

FACT SHEET

BIRTHRIGHT CITIZENSHIP IN THE UNITED STATES

Since the 1800s, the United States has operated under the policy of birthright citizenship, whereby any child born in the United States receives citizenship, regardless of their immigration status or the residency of their parents. Opponents argue that it incentivizes illegal immigration.

Did you know?...

- • Opponents argue that the existence of birthright citizenship in the United States incentivizes immigrants to potentially take advantage of this policy to have children in the United States.
- • Based on professional analysis, it is [estimated](#) that long-term undocumented immigrants have between 225,000 and 250,000 births each year.
- • Between 33,000 and 36,000 births are [estimated](#) to occur annually because of the birth tourism industry, where individuals travel to the United States for the purpose of having children here.
- • As the human cost of border crossing [continues](#) to remain severe and well-documented, cases have occurred where women have been [harmed](#) and died trying to enter the United States illegally while pregnant



Birthright Citizenship Around the Globe

United States policy of automatic unconditional citizenship to anyone born on its soil is relatively rare, being one of only 36 countries in the world offering such a policy.

Furthermore, many countries which famously operate under socialist democratic systems do not allow for birthright citizenship

Additionally, in the past fifty years, several countries have rolled back their birthright citizenship policies,

Birthright Citizenship In The United States

Executive Summary

Since the 1800s, the United States has operated under the policy of birthright citizenship, whereby any child born in the United States receives citizenship, regardless of their immigration status or the residency of their parents. President Donald Trump challenged this policy, questioning its constitutionality, in a legal case which is now before the Supreme Court.

Birthright citizenship allows for any children born in the U.S. to receive citizenship, but opponents argue that it incentivizes illegal immigration. This can take the form of lying on a visa for the purpose of their stays, overstaying visas, and/or attempting to enter the country over the physical border in an illegal and dangerous way. They also argue this policy drives the so-called “birth tourism” industry, which has led to prosecution against individuals offering services to immigrants who wish to give birth in the United States, including advice on how to lie to customs officials.

Birthright citizenship is not a common practice for most developed countries, with only 36 evaluated to offer the policy. Most countries operate under citizenship laws requiring at least one parent be a citizen of that country or go through a residency or naturalization process. Additionally, over the past fifty years, several countries (including the United Kingdom and Australia) have moved away from birthright citizenship to require at least one parent to be a legal citizen of the country the child is seeking citizenship in.

What Is Birthright Citizenship In The United States

- In the United States, [Birthright Citizenship](#) is the automatic conferral of citizenship to any person born within the United States’ territorial borders, regardless of the nationality, immigration status, or residency of their parents.
- The constitutional basis for birthright citizenship in the U.S. is the [Citizenship Clause](#) of the 14th Amendment, ratified on July 9, 1868, which says “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.”
- In 1898, in *United States vs. Wong Kim Ark*, the Supreme Court [ruled](#) that birthright citizenship applies to all children born in the United States to permanent resident alien parents regardless of race, nationality, or eligibility.

The Supreme Court Case

- On January 20, 2025, President Trump [signed](#) an executive order directing federal agencies not to recognize birthright citizenship for children born in the U.S. if neither parent is a citizen or lawful permanent resident. The order was [blocked](#) by multiple federal courts before it ever took effect, with every lower court ruling it unconstitutional.
- The Supreme Court [agreed](#) to hear the case in December 2025, with oral arguments [on](#) April 1, 2026.

- In its filings before the Supreme Court, the government argues that citizens of a nation must owe that nation direct and immediate allegiance, something children of undocumented immigrants or temporary visitors do not do, since their primary allegiance is to their parents' home countries. Additionally, the argument submitted clarifies that children of noncitizens can only qualify if their parents have permanent domicile (a legal home base) in the U.S.
- Challengers argue and cite cases including *United States vs. Wong Kim Ark* in their existing precedent arguments that the 14th Amendment allows for all individuals born here regardless of status be citizens of the United States.

Abuse Of Birthright Citizenship

Opponents argue that the existence of birthright citizenship in the United States incentivizes immigrants to potentially take advantage of this policy to have children in the United States.

- Based on professional analysis, it is [estimated](#) that long-term undocumented immigrants have between 225,000 and 250,000 births each year.
- Between 33,000 and 36,000 births are [estimated](#) to occur annually because of the birth tourism industry, where individuals travel to the United States for the purpose of having children here.
- As the human cost of border crossing [continues](#) to remain severe and well-documented, cases have occurred where women have been [harmed](#) and died trying to enter the United States illegally while pregnant

Examples Of “Birth Tourism” Industry - opponents of birthright citizenship point to cases such as the following to illustrate concerns about 'birth tourism':

- Between 1999 and 2014, Star Baby Care [served](#) 8,000 pregnant immigrant women in the “birth tourism” industry. Star Baby Care was specifically marketed to and served Chinese Communist Party-linked officials, including employees of China Central Television (CCTV), China Telecom, and the Bank of China.
- In 2019, Dongyuan Li, a Chinese national living in Irvine, CA, [plead](#) guilty to conspiracy to commit immigration and visa fraud through her operation of “You Win USA,” a commercial birth tourism business out of 20 apartments in Irvine. Li received \$3 million in international wire transfers from China in just two years, serving over 500 Chinese clients which she coached to lie to U.S. consular officials and to conceal pregnancies under loose clothing when crossing the border.
- In January 2025, Michael Wei Yueh Liu and Jing Dong were [sentenced](#) to 41 months in federal prison for conspiracy and money laundering after they ran USA Happy Baby Inc. This organization received \$3.4 million in international wire transfers from China in 2013 and 2014 to help clients have children in the United States, including Chinese government officials.

Birthright Citizenship In the United States And Abroad

- Opponents argue that the United States policy of automatic unconditional citizenship to anyone born on its soil is relatively rare, being one of only 36 countries in the world offering such a policy.

- Of these 36 countries, [most of them](#) are in North, South, and Central America, with only one country in Asia (Pakistan) and three in Africa offering unconditional birthright citizenship.
- Many other countries, including most countries in Europe and Asia, mandate various parental citizenship requirements, including:
 - The United Kingdom, which [requires](#) at least one parent must be a citizen or "legally settled," or child lives in UK for 10 years.
 - France, which [requires](#) one parent born in France, or child can claim citizenship at age 18 after residing in France for 5+ years since age 11.
 - India, which [requires](#) one parent be a citizen and the other a citizen or legal migrant.
 - Japan, which only [allows](#) birthright citizenship for children of stateless or unknown parents.
- Furthermore, many countries which famously operate under socialist democratic systems do not allow for birthright citizenship, including:
 - Sweden, which [requires](#) at least one parent to be a Swedish citizen, and no birthright citizenship for children of non-citizens.
 - Norway, which [allows](#) citizenship by birth only if at least one parent is Norwegian.
 - Denmark, which [allows](#) citizenship by birth only if at least one parent is Danish.
- Additionally, in the past fifty years, several countries have rolled back their birthright citizenship policies, including:
 - In 1983, the United Kingdom [ended](#) automatic birthright citizenship with the passage of the British Nationality Act, which implemented a parental settlement requirement.
 - In 1986, Australia [passed](#) the Australian Citizenship Amendment Act, which required at least one parent to be a citizen or permanent resident.
 - In 2013, the Constitutional Tribunal of the Dominican Republic [ended](#) birthright citizenship, which impacted the citizenship status of undocumented Haitian immigrants.