



**FIRST FOCUS CAMPAIGN FOR CHILDREN
STATEMENT FOR THE RECORD**

**U.S. HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION AND BORDER CONTROL
HEARING:**

“BIRTHRIGHT CITIZENSHIP: IS IT THE RIGHT POLICY FOR AMERICA?”

April 29, 2015

Chairman Gowdy, Ranking Member Lofgren, and Members of the Subcommittee on Immigration and Border Control, we thank you for the opportunity to submit this statement for the record on the merits of birthright citizenship for children born in the United States.

The First Focus Campaign for Children is a bipartisan advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. As an organization working to promote the safety and well-being of all children in the United States, we strongly believe it is critical that our country preserve birthright citizenship for every child born in the United States. To make changes to the Fourteenth Amendment in order to restrict birthright citizenship hurts only one population: our nation’s children.

Birthright citizenship has long been enshrined as a fundamental constitutional right, ensuring that every child born in our country receive the basic rights afforded to U.S. citizens. The first section of the Fourteenth Amendment explicitly states, “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.”ⁱ Thus, denying children born in the United States citizenship would require redefining one of the longest standing pillars of the U.S. Constitution.

We are also gravely concerned that limiting birthright citizenship would mark a harmful return to segregation. Congress’ decision to ratify the Fourteenth Amendment in 1868 was a deliberate action in the wake of the Civil War to overturn the 1857 *Dred Scott v. Sandford* decision, which denied U.S. born children of African descent the rights and privileges of U.S. citizenship.ⁱⁱ Repealing birthright citizenship to children born on U.S. soil would undermine the historical context that established equality for all children in the United States, a cornerstone of our society over the course of the last century. To roll back our nation’s progress on civil rights would be irresponsible and immoral, particularly when our country is undergoing a major demographic shift, with children of color projected to represent a majority of U.S. children by 2016.ⁱⁱⁱ Children of color would be disproportionately impacted, particularly Latino children.^{iv}

It is important to note that recent legislative proposals to restrict birthright citizenship would have ramifications for all children born in the U.S., including those born to U.S. citizens. Currently, the U.S. does not have a national registry of citizens, and a birth certificate is generally used as proof of citizenship. By no longer automatically conferring citizenship at birth, many U.S. citizen children would be forced to obtain alternative documentation to establish their U.S. citizenship. Research shows that low-income families and single-parent households would likely face the greatest challenges and delays in proving a child’s citizenship.^v

We also believe that any discussion of birthright citizenship must take into account the critical benefits of granting citizenship status to the youngest and most vulnerable members of our society. U.S. citizenship guarantees infants access to important safeguards that promote their long-term health and development. Lack of citizenship status could limit, delay, or eliminate access to health care, food assistance programs and other basic services in the critical early years of life. 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 be relegated to a second class of “stateless” residents at constant risk of exploitation or deportation, simultaneously able to attend U.S. schools while lacking other basic rights afforded to their peers. Furthermore, many of these children would not be able to claim citizenship in *any* country as their parent’s country of origin may not confer citizenship status to children born outside their borders.^{vi}

Finally, denying citizenship to innocent children will do nothing to remedy the immigration system. In fact, the unauthorized population living in the U.S. would actually *increase* rather than decrease, and it would be predominantly comprised of children.^{vii} Rather than punish innocent babies and restrict children’s basic rights, we urge Congress to work on advancing immigration reform as well as other policies that will promote the health, safety, and well-being of all our nation’s children.

We thank you again for the opportunity to weigh in on this important matter. Should there be any questions regarding this statement, please contact Wendy Cervantes, Vice President of Immigration and Child Rights Policy at wendyc@firstfocus.org or (202) 657-0637.

ⁱ U.S. Const. amend. XIV, § 1.

ⁱⁱ *Dred Scott v. Sandford*, 60 U.S. 393 (1857).

ⁱⁱⁱ The Annie E. Casey Foundation. (2014) *Race for Results*. Baltimore, MD. Retrieved from: <http://www.aecf.org/m/resourcedoc/AECF-RaceforResults-2014.pdf>

^{iv} Van Hook, J., Fix, M. (2010). *The Demographic Impacts of Repealing Birthright Citizenship*. Washington, DC: Migration Policy Institute, 2010.

^v Stock, M. (2009). “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.

^{vi} *All Children Born Equal: Preserving Birthright citizenship for America’s Children*, Cervantes. W., First Focus (November, 2010).

^{vii} Van Hook, J., Fix, M. (2010). *The Demographic Impacts of Repealing Birthright Citizenship*. Washington, DC: Migration Policy Institute, 2010.