



STATE OF HAWAI'I
KA MOKU 'ĀINA O HAWAI'I

DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

ANNE LOPEZ
ATTORNEY GENERAL
LOIO KUHINA

**ATTORNEY GENERAL LOPEZ AND 13 OTHER ATTORNEYS
GENERAL RELEASE STATEMENT ON PRELIMINARY INJUNCTION
ISSUED IN BIRTHRIGHT CITIZENSHIP CASE**

News Release 2025-25

FOR IMMEDIATE RELEASE

February 13, 2025

HONOLULU – A federal judge has granted a preliminary injunction against President Trump’s unconstitutional executive order terminating birthright citizenship, drawing praise from Hawai’i Attorney General Anne Lopez and attorneys general from 13 other states and the City of San Francisco. Attorney General Lopez joins the attorneys general of California, Colorado, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Vermont, and the City of San Francisco in releasing the following statement:

“President Trump may believe that he is above the law, but today’s preliminary injunction sends a clear message: He is not a king, and he cannot rewrite the Constitution with the stroke of a pen.

“The president and his allies made clear long before he was sworn in that they would pursue this illegal action, and our coalition was prepared to challenge it as soon as President Trump fulfilled this unconstitutional campaign promise on Inauguration Day.

“We immediately stood up for our Constitution, for the rule of law, and for American children across the country who would have been deprived of their constitutional rights – and today we delivered for them. This is not yet over, and we will continue to fight every single step of the way until President Trump is permanently prevented from trampling on the Fourteenth Amendment rights of all Americans.

“President Trump issued an executive order on January 20, 2025, to end birthright citizenship, in violation of the Fourteenth Amendment of the United States Constitution and Section 1401 of the Immigration and Nationality Act.

“To stop the president’s unlawful action, which would harm hundreds of thousands of American children and their families, the coalition [sued](#) in the District of Massachusetts to invalidate the executive order and to enjoin any actions taken to implement it. The states [requested immediate relief](#) to prevent the president’s order from taking effect. The request was granted by Judge Leo Sorokin. [This is the first birthright citizenship case in which a court has issued a preliminary injunction.]

“Birthright citizenship dates back centuries—including to pre-Civil War America. Although the Supreme Court’s notorious decision in *Dred Scott* denied birthright citizenship to the descendants of slaves, the post-Civil War United States adopted the Fourteenth Amendment to protect citizenship for all children born in this country. As the Attorneys General’s filings explain, the U.S. Supreme Court has repeatedly confirmed that birthright citizenship does not depend on the immigration status of the baby’s parents.

“If allowed to stand, this order—for the first time since the Fourteenth Amendment was adopted in 1868—would mean babies born each year in Hawai‘i who otherwise would have been citizens will no longer enjoy the privileges and benefits of citizenship.

“The children whose citizenship would be stripped by the president’s order would lose their most basic rights and would be forced to live under the threat of deportation. They would lose eligibility for a wide range of federal services and programs. They would lose their ability to obtain a Social Security number and, as they age, to work lawfully. They would also lose their ability to obtain a passport. And they would lose their right to vote, serve on juries, and run for certain offices. Despite the Constitution’s guarantee of citizenship, thousands of American children would—for the first time—lose their ability to fully and fairly be a part of American society as a citizen with all its benefits and privileges.

“In addition to harming hundreds of thousands of residents, the president’s order would significantly harm the states themselves, too. Among other things, this order will cause the states to lose federal funding to programs that they administer, such as Medicaid, the Children’s Health Insurance Program, and foster care and adoption assistance programs, which all turn in part on the immigration status of the resident being served. States would also be required—at their considerable expense—to immediately begin modifying their operation and administration of benefits programs to account for this change, which would impose significant burdens on multiple agencies that operate programs for the benefit of the states’ residents. The states’ filings explain that they should not have to bear these dramatic costs while their case proceeds because the order is directly inconsistent with the Constitution, the Immigration and Nationality Act, and two U.S. Supreme Court decisions.”

This case on behalf of the state of Hawai‘i was handled by Solicitor General Kaliko‘onālani Fernandes and Special Assistant to the Attorney General Dave Day.

The Attorneys General joining Hawai‘i in this lawsuit represent the states of California, Colorado, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Rhode Island, Vermont, Wisconsin, as well as the District of Columbia and the City and County of San Francisco.

Copies of the relevant orders can be found [here](#) and [here](#).

#

Media contacts:

Dave Day
Special Assistant to the Attorney General
Office: 808-586-1284
Email: david.d.day@hawaii.gov
Web: <http://ag.hawaii.gov>

Toni Schwartz
Public Information Officer
Hawai‘i Department of the Attorney General
Office: 808-586-1252
Cell: 808-379-9249
Email: Toni.E.Schwartz@hawaii.gov
Web: <http://ag.hawaii.gov>