

Birthright citizenship has long been a fundamental right of every child born in the United States. The principles behind the policy are rooted in the belief that every child deserves the rights and protections necessary to grow and thrive. Yet birthright citizenship has once again come under attack in the national debate on U.S. immigration policy, with proposals to overturn the policy in order to prevent the children of undocumented immigrants from gaining access to citizenship.



It is both a dangerous and misguided notion to amend the Constitution in order to punish babies simply because of who their parents are. A repeal or restriction of birthright citizenship would not only undermine our American tradition of fairness and equality, but it would also directly harm one specific population: millions of innocent children. This fact sheet outlines some of the key consequences for our nation's children should birthright citizenship be repealed.

Children in America would no longer be born equal.

The Fourteenth Amendment is regarded as the foundation of American civil rights. Ratified in 1868, the Citizenship Clause of the Fourteenth Amendment overturned the infamous *Dred Scott* decision that denied the U.S.-born children of African Americans the rights and privileges of U.S. citizenship.¹ For over a century, the Fourteenth Amendment has guaranteed 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.² In 1898, the U.S. Supreme Court ruled that children of immigrants born in the United States were also entitled to U.S. citizenship in the *Wong Kim Ark* decision.³

Children would face segregation at a time when the U.S. child population is more diverse than ever.

A repeal or restriction of birthright citizenship would mark the first time that the U.S. Constitution was amended to *limit* civil rights rather than to expand them.⁴ Denying citizenship to any child born on U.S. soil would create an underclass of citizens subject to constitutionally-sanctioned discrimination and social exclusion. The U.S. Census projects that children of color are expected to comprise the majority of U.S. children by 2018, and recent Census estimates reveal that the majority of children under the age of 5 already identify as a racial or ethnic group other than non-Hispanic white.⁵ Thus, at a time when our U.S. child population is more diverse than ever, it is imperative that our policymakers adopt policies that will *reduce* racial disparities in child outcomes, not exacerbate them. A repeal of birthright citizenship would disproportionately affect children of color, particularly Latino children, putting them a step behind their peers from the moment they are born.⁶

The health, safety, and long-term success of children would be compromised.

By conferring citizenship at birth, our youngest citizens are guaranteed important safeguards to promote their health and development. Research shows that the early years of life are critical for a child's development, with implications for their long-term well-being and academic success.⁷ Denying infants born on U.S. soil from their citizenship rights could limit, delay, 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.

Millions of children would become undocumented and stateless.

An estimated 4.5 million U.S.-born children have at least one undocumented parent.⁸ 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. It is estimated that the share of undocumented children living in the United States would double by 2050 should birthright citizenship be repealed.⁹ And because denying children U.S. citizenship would not necessarily 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.

Immigrant and nonimmigrant families alike would be burdened by increased red tape.

The elimination of birthright citizenship would impact not only the children of immigrants, but also the children of all Americans.¹⁰ Currently, a U.S. birth certificate is sufficient proof of one's citizenship. Since the United States 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 at an estimated cost of \$2.4 billion to U.S. taxpayers¹¹. This would likely be a cumbersome process for many since research shows that more than 13 million Americans cannot easily produce the required documentation.¹² Furthermore, low-income families and single-parent households would often face the greatest challenges in proving a child's citizenship.¹³

America's future prosperity would be at risk.

Children are the future of our country. By denying millions of children the American dream, we as a nation would be missing out on their much needed talents and contributions. Children without any legal status would have difficulty obtaining a higher education and would not be able to participate later in the workforce. Particularly now as the U.S. population is undergoing a historical demographic shift, with no clear racial or ethnic majority expected by 2050, it is in our collective best interest to uphold the equality and liberty enshrined in the Fourteenth Amendment by ensuring that *all* children born and raised in the United States are able to achieve their full potential and contribute to our society.

References

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- ¹² Ibid.
- ¹³ Ibid.