

11.3 million

Estimated number of undocumented immigrants living in the U.S.

SOURCE: PEW RESEARCH CENTER

Should Birthright Citizenship Be Abolished?

The 14th Amendment to the Constitution has generally been understood to mean that all people born in the United States are automatically American citizens, regardless of whether their parents are citizens or even whether they're living in the U.S. legally or illegally. But giving U.S.-born children of undocumented immigrants all the rights and privileges of citizenship at birth has become a subject of controversy, and Republican presidential candidate Donald Trump has made it a campaign issue this year. He's said that ending "birthright citizenship" would discourage illegal immigration.

295,000

Number of babies born in the U.S. to undocumented immigrant parents in 2013. That's about 8 percent of all U.S. births that year.

SOURCE: PEW RESEARCH CENTER

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YES Every 93 seconds, a baby is born in the United States to immigrant parents who are here illegally. Currently, those babies are automatically U.S. citizens, with all the financial, legal, and social benefits of being an American. This gives their parents the opportunity to cash in on many of those benefits—all of which are paid for by American taxpayers.

This loophole to gain U.S. citizenship—and its related benefits—has also encouraged foreigners to have babies on U.S. soil instead of going through the legal immigration process. There's even a growing industry in China catering to wealthy women who come to the U.S. to give birth.

This rampant cycle is facilitated by a misinterpretation of the 14th Amendment, which states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States." I believe the phrase "subject to the jurisdiction thereof" clearly suggests that Congress has the authority to pass a law specifying what the requirements are for being "subject to the

jurisdiction thereof" and who those requirements apply to.

That's why I've introduced legislation that would grant automatic citizenship to those born in the U.S. only if they have at least one parent who is a legal citizen (including naturalized citizens), a legal immigrant, or an active

member of the armed forces. I'm not trying to prevent immigrants from becoming citizens. Instead, I want to ensure that anyone who doesn't meet that requirement must go through the same application process for U.S. citizenship as those born to foreign

parents outside the U.S.

Clearly, our entire immigration system needs a lot of work, but passing legislation that abolishes the practice of granting citizenship to everyone born here would be a good start. The U.S. welcomes hundreds of thousands of legal immigrants each year, and we should continue to do so. But it's time to actively prevent foreigners from coming to the U.S. in order to give birth to children who are U.S. citizens.

—SENATOR DAVID VITTER
Republican of Louisiana

Congress has the authority to clarify who the 14th Amendment applies to.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States."

— FROM THE 14TH AMENDMENT



37%

Percentage of Americans who favor changing the Constitution to abolish birthright citizenship.

SOURCE: PEW RESEARCH CENTER, 2015 POLL

NO Birthright citizenship is a fundamental part of American history and the values the country holds dear.

Following the Civil War and the emancipation of the slaves, the 14th Amendment to the Constitution became the cornerstone of American civil rights. It reaffirms that, with very few exceptions, all persons born in the United States are U.S. citizens, regardless of the immigration status of their parents. The Supreme Court has consistently upheld birthright citizenship over the years.

Immigrants come to the U.S. to work, to reunite with family, to flee persecution, and to create better lives for themselves and their children. Just like all people, immigrants may choose to have children. Even though those children are U.S. citizens by birth, they can't protect their parents from deportation, and they can't apply to obtain legal status for their parents until they're 21 years old.

Today, all Americans can use a birth certificate as proof of citizenship. Without that simple system, proving we're entitled to U.S. citizenship could be a lengthy and

expensive process—similar to what Americans who are born abroad sometimes have to go through: We'd have to prove that at least one parent was a citizen, which could involve tracking down old birth certificates, immigration documents, or marriage records. It's a process that can be challenging even for experienced immigration attorneys.

Eliminating birthright citizenship would actually increase the number of people living in the U.S. without authorization since babies would not have legal status from birth. That would create a large

population of native-born noncitizens. Through no fault of their own, they would be forced to live on the margins of U.S. society, would be vulnerable to exploitation and abuse, and at constant risk of deportation.

As Americans, we must honor the 14th Amendment and ensure that all people born in the U.S. are citizens, and that no state or individual can again redefine citizenship to create an underclass.

The Supreme Court has consistently upheld birthright citizenship.

—MICHELE WASLIN
American Immigration Council