

## The End of Universal Injunctions: Trump v. CASA

By Sahra Omar

On Inauguration Day, President Trump signed an Executive Order attempting to reinterpret the 14th Amendment to deny birthright citizenship to children born to immigrant parents unless at least one parent is a U.S. citizen or lawful permanent resident. Within hours, immigrant rights groups and states filed lawsuits, and within weeks, multiple district courts issued universal injunctions halting the order nationwide.<sup>45</sup> Those sweeping injunctions quickly propelled the matter to the Supreme Court in *Trump v. CASA Inca*, which did not ultimately decide the constitutionality of the executive order but instead altered the usual approach to judicial remedies by limiting when courts can issue nationwide injunctions.<sup>46</sup>

In a 6–3 ruling, the Court held that federal courts lack the equitable authority to issue “universal” or injunctions, limiting relief only to the plaintiffs before them. The majority decision, written by Justice Barrett, cast universal injunctions as a modern invention unsupported by the Judiciary Act of 1789 or historical equity practice. The Court insisted that such relief circumvents the protections of Rule 23 class actions and distorts the traditional principle of complete relief. Yet by narrowing the remedial power of lower courts, the decision leaves fundamental constitutional questions such as who qualifies as an American citizen unsettled, and risks fragmenting the enforcement of constitutional rights across the country.<sup>47</sup>

These universal injunctions became a procedural issue in this case. Traditionally, federal courts grant relief tailored to the parties before them, ensuring “complete relief” without extending remedies to non-parties. However, over the past several decades, judges have occasionally issued remedies nationwide, particularly in cases involving immigration and civil rights. The constitutional stakes come from the Citizenship Clause of the Fourteenth Amendment, ratified in 1868, which states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.” This has long been interpreted as securing *jus soli* (citizenship by place of birth), regardless of parental status, with limited exceptions such as children of foreign diplomats. By excluding U.S.-born children of

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<sup>45</sup> Mila Sohoni, “The Lost History of the ‘Universal’ Injunction,” *Harvard Law Review*.

<sup>46</sup> [https://www.supremecourt.gov/opinions/24pdf/24a884\\_8n59.pdf](https://www.supremecourt.gov/opinions/24pdf/24a884_8n59.pdf)

<sup>47</sup> “On Birthright Citizenship, Supreme Court Limits Lower Courts . . .,” *Time Magazine*, June 27, 2025

undocumented immigrants, the executive order directly contradicted the dominant interpretation of this clause.<sup>48</sup>

The litigation over this Executive Order illustrates the tension between constitutional fidelity and procedural restraint. Within hours, lawsuits were filed across multiple federal districts by states and immigrant-rights organizations such as CASA and the Asylum Seeker Advocacy Project (ASAP), representing pregnant mothers whose children's citizenship would be placed in jeopardy. Federal judges in Maryland and two other jurisdictions quickly issued nationwide injunctions, reasoning that the text of the Fourteenth Amendment and binding precedent in *United States v. Wong Kim Ark* left no room for executive reinterpretation.<sup>49</sup> For a short period, those injunctions halted the President's attempt to narrow the scope of American citizenship. The administration's appeals, however, transformed the dispute. What began as a direct constitutional challenge became, at the Supreme Court, a test of judicial remedies. In a 6-3 decision, the Court held that "universal" injunctions exceed the equitable authority of federal courts, with Justice Barrett invoking English equity practice and the Judiciary Act of 1789 to conclude that relief must be confined to the named plaintiffs unless a class is certified under Rule 23. Under this, the executive order could not be enforced against the individual mothers and organizations who sued but remained enforceable against the rest of the country.

The majority reasoning is internally coherent but normatively deficient. It is true that courts did not typically extend relief beyond parties, and that American equity has long emphasized "complete relief" rather than systemic remedies. Historical formalism cannot obscure constitutional stakes. The Citizenship Clause was ratified to guarantee uniformity that one's legal status as an American would not vary across states or jurisdictions. To suggest that a child born in Maryland may be recognized as a citizen while a child born in Texas on the same day may not undercut the very purpose of the Fourteenth Amendment. Such a patchwork of citizenship is not merely inefficient; it is constitutionally intolerable. This point is reinforced by precedent in *Wong Kim Ark (1898)*, the Court affirmed that birthright citizenship attaches regardless of parental nationality, and in *Plyler v. Doe (1982)*, it recognized that undocumented families are entitled to constitutional protections.<sup>50</sup> Against this, the Court's choice to sidestep

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<sup>48</sup> Trump v. CASA, Inc. and Nationwide Injunctions During the Second Trump Administration.

<sup>49</sup> *United States v. Wong Kim Ark*, 169 U.S. 649 (1898).

<sup>50</sup> *Plyler v. Doe*, 457 U.S. 202 (1982).

the constitutional question and instead curtail remedial power is difficult to justify *Gill v. Whitford* (2018) and *Trump v. Hawaii* (2018) had already signaled unease with the growing use of nationwide injunctions.<sup>51 52</sup> In *Gill*, the Court emphasized that remedies must be tied to the injuries of actual plaintiffs rather than granting sweeping relief, while in *Trump v. Hawaii*, the majority noted that universal injunctions raise serious institutional concerns by allowing a single district judge to halt federal policy nationwide.<sup>53</sup> Yet neither decision went so far as to categorically forbid such injunctions. In *Trump v. CASA*, the Court turned skepticism into a rule, choosing procedural limits over the nationwide enforcement of birthright citizenship.

The consequences were immediate and deeply troubling. Although *CASA* and *ASAP* went toward seeking to restore nationwide protection, the interim period left newborns in legal limbo.<sup>54</sup> Hospitals, agencies, and families faced conflicting obligations, creating uncertainty over one of the most fundamental questions in American law; who counts as a citizen. More troubling still, the deeper constitutional breach lies with the executive. Article II vests the President with the duty to “take care that the laws be faithfully executed.” It does not empower unilateral redefinition of constitutional text. The Citizenship Clause is self-executing and has been judicially interpreted for over a century; altering it requires an amendment, not an executive order. In this sense, the universal injunctions issued by the district courts were not acts of judicial excess but acts of constitutional enforcement.

A better course would have been for the Court to recognize that certain rights that are uniform by definition, like birthright citizenship, demand systemic relief. Class actions offer useful structure, but they take a long time to certify and resolve, which makes them too slow to protect rights that require immediate and uniform enforcement delays in such high-stakes cases mean real harm occurs to those whose rights are being denied. They cannot be the exclusive mechanism for ensuring nationwide consistency in a right that must apply the moment a child is born. Even a brief period of uncertainty undermines the Fourteenth Amendment’s guarantee of equal membership. By prioritizing historical tradition and procedural purity, the Court in *Trump v. CASA* weakened the judiciary’s ability to check executive overreach and jeopardized the

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<sup>51</sup> *Gill v. Whitford*, 138 S. Ct. 1916 (2018).

<sup>52</sup> *Trump v. Hawaii*, 138 S. Ct. 2392 (2018).

<sup>53</sup> Paul J. Larkin & GianCarlo Canaparo, “The Use of Nationwide Injunctions by U.S. District Courts,” The Heritage Foundation Legal Memorandum No. 375 (March 14 2025).

<sup>54</sup> Kelsey Dallas, “Where does Trump’s birthright-citizenship order currently stand?,” *SCOTUSblog*, July 18, 2025.

promise of uniform citizenship. In doing so, it allowed the President to test the boundaries of constitutional meaning while leaving families and the nation uncertain about the scope of one of America's most fundamental guarantees.

What the majority calls restraint is, in reality, the Court stepping back from its duty to keep constitutional rights uniform. Equity is meant to adapt to new problems, not to stay frozen in the past. The dissents explain this clearly. Justice Sotomayor notes that courts have long used flexible remedies to prevent laws from being enforced differently in different places. Justice Jackson warns that limiting relief to the plaintiffs creates a "zone of lawlessness," where an unconstitutional policy can be applied in some states but blocked in others simply because people cannot all get into court at the same time. When that happens, the Fourteenth Amendment's guarantee of birthright citizenship stops being national and becomes dependent on where someone is born. That is exactly what *Wong Kim Ark* forbids, and it shows how the majority approach allows citizenship rights to vary from state to state. In other words, the dissenters concerns directly reflect the principle established in *Wong Kim Ark*, that birthright citizenship must be uniformly protected across all states.

The concurring opinions reinforced the narrowing approach. Justice Gorsuch showed the dangers of forum shopping and warned that universal injunctions undermine consistent appellate review. Chief Justice Roberts defended the ruling as necessary to preserve institutional legitimacy and judicial modesty, meaning he viewed limiting nationwide injunctions to protect the Court's reputation and maintain public confidence in the judiciary by avoiding overreach. But modesty that permits executive overreach is a distortion of the judicial role. When constitutional guarantees are left to be enforced for piecemeal, rights become dependent not on principle but on the resources and capacity of individual litigants.

The consequences of this ruling are not abstract. Under the Court's structure, a child born in Maryland to immigrant parents may be recognized as a citizen because her family joined a successful lawsuit, while a child born on the same day in Texas may not. Such patchwork directly undermines the Fourteenth Amendment's promise of uniform citizenship. Precedent in *Wong Kim Ark* and *Plyler v. Doe* has already established that both birthright citizenship and constitutional protections extend to the children of undocumented immigrants. By refusing to

reaffirm this, the Court opened the door to inconsistent and unequal application of one of the nation's most fundamental guarantees.

This decision also fits within a broader pattern of the Roberts Court privileging procedure over substance. In *Gill v. Whitford*, partisan gerrymandering was left unresolved on standing grounds. In *Trump v. Hawaii*, the Court upheld the travel ban despite extensive evidence of religious discrimination. *Trump v. CASA* extends this pattern: by dismantling universal injunctions, the Court avoided confronting the merits while reshaping constitutional enforcement in practice. This is not a restraint but a retreat. It strips lower courts of their ability to block sweeping executive overreach and forces constitutional questions to be resolved case by case, often too slowly to prevent real harm. The lasting impact of *Trump v. CASA* shows not only in its treatment of the Citizenship Clause but in its transformation of remedies. By restricting the judiciary's capacity to issue universal injunctions, the Court has shifted the burden of safeguarding constitutional rights away from the judiciary and onto individuals. That burden is costly, protracted, and unevenly distributed. Far from embodying neutrality or modesty, the decision entrenches inequality and weakens the judiciary's role as a check on unlawful executive action.

The Supreme Court's decision in *Trump v. CASA* narrows the judiciary's capacity to act as a meaningful check on executive power. By discarding the universal injunction, the Court transformed judicial restraint into abdication, allowing an unconstitutional policy to persist in parts of the nation while protecting only a select few plaintiffs. As Collins and Erman observe, the majority's rigid adherence to eighteenth-century equity practice ignores both the need for uniform citizenship and the statutory guarantee embedded. Birthright citizenship is not a policy choice, but a constitutional and statutory command that binds every state and every administration. By privileging procedural purity over constitutional fidelity, *CASA* fractures a right meant to be national in scope and equal in application. True judicial modesty would have upheld the courts' duty to provide full and uniform relief when the executive defies both statute and Constitution. Ultimately, the case demonstrates how attempts by the executive to redefine citizenship can persist when judicial mechanisms fail to provide a strong, nationwide check.