provide services to youth and families in a variety of areas described below.

7. Currently, the annual fee for CASA membership is \$35. Alternatively, individuals may pay a recurring membership fee of \$5 per month. The membership fee can be waived for individuals who experience financial hardship or are otherwise unable to pay. Members are also offered the opportunity, for an additional \$5, to obtain a CASA ID. This is a physical, picture identification card that contains basic information about the member. For many of our immigrant members, this card may be the only type of picture identification they have, other than documents from their home country. In certain jurisdictions, CASA IDs are recognized for the purposes of engaging with certain government agencies, including the police.

8. CASA's mission is to create a more just society by building power and improving the quality of life in working-class Black, Latino/a/e, Afro-descendent, Indigenous, and

immigrant communities. From CASA's beginnings in a church basement, we have envisioned a future with diverse and thriving communities living free from discrimination and fear, working together with mutual respect to achieve human rights for all.

9. In furtherance of this mission, CASA offers a wide variety of social, health, job training, employment, and legal services to immigrant communities, with a particular focus in Maryland, Washington, D.C., Virginia, Pennsylvania, and Georgia. CASA also offers a more limited suite of services remotely to our members across the United States. Those individuals who are not geographically close to a physical CASA office are offered the opportunity to join a national organizing committee, whose members are entitled to vote on CASA's organizational priorities and integrated into our member-led system of internal democratic governance. CASA also conducts campaigns to inform members of immigrant communities of their rights and assists individuals in applying a variety of government benefits.

10. In my role as Chief of Programs and Services, I oversee CASA's portfolio of community-facing direct services, including its health, legal, and educational services; employment and workforce development programs; financial literacy and tax programs; and parent engagement programs. An important part of my role is to understand the needs and experiences of our members so that I can work with my staff to design appropriate interventions to address those needs. I therefore speak frequently with community members and receive feedback from my staff regarding CASA members' fears, concerns, and decisions.

11. Noncitizens residing in the United States who have already had children in this country and who plan to have more children while living in this country represent a substantial portion of our membership. We also have many members who have not yet had children born in the United States but who plan to have children while living in this country in the future.

12. Because of the services that we provide our members, we are acutely aware of the harms that ending birthright citizenship will cause to children born in the United States to noncitizen parents and to their entire families. The harm will be especially severe for noncitizen parents who rely on benefits to which their citizen children are entitled.

13. CASA operates a public benefits outreach and enrollment program that assists community members with understanding and enrolling in various government assistance and health insurance programs. CASA offers assistance with registration for government benefits such as the Supplemental Nutrition Assistance Program (“SNAP”), Temporary Assistance for Needy Families (“TANF”), Medicaid, and programs connected to the Affordable Care Act (“ACA”). Between our case management assistance, which connects members with social services to improve physical and mental health; our multilingual health hotline and medical interpreter program; and our comprehensive public benefits outreach and enrollment program, CASA is one of the leading and most trusted organizations providing health support to the immigrant community.

14. Here in Maryland, the CASA health team helps thousands of families and pregnant women navigate the Health and Human Services System each year. CASA also assists pregnant members in Maryland with accessing benefits under the State’s Healthy Babies Equity Act, which was passed in 2022 after a CASA member-led campaign. This law mandated the Maryland Department of Health’s Medical Assistance Program provide comprehensive prenatal and postpartum coverage to noncitizen pregnant Marylanders with income up to 250 percent of the federal poverty level who would otherwise be eligible for Medicaid but for their immigration status. The law went into effect July 1, 2023, and currently over 15,000 pregnant Marylanders have benefited from the program. Through CASA’s advocacy on this particular issue and the

stories shared by our members during the associated campaign and subsequent legislative process, we became extremely familiar with the numerous challenges experienced by immigrant parents with mixed status households. CASA has assisted over 100 expectant parents apply for prenatal coverage, which was made possible by the Healthy Babies Equity Act. CASA has also helped many immigrant parents with follow up assistance postpartum, including helping the family secure their birth certificate, apply for a Social Security Card, US passport, etc. In part due to the availability of our services to expecting families, which aligns with our mission to empower low-income, predominantly immigrant communities, our membership includes many pregnant women who plan to deliver their babies in this country and who expect those babies to be citizens of this country.

15. Other states do not provide the same level of healthcare benefits to some families based on their immigration status. For example, in Virginia, a child without lawful status is not eligible for health care coverage. Therefore, we partner with medical providers like Kaiser and Advanced Ophthalmology to offer free medical services to members in Virginia. We also host vaccine clinics, support the work of local food pantries, and provide clothing vouchers for eligible members through Goodwill's Good Samaritan program.

16. Many of our members who are parents seek our help with enrolling their citizen children in public benefits to which they are entitled. For many of our low-income members, the ability to enroll citizen children in public benefit programs is an essential lifeline that keeps their families afloat.

17. Medicaid and ACA enrollment are of especially great interest to our members. The number one advocacy and service provision priority for our members has always been access to healthcare. Over the last 18 months (July 2023 through December 2024), we have

provided 134, 294 services to 54,031 individuals including assisting: 4,953 CASA members with navigating and enrolling into a public benefit or social service they are eligible to receive; 2,100 members with getting enrolled in an ESOL or accredited vocational training course; 2,174 members in applying for citizenship; and 3,528 members with a legal consult on a housing, employment, or immigration matter. We also provided assistance to 2,354 individuals with navigating the process of enrolling in an ACA Qualified Health Plan, Medicaid, or CHIP coverage option.

18. Eliminating birthright citizenship would cut off access to these programs for the children of many of our members. As citizens by birth, children born in this country are immediately eligible for a Social Security number. That number, in turn, allows them to apply for a host of benefits. If, however, those children born in the United States were instead considered undocumented, they would not be eligible for those same benefits.

19. The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (“PRWORA”) introduced restrictions for federal means-tested benefits programs, including SNAP, TANF, Medicaid, and CHIP, based on immigration status. Under PRWORA, these benefits are available only to citizens and noncitizens with certain immigration statuses, such as lawful permanent residents (“LPRs”), refugees, and asylees. Undocumented noncitizens, those with Temporary Protected Status (“TPS”), Deferred Action for Childhood Arrivals (“DACA”) recipients, and those with most visas, including H-1B, U, tourist, and student visas, are generally not eligible.

20. Noncitizens who arrived after PRWORA’s enactment must generally wait five years after entering the United States in a qualified status before they are eligible for benefits, with limited exceptions.

21. The Executive Order threatens to undermine the ability of CASA's members to rely on government benefit programs to support their families. For instance, crucial healthcare programs like CHIP, Medicaid, and the ACA provide coverage to citizen children of noncitizen parents, including the children of CASA members. Those programs require disclosure of the citizenship or immigration status *only* of the person for whom the benefits are sought. If a parent is seeking benefits on behalf of only her child, the child is considered the sole applicant and is the only individual who must establish citizenship or eligible immigration status.

22. SNAP provides critical nutrition support for low-income citizen children of CASA's noncitizen members. Although SNAP eligibility is based on the circumstances of all household members, a State may not deny SNAP benefits just because a noncitizen member of the household is ineligible. Instead, the state agency must determine eligibility for any remaining household members seeking assistance. A noncitizen may therefore apply for and receive SNAP benefits on behalf of her minor U.S. citizen children.

23. The same is true of welfare programs like TANF. Although eligibility is based on the circumstances of an entire household, states may elect to have policies that exclude family members who are ineligible because of their immigration status. Some states have adopted "child-only" rules that allow children to receive TANF benefits even if the adults in their household are ineligible.

24. Because of the Executive Order, children born to CASA's noncitizen members will no longer be U.S. citizens and may have no status at all. Many of them will therefore be ineligible for these programs, depriving them and their families of much-needed nutrition and health benefits.

25. CASA provides its members with free remote legal assistance, including free

legal consultations on immigration issues. CASA also operates a comprehensive citizenship initiative, which includes citizenship education, mentoring and interview preparation, application assistance, and post-naturalization support. Among the services provided through this program is eligibility analysis for citizenship, in which CASA members meet with a specialist to complete a prescreening form and discuss their immigration cases. CASA also offers assistance with completing citizenship applications and completing applications for renewing and replacing green cards.

26. If children born to noncitizen parents in the United States cannot obtain American citizenship by birth, they may be left in legal limbo. Other than citizenship by birth, there is no clear path for children born in the United States to noncitizen parents to obtain U.S. citizenship. And such children may not have access to citizenship from any other country.

27. If children born to noncitizen parents in the United States cannot obtain American citizenship by birth, their parents may also face immigration consequences. One basis on which CASA members apply for green cards and eventually for citizenship is that their children are citizens. Eliminating birthright citizenship would also close this pathway to legal immigration status and ultimately citizenship for CASA members. Some CASA members also apply for cancellation of deportation based on a showing that deportation would work an “exceptional and extremely unusual hardship” to their children “who [are] citizen[s] of the United States.” 8 U.S.C. § 1229b(b)(1). The end of birthright citizenship would similarly remove this important protection for the parents of children who are no longer considered citizens.

28. CASA has long prioritized the need of its members to obtain proper identification. As mentioned above, CASA’s members and their families frequently request CASA’s assistance in obtaining a picture identification to prove their identities, which is why CASA members are

offered the opportunity to receive a picture ID when becoming members. Similarly, CASA has long provided assistance to new citizens in obtaining proper government-issued identification. Over the years, we have helped thousands of families with newborns properly secure their birth certificates, apply for a Social Security card or apply for their first US passport. Should this population lose the right to qualify for this type of identification, we anticipate that our members will face many challenges. Foremost among these will be a significant increase in demand for identification documents generated from the consulates and embassies of the countries of origin of those impacted. However, these entities have historically experienced many challenges meeting the existing demand for their services, and some of our most vulnerable members are unwilling or unable to access such services from their countries of origin.

29. Many CASA members have made personal and financial decisions in reliance on the Fourteenth Amendment's guarantee of birthright citizenship. The Executive Order unsettles those expectations. Many CASA members will now have to change their personal goals and will experience anxiety and economic uncertainty about the future of their families. CASA members would be immediately and irreparably harmed. Below are a few illustrative examples of CASA members who face immediate harm from the Executive Order. This declaration describes each member using a pseudonym rather than their legal name.

30. **Marta*** is a CASA member who lives in Maryland and is currently three months pregnant. Both Marta and the father of her unborn child are undocumented. Marta came to the United States from Guatemala seeking a better future and opportunity. When she found out that she was pregnant, she envisioned the life that her unborn child would have, free from the hardships she experienced in Guatemala. Marta deeply understands how important being a citizen of the United State is, and although she is not currently able to adjust her status in this

country, she took solace from the fact that her child would be born a U.S. citizen. She wants her child to be born happy and healthy, and with the opportunity to access a quality education, and believes that the best chance for her child's future is if her child is considered a U.S. citizen upon birth.

31. **Adelina*** is a CASA member living in Maryland who has been in the United States for seven years and is currently six months pregnant. Both Adelina and her partner are currently undocumented. Adelina has one other child, who was born in the United States and is a U.S. citizen. She wants her unborn child to have the same rights and opportunities that she has seen her five-year-old child enjoy in this country. It pains her to think that one of her children will have more benefits than the other, even though they were both born here. She is concerned that if her unborn child is not considered a United States citizen, they will experience significant hardship and not have the same opportunity as their sibling.

32. **Rita*** is a CASA member who lives in Maryland and has been in the United States for five years. Both Rita and her partner are currently undocumented. Rita is seven months pregnant with her first child and she thanks God that her child will be born here. If her child were born in Rita's home country of Guatemala, they would not have access to a good education, adequate healthcare or other basic services. It would be a struggle just to survive, without any realistic prospect of a brighter future. In light of the Executive Order, Rita fears that her first child will face more hardship, unable to access their full rights as a U.S. citizen. Rita herself was deeply impacted by the Coronavirus pandemic and she doesn't want her child to go through the pain and struggles that she has endured. It is important to her that her child is fully recognized as a citizen of the U.S. so they can receive the benefits they deserve.

* These names are pseudonyms.

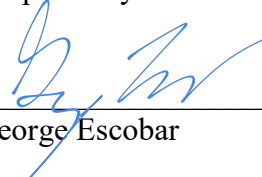
33. **Georgina*** is a CASA member currently living in Maryland and originally from El Salvador. She is two months pregnant. Georgina has lived in the United States for six years, but neither she nor the father of her unborn child have lawful immigration status. She is a single mother, with very limited financial resources and is fearful that if her unborn child isn't granted the benefits of U.S. citizenship she won't be able to support the baby. Georgina fears that her child will not have access to good food and quality education in the same way her two other children born in the United States will. Georgina is also afraid that her child will be subject to discrimination, because she has seen how noncitizens are treated poorly in this country.

34. **Andrea*** is a CASA member originally from Mexico, who lives in Georgia and is currently pregnant, expecting to give birth in late mid-March. Andrea wants her future child to enjoy the full dignity of citizenship in the United States and fears that they will be denied educational opportunities and suffer from a lack of opportunity if they are denied citizenship. Andrea dreams that her children will lead a better life in the United States, a country she has long viewed as a land of opportunity. Andrea is currently in removal proceedings and neither she nor the father of her child have lawful immigration status. As an immigrant, Andrea is looking for a better life for her children, and came here because the United States is a country of opportunity. She is thankful for this country for giving her opportunities that she never would have had in Mexico, and only asks that her children are given the opportunities that they are entitled to by the constitution.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: January 21, 2025

Respectfully submitted,



George Escobar

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CASA, INC. *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Case No.: _____

**DECLARATION OF SWAPNA C. REDDY, CO-EXECUTIVE DIRECTOR OF THE
ASYLUM SEEKER ADVOCACY PROJECT, (“ASAP”)**

I, Swapna C. Reddy, submit this declaration pursuant to 28 U.S.C. § 1746 and declare under penalty of perjury as follows:

1. I am the Co-Executive Director of the Asylum Seeker Advocacy Project (“ASAP”). I have served in this role since 2019.
2. As Co-Executive Director I oversee much of ASAP’s programing, including supervising its membership, technology, and community resource teams. I also oversee the development of all systems for digital communication with ASAP members. I have detailed knowledge about ASAP’s membership demographics, membership criteria, member needs and priorities, and the role members play in setting and directing ASAP’s mission and advocacy.
3. I make this sworn statement based upon personal knowledge, files and documents of ASAP that I have reviewed (such as case files, reports, and collected case metrics), as well as

information supplied to me by employees of ASAP whom I believe to be reliable, including ASAP's management, attorneys, and administrative staff. These files, documents, and information are of a type that is generated in the ordinary course of our business and that I would customarily rely upon in conducting ASAP business.

Background on ASAP

4. ASAP is a national voluntary membership organization of asylum seekers incorporated as a 501(c)(3) nonprofit organization in New York.

5. As of January 2025, ASAP has over 680,000 members and is the largest membership organization of asylum seekers in the United States.

6. ASAP members come from over 175 countries and reside in all 50 states and several U.S. territories. ASAP provides its members the same benefits and access to resources regardless of where they are located in the United States.

7. ASAP members are in various stages of their immigration proceedings. Some ASAP members have filed an asylum application affirmatively before United States Immigration and Citizenship Services (USCIS), while other ASAP members have filed an asylum application defensively and are in immigration court proceedings. Additionally, some ASAP members are in immigration court proceedings and intend to file an asylum application; some have cases at the Board of Immigration Appeals (BIA) on appeal; some have lost asylum; and some have won asylum and are asylees or even green card holders.

8. We are also aware of ASAP members and their children who have or have had Temporary Protected Status, parole, student visas, tourist visas, and Special Immigrant Juvenile Status.

9. ASAP's mission is to work with our members to build a more welcoming United

States. ASAP provides our membership of asylum seekers with legal and community support. And we work with our members to make great change by standing together. We are creative, collaborative, and nonpartisan. And we believe all asylum seekers deserve to find safe haven in the United States.

10. Our members voluntarily affiliate themselves with ASAP. Asylum seekers apply to join ASAP by filling out a voluntary online membership form. ASAP welcomes new members who are asylum seekers age 14 or over who believe in ASAP's mission.

11. ASAP issues each member a digital membership card and member ID that they can use to identify themselves to ASAP and access the full range of member benefits.

12. ASAP membership is free of charge, and ASAP has never collected any fees or membership dues from its members.

13. Although ASAP does not issue separate membership cards to anyone under the age of 14, the benefits of ASAP membership also extend to the children of ASAP members as derivative of their parents' membership.

14. ASAP is in regular contact with our members through text message and email.

15. ASAP staff produce how-to-guides, frequently asked questions ("FAQs"), and videos that explain how to navigate the immigration system, including how to apply for asylum, how to apply for a work permit, and more. ASAP also produces guidance and FAQs about access to healthcare, food assistance, and other social services that are accessed by members and others online. Because its resources are so frequently accessed online and due to the size of ASAP's membership, our resources on these issues are some of the most influential and widely read by immigrant communities in the United States.

16. While members have continuous access to ASAP-created information and

resources shared online, ASAP also sends members updates by text message and email at least once each month. These updates include immigration news alerts that include information about policy changes of interest to asylum seekers.

17. ASAP answers our members' legal questions through our virtual help desk. ASAP staff and contractors answer members' questions about asylum and the immigration court process, as well as questions related to work authorization, access to health insurance, education, social services, food assistance, and more.

18. ASAP also engages in high-impact advocacy campaigns, utilizing litigation, policy, and communications work.

19. ASAP members determine the organization's advocacy agenda and policy priorities. When members join ASAP, they have the option to write about what they would change in the immigration system. ASAP staff review these answers, code, and then compile them to determine members' collective priorities. These priorities then determine what litigation, policy, and communications work the organization takes on.

20. Additionally, ASAP gathers feedback from members through a combination of surveys and one-on-one member interactions. This feedback is used to help develop responsive how-to-resources, and to help shape the organization's advocacy efforts.

21. ASAP members vote on whether ASAP can bring a lawsuit alleging associational standing as a voluntary membership organization. ASAP will only allege associational standing in a lawsuit if members have voted and agreed to the organization doing so.

The Executive Order Will Impact ASAP's Members

22. ASAP members have expressed to ASAP that protecting birthright citizenship is a priority.

23. When asked in a recent survey of ASAP members, whether ASAP should file a lawsuit defending birthright citizenship, 99% of the ASAP members who responded voted yes and urged ASAP to preserve birthright citizenship for the children of ASAP members and other immigrants.

24. As of today, ASAP serves 686,737 members. According to the National Center for Health Statistics at the Center for Disease Control (CDC), the current U.S. birth rate is 11 births per 1000 people in the United States per year. By a conservative estimate, ASAP members will have 7,529 children in 2025, or an average of more than 20 U.S.-born children per day. This estimate is conservative because our members tend to belong to ethnic groups and come from countries with higher birthrates.

25. A recent survey of members confirms that many members are expecting to have children in 2025. To my knowledge, at least 629 ASAP members are expecting a child or children this year and are worried their future child or children will not be able to claim birthright citizenship despite being born in the United States.

26. ASAP members have already expressed concerns about the threatened action to deny birthright citizenship to children born in the United States to noncitizen parents and have asked questions about how it could impact them as asylum seekers. We have learned from ASAP members that ending birth right citizenship poses unique challenges for asylum seekers and their children.

How the Executive Order Impacts ASAP's Members

27. ASAP is acutely aware of the harms that ending birthright citizenship will cause to children born in the United States to noncitizen parents and to their entire families. The harm will be severe for noncitizen parents, and their U.S.-born children who are denied U.S. citizenship.

28. ASAP members have expressed that the denial of birthright citizenship would create great psychological distress and emotional pain. The denial of this status, which parents assumed would apply to their unborn children, will disrupt plans regarding immigration status, access to education, and benefits programs.

29. Parents who are expecting children who could be denied U.S. citizenship are extremely worried about whether they will have to help their children apply for other forms of U.S. immigration relief, including seeking asylum in the United States. Parents are worried that without a pending immigration application, their children could be subject to deportation – even if they as parents are not. Applying for U.S. immigration status for a U.S.-born child would not only be incredibly time consuming and stressful for parents, but it could also be expensive if they have to pay government filing fees, or if they must hire an attorney in order to navigate this complicated and unprecedented immigration process.

30. Ending birthright citizenship for the children of asylum seekers is particularly concerning because many asylum seekers have been persecuted and tortured by the governments of their home countries, and as such do not have access to or feel safe seeking services from a consular office of their country of origin in the United States. Furthermore, it is common practice for immigration attorneys to advise their clients that availing themselves of consular services from their country of origin could harm their asylum case, because these interactions could be

interpreted as demonstrating a lack of fear of their country of origin. As a result, many asylum-seeking parents will be forced to decide between negatively impacting their own immigration cases or essentially rendering their children stateless, without proof of citizenship from any country.

31. Our members from Venezuela have told us that they cannot access consular services from their country of origin from within the United States – even if they wanted to do so. This is one reason why our members from Venezuela have expressed anxiety around their future U.S.-born children not being able to claim any citizenship, and potentially becoming stateless.

32. ASAP members and other asylum seekers are already facing challenges having to flee their home country due to persecution and coming to a new country where they may not speak the language. ASAP members have communicated that this added concern of obtaining citizenship generally and some type of U.S. immigration status for their U.S.-born children is a sudden shock, and a source of tremendous stress and anxiety.

33. Many ASAP members have reported to ASAP that they are stuck in asylum backlogs, waiting for their cases to be processed for sometimes even more than a decade. This means individuals with pending asylum applications are likely to be in the U.S. for many years to come. As such, the children of asylum seekers will not only be born in the United States, but will go to school in the U.S., learn English, and become part of the fabric of U.S. local communities before their parents' immigration case is decided.

34. If they are denied citizenship, children born to many ASAP members will have no status in the U.S. at all. Many of them will therefore be ineligible for important programs that families rely on for nutrition and health benefits. For example, if denied citizenship, ASAP

members' U.S.-born children will not be able to access crucial healthcare programs like the Children's Health Insurance Program (CHIP), Medicaid, and the Affordable Care Act (ACA), which provide coverage to citizen children of noncitizen parents. This would also place additional stress on parents.

35. Moreover, ASAP members worry about the serious dignitary and status harms to their children who will be denied citizenship status. Children born in the United States, but deprived of its citizenship, may face not only statelessness, but also social exclusion and discrimination by being excluded from U.S. citizenship at birth. In the long run, noncitizen U.S.-born children will also be denied meaningful opportunities to engage in and enrich the civic life of their birth-country, by being deprived of voting rights, educational opportunities, the ability to serve on juries, and other mechanisms to participate in civic institutions as citizens.

ASAP Members Impacted by the Executive Order

36. We know of at least 629 ASAP members who are currently expecting to have children born in the United States in 2025. Below are a few representative examples of ASAP members whose U.S.-born children the Executive Order will unlawfully declare to be non-citizens.

37. **Dina** is an ASAP member living in Washington State.¹ She is pregnant and due in July of 2025. She and her partner are both from Kenya, and they are seeking asylum in the United States. Dina and her partner have been living in the United States since 2018. Dina came to the United States on a student visa, then applied for asylum affirmatively with USCIS. She

¹ Some of the members, including Dina, are identified using a pseudonym rather than the member's real name.

and her partner have been working legally in the United States for more than 5 years. Dina has a degree in cybersecurity and works as an IT manager. Her partner works for the county government as an IT Specialist. She and her partner are worried that their child will not be able to receive U.S. citizenship. Being an immigrant in the United States has been very stressful for Diana and her partner, and they do not want their son to go through the same struggles they have had to go through.

38. **Niurka** is an ASAP member living in Florida. She is pregnant and due in March of 2025. Niurka and her partner are both from Cuba, and they are currently seeking asylum in the United States. They crossed the Mexico-U.S. border, and were placed in deportation proceedings before the U.S. immigration courts. Niurka and her partner have a pending asylum application and a pending lawful permanent residency application under the Cuban Adjustment Act. Niurka was a medical doctor in Cuba, but she is not working at this time. Her partner studied food science and was a biopharmacist in Cuba. He is now a food safety and quality assurance manager in the food production industry. She and her partner are very worried their child will not receive U.S. citizenship when he is born. They want their son to achieve success in the United States and worry about how not receiving citizenship at birth will impact his future. Niurka and her partner have no intention of ever going back to Cuba because of the dictatorship, would never want their child to be a Cuban citizen, and do not want their child to ever have to set foot in Cuba. If he is denied U.S. citizenship, they are worried that their son would be in a state of limbo and would not have citizenship from any country.

39. **Igor** is an ASAP member living in Texas. He and his wife, Liza, are expecting a child in May of 2025. Igor and Liza are from Russia. Igor applied for asylum with the U.S. immigration courts. Liza came to the United States on a student visa, and is receiving her

Master's degree. Igor and Liza want to apply for their child's U.S. passport as soon as possible, but they are worried their child will not receive U.S. citizenship. Neither Igor nor Liza feel they can return to Russia without being persecuted, and because of that do not feel they can apply for Russian citizenship for their child. Because of that, Igor and Liza are worried their child will be stateless.

40. **Adriana** is an ASAP member living in New York. She is pregnant and due in March of 2025. Adriana and her partner are both currently seeking asylum in the United States. They came to the United States as tourists, and subsequently applied for asylum with USCIS. Adriana has previously worked as an administrative and finance assistant abroad, but she is not currently working because she has had a difficult pregnancy. Adriana's partner works as a driver for a company that handles transportation for senior citizens and children. Adriana and her partner are worried that their daughter will face discrimination in the United States if she is not made a U.S. citizen at birth.

41. **Nivida** is an ASAP member living in Louisiana. She is pregnant and due in April of 2025. Nivida is from Honduras and sought asylum in the United States in 2020. She had filed her asylum application with the U.S. immigration courts. However, her case was recently dismissed. Nivida's partner is from Mexico, and he has an application pending for a U-visa. Nivida and her partner believe it is very important that their child becomes a U.S. citizen at birth. If their child does not have U.S. citizenship at birth, Nivida and her partner are afraid of him having to live in either Honduras or Mexico because they fear violence and persecution in both countries. Nivida and her partner worry about their son's future if he is not a birthright citizen of the United States, and how it could change his life trajectory, his development, and the educational opportunities afforded to him. Nivida and her partner's daughter has U.S. citizenship

from birth already, which also means their son would have a different status than his sister, despite both of them being born in the United States.

42. **Lesly** is an ASAP member living in New Jersey. She is pregnant and due in July of 2025. She crossed at the Mexico-U.S. border using the CBP One app, and subsequently applied for asylum in the U.S. immigration courts. Her next hearing is not until 2028. Lesly has worked as a cleaner in the U.S. and has a work permit. Neither Lesly nor her partner are U.S. citizens or lawful permanent residents. Lesly and her partner want to apply for their child's U.S. passport as soon as possible, but they are worried their child will not receive U.S. citizenship. They are concerned that without birthright citizenship, their child will not have as many opportunities – either educational or professional. Lesly is very stressed because she is not sure if she is going to have to start a U.S. immigration process for her child who will be born in the United States. Lesly is worried because an immigration attorney could cost a lot of money, and she does not know if she would have to hire an immigration attorney or pay application fees.

43. **Esther** is an ASAP member living in Delaware. She is pregnant and due in February of 2025. Esther and her partner are currently seeking asylum in the United States in the U.S. immigration courts. Esther worked as a house cleaner in Delaware until she found out she was pregnant. Her husband works at a local pizza shop. She and her partner want to apply for their child's U.S. passport as soon as possible, but they are worried their child will not receive U.S. citizenship.

44. **Nohelimar** is an ASAP member living in California. She is pregnant and due in March of 2025. She and her partner came to the United States seeking safe haven. Nohelimar's partner has applied for asylum, but she has not been able to yet. Nohelimar studied criminalistics abroad, but she is not working because she has not yet received her work permit. Nohelimar and

her partner are worried that their child will not be able to receive U.S. citizenship. Nohelimar believes that if her son becomes a U.S. citizen, he will have a better future. If he is denied U.S. citizenship, she is confused and scared about what the process would be for her to get her son citizenship from any other country, and she would be worried about her son's future in the United States.

45. **Barbara** is an ASAP member living in Kentucky. She is pregnant and due in July of 2025. Barbara and her partner are both from Cuba, and they are currently seeking asylum in the United States. Their green card application under the Cuban Adjustment Act has been pending for more than a year, and they hope to have their lawful permanent residency soon. They have been in the United States since 2022. Barbara was a lawyer in Cuba. She is now working at a school as a school custodian. Her partner is also a school custodian. Barbara and her partner are very worried their child will not receive U.S. citizenship.

46. **Meny** is an ASAP member living in California. She is pregnant and due in July of 2025. She and her partner both have affirmative asylum applications pending at USCIS. Meny's professional background is as an educator for people with disabilities. Meny and her partner want to apply for their child's U.S. passport as soon as possible, but they are worried their child will not receive U.S. citizenship. They feel their child should have the citizenship of the country he is born in, especially since it is a constitutional right.

47. **Verónica** is an ASAP member living in Connecticut. She is pregnant and due in June of 2025. She and her partner are both originally from Peru. Verónica and her partner have filed for asylum as a defense to deportation and did so using ASAP's self-help resources and how-to videos. Verónica's professional training in Peru is as an accountant. Verónica and her partner want to apply for their child's U.S. passport as soon as possible, but they are worried

their child will not receive U.S. citizenship.

48. **Carolina** is an ASAP member living in Florida. She is pregnant and due in June of 2025. She and her partner are both from Chile, but her partner is of Haitian and Chilean descent. Neither Carolina nor her partner are U.S. citizens or lawful permanent residents. Carolina came to the United States on a visa, and then subsequently applied for asylum affirmatively with USCIS. Carolina and her partner want to apply for their child's U.S. passport as soon as possible, but they are worried their child will not receive U.S. citizenship. They are particularly concerned their child will face discrimination if they are not seen as the same as other children who were born in the United States.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: January 21, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Swapna C. Reddy', with a long horizontal line extending to the right.

Swapna C. Reddy

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASA, INC. *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Case No.: _____

DECLARATION OF JUANA

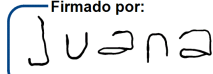
I, Juana, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am more than 18 years of age and competent to testify, upon personal knowledge, to the facts set forth herein.
2. I am a member of CASA and a resident of Montgomery County, MD. I am a native of Colombia.
3. I moved to the United States after fleeing from Colombia. I have a current asylum claim pending.
4. My partner, the father of my unborn child, is also seeking asylum.
5. My 12-year-old daughter is also in the United States. She is a derivative on my petition for asylum.

6. I am currently two months pregnant. I am worried that my child will be born without a country as a result of this Executive Order, since I am afraid to return to Colombia.
7. I want my unborn child to be able to grow up without fear and with a sense of belonging in the United States. The thought that my unborn child could be denied U.S. citizenship and deported to Colombia without me is terrifying.
8. It is important to me that my child is a U.S. citizen so they can have a better quality of life and fully engage with all that the United States has to offer. I want my child to have educational opportunities and to be a good person who serves their country and community. I don't think it makes sense for my child to be denied the benefits of citizenship they deserve once they are born in the U.S.
9. I am worried that participating in this lawsuit as an individual plaintiff will expose me to retaliation by the U.S. government. Specifically, I am concerned that the U.S. government might deny, delay, or interfere with my asylum application because of my participation in this lawsuit.
10. More than anything, I worry that participating in this lawsuit could harm my daughter. I am terrified that she could also face retaliation by the U.S. government if my name were included as part of this lawsuit, especially since she is a derivative on my asylum claim.
11. I do not want to do anything to jeopardize my own ability—and, even more importantly, my daughter's ability—to remain in the United States.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: January 21, 2025

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Juana

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASA, INC. *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Case No.: _____

DECLARATION OF LIZA

I, Liza, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am more than 18 years of age and competent to testify, upon personal knowledge, to the facts set forth herein.
2. My husband, Igor, and I moved to the United States from Russia. We are unable to return to Russia because we fear we will be persecuted. Igor has a pending asylum claim, and is a member of the Asylum Seeker Advocacy Project. I have a student visa, and I am currently pursuing my master's degree.
3. We are expecting a child in May of 2025.
4. When I heard that President Trump signed an Executive Order that would deny my child United States citizenship, my world fell apart. Without U.S. citizenship, my child will be stateless, as I do not feel that we can safely apply for Russian citizenship for our child.

5. The Executive Order basically says that my child is “a nobody.” As a stateless child without any immigration status in the United States, my child would have less status than I have.
6. Without U.S. citizenship, I worry that my child will be denied access to healthcare and educational opportunities.
7. I am very worried about the Executive Order. I have even thought that maybe it would be good for the baby to be born prematurely just so that my child will be a United States citizen.
8. I do not want my full name to be part of this lawsuit. I am afraid that if my full name were known, I would face retaliation by the U.S. Government.
9. I also am afraid that if my identity and involvement with this lawsuit were made public, private individuals may try to track me down and do harm to me or my family. I am particularly worried about the safety of my unborn child.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: January 21, 2025

Подписант:

B26A7770B2074AF ...
Liza

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASA, INC. *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Case No.: _____

DECLARATION OF MARIBEL*

I, Maribel, submit this declaration pursuant to 28 U.S.C. § 1746 and declare under penalties of perjury as follows:

1. I am a CASA member who has lived in the U.S. for 18 years and reside in Maryland.
2. I am currently pregnant, expecting to give birth in July 2025.
3. I currently live with my husband and two young U.S. citizen daughters, who are 14 and 10 years old.
4. I am an immigrant from El Salvador who was born in Guatemala.
5. I am undocumented despite having lived in the U.S. for nearly half my life. My husband is also undocumented.
6. I fear my unborn child will not have the same rights to citizenship as the future child's older sisters, and could even be subject to deportation, separating my family.

7. I am also afraid that my child won't have access to health care, since they won't be eligible for federal benefits.

8. I feel that it is deeply wrong to subject an innocent newborn to such cruelty.

9. I fear using my real name in this case because I am worried about retaliation for my participation, including my potential deportation. I am also worried about potential retaliation against my family.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: January ^{21.00} , 2025

Respectfully submitted,

Maribel

Maribel

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASA, INC. *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Case No.: _____

DECLARATION OF MONICA

I, Monica, submit this declaration pursuant to 28 U.S.C. § 1746 and declare under penalties of perjury as follows:

1. I am a member of the Asylum Seeker Advocacy Project (“ASAP”) and I joined the organization voluntarily.

2. I am currently living in South Carolina.

3. I am pregnant and due in August of 2025.

4. My partner and I are both originally from Venezuela, and we both have Temporary Protected Status (TPS) as well as a pending affirmative asylum application with USCIS.

5. We have been in the United States since 2019.

6. I am a trained medical doctor who is seeking to validate my medical degree in the United States.

7. I am worried that it would be next to impossible to get my child Venezuelan citizenship even if I tried. There is no Venezuelan Consulate in the United States where I could even apply for Venezuelan citizenship for my baby, and we would have to travel outside of the U.S. in order to obtain a Venezuelan passport for our child. Since we are asylum seekers, we are not able to travel outside of the U.S.

8. Because I do not believe my child will be able to receive Venezuelan citizenship, both my partner and I want to get our child a U.S. passport and proof of U.S. citizenship as soon as possible, but now we are worried our child will not be able to receive U.S. citizenship either.

9. If that happens, we are very concerned that our child will not be a citizen of any country and will be stateless.

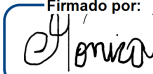
10. We are afraid that the government will retaliate against us if our full names are publicly disclosed in this lawsuit because we are suing the government directly. We have pending asylum applications and do not want this lawsuit to affect the decision in our asylum claims.

11. We also want to protect the privacy of our baby who has not been born yet. We don't want information about them to be made public before they are even born, and want to make sure we as the parents are protecting their privacy throughout this entire process.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: January 21, 2025

Respectfully submitted,

Firmado por:

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Monica

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASA, INC. *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Case No.: _____

DECLARATION OF TRINIDAD GARCIA

I, Trinidad Garcia, submit this declaration pursuant to 28 U.S.C. § 1746 and declare under penalties of perjury as follows:

1. I am a member of the Asylum Seeker Advocacy Project (“ASAP”). I joined the organization voluntarily.

2. I currently live in North Carolina.

3. I am currently pregnant and due in August of 2025.

4. My partner and I want our child to receive a U.S. passport and proof of U.S. citizenship as soon as they are born. We are worried because we do not know if the Executive Order will make it impossible for our child to get U.S. citizenship at birth.

5. My partner and I are both from Venezuela, and we have been living in the United States since 2017. We first came to the United States on a tourist visa.

6. My partner and I have a pending affirmative asylum application with USCIS, and have not been given an appointment for an interview in our case.

7. We both have work permits, and have been working in their local community.

8. I graduated with a degree in Business Administration in Venezuela, and he worked in human resources before coming to the United States. Upon arriving in the United States, I began to clean homes. I have since started my own home cleaning business.

9. My partner was an environmental engineer in Venezuela, but he now works in the U.S. as a technician to restore stone, tile, and grout in home remodels.

10. My partner and I are worried that there is no way for us to approach the Venezuelan government regarding our child's citizenship because there are no Venezuelan consular services in the United States. We do not want to give our child Venezuelan citizenship, but even if we did, I feel it would be impossible.

11. If our U.S.-born child is not able to get U.S. citizenship at birth, I am very worried that my child will not be a citizen of any country or be able to get important identity documents. I am worried that I will have to apply for asylum for my child, and am confused about what the process would be like. I am worried that I will have to hire someone to help them pay the government for application fees, which could cost my family a significant amount of money.

12. I am scared to use my full name in the lawsuit because I am worried about the possibility of government retaliation if my name is disclosed in this case. I am also scared of individuals in the public learning my name and trying to find me in order to harass me or cause me harm. I am also scared for my child and do not want to jeopardize their privacy by using my full name.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: January ^{01/21/2025}____, 2025

Respectfully submitted,

Firmado por:


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Trinidad Garcia

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION**

CASA, INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States, et
al.,

Defendants.

Case No.: _____

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION**

Plaintiffs seek a preliminary injunction against the enforcement and implementation of the Executive Order entitled “Protecting the Meaning and Value of American Citizenship.” The Executive Order purports to deny United States citizenship to many children who are born in the United States to noncitizen parents. The Court may issue a preliminary injunction when a plaintiff establishes that “he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The Court finds that Plaintiffs have carried their burden to satisfy each of those factors and that immediate relief is appropriate. The Court will therefore issue a preliminary injunction enjoining Defendants from implementing or applying the Executive Order.

First, the Court finds that Plaintiffs are likely to prevail on the merits of their arguments. The

Executive Order conflicts with the Citizenship Clause of the Fourteenth Amendment, which provides that “[a]ll 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. am. XIV. The Executive Order also violates a similar statutory provision. 8 U.S.C. § 1401(a). The Supreme Court has long recognized that the Fourteenth Amendment’s language means that a child born in the United States is a United States citizen even if the child’s parents are not. *United States v. Wong Kim Ark*, 169 U.S. 649, 658 (1898). A President cannot unilaterally abrogate a constitutional provision or a federal statute. Plaintiffs are thus likely to succeed on the merits of their claim that the Executive Order violates both the Fourteenth Amendment and 8 U.S.C. § 1401(a).

Second, as Plaintiffs’ declarations demonstrate, the Executive Order will inflict irreparable harm on Individual Plaintiffs, Organizational Plaintiffs’ members, and their future children. The Executive Order invades the constitutionally guaranteed right to citizenship, and violation of constitutional rights is per se irreparable injury. *Leaders of a Beautiful Struggle v. Baltimore Police Dep’t*, 2 F.4th 330, 346 (4th Cir. 2021) (en banc). Moreover, the Executive Order will deprive newborn children of all of the benefits of United States citizenship, exposing them to the risk of deportation and potentially leaving them stateless. Those harms will affect their entire families.

The third and fourth preliminary injunction factors also favor granting relief. Where the government is a party, analysis of those factors—the balance of the equities and the public interest—merge. *See Nken v. Holder*, 556 U.S. 418, 435 (2009). “[U]pholding constitutional rights surely serves the public interest.” *Centro Tepeyac v. Montgomery County*, 722 F.3d 184, 191 (4th Cir. 2013) (en banc) (quoting *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002)).

Therefore, it is hereby **ORDERED** that Plaintiffs' Motion for a Preliminary Injunction is **GRANTED**.

It is further **ORDERED** that Defendants and their officers, agents, servants, employees, and attorneys, and any other persons who are in active concert or participation with them, are **ENJOINED** from enforcing or applying the Executive Order or taking any other action that fails to recognize the citizenship of individuals born within the United States.

It is further **ORDERED** that the security requirement is hereby waived because Defendants will not suffer any costs from the preliminary injunction and imposing a security requirement would pose a hardship for Plaintiffs. *See* Fed. R. Civ. P. 65(c); *Pashby v. Delia*, 709 F.3d 307, 332 (4th Cir. 2013).

SO ORDERED, this _____ day of _____, 2025, at _____.

United States District Judge