

PRESS ADVISORY

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The Korean American Institute Issues a Policy Brief that Analyzes How Koreans and Korean Americans May be Harmed if the Supreme Court Strikes Down the Precedent of Automatic Birthright Citizenship

WASHINGTON – During this Immigrant Heritage Month of June, the United States Supreme Court is expected to announce a decision on whether birthright citizenship will remain a constitutional right, or be struck down after being the law of the land for over 150 years.

The case of [Trump v. Barbara](#) is a challenge to President Donald Trump’s executive order issued in January 2025 which would prohibit the federal government from recognizing citizenship for two groups of people who currently would receive automatic American citizenship under the 14th Amendment to the United States Constitution.

If the Supreme Court finds that the presidential order is valid, the long-standing precedent of birthright citizenship could end this year. Such a result would disrupt the lives of millions of immigrants, including many Koreans and Korean Americans.

To better understand the potential negative implications of changes to immigration policy, the [Korean American Institute issued a policy brief](#) that explains the current law established by an 1868 amendment to the Constitution which was affirmed by the Supreme Court in the 1898 landmark case of [United States v. Wong Kim Ark](#).

The KAI policy brief then describes how [Executive Order 14160](#) establishes two different classes of people who are prohibited from obtaining automatic citizenship: (1) children of undocumented mothers, and (2) children of lawfully present but temporary resident mothers.

The policy brief refers to a [recent study by demographers Jennifer Van Hook and Nicole Kreisberg](#) that explains how these two prongs in the executive order would impact Latinos and Asians differently:

- Latinos in America would suffer the largest ***absolute impact*** because, by the year 2050, Latino children would make up over 90 percent of all those born in America without the benefit of automatic citizenship.
- Asians in America would suffer the largest ***relative impact*** because the proportion of births among Asians that could result in uncertain legal status is 41 per 1,000 Asians, compared to 17 such births per 1,000 Latinos.

Finally, the policy brief explains that Koreans would be impacted much more by the second category of the executive order because Korean immigrants who are legally but temporarily in America mostly fall under these circumstances:

- **Student visas:** Approximately 43,000 Korean students were enrolled in American institutions in 2023–24.
- **Exchange scholars and postdocs:** Korean academics, postdoctoral researchers, and visiting scholars routinely come to American universities on J-1 exchange visitor status and often stay for several years.
- **The green-card waiting room:** Korean professionals admitted in H-1B status typically spend several years between the start of the green-card process and its completion.
- **E-2 treaty investor visas:** In 2024, about 6,800 E-2 visas were issued to Korean nationals who were allowed to enter the United States to run businesses here.

Thus, a child born in the United States to a legally present Korean woman under one of these temporary situations will no longer be considered an American citizen if the Supreme Court upholds President Trump’s executive order.

By highlighting these problems facing certain Koreans in America, the Korean American Institute wishes to broaden the common perception that immigration is an issue of importance to everyone, not just among Latinos, and that concerns include many situations far from the southern border.

“Since the Civil War ended over 150 years ago, the law has been clear that any person born on American soil is an American citizen,” said **Mark Keam, President of the Korean American Institute**. “We hope the Supreme Court affirms this long-standing precedent and eliminates the unnecessary confusion and potentially damaging consequences of the president’s ill-advised executive order.”

The Korean American Institute was established in 2022 as a nonprofit organization with the mission to create a democracy where Korean Americans matter by producing insightful and actionable research to improve decision making on issues facing Korean Americans.

For more information about the Korean American Institute, please visit ka.institute.

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