



**CWS statement to the U.S. House of Representatives Judiciary Committee,
regarding its hearing on Birthright Citizenship, Wednesday, April 29, 2015**

As the committee discusses the policy of birthright citizenship enshrined in the Fourteenth Amendment to the U.S. Constitution, Church World Service (CWS) urges all members to reflect on the important role this plays in preventing statelessness, and to affirm U.S. leadership in combating child statelessness globally. The Fourteenth Amendment guarantees that “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” The U.S. Supreme Court has concluded that “every person born within the dominions and allegiance of the United States, whatever was the situation of his parents, is a natural born citizen”.¹

Changing U.S. policies regarding acquisition of citizenship would put millions of infants born in the United States at risk of being born stateless. A stateless person is someone who is not considered a citizen by any country,² and is thus more vulnerable to human rights violations, discrimination, marginalization, abuse and systemic poverty. Children of asylum seekers, refugees, victims of human trafficking, individuals who have fallen out of current immigration status and other vulnerable populations are often unable to claim citizenship from their parent’s home country, since they fled their home due to persecution. In countries without birthright citizenship policies, these children are often rendered stateless. Such travesties are seen in Europe due to the dissolution of the Soviet Union and in other parts of the world - Thailand, Kuwait, Senegal - but generally not in the United States, although there are stateless persons living in this country as well. In the last 25 years, more than 20 countries have made progress to prevent child statelessness by changing their birth registration and citizenship policies, and United States should not be the exception to this progress. CWS strongly opposes any proposal which would undermine right of infants born in the United States to U.S. citizenship and thus create a problem of child statelessness in the United States.

For decades, the United States has been a leader in encouraging countries to reduce statelessness.³ UNHCR, the U.N. Refugee Agency, estimates that there are 12 million stateless persons globally.⁴ The U.S. Department of State has established that one cause of statelessness stems from laws that target restrictions on the acquisition of citizenship against minority groups⁵. Countries in which nationality can only be derived based on descent from a national have larger stateless populations.⁶ U.S. diplomatic missions have condemned laws that increase the risk of statelessness and restrict children’s access to nationality based on a parent’s migration situation.⁷ The prevention of statelessness is part of international customary law,⁸ and thus countries are called to protect children from being stateless.⁹ CWS urges the committee to continue supporting U.S. efforts to combat statelessness, and to safeguard the value of citizenship derived by birth.

Weakening U.S. citizenship policies would fly in the face of our best values as a nation and take us back centuries. Such action would harmfully contradict the U.S. Constitution, U.S. Supreme Court jurisprudence and international law; contravene U.S. foreign policy efforts to end statelessness;¹⁰ and lower the bar for other countries in terms of respecting basic human rights. CWS urges the members of the committee to affirm the U.S. government’s international leadership in preventing and ending statelessness all over the world, and to support policies that help the United States lead by example at home, including the policy of birthright citizenship.

¹ US Supreme Court case of Lynch v. Clarke (1844) CONG. GLOBE, 39th Cong., 1st Sess. 1832 (1866).

² For further details on the interpretation of Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons, see UNHCR, Guidelines on the Definition of “Stateless Person” (“Definition Guidelines”) <www.unhcr.org/refworld/docid/4f4371b82.html>.

³ UNHCR, “UNHCR urges the United States to strengthen its fight against statelessness”, 10 Dec 2012. <www.unhcr.org/50c608346.html>.

⁴ Open Society Foundations, “Citizens of Nowhere: Solutions for the Stateless in the U.S.”, December 2012.

<www.opensocietyfoundations.org/reports/citizens-nowhere-solutions-stateless-us>.

⁵ US Department of State “Statelessness”

⁶ UNHCR, “Causes of Statelessness,” <www.unhcr.org/pages/49c3646c15b.html>.

⁷ U.S Embassy in Mali “U.S. Embassy Participates in Program Tackling Stateless Persons Dilemma”, 2015

<http://mali.usembassy.gov/stateless_persons.html>.

⁸ UNHCR, “Guidelines on Statelessness No. 4: Ensuring Every Child’s Right to Acquire a Nationality through

Articles 1-4 of the 1961 Convention on the Reduction of Statelessness”, 21 Dec 2012. <www.unhcr.org/5465c9ff9.html>.

⁹ UNHCR urges Dominican Republic to restore nationality, December 2013. <www.unhcr.org/52a0a59b9.html>.

¹⁰ US Department of State “Statelessness” <www.state.gov/j/prm/policyissues/issues/c50242.htm>.