



## **Statement for the Record**

### **U.S. House of Representatives Judiciary Committee - Subcommittee on Immigration and Border Security**

#### **"Birthright Citizenship: Is it the Right Policy for America?"**

**April 29, 2015**

Founded in 1982, the National Immigration Forum (the Forum) works to uphold America's tradition as a nation of immigrants. The Forum advocates for the value of immigrants and immigration to the nation, building support for public policies that reunite families, recognize the importance of immigration to our economy and our communities, protect refugees, encourage newcomers to become new Americans and promote equal protection under the law.

#### **Introduction**

The Forum thanks the Subcommittee for the opportunity to provide its views on this hearing to discuss the matter of birthright citizenship, a foundational principle of our democracy enshrined in the 14<sup>th</sup> Amendment to the U.S. Constitution. Since 1898, the U.S. Supreme Court has held that this clause applies to children born on U.S. soil, regardless of the immigration status of their parents. Some have proposed reinterpreting the Amendment to restrict birth citizenship to only three categories of people: children of U.S. citizens or nationals, children of permanent residents, and children of non-citizens in active-duty military service. Others have even proposed formal constitutional amendments to change the Citizenship Clause of the 14<sup>th</sup> Amendment to end birthright citizenship. The Forum believes that ending birthright citizenship contravenes core American values and would have a devastating effect on American families.

Some proponents of ending birthright citizenship argue that revising the meaning of the 14<sup>th</sup> Amendment is necessary due to our current, broken immigration system. On the contrary, the Forum believes that the best way to address our broken immigration system is to pass broad immigration reform. We urge the members of the Subcommittee not to lose focus on the on-going need for broad immigration reform that includes a path to eventual citizenship.

In the past two years, an alliance of conservative faith, law enforcement and business leadership has come together to forge a new consensus on immigrants and America. These relationships formed through outreach in the evangelical community, the development of state compacts, and regional summits across the country.

Due to these relationships, the Forum launched the Bibles, Badges and Business for Immigration Reform Network (BBB) to achieve the goal of broad immigration reform. Targeting key states through a combination of field events, media coverage and direct advocacy BBB and its partners have had more than 700 meetings with Members of Congress and their staffs and held 303 events in key congressional districts across 40 states since 2013.

We maintain relationships with the faith, business and law enforcement communities all across the country as well as with local non-governmental organizations. Based on conversations with these individuals, it is clear that our country benefits from the current system of birthright citizenship. Below are a sample of some of the people we have encountered in our work:

### **America Is Stronger Because of Birthright Citizenship**

#### **Neil Alvarado**

Neil is the youngest of 12 children. His entire family (parents and siblings) were all born in El Salvador. In the late '70s and early '80s, Neil's siblings made their way into the United States without documentation as a result of El Salvador's civil war. He was the only one in his family to be born in the U.S., obtaining citizenship, and accordingly was the first in his family to graduate from college.

Although all Neil's siblings were given traditional Spanish/biblical names, he was the only one named after an American hero, Neil Armstrong Alvarado. Although Neil was born a U.S. citizen, he says he experienced the life of an immigrant. He was raised in South Central Los Angeles, in a house with only Spanish speakers. As a child, he stood in line alongside other poor immigrants and African Americans during the Christmas season to get a "gift" from the local shelter or church.

As a child, Neil recalls being made fun of for not speaking English very well, but became proud of his heritage as he grew aware that his bicultural life was an asset, not a liability.

Witnessing his family's struggle, including loved ones' constant fear of being deported, made Neil realize how fortunate he was to be born a U.S. citizen. Unlike his siblings and parents, Neil never had to live in fear of being deported. Secure in his place in the United States and his community as he approached his college graduation, Neil realized that the goal he was about to accomplish belonged not only to himself, but also to his parents and siblings. In subsequent years, Neil's nieces and nephews followed in Neil's path to attend college.

Neil is a business owner in Colorado. He is a proud American who is proud of his Salvadorian heritage. Today, Neil speaks with parents and children who are facing the same predicament he and his family faced many years ago, and is thankful that he was born an American citizen, which has afforded him opportunities that he otherwise may not have had.

## “Irving”

“Irving,” who has requested that we use a pseudonym to protect undocumented members of his family, was born in Illinois in 1993. Though his mother and father did not have legal status in the United States, Irving was a U.S. citizen by birth, which has allowed him to flourish in the United States, to support his family, and to contribute to his community. Though he grew up in a low-income family headed by a single mom, Irving worked exceptionally hard in high school. He played a number of sports and worked a part-time job at the Panera Bread, which allowed him to help support his family. Shortly before graduation, he was chosen by the local newspaper as his high school’s sole winner of its annual “Leadership Team” award. He went on to attend Wheaton College, a prestigious Christian liberal arts college, enrolling in 2011.

If he had not been born as a U.S. citizen, Irving says, “I probably wouldn’t have been able to go to college at all.” With a combination of federal financial aid available to him as a citizen, though, and private financial aid offered by his college, Irving has excelled at Wheaton College, majoring in Sociology. During the summer, he has worked at a local law firm, and he’s considering applying to law schools in a few years, though his first goal, after he graduates this May, is to find a job that allows him to serve low-income communities. Irving knows that, by graduating from college, he will have achieved something that few in his neighborhood have—and he wants to use that experience to help inspire young people.

Irving notes that if he had not been born as a U.S. citizen, he probably would face the same limited work options as his mother, whom he has watched work incredibly hard for relatively small wages. As a citizen, Irving has a bright future. He has been able to complete his college education, and looks forward to launching a career that will allow him to give back to his community.

## **Ending Birthright Citizenship is Contrary to Our Constitutional Tradition**

As others will be attesting through testimony and Statements for the Record, Congress cannot change the U.S. Constitution by statute. For more than 100 years, the U.S. Supreme Court has interpreted the 14<sup>th</sup> Amendment to provide for birthright citizenship for children of the undocumented. A change to the U.S. Constitution requires a formal constitutional amendment, as provided under Article V of the U.S. Constitution.

Second, the National Immigration Forum would be opposed to congressional attempts to change the 14<sup>th</sup> Amendment under the Article V process. Through the Citizenship Clause, the framers of the 14<sup>th</sup> Amendment distinguished our country from those where your ability to reach your fullest potential depends on your lineage. Intended to explicitly overrule the infamous *Dred Scott* Supreme Court decision, the 14<sup>th</sup> Amendment’s Citizenship Clause ensures equality and fairness under the law through its grant of citizenship to anyone born on U.S. soil, regardless of who their parents are. Amending this essential constitutional provision would be contrary to American constitutional values.

## **Ending Birthright Citizenship Would Raise a Myriad of Problems**

Practically, reinterpreting the 14<sup>th</sup> Amendment to end birthright citizenship for the children of undocumented individuals would raise a myriad of practical problems.

It would require DHS to certify the immigration status of the parents of every baby born in the United States, creating massive and unreasonable logistical burden for the Department while violating the privacy of parents and children, citizens and non-citizens alike.

In addition, ending birthright citizenship would also create an enormous and ever-expanding underclass of undocumented families living in the shadows. This would serve to only worsen an already broken immigration system, while doing nothing to address the real problems faced by churches, law enforcement, and business on a day-to-day basis.

## **Conclusion**

The American people want better immigration policy. Multiple recent national polls show solid support for solutions that include, in addition to reasonable enforcement, creating improved and new legal channels for future immigrants and establishing tough but fair rules to allow undocumented immigrants to stay and continue to work in the U.S. and eventually earn U.S. citizenship.

A debate over ending birthright citizenship is a political sideshow that distracts from the real problems facing our broken immigration system. Attempts to end birthright citizenship, either by statute or amendment, are misguided.

And were Congress to end birthright citizenship, it would do so at enormous cost – undermining a valuable source of American strength, hurting American families, damaging American constitutional traditions, creating a myriad of practical problems. We urge this Subcommittee to reaffirm that birthright citizenship *IS* the right policy for America, and we look forward to continuing a positive discussion on how best to move forward with passing broad immigration reform into law.