

ALL CHILDREN BORN EQUAL: PRESERVING BIRTHRIGHT CITIZENSHIP FOR AMERICA'S CHILDREN



FIRST FOCUS

MAKING CHILDREN & FAMILIES THE PRIORITY



Every child deserves the fundamental rights and protections necessary to grow and thrive. Unfortunately, the debate on U.S. immigration policy has again resulted in attacks against the most vulnerable members of our society. Lawmakers at the federal and state level have proposed eliminating automatic citizenship for *all* U.S.-born children so as to deny U.S. citizenship to the children of unauthorized immigrants. While our immigration system is undoubtedly broken, it is a risky and misguided notion to amend the Constitution in order to punish children for simply being born. The fact remains that a repeal of birthright citizenship would only result in deliberately hurting millions of innocent children while undermining our American tradition of equality.

In America, All Children are Born Equal

The Fourteenth Amendment to the Constitution is regarded as the foundation of American civil rights. Ratified in 1868, the Fourteenth Amendment guarantees the U.S. citizenship of all children born in the United States regardless of race, color, or ancestry. Enshrining this protection in our Constitution preserved the principle of equality for every child and ensured that citizenship was placed beyond the prejudices of the day.¹ Those imperatives are just as relevant today as they were in the racially charged years following America's Civil War.

A Return to Segregation

The Fourteenth Amendment overturned the U.S. Supreme Court's infamous *Dred Scott* decision that denied the U.S.-born children of African descent the rights and privileges of U.S. citizenship. In

fact, a repeal of birthright citizenship would mark the first time that the Constitution was amended to *limit* civil rights rather than to expand them. Denying citizenship to any child born on U.S. soil would undermine our American values and create an underclass of citizens subject to constitutionally-sanctioned discrimination and social exclusion. Children of color, particularly Latino children, would be disproportionately affected.²

Putting Children at Risk

By conferring citizenship at birth, our youngest citizens are guaranteed important safeguards to promote their long-term health and development. Denying infants born on U.S. soil from their citizenship rights would restrict or eliminate access to health care, food assistance programs, and other basic services. In fact, there would be a significant increase in the number of U.S.-born children without access to preventative care and other nutrition supports, putting these children at risk for a lifetime of health problems.

Children Without a Nation

An estimated 4 million U.S.-born children have at least one unauthorized parent.³ Without birthright citizenship, millions of stateless children would be forced to live outside the margins of our society and would be at constant risk of exploitation or deportation to a country they have never known. And because denying children U.S. citizenship would in no way confer rights to citizenship in other countries, these children may literally have no legal home – nowhere to turn for the basic protections every child needs.

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A Burden for All Families

The elimination of birthright citizenship would impact not only the children of unauthorized immigrants, but the children of all Americans.⁴ Currently, a U.S. birth certificate is sufficient proof of one's citizenship. Since the U.S. does not have a national registry of citizens, all American families would be required to navigate complex laws in order to establish their child's citizenship. This would likely be a cumbersome process for many since research shows that more than 13 million Americans cannot easily produce the required documentation.⁵ Furthermore, low-income families and single-parent households would often face the greatest challenges in proving a child's citizenship.⁶

A Misdirected Response

Denying citizenship to innocent children will do nothing to remedy the fundamental flaws of our immigration system. In fact, the number of unauthorized persons living in the U.S. would actually *increase* rather than decrease, and they would be predominantly children. It is estimated that the share of unauthorized children living in the U.S. would double by 2050 should birthright citizenship be repealed.⁷ Rather than hurt children, policymakers should be focused on a comprehensive fix to our immigration system that respects the wellbeing of children and families.

A Choice about America's Future

Our children are the future of our country. Without any form of legal status, young people face barriers to a higher education and are unable to legally join the workforce. By denying children the American dream, we as a nation would be missing out on their much needed talents and contributions. Thus, it is in our best interest to uphold the equality and liberty enshrined in the Fourteenth Amendment by ensuring that *all* children born and raised in the U.S. are able to achieve their full potential and contribute to our society. After all, children are counting on America's leaders to protect their rights, not take them away.

Endnotes:

- ¹ Wydra, E. "Debunking Modern Arguments Against Birthright Citizenship." *Made in America: Myths and Facts About Birthright Citizenship*. Washington, DC: Immigration Policy Center, 2009.
- ² Van Hook, J., Fix, M. *The Demographic Impacts of Repealing Birthright Citizenship*. Washington, DC; Migration Policy Institute, 2010.
- ³ Passel, J., Taylor, P. *Unauthorized Immigrants and Their U.S.-Born Children*. Pew Hispanic Center, 2010.
- ⁴ Stock, M. "Policy Arguments in Favor of Retaining America's Birthright Citizenship Law." *Made in America: Myths and Facts About Birthright Citizenship*. Washington, DC: Immigration Policy Center, 2009.
- ⁵ Ibid.
- ⁶ Ibid.
- ⁷ Van Hook, J., Fix, M. *The Demographic Impacts of Repealing Birthright Citizenship*. Washington, DC; Migration Policy Institute, 2010.