

1 OFFICE OF THE COUNTY COUNSEL  
 COUNTY OF SANTA CLARA  
 2 TONY LOPRESTI, State Bar #289269  
 KAVITA NARAYAN, State Bar #264191  
 3 MEREDITH A. JOHNSON, State Bar #291018  
 RAPHAEL N. RAJENDRA, State Bar #255096  
 4 LAURA S. TRICE, State Bar #284837  
 HANNAH M. GODBEY, State Bar #334475  
 5 TAYRYN A. EDWARDS, State Bar #344959  
 70 West Hedding Street, East Wing, Ninth Floor  
 6 San José, California 95110-1770  
 Telephone: (408) 299-5900  
 7 Facsimile: (408) 292-7240  
 E-Mail: Tony.LoPresti@cco.sccgov.org  
 8 Kavita.Narayan@cco.sccgov.org  
 Meredith.Johnson@cco.sccgov.org  
 9 Raphael.Rajendra@cco.sccgov.org  
 Laura.Trice@cco.sccgov.org  
 10 Hannah.Godbey@cco.sccgov.org  
 Tayryn.Edwards@cco.sccgov.org

11 Attorneys for Plaintiff  
 12 COUNTY OF SANTA CLARA

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 San Jose Division

16 **County of Santa Clara,**

17 Plaintiff,

18 v.

19 **Donald J. Trump**, as President of the United  
 States; **Department of Justice; James**  
 20 **McHenry**, in his official capacity as Acting  
 Attorney General of the United States;  
 21 **Department of State; Marco Rubio**, in his  
 official capacity as Secretary of State;  
 22 **Department of Homeland Security; Kristi**  
**Noem**, in her official capacity as Secretary of  
 23 Homeland Security; **U.S. Citizenship and**  
**Immigration Services; Jennifer B. Higgins**, in  
 24 her official capacity as Acting Director of U.S.  
 Citizenship and Immigration Services;  
 25 **Department of Health & Human Services;**  
**Dorothy Fink**, in her official capacity as Acting  
 26 United States Secretary of Health and Human  
 Services; **Centers for Medicare & Medicaid**  
 27 **Services; Jeff Wu**, in his official capacity as  
 Acting Administrator of the Centers for Medicare  
 28 & Medicaid Services; **United States Social**  
**Security Administration; Michelle King**, in her

No.

**COMPLAINT FOR DECLARATORY AND  
 INJUNCTIVE RELIEF**

1 official capacity as Acting Commissioner for  
2 Social Security; **Department of Housing and**  
3 **Urban Development; Matthew Ammon**, in his  
4 official capacity as Acting Secretary of Housing  
5 and Urban Development; **Department of**  
6 **Agriculture; Gary Washington**, in his official  
7 capacity as Acting Secretary of Agriculture; and  
8 the **United States of America**,

9 Defendants.

## 10 INTRODUCTION

11 1. Just hours into his term, President Trump issued an executive order that will, if  
12 implemented, deprive membership in this Nation’s democracy to vast numbers of people born in the  
13 United States and subject to its laws, and therefore guaranteed citizenship by the Constitution itself.  
14 The executive order would bar full participation in American society in *precisely* the ways that the  
15 Nation permanently rejected when it ratified the Fourteenth Amendment 157 years ago. Like the  
16 Civil War in whose shadow it was drafted, enacted, and ratified, the Fourteenth Amendment  
17 repudiates the view that people born in the United States could be denied citizenship based on the  
18 status of their parents and ancestors. Instead, it fulsomely embraces and adopts *jus soli*—“right of  
19 the soil”—as the law of the land.

20 2. By its very terms, the Fourteenth Amendment guarantees citizenship to every person  
21 who is born in the United States and subject to American law, regardless of their parentage. The  
22 very first sentence of the Fourteenth Amendment, known as the Citizenship Clause, provides: “All  
23 persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens  
24 of the United States and of the State wherein they reside.” More than 125 years ago, the Supreme  
25 Court articulated and applied the obvious meaning of the Fourteenth Amendment’s language in a  
26 case that originated in the Northern District of California, *United States v. Wong Kim Ark*, 169 U.S.  
27 649 (1898). And echoing the Fourteenth Amendment, Congress made clear in the Immigration and  
28 Nationality Act that “person[s] born in the United States, and subject to the jurisdiction thereof”  
“shall be nationals and citizens of the United States at birth.” 8 U.S.C. § 1401. Each of these  
sources individually, and all of them collectively, underscore that birthright citizenship has been an

1 obvious, fundamental, and constitutionally inflexible aspect of American law for over a century and  
2 a half. Indeed, the entire architecture of modern American law and life is built upon the bedrock of  
3 the Constitution’s guarantee of birthright citizenship to all individuals born in the United States and  
4 subject to its jurisdiction, regardless of the parents to whom those individuals are born.

5         3.         On January 20, 2025, President Trump issued an executive order entitled “Protecting  
6 the Meaning and Value of American Citizenship.” Exec. Order No. 14,160 of January 20, 2025, 90  
7 Fed. Reg. 8,449 (Jan. 29, 2025) (“Order”). The Order directs the entire executive branch to ignore  
8 this constitutional and statutory guarantee and instead recognize the citizenship of a child born on  
9 American soil only if that child’s biological mother or father is a U.S. citizen or lawful permanent  
10 resident when the child is born.

11         4.         If the Order is implemented or enforced, it will cause the government to deny the  
12 benefits, privileges, and vital protections of United States citizenship to hundreds of thousands, if not  
13 millions, of people who are born each year and entitled to citizenship under the Fourteenth  
14 Amendment—a deprivation that will follow them through their entire lives. This includes thousands  
15 of individuals served by Plaintiff County of Santa Clara (“Santa Clara”). It includes children born to  
16 parents who lack lawful immigration status as well as children born to parents in a wide range of  
17 lawful but temporary immigration statuses. Among the people whom the Order would prevent from  
18 raising their U.S.-born children as U.S. citizens are asylees and refugees enjoying hard-earned safety  
19 in our country and awaiting their Green Cards, professionals from other nations who lend their skills  
20 to Santa Clara’s workforce and myriad businesses within Santa Clara County under H-1B visas,  
21 students on visas attending the multiple universities in Santa Clara County, and undocumented  
22 persons who live in and contribute to the Santa Clara County community. These families are  
23 neighbors, coworkers, and friends—all of them valued parts of the communities whose health and  
24 welfare governments, especially local governments, are responsible for protecting.

25         5.         The Order’s harms are not simply theoretical or far-off. The Order is already ripping  
26 at the fabric of society in ways that local governments like Santa Clara—as the level of government  
27 closest to the people—are uniquely exposed to, especially well-positioned to see, and directly  
28 responsible for mending. The Order is already harming Santa Clara by forcing it to incur financial

1 costs and workload burdens to respond to the chaos the Order is sowing, and to anticipate and plan  
2 for the Order's long-term impacts. And if the Order goes into effect, Santa Clara will suffer concrete  
3 financial and other losses due to the Order's predictable effects on public engagement with County  
4 programs and services. Santa Clara will continue to be harmed by the Order and Defendants'  
5 actions to implement and enforce it unless and until it is permanently enjoined. Like counties across  
6 California and local governments across much of the nation, Santa Clara operates the social safety  
7 net of programs and services that enable its residents to live lives of dignity. Among Santa Clara's  
8 core responsibilities under state law is the duty to relieve and support the most vulnerable among us.  
9 As a result of the Order, Santa Clara is already, and will continue to be, hampered in its fulfillment  
10 of that core function.

11 6. This Court should declare that the Order is unconstitutional and unlawful and enjoin  
12 and vacate any action to implement it.

### 13 **JURISDICTION AND VENUE**

14 7. This Court has jurisdiction under 28 U.S.C. § 1331 because this is a civil action  
15 arising under the Constitution and other laws of the United States. This Court also has jurisdiction  
16 under 28 U.S.C. § 1346(a)(2) because this is a civil action against the United States founded upon  
17 the Constitution and an Act of Congress.

18 8. In addition to its other remedial authorities, this Court has authority to issue  
19 declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02.

20 9. Venue properly lies within the Northern District of California under 28 U.S.C.  
21 §§ 1391(b)(2) and 1391(e)(1) because Santa Clara is in this judicial district, no real property is  
22 involved in this action, and a substantial part of the events or omissions giving rise to this action  
23 occurred in this District.

### 24 **DIVISIONAL ASSIGNMENT**

25 10. Assignment to the San Jose Division is proper under Civil L.R. 3-2(c) because the  
26 San Jose Division is the Division serving Santa Clara County, which is where a substantial part of  
27 the events or omissions giving rise to the claims asserted below occurred, and is therefore where this  
28 action arises.

**PARTIES**

1  
2 11. Plaintiff County of Santa Clara (“Santa Clara”) is a charter county and political  
3 subdivision of the State of California.

4 12. Santa Clara is home to one of the largest and most diverse populations in the country.  
5 It has almost two million residents and is more populous than 12 U.S. states. The government of the  
6 County of Santa Clara alone employs more than 23,000 people.

7 13. More than 40 percent of Santa Clara’s residents are foreign-born. That is the highest  
8 percentage of any county in California and one of the highest percentages of any county in the  
9 United States. Santa Clara’s foreign-born population exceeds 750,000 people and comprises people  
10 with a range of immigration statuses: naturalized citizens; lawful permanent residents; individuals in  
11 a wide variety of lawful but temporary statuses, including but not limited to refugees, asylees,  
12 students studying at universities who hold student visas, and victims of human trafficking or other  
13 crimes who have assisted law enforcement and hold T or U visas; and people without lawful  
14 immigration status. As the heart of Silicon Valley, Santa Clara also has many residents who are  
15 experts in computer and other technology industries who hold H-1B and related visas.

16 14. More than 60 percent of children in Santa Clara County have at least one foreign-born  
17 parent. That is by far the highest percentage in California and one of the highest percentages of any  
18 county in the United States.

19 15. Santa Clara is aggrieved and has standing to bring this suit because Defendants’  
20 refusal to issue or accept evidence that children born in the United States and residing and receiving  
21 services in Santa Clara County are citizens of the United States, or to otherwise acknowledge their  
22 United States citizenship has injured, is injuring, and will continue to injure Santa Clara unless and  
23 until implementation and enforcement of the Order is permanently enjoined.

24 16. Defendant Donald J. Trump is the President of the United States. He issued the  
25 Order. He is sued in his official capacity.

26 17. Defendants Department of Justice, Department of State, Department of Homeland  
27 Security, U.S. Citizenship and Immigration Services, Department of Health & Human Services,  
28 Centers for Medicare & Medicaid Services, United States Social Security Administration,

1 Department of Housing and Urban Development, and Department of Agriculture (collectively, the  
2 “Department and Agency Defendants”) are each a department, agency, or office of the United States.  
3 Each of the Department and Agency Defendants is responsible for generating, processing, issuing,  
4 accepting, and/or acknowledging information and documents that recognize that individuals born in  
5 the United States are citizens by virtue of their place of birth. Each of the Department and Agency  
6 Defendants is responsible for doing so in a variety of ways, including in connection with contracts,  
7 programs, or other activities that affect Santa Clara and residents in Santa Clara County.

8 18. Defendant James McHenry is the Acting Attorney General of the United States. He  
9 is sued in his official capacity, in which capacity he is responsible for overseeing and administering  
10 all duties and programs of Defendant Department of Justice.

11 19. Defendant Marco Rubio is the Secretary of State. He is sued in his official capacity,  
12 in which capacity he is responsible for overseeing and administering all duties and programs of  
13 Defendant Department of State.

14 20. Defendant Kristi Noem is the Secretary of Homeland Security. She is sued in her  
15 official capacity, in which capacity she is responsible for overseeing and administering all duties and  
16 programs of Defendant Department of Homeland Security.

17 21. Defendant Jennifer B. Higgins is the Acting Director of U.S. Citizenship and  
18 Immigration Services. She is sued in her official capacity, in which capacity she is responsible for  
19 overseeing and administering all duties and programs of Defendant U.S. Citizenship and  
20 Immigration Services.

21 22. Defendant Dorothy Fink is the Acting United States Secretary of Health and Human  
22 Services. She is sued in her official capacity, in which capacity she is responsible for overseeing and  
23 administering all duties and programs of Defendant Department of Health & Human Services.

24 23. Defendant Jeff Wu is the Acting Administrator of the Centers for Medicare &  
25 Medicaid Services. He is sued in his official capacity, in which capacity he is responsible for  
26 overseeing and administering all duties and programs of Defendant Centers for Medicare &  
27 Medicaid Services.

28 24. Defendant Michelle King is the Acting Commissioner for Social Security. She is

1 sued in her official capacity, in which capacity she is responsible for overseeing and administering  
2 all duties and programs of Defendant United States Social Security Administration.

3 25. Defendant Matthew Ammon is the Acting Secretary of Housing and Urban  
4 Development. He is sued in his official capacity, in which capacity he is responsible for overseeing  
5 and administering all duties and programs of Defendant Department of Housing and Urban  
6 Development.

7 26. Defendant Gary Washington is the Acting Secretary of Agriculture. He is sued in his  
8 official capacity, in which capacity he is responsible for overseeing and administering all duties and  
9 programs of Defendant Department of Agriculture.

10 27. Defendants James McHenry, Marco Rubio, Kristi Noem, Jennifer B. Higgins,  
11 Dorothy Fink, Jeff Wu, Michelle King, Matthew Ammon, and Gary Washington (together, the  
12 “Implementing Official Defendants”) are officials within the government through whom the  
13 Department and Agency Defendants will implement the Order.

14 28. Defendant United States of America includes all government agencies and  
15 departments responsible for the implementation, execution, and enforcement of the Order.

## 16 ALLEGATIONS

### 17 A. The President Has No Authority to Deny or Refuse to Recognize Birthright Citizenship

18 29. Birthright citizenship has its roots in the English common law principle of *jus soli*,  
19 meaning “right of the soil”—the rule that citizenship status is vested at birth, based on the child’s  
20 physical place of birth. See *Calvin v. Smith*, 77 Eng. Rep. 377 (K.B. 1608) (*Calvin’s Case*).

21 30. The Fourteenth Amendment’s Citizenship Clause enshrines this principle in the  
22 Constitution. Under the Fourteenth Amendment’s Citizenship Clause, “[a]ll persons born or  
23 naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United  
24 States and of the State wherein they reside.” U.S. Const. amend. XIV, § 1, cl. 1.

25 31. This sweeping grant of birthright citizenship to American-born children was no  
26 accident. To the contrary, it is widely understood that the Citizenship Clause—and, more  
27 specifically, its inclusion of *all* persons—was meant to repudiate the notorious pre-Civil War  
28 decision *Dred Scott v. Sandford*, 60 U.S. 393 (1857), in which the Supreme Court denied citizenship

1 to African Americans born on U.S. soil based on their race, the enslavement of their parents and  
2 ancestors, and their forcible historical exclusion from the body politic. Legislative debates  
3 surrounding the ratification of the Fourteenth Amendment show that the enacting Congress  
4 understood and intended that the Amendment’s Citizenship Clause would apply to *all persons* born  
5 on American soil—including, as one Senator crudely put it, children of “Gypsy” settlers or other  
6 foreigners. Cong. Globe, 39th Cong., 1st Sess. 2890 (1866); Cong. Globe, 39th Cong., 1st Sess.  
7 498; *Wong Kim Ark*, 169 U.S. at 698-99 (detailing legislative debates over the 1866 Civil Rights  
8 Act).

9         32. The Supreme Court reaffirmed the scope of the Fourteenth Amendment’s protection  
10 thirty years later in *Wong Kim Ark*, which clarified the meaning of the phrase “subject to the  
11 jurisdiction thereof.” The Court concluded that Wong Kim Ark—who was born in the United States  
12 to parents who were “subjects of the Emperor of China”—was a U.S. citizen. The Court held that  
13 “[e]very citizen or subject of another country, while domiciled here, is within the allegiance and the  
14 protection, and consequently subject to the jurisdiction, of the United States.” 169 U.S. at 693.

15         33. The Supreme Court has subsequently treated as constitutionally settled that anyone  
16 “born in the United States, [i]s a citizen of this country,” without regard to whether their biological  
17 parents immigrated unlawfully or held any lawful immigration status. *See, e.g., INS v. Rios-Pineda*,  
18 471 U.S. 444, 446 (1985) (unanimous decision).

19         34. Executive branch interpretations of the Fourteenth Amendment show the same  
20 understanding: birthright citizenship in this nation extends to all persons who are not immune to the  
21 laws of the United States. *Legislation Denying Citizenship at Birth to Certain Children Born in the*  
22 *United States*, 19 Op. O.L.C. 340 (1995) (proposed legislation to deny birthright citizen to children  
23 born to certain classes of noncitizens is “unquestionably unconstitutional” and “unconstitutional on  
24 its face”); *see also* *Citizenship of Children Born in the United States of Alien Parents*, 10 Op. Att’y  
25 Gen. 328, 328-29 (1862) (analyzing pre-Fourteenth Amendment common law); *Citizenship*, 10 Op.  
26 Att’y Gen. 382, 396-97 (1862) (same).

27         35. The only limitation on the Citizenship Clause’s guarantee of citizenship to everyone  
28 born on American soil is that the guarantee does not extend to those who are not “subject to the



1 jurisdiction” of the United States—that is, not subject to the laws of the country. This is a narrow  
2 exclusion that focuses, perhaps most prominently, on the children of agents of foreign sovereigns,  
3 who enjoy diplomatic immunity under American laws dating to the Founding Era with roots in  
4 English law predating the Founding by a century. *See* Crimes Act of 1790, § 25, 1 Stat. 112, 117-18.

5 36. Since its enactment in 1952, the Immigration and Nationality Act has also confirmed  
6 the plain constitutional guarantee of birthright citizenship. *See* Pub. L. No. 82-414, § 301, 66 Stat.  
7 163, 235. Section 301(a) of the Act provides that any “person born in the United States, and subject  
8 to the jurisdiction thereof” is a “citizen[] of the United States at birth.” 8 U.S.C. § 1401(a). Section  
9 301(a) echoes the language of the Citizenship Clause, and thus incorporates the meaning of that  
10 Clause set forth in *Wong Kim Ark* and its progeny.

11 37. The President cannot override the constitutional and statutory guarantee of birthright  
12 citizenship by executive action. A President has no power to act except that conferred by Congress  
13 or by the Constitution. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585 (1952). And  
14 the President also has no power under the Constitution to enact, amend, or repeal statutes—much  
15 less the Constitution itself. *Clinton v. City of New York*, 524 U.S. 417, 438 (1998).

16 38. Nonetheless, the Order purports, by unilateral presidential decree, to withhold the  
17 evidence, documents, privileges, and benefits of citizenship “to persons: (1) when that person’s  
18 mother was unlawfully present in the United States and the person’s father was not a United States  
19 citizen or lawful permanent resident at the time of said person’s birth, or (2) when that person’s  
20 mother’s presence in the United States was lawful but temporary, and the person’s father was not a  
21 United States citizen or lawful permanent resident at the time of said person’s birth.” Order § 2(a).

22 39. The Order seeks to effectuate this constitutional deprivation by establishing a new  
23 “policy” under which no federal agency “shall issue documents recognizing United States  
24 citizenship, or accept documents . . . purporting to recognize United States citizenship” for these  
25 children born after 30 days from the date of the Order. Order § 2(a), (b). The Order directs “[t]he  
26 heads of all executive departments and agencies [to] issue public guidance within 30 days of the date  
27 of this order regarding this order’s implementation with respect to their operations and activities,”  
28 Order § 3(b), and also specifically instructs the Secretary of State, the Attorney General, the

1 Secretary of Homeland Security, and the Commissioner of Social Security to ensure that their  
2 respective departments and agencies' regulations, policies, and personnel carry out the Order, Order  
3 § 3(a).

4 40. The Order not only rests on unconstitutional footing, it also violates the President's  
5 constitutional responsibility to "take Care that the Laws be faithfully executed," U.S. Const. art. II,  
6 § 3, because it goes out of its way to instruct federal agencies and officials to *refuse* to faithfully  
7 execute a wide range of laws that all rest on the bedrock constitutional foundation of birthright  
8 citizenship.

9 41. Indeed, birthright citizenship is so fundamental that an extraordinarily wide swath of  
10 American law treats a birth certificate showing that a person was born in the United States, standing  
11 alone, as adequate proof of United States citizenship. Examples exist throughout the United States  
12 Code, the Code of Federal Regulations, and agencies' forms, guidance, and processes where the  
13 government has presupposed the Citizenship Clause's meaning and faithfully applied its full scope.

14 42. For instance, Defendant Department of State issues passports to United States  
15 citizens, 22 U.S.C. § 211a, which it recognizes as "among the most visible and important public  
16 services carried out by the department." Dep't of State, 8 Foreign Affairs Manual (FAM) § 101.1-  
17 1(f). In carrying out this "important public service[]," the Department of State relies on birth  
18 certificates as "primary evidence" sufficient on their own to establish the citizenship of persons born  
19 in the United States. 22 C.F.R. § 51.42(a).<sup>1</sup> Its guidance documents explain that this practice is  
20 based on the Fourteenth Amendment's guarantee of birthright citizenship. The Foreign Affairs  
21 Manual, for example, states that "[a]ll children born in and subject, at the time of birth, to the  
22 jurisdiction of the United States acquire U.S. citizenship at birth even if their parents were in the  
23 United States illegally at the time of birth," and emphasizes that a child's "[a]cquisition of U.S.  
24 citizenship" under the Fourteenth Amendment "generally is not affected by the fact that the parents  
25 may be in the United States temporarily or illegally." 8 FAM § 301.1-1(d), (d)(2)(a).

26  
27  
28 <sup>1</sup> Even if "secondary evidence" is required, that evidence consists of further proof of birth on U.S.  
soil. *See* 22 C.F.R. § 51.42(b).

1           43. In a similar vein, Defendant Social Security Administration, which is responsible for  
2 issuing social security numbers to U.S. citizens, has long hewed to the practice that “[g]enerally, an  
3 applicant for an original or replacement social security number card may prove that he or she is a  
4 U.S. citizen by birth by submitting a birth certificate or other evidence . . . that shows a U.S. place of  
5 birth.” Its public-facing information sheets and guidance documents likewise treat birth in the  
6 United States as evidence of a person’s citizenship and entitlement to a social security number.  
7 Perhaps most prominently, the Social Security Administration’s Application for a Social Security  
8 Card states that an applicant can provide the required “Evidence of U.S. Citizenship” by  
9 “provid[ing] your U.S. birth certificate.” Social Security Administration, Form SS-5,  
10 <https://www.ssa.gov/forms/ss-5.pdf> (last accessed Jan. 30, 2025), archived at [https://perma.cc/](https://perma.cc/35CW-U5VF)  
11 [35CW-U5VF](https://perma.cc/35CW-U5VF).

12           44. Likewise, Defendant Department of Homeland Security, acting through Defendant  
13 U.S. Citizenship & Immigration Services, has issued guidance for employers seeking to verify that  
14 their employees are authorized to work in the United States, as required by the Immigration and  
15 Nationality Act. *See* 8 U.S.C. § 1324a. That guidance, like the regulations and other materials  
16 issued by other Defendant agencies and departments, recognizes that a birth certificate showing a  
17 U.S. place of birth is evidence of the person’s authorization to work because it evidences U.S.  
18 citizenship. *See* 8 C.F.R. § 274a(b)(1)(v)(C)(3); *see also* USCIS, *Instructions for Form I-9,*  
19 *Employment Eligibility Verification*, [https://www.uscis.gov/sites/default/files/document/forms/i-](https://www.uscis.gov/sites/default/files/document/forms/i-9instr.pdf)  
20 [9instr.pdf](https://www.uscis.gov/sites/default/files/document/forms/i-9instr.pdf) (last accessed Jan. 30, 2025), archived at <https://perma.cc/EE8Q-73EZ>. Congress has  
21 directed Defendants Department of Health & Human Services and, through it, Defendant Centers for  
22 Medicare & Medicaid Services, to treat a birth certificate showing that a person was born within the  
23 United States as appropriate evidence of the person’s citizenship. 42 U.S.C. § 1396b(x)(1),  
24 (x)(3)(A)(ii), (x)(3)(C)(i).

25           45. The Order would dismantle this system. It flies in the face of the Fourteenth  
26 Amendment’s plain text as well as the longstanding, uninterrupted, and ubiquitous application of the  
27 constitutional guarantee of citizenship to all born in the United States and subject to its jurisdiction.

28 ///

1 **B. The Order Injures Plaintiff County of Santa Clara**

2 46. Santa Clara is and will continue to be irreparably harmed by the Order. Even setting  
3 aside the harm Santa Clara's residents will suffer as a result of the Order, Defendants' actions have  
4 already caused, and will continue to cause, Plaintiff to face administrative burdens associated with  
5 the administration of programs and the change in the meaning and significance of birth certificates  
6 showing birth in the United States, and it will also result in lost revenues and increase the financial  
7 burdens Plaintiff bears in providing healthcare and social services to its residents. These injuries  
8 flow directly from the Order as well as the predictable actions residents have taken and will take in  
9 response to the Order.

10 **i. Impacts on the County of Santa Clara Health System**

11 47. Santa Clara's County Health System is the second-largest county-owned health and  
12 hospital system in California, and one of the largest public health systems in the nation. It is the  
13 only public safety-net healthcare provider in Santa Clara County. The County Health System  
14 includes three acute-care hospitals and a network of primary and specialty care clinics that together  
15 comprise Santa Clara Valley Healthcare (SCVH); and the Behavioral Health Services Department,  
16 Public Health Department, Emergency Medical Services Agency, Custody Health Services  
17 Department, and Valley Health Plan, which offers a range of health plans to county residents.

18 48. In 2024, SCVH delivered approximately 4,310 babies, handled 189,000 Emergency  
19 Department and urgent care visits, provided 234,000 days of acute inpatient hospital care, and had  
20 785,000 visits to its outpatient clinics.

21 49. As a safety-net public healthcare system, SCVH provides hospital and clinic services  
22 regardless of patients' ability to pay and disproportionately serves patients who rely on government-  
23 sponsored health coverage. In Fiscal Year 2024 (July 1, 2023 to June 30, 2024), approximately 64  
24 percent of SCVH's patient services revenues derived from Medi-Cal—California's Medicaid  
25 program—and another 19 percent derived from Medicare.

26 50. Medi-Cal consists of two components: (1) federally funded Medi-Cal, which is  
27 available to people who meet federal Medicaid eligibility requirements and which is jointly funded  
28 by the State and federal governments, and (2) "State-Only" Medi-Cal, which is available to certain

1 populations that do not meet federal Medicaid eligibility requirements and operates without federal  
2 funding. U.S. citizens and certain limited categories of lawfully present non-citizens are eligible for  
3 federally funded Medi-Cal if they meet other eligibility requirements (e.g., income limits).

4 However, most non-citizens—including undocumented immigrants, H-1B visa holders, and many  
5 other lawfully present non-citizens—are eligible only for State-Only Medi-Cal.

6 51. Currently, all babies born at SCVH are U.S. citizens eligible for federally funded  
7 Medi-Cal, if they satisfy other eligibility requirements. But the Order purports to create a new class  
8 of U.S.-born non-citizen children who would not be eligible for federally funded Medi-Cal. For  
9 SCVH—which in 2024 delivered nearly 1,500 babies to mothers enrolled in State-Only Medi-Cal  
10 due to their immigration status—Defendants’ refusal to recognize the citizenship of this population  
11 would have significant impacts. The adverse financial impacts would be wide-ranging.

12 52. First, under the Order, SCVH would lose substantial revenues from critical federally  
13 funded Medi-Cal programs. For example, in Fiscal Year 2024, SCVH recognized over \$240 million  
14 in supplemental revenues from the Enhanced Payment Program and the Voluntary Rate Range  
15 Program, two Medicaid programs that allow public healthcare providers like SCVH to maximize  
16 federal reimbursement and earn supplemental payments. These programs are essential to the  
17 financial health of SCVH, but they apply only to services provided to patients enrolled in federally  
18 funded Medi-Cal. Because the Order, if implemented, would necessarily and immediately reduce  
19 the number of children who are permitted to enroll in federally funded Medi-Cal, it would  
20 necessarily and immediately reduce SCVH’s revenues from these programs. SCVH would also see  
21 reduced revenues from other Medicaid programs and funding streams that do not apply to, or pay  
22 lower rates for, services provided to patients who are not eligible for federally funded Medi-Cal.

23 53. Second, immediately upon issuance, the Order began impacting SCVH patients in  
24 entirely predictable ways that, if allowed to continue, will result in further loss of revenue. In just  
25 the first few days since the Order issued, staff already report that pregnant patients have expressed  
26 anxiety about the consequences of the Order for their babies and fear of delivering at the hospital.

27 54. The fears expressed by patients at SCVH align with expert predictions that any effort  
28 to eliminate birthright citizenship would cause immigrants to distrust healthcare systems and avoid

1 medical care. *See, e.g.*, Drishti Pillai, Akash Pillai, and Samantha Artiga, *Children of Immigrants:*  
2 *Key Facts on Health Coverage and Care*, Kaiser Family Foundation (Jan. 15, 2025),  
3 [https://www.kff.org/racial-equity-and-health-policy/issue-brief/children-of-immigrants-key-facts-on-](https://www.kff.org/racial-equity-and-health-policy/issue-brief/children-of-immigrants-key-facts-on-health-coverage-and-care)  
4 [health-coverage-and-care](https://www.kff.org/racial-equity-and-health-policy/issue-brief/children-of-immigrants-key-facts-on-health-coverage-and-care), archived at <https://perma.cc/RA4E-5DTZ> (ending birthright citizenship  
5 would “increase fears and confusion” related to seeking health care services, leading to “reluctance  
6 among parents to enroll [their families] in programs for which they are eligible, including health  
7 coverage”). Indeed, like Santa Clara, other jurisdictions have seen the Order produce a chilling  
8 effect that deters immigrant communities from seeking healthcare and other social services  
9 throughout the country.

10         55. In SCVH’s experience, too, patient fear of this nature results in higher levels of  
11 appointment cancellations, no-shows, and failure to follow up with necessary care, which in turn  
12 results in not only harm to patients but also financial loss to SCVH. In addition to the loss of  
13 revenue for services not provided, increased cancellations and no-shows also jeopardize other  
14 important revenue streams. For example, in 2025, SCVH stands to earn up to \$175 million in  
15 revenues from the State Quality Incentive Pool program if it meets 40 quality measures, including  
16 measures that take into account patient attendance at prenatal, postpartum, and pediatric  
17 appointments. Historically, SCVH has met some of these stringent measures by small margins, and  
18 even a small uptick in cancelled appointments or no-shows could prevent SCVH from meeting some  
19 of those measures, amounting to a loss of approximately \$4.4 million per measure missed.

20         56. Third, based on its long experience administering healthcare programs, Santa Clara  
21 fully expects that the fear instilled by the Order will reduce Medi-Cal enrollment and deter patients  
22 from seeking care, resulting in devastating impacts on SCVH and the patients it serves. Based on its  
23 experience, SCVH expects that parents of children subject to the Order will be less likely to enroll  
24 those children in State-Only Medi-Cal, resulting in both decreased revenues and increased costs for  
25 SCVH. With lower Medi-Cal enrollment, SCVH will not only lose reimbursement for what would  
26 otherwise be Medi-Cal-covered services, but it will also face reduced capitation and supplemental  
27 payments from programs like the Enhanced Payment Program and Quality Incentive Pool program,  
28 which depend in part on the size of the Medi-Cal population SCVH serves. And children who are

1 not enrolled in Medi-Cal will be uninsured, resulting in higher costs to SCVH for uncompensated  
2 care (i.e., care not covered by an insurance program). Based on its experience, SCVH also expects  
3 that parents of children subject to the Order will be less likely to seek routine and preventive medical  
4 care and even in-hospital births, resulting in increased costs to SCVH when families instead present  
5 without health coverage at the Emergency Department with emergent, advanced, or complicated  
6 conditions that could have been managed more cost-effectively—and more safely—with preventive  
7 care. Santa Clara already invests hundreds of millions of dollars from its General Fund each year to  
8 cover uncompensated care provided by SCVH, and that investment would have to increase  
9 significantly under the Order.

10         57. Another part of Santa Clara’s Health System, the Public Health Department, is  
11 responsible for promoting and protecting the health of Santa Clara County’s entire population at a  
12 community level. The Public Health Department works to prevent disease and injury (for example,  
13 through communicable disease prevention and sexual health programs); promote healthy lifestyles  
14 (for example, by providing public education about childhood obesity and supporting tobacco and  
15 violence prevention initiatives); create healthy environments free from health hazards and pollutants;  
16 and collect, curate, and use data to inform decision-making. None of Santa Clara County’s 15 cities  
17 has its own public health department, and therefore all Santa Clara County residents rely on the  
18 Public Health Department to perform essential public health functions.

19         58. A key function of the Public Health Department is to support maternal, child, and  
20 family health. To that end, the Public Health Department’s Maternal Child and Family Health  
21 Branch offers services and programs to support vulnerable children and families in Santa Clara  
22 County. This includes administering the Women, Infants and Children nutrition program (WIC), a  
23 federal program that provides monthly assistance to buy healthy foods, breastfeeding support, health  
24 information, and other services to pregnant and breastfeeding people, infants, and children;  
25 California Children’s Services, a program for children and youth with certain serious medical  
26 conditions; and other programs to improve the health of vulnerable children and families.

27         59. In the days since the Order was issued, Public Health Department staff have reported  
28 an increase in fear expressed by participants in the WIC and California Children’s Services

1 programs. Other jurisdictions have also reported similar disturbances related to connecting  
2 community members with WIC services. These early expressions of fear and anxiety, just days after  
3 the Order issued and before it has taken effect, are consistent with the Public Health Department's  
4 expectation that the Order will deter pregnant and parenting community members who fear their  
5 children are or will be subject to the Order from accessing the Department's programs. When  
6 families avoid these programs because of the fear instilled by the Order, they lose access to  
7 nutritious foods and postpartum support, which are critical to the health of both mothers and  
8 children. By reducing uptake of these programs, the Order will harm Santa Clara financially  
9 because its safety-net Health System will be forced to absorb the increased costs of caring for a  
10 population in poorer health, physically and mentally.

11         60. The Public Health Department is also responsible for the prevention and control of  
12 infectious disease. As part of this work, the Public Health Department seeks to ensure that children  
13 in Santa Clara County receive required vaccinations, which are essential not only to health of  
14 individual children but to the population overall. For example, the Public Health Department runs a  
15 vaccination clinic, funded in part with Santa Clara funds, for children who need to get vaccinated  
16 quickly in order to register for school and have no other means of obtaining required vaccinations in  
17 time. And after the COVID-19 pandemic, when many children ceased attending regular doctor's  
18 visits and therefore fell behind in vaccinations, the Public Health Department undertook an extensive  
19 public awareness campaign to educate families on the importance of vaccinations and reduce  
20 barriers to vaccine uptake. If allowed to take effect, the Order will deter community members who  
21 fear their children are or will be subject to the Order from seeking routine prenatal and pediatric  
22 care, resulting in decreased vaccination rates among children and increasing the risk of spread of  
23 preventable childhood diseases, such as measles and whooping cough. To protect the health of all  
24 Santa Clara County residents, the Public Health Department will be required to expend additional  
25 resources through means such as expanding the existing vaccination clinic, developing public  
26 outreach and education campaigns, and/or tracking and controlling outbreaks of disease.

27         **ii. Harm to Santa Clara Agencies That Provide Public Benefits and Supports**

28         61. As a California county, one of Santa Clara's most important functions is the provision



1 and administration of public benefits and supports to vulnerable residents. If implemented, the  
2 Order will harm Santa Clara's ability to perform this function, reduce federal funds available to  
3 support Santa Clara County residents, and force Santa Clara to increase expenditures of its own  
4 funds to meet the needs of its residents and the community as a whole.

5 62. Many of these benefits and services are provided by Santa Clara's Social Services  
6 Agency. Within the Social Services Agency, the Department of Employment and Benefits Services  
7 (DEBS) is responsible for ensuring that low-income individuals and families receive essential health,  
8 nutrition, financial, and employment services. Among other things, DEBS administers and helps  
9 residents enroll in public benefits including health coverage, food assistance, financial assistance,  
10 and employment services. Nearly 25 percent of all Santa Clara County residents receive one or  
11 more benefits from DEBS.

12 63. Many of the public benefits that DEBS administers are federally funded and, under  
13 federal eligibility rules, are available only to U.S. citizens and residents within limited categories of  
14 lawful immigration status. For example, CalFresh, California's implementation of the federal  
15 Supplemental Nutrition Assistance Program, provides food assistance to low-income people, and  
16 CalWORKs, California's implementation of the federal Temporary Assistance for Needy Families  
17 program, provides cash aid and services for low-income families. These commonly used public  
18 benefits provide critical support for children in low-income families, but they are not available to  
19 undocumented immigrants and many people with lawful but temporary immigration statuses (such  
20 as H-1B visa-holders).

21 64. Under the Fourteenth Amendment, children born in Santa Clara County (or elsewhere  
22 in the United States) are U.S. citizens who are eligible for CalFresh, CalWORKs, and other federally  
23 funded benefits programs, assuming they meet income and other eligibility requirements. But the  
24 Order would cease to recognize or respect the citizenship of many children born in Santa Clara  
25 County going forward, which will strip them of their eligibility for important public programs and  
26 deprive Santa Clara of an essential source of funds to support the health and welfare of children in its  
27 communities.

28 65. Santa Clara also receives significant funding through the federal Title IV-E program,

1 which is named for Part E of Title IV of the Social Security Act and provides federal funding to  
2 support local and state governments' child welfare services—most notably foster care, adoption  
3 assistance, and guardianship assistance. Santa Clara performs Title IV-E-funded work through  
4 several departments, including its Social Services Agency and Probation Department. Each year  
5 Santa Clara receives tens of millions of dollars in federal Title IV-E funds for the work these two  
6 departments do to support vulnerable young people in need of child welfare services.

7 66. Title IV-E funding is available only to support youth who meet eligibility criteria,  
8 including U.S. citizenship or lawful immigration status (in addition to other criteria). If the Order is  
9 not enjoined, Santa Clara expects that Defendant Department of Health & Human Services will cut a  
10 significant portion of this major federal funding source that Santa Clara uses to support and protect  
11 children.

12 67. The loss of federal CalFresh, CalWORKs, and other public benefit program funding  
13 will have adverse financial impacts on Santa Clara and put pressure on other Santa Clara programs  
14 to make up for lost public benefit support. For example, Santa Clara's Office of Supportive Housing  
15 operates programs for people experiencing or at risk of homelessness. Many of its programs are  
16 funded in part by Santa Clara's General Fund. Under the Order, as families lose access to CalFresh  
17 and CalWORKs benefits, many will be forced to divert income that otherwise would have covered  
18 rent to buy food and necessities for their children. The Order will place these families at greater risk  
19 of homelessness and push some into shelters, safe-parking programs (for people living in their  
20 vehicles), and other Office of Supportive Housing programs for homelessness prevention and  
21 temporary housing assistance that are supported by local funds. These individuals and families will  
22 also predictably seek and be eligible for other forms of public assistance at a higher rate, such as in-  
23 kind food assistance and free diaper programs, which Santa Clara supports out of its General Fund.  
24 To address these impacts, Santa Clara will be forced to spend more of its own funds—either to  
25 expand existing programs, or to create new programs to fill the gap where CalFresh, CalWORKs,  
26 and other federally funded benefits programs are no longer available.

27 **iii. Other Operational and Administrative Costs and Burdens Imposed by the Order**

28 68. Santa Clara has also already incurred, and will continue to incur, substantial

1 administrative costs and burdens because of the Order. This is because citizenship and immigration  
2 status are relevant to a vast array of the programs and services through which Santa Clara serves its  
3 residents and obtains funding to do so. Santa Clara will need to develop processes and guidance,  
4 hire and train workers, and process the paperwork necessary to account for the major change the  
5 Order makes to those programs and services. Already, residents are turning to their local  
6 governments to understand how the Order affects the governmental programs and services they use.

7         69. For instance, the Order imposes enormous uncertainty and administrative burdens on  
8 DEBS and other Santa Clara agencies that are responsible for enrolling people in public benefits  
9 programs and verifying their eligibility. Like myriad other federal, state, and local programs, Santa  
10 Clara's eligibility assessment procedures treat proof of birth within the United States as proof of an  
11 individual's citizenship—and, therefore, conclusive evidence that the applicant meets the  
12 citizenship/immigration status requirement for benefits such as CalWORKs and CalFresh. The  
13 Order purports to invalidate that assumption, leaving agencies like DEBS without any understanding  
14 of how to perform basic eligibility determinations going forward. If the Order takes effect, DEBS  
15 will have to await guidance from the State and then expend significant resources to revise its rules  
16 and policies, develop trainings on new and more complicated procedures for verifying eligibility,  
17 and conduct trainings to ensure its eligibility workers can follow the new procedures and  
18 requirements. In the interim, DEBS staff have been forced to spend a great deal of resources  
19 analyzing the Order and its effects on the programs DEBS administers, answering questions from  
20 staff, and fielding calls from community members about the impact of the Order. Indeed, in just the  
21 first week after the Order issued, approximately 11 DEBS staff members spent 15-20 percent of their  
22 time on work related to the Order. That burden will only increase if the Order is allowed to take  
23 effect.

24         70. Santa Clara also faces burdens as an employer as a result of the Order's upending of  
25 the foundations of birthright citizenship. Santa Clara employs staff across the County organization  
26 who are residing in the United States in lawful but temporary immigration status and working for  
27 Santa Clara under a work visa. A child born to these employees will lose U.S. citizenship under the  
28 Order unless the other biological parent of that child is a citizen or lawful permanent resident.

1           71. Santa Clara expects to lose dedicated employees as a result of the chaos and  
2 uncertainty the Order imposes on their family situations. The loss will create a burden on Santa  
3 Clara to recruit and train new staff members in the critical roles currently occupied by employees  
4 with lawful but temporary immigration status. Bringing on new staff to replace an experienced  
5 departing employee inevitably causes disruption and loss of value to Santa Clara and to the public it  
6 serves.

7           72. Even if these employees remain in Santa Clara's employment, as Santa Clara hopes  
8 they will, the Order will impose burdens on them and on Santa Clara itself.

9           73. First, many of the Santa Clara employees who hold lawful but temporary immigration  
10 status serve in critical roles in the County Health System. Others are direct-service providers in  
11 Santa Clara's Social Services Agency such as social workers, eligibility workers, and employment  
12 counselors. These employees may well be in the position of supporting anxious patients and clients  
13 facing uncertainty about their children's immigration status while the employees themselves grapple  
14 with that anxiety in their own lives.

15           74. Second, in targeting these employees, the Order imposes both immediate and long-  
16 term administrative burdens on Santa Clara as an employer. Under the Internal Revenue Code, it  
17 appears these employees would no longer be able to seek the federal Child Tax Credit for any child  
18 who does not have lawful immigration status with a Social Security number valid for employment in  
19 the United States. In addition to the immediate economic burden on these employees and their  
20 families due to the loss of this important tax credit, Santa Clara is directly burdened by this change  
21 because it must act quickly to identify the affected employees, alert payroll staff, and adjust its  
22 payroll practices and systems so that these employees no longer have taxes withheld from their  
23 paychecks to account for the impact of the Child Tax Credit. Moreover, when the children of these  
24 employees reach employment age, their lack of lawful work authorization would prevent Santa Clara  
25 from employing them. For years, Santa Clara has been sought out as an employer by multiple  
26 generations of families dedicated to public service. The Order disrupts this valuable employment  
27 pipeline. *See* Drishti Pillai, Akash Pillai, and Samantha Artiga, *The Role of Adult Children of*  
28 *Immigrants in the U.S. Health Care Workforce*, Kaiser Family Foundation (Mar. 13, 2024),

1 [https://www.kff.org/racial-equity-and-health-policy/issue-brief/the-role-of-adult-children-of-](https://www.kff.org/racial-equity-and-health-policy/issue-brief/the-role-of-adult-children-of-immigrants-in-the-u-s-health-care-workforce)  
2 [immigrants-in-the-u-s-health-care-workforce](https://www.kff.org/racial-equity-and-health-policy/issue-brief/the-role-of-adult-children-of-immigrants-in-the-u-s-health-care-workforce), archived at <https://perma.cc/TQ2Q-LAAR> (ending  
3 birthright citizenship would exacerbate workforce shortages in the healthcare industry in light of the  
4 fact that both immigrant adults and the adult children of immigrants comprise a disproportionate  
5 share of the health industry workforce).

6 **FIRST CAUSE OF ACTION**

7 **The Order Violates the Fourteenth Amendment**

8 *Against all Defendants*

9 75. Plaintiff realleges and incorporates by reference the allegations of the preceding  
10 paragraphs.

11 76. The Order violates the Fourteenth Amendment’s guarantee of citizenship to “[a]ll  
12 persons born or naturalized in the United States, and subject to the jurisdiction thereof.” U.S. Const.  
13 amend. XIV, § 1.

14 77. Section 2 of the Order asserts that the “policy” of the federal government is to refuse  
15 to recognize the citizenship of certain children who are born on United States soil and subject to the  
16 United States’ jurisdiction, based solely on their parentage. Specifically, it asserts that Defendants  
17 will not issue or accept “documents recognizing United States citizenship” of a person born after 30  
18 days from the date of the Order “(1) when that person’s mother was unlawfully present in the United  
19 States and the person’s father was not a United States citizen or lawful permanent resident at the  
20 time of said person’s birth, or (2) when that person’s mother’s presence in the United States was  
21 lawful but temporary, and the person’s father was not a United States citizen or lawful permanent  
22 resident at the time of said person’s birth.” Order § 2(a), (b).

23 78. Section 3 of the Order requires all Defendants to “issue public guidance within 30  
24 days of the date” the Order issued and also specifically requires the Secretary of State, the Attorney  
25 General, the Secretary of Homeland Security, and the Commissioner of Social Security to “take all  
26 appropriate measures to ensure that the regulations and policies of their respective departments and  
27 agencies are consistent with” the Order and that all personnel of their respective departments and

28 ///

1 agencies carry out the Order’s policy of refusing to recognize the citizenship of certain United States  
2 citizens.

3 79. The Order violates the Fourteenth Amendment’s guarantee of citizenship to all  
4 individuals born in the United States and subject to the jurisdiction thereof, and deprives many such  
5 citizens of their rights, privileges, immunities, and benefits.

6 80. The President has no authority to override or ignore the Fourteenth Amendment’s  
7 Citizenship Clause or otherwise amend the Constitution, *see* U.S. Const. art. V, and Defendants lack  
8 authority to deny or deprive anyone their right to birthright citizenship; to refuse to recognize such  
9 citizenship; or to deprive those citizens of the rights, benefits, entitlements, and privileges attendant  
10 to their citizenship.

11 81. Defendants’ violations have caused harm and will continue to cause harm to Santa  
12 Clara for which no remedy other than an injunction is adequate.

## 13 **SECOND CAUSE OF ACTION**

### 14 **The Order Violates the Constitutional Separation of Powers**

15 **(U.S. Const. art. I, § 1; U.S. Const. art. I, § 8, cl. 4; U.S. Const. art. II, § 3)**

#### 16 *Against all Defendants*

17 82. Plaintiff realleges and incorporates by reference the allegations of the preceding  
18 paragraphs.

19 83. The United States Constitution states that “[a]ll legislative Powers herein granted  
20 shall be vested in [the] Congress of the United States.” U.S. Const. art. I, § 1. One of the  
21 “legislative Powers” “vested” in Congress is the power “To establish an uniform Rule of  
22 Naturalization.” U.S. Const. art. I, § 8, cl. 4. The Constitution does not vest any legislative power in  
23 the President. Rather, the Constitution directs that the President “shall take Care that the Laws be  
24 faithfully executed.” U.S. Const. art. II, § 3.

25 84. Section 301(a) of the Immigration and Nationality Act echoes the Fourteenth  
26 Amendment and directs that all “person[s] born in the United States, and subject to the jurisdiction  
27 thereof,” “shall be nationals and citizens of the United States at birth.” 8 U.S.C. § 1401(a).

28 85. The President has no power under the Constitution to override or amend the

1 Immigration and Nationality Act’s statutory guarantee of birthright citizenship, to impose additional  
2 conditions or limits on birthright citizenship, or to refuse to acknowledge that any “person born in  
3 the United States, and subject to the jurisdiction thereof,” is a “citizen[] of the United States at  
4 birth.”

5 86. Neither the Immigration and Nationality Act nor any other Act of Congress purports  
6 to authorize the President to establish criteria that limit or condition when citizenship is conferred by  
7 birthright on an individual born within the United States.

8 87. The President has no constitutional, statutory, or other authority to issue, impose,  
9 implement, or enforce the limitations and requirements set forth in Section 2 of the Order. Even if  
10 the Order did not directly contravene the Fourteenth Amendment, the Order would nonetheless  
11 purport to exercise legislative authority that the President does not possess and thereby usurp  
12 Congress’s power, and in doing so violate the Constitution’s separation of powers.

13 88. Defendants’ violations have caused harm and will continue to cause harm to Santa  
14 Clara for which no remedy other than an injunction is adequate.

15 **THIRD CAUSE OF ACTION**

16 **The Order Violates the Immigration and Nationality Act**

17 *Against all Defendants*

18 89. Plaintiff realleges and incorporates by reference the allegations of the preceding  
19 paragraphs.

20 90. Section 301(a) of the Immigration and Nationality Act echoes the Fourteenth  
21 Amendment and directs that all “person[s] born in the United States, and subject to the jurisdiction  
22 thereof” “shall be nationals and citizens of the United States at birth.” 8 U.S.C. § 1401(a).

23 91. Nothing in the Immigration and Nationality Act or any other Act of Congress grants  
24 or purports to grant the President or any department or agency of the United States the power to  
25 impose criteria or limits on birthright citizenship not found in a statute adopted by Congress.

26 92. The Order contravenes the Immigration and Nationality Act by refusing to  
27 acknowledge, and directing Defendants to refuse to acknowledge, the citizenship of several specified

28 ///

1 groups of “person[s] born in the United States, and subject to the jurisdiction thereof,” contrary to  
2 statutory mandate.

3 93. The President has no authority to override Section 301(a)’s statutory guarantee of  
4 citizenship, and Defendants therefore lack authority to unilaterally strip individuals of their right to  
5 citizenship under Section 301(a), to refuse to acknowledge their citizenship, or, therefore, to carry  
6 out the Order’s policy or instructions.

7 94. Defendants’ violations have caused harm and will continue to cause harm to Santa  
8 Clara for which no remedy other than an injunction is adequate.

#### 9 **FOURTH CAUSE OF ACTION**

#### 10 **The Order Directs Federal Agencies to Take Actions that Violate**

#### 11 **the Administrative Procedure Act**

#### 12 ***Against all Defendants except Defendant Trump***

13 95. Plaintiff realleges and incorporates by reference the allegations of the preceding  
14 paragraphs.

15 96. The Order directs that “[t]he heads of all executive departments and agencies shall  
16 issue public guidance within 30 days of the date of this order regarding this order’s implementation  
17 with respect to their operations and activities.” Order § 3(b). The Order also directs Defendants  
18 Secretary of State, Attorney General, Secretary of Homeland Security, and Commissioner of Social  
19 Security to “take all appropriate measures to ensure that the regulations and policies of their  
20 respective departments and agencies are consistent with this order.” Order § 3(a). The Order  
21 requires federal departments, agencies, and officials to implement the Order’s “Policy” within 30  
22 days, which necessarily requires Defendants to override, supersede, disregard, or violate existing and  
23 applicable guidance, regulations, policies, forms, and procedures.

24 97. The Order permits and directs Defendants to take actions that violate the  
25 Administrative Procedure Act, 5 U.S.C. § 706(2)(B), because they are arbitrary, capricious, an abuse  
26 of discretion, or otherwise not in accordance with law; contrary to constitutional right, power,  
27 privilege, or immunity, including rights protected by the Fourteenth Amendment; in excess of

28 ///



1 statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of  
2 procedure required by law.

3 98. Defendants’ violations have caused harm and will continue to cause harm to Santa  
4 Clara for which no remedies other than an injunction and vacatur are appropriate remedies.

5 **PRAYER**

6 WHEREFORE Plaintiff requests that the Court grant the following relief:

- 7 1. Declare that the Order is unconstitutional and unlawful in its entirety;
- 8 2. Temporarily restrain, and preliminarily and permanently enjoin, Defendants from  
9 implementing or enforcing the Order;
- 10 3. Declare that any actions taken or to be taken by Defendants to implement or enforce  
11 the Order violate the Administrative Procedure Act;
- 12 4. Vacate any actions taken by Defendants to implement or enforce the Order;
- 13 5. Order Defendants to pay Plaintiff reasonable attorneys’ fees, other expenses, and  
14 costs; and
- 15 6. Grant any other and further relief that this Court may deem just and proper.

16  
17 Dated: January 30, 2025

Respectfully submitted,

18  
19 By: /s/ Tony LoPresti  
20 TONY LOPRESTI  
COUNTY COUNSEL

21 KAVITA NARAYAN  
22 MEREDITH A. JOHNSON  
23 RAPHAEL N. RAJENDRA  
24 LAURA S. TRICE  
HANNAH M. GODBEY  
TAYRYN A. EDWARDS

25 Attorneys for Plaintiff  
26 COUNTY OF SANTA CLARA  
27  
28