

What if the U.S. ended birthright citizenship?

Daniel González and Dan Nowicki, The Republic | azcentral.com 11:42 a.m. MST September 4, 2015

Ending birthright citizenship could make the nation's undocumented immigrant population larger, not smaller, and create new problems.



(Photo: Cheryl Evans/The Republic)

Donald Trump, the 2016 Republican front-runner, is leading the charge to end birthright citizenship, renewing a long-running argument over the 14th Amendment's guarantee of citizenship to virtually every child born in the U.S. regardless of their parents' immigration status.

Getting rid of birthright citizenship is easier said than done: It would require either a Supreme Court ruling or amending the Constitution.

Some political observers believe the debate is more about stirring the conservative GOP base than providing a practical policy prescription for the nation's immigration issues.

"Birthright citizenship is an applause line and it works," said John Skrentny, a sociologist at the University of California-San Diego. "It taps into a sense that many Americans have that there is a loss of rule of law."

Setting aside the feasibility and the motives behind the debate, what would happen if the U.S. got rid of birthright citizenship?

Trump and other GOP presidential contenders argue that repealing it would reduce illegal immigration because undocumented immigrants would have less incentive to stay in the U.S. if children born here would no longer automatically be citizens. Trump's campaign website calls birthright citizenship "the biggest magnet for illegal immigration."

But some immigration experts say it's doubtful ending birthright citizenship would curb illegal immigration since undocumented immigrants come mainly for jobs.

The experts also say that instead of getting smaller, the nation's undocumented population, currently estimated at about 11.3 million, would increase by millions because for the first time undocumented immigrants' future children would also have no status even though they were born in the U.S. Over time, the undocumented population could include undocumented grandchildren and so on.

That could create a new set of economic and social problems since ending birthright citizenship would make it more difficult for the offspring of undocumented immigrants to become successful contributing members of society, creating a new class of disenfranchised people. It also could lead to some of the [integration problems common in Germany \(/news/articles/global-immigration-main.html\)](http://news/articles/global-immigration-main.html) and other European countries that don't have birthright citizenship, according to Michael Fix, president of the Migration Policy Institute in Washington, D.C.

"Now in the U.S., the problem in effect of illegality is a one-generational issue. If you look to the future and you repeal birth right citizenship, that will no longer be true. You will have a kind of heredity disadvantage which we don't have now," Fix said. "It just seems to me like we are calling the storms in with repeal."

Despite the potential long-term consequences, the idea has taken hold with a significant segment of Republicans.



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[Trump proposes end to birthright citizenship](http://www.azcentral.com/story/opinion/op-ed/laurieroberts/2015/09/04/trump-birthright-citizenship-illegal-immigration/71712400/?from=global&sessionKey=&autologin=)

[\(http://www.azcentral.com/story/opinion/op-ed/laurieroberts/2015/09/04/trump-birthright-citizenship-illegal-immigration/71712400/?from=global&sessionKey=&autologin=\)](http://www.azcentral.com/story/opinion/op-ed/laurieroberts/2015/09/04/trump-birthright-citizenship-illegal-immigration/71712400/?from=global&sessionKey=&autologin=)

Following Trump's lead, others in the 17-candidate GOP field also have expressed support for ending birthright citizenship or reforming it to one degree or another. In Phoenix last month, conservative retired neurosurgeon Ben Carson said the 14th Amendment's guarantee of citizenship for immigrant children "doesn't make any sense."

Other leading candidates, including former Florida Gov. Jeb Bush and Wisconsin Gov. Scott Walker, got tripped up by the issue.

Bush used the term "anchor babies," which is widely considered offensive. In the space of a week, Walker went from suggesting he would support ending birthright citizenship, to saying he wasn't taking a position, to finally opposing any change to the 14th Amendment.

Other GOP candidates are stopping short of attacking the 14th Amendment but are expressing support for other ways of tackling what they view as a problem.

"I do know, living in South Florida, a community that's deeply impacted by immigrants, that there are people ... that come to the U.S. deliberately for the purposes of having a child that's a U.S. citizen," U.S. Sen. Marco Rubio told reporters last month during an appearance at the Iowa State Fair.

"And, by the way, a growing number of them are from China, not from Mexico or Latin America," he added. "I'm not in favor of repealing the 14th Amendment, but I am open to exploring ways of not allowing people who are coming here deliberately for that purpose to acquire citizenship."

WHAT THE GOP FIELD SAYS ABOUT BIRTHRIGHT CITIZENSHIP

Immigration-community advocates counter that the conversation is insulting and say they are appalled it has become a popular topic in the Republican race. They say the constitutional question is long-settled and, in any event, the notion that large numbers of immigrants are entering the United States to have babies is a myth.

"This has been one of those issues that has been kicking around on the far-right fringes of the anti-immigrant movement," said Frank Sharry, executive director of the liberal organization America's Voice, which pushes for comprehensive immigration reform. "It's one of those talk-radio memes that gets people outraged, but the premise is untrue — this idea that there are all these women coming across just so that they can have babies and gimmick the immigration system. People come here to work, they fall in love, and they have families."

Researchers from the Migration Policy Institute and Pennsylvania State University estimate that if birthright citizenship were denied to children with two undocumented parents, the overall undocumented population would grow from 11.3 million to 16 million by 2050.

The undocumented population would grow to 24 million people if birthright citizenship was denied to children with only one parent who was undocumented, researchers estimate.

Fix said studies have shown (<http://www.migrationpolicy.org/research/unauthorized-immigrant-parents-and-their-childrens-development>) undocumented immigrants are more likely to work in low-wage jobs than legal residents and U.S. citizens and their children are more likely to have developmental problems and difficulties in school than children of legal residents and U.S. citizens.

Those problems would be exacerbated if birthright citizenship were repealed, he said.

"What you are going to have is a vastly less successful, less-integrated migrant children of migrant population in the country," Fix said. "Legal status counts in terms of life outcomes, a lot, and so that is just going to be carried forward and it's going to be carried forward in a way that is different right now."



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(<http://www.azcentral.com/story/news/politics/immigration/2015/08/17/donald-trump-immigration-plan-gop-rivals--edge/31893873/?from=global&sessionKey=&autologin=>)

Skrentny, the sociologist at the University of California-San Diego, agreed — to an extent.

"It depends on the details," said Skrentny, co-director of the university's Center for Comparative Immigration Studies. "It could mean generations of undocumented immigrants living in this country, and I think that frightens people. I think that scares people. I think a lot of people feel that is not what America is about."

He points to Japan, where generations of Koreans forcibly brought to the country during the 1940s were not allowed to become citizens.

"They were truly forever foreign. And they lacked the rights that full Japanese people had. So they had a population that was ... apart from the mainstream. It meant that they had limited opportunities" Skrentny said.

That led to scapegoating of Koreans in Japan, he said.

"When there was a rise in crime the Japanese media generally blamed it on the foreign population which included this population of Koreans," he said.

Countries with birthright citizenship, the United States, Canada and many countries in Latin America, tend to be "settler nations," where citizenship is based on where you were born, he said.

These policies are intended to help integrate waves of immigrants.

Birthright citizenship is also what sets the United States apart.

"The reason is that as people on both the right and the left are happy to point out, we are exceptional, we are different, we are the shining beacon of freedom in the world and so for us to adopt these kinds of exclusionary policies for many Americans would be a denial of American identity in some profound way," Skrentny said.



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(<http://www.azcentral.com/story/news/politics/immigration/2015/08/16/doug-ducey-border-security-campaign-promises/31756077/?from=global&sessionKey=&autologin=>)

In contrast, many European countries have policies where citizenship is based not on where someone was born but on the legal status or citizenship of their parents.

In these countries, "nationhood is understood as relating to a particular people who have a shared history over hundreds and often thousands of years," he said.

He said ending birthright citizenship might not be so bad if the offspring of undocumented immigrants were allowed to legalize their status or become citizens later on.

He points out that many undocumented immigrants brought to the U.S. as children, known as "dreamers," are fully "Americanized" and many are attending or have graduated from college despite their lack of legal status.

"Ending birthright citizenship would not seem to be a sentence to poverty if we just simply look at the population of undocumented children in the United States. There is variation that shows we are not guaranteeing an underclass of stateless children. I just don't see that," he said.

Mark Krikorian, executive director of the Center for Immigration Studies, a Washington, D.C., think tank that favors stronger immigration enforcement and reductions in all immigration, legal and illegal, said he has "reluctantly come to the conclusion we need to get rid of" birthright citizenship.

"On one hand, birthright citizenship simplifies things: It's easy to tell who is a member of the national community and who isn't. You have a birth certificate, yes or no. It's clean. It's simple. It's easy," he said. "The problem is times have changed."

Not only is citizenship automatically granted to hundreds of thousands of children born to undocumented parents every year, citizenship is also granted to children of wealthy parents who come to the United States from other countries as "birth tourists" as well as to the children of foreign students and workers living in the U.S. temporarily.

In all, he estimated citizenship is granted to as many as 400,000 children of undocumented immigrants, "birth tourists" or foreign students and workers and other non-immigrants each year.

Even some children of foreign diplomats are granted citizenship, Krikorian said.

"It is kind of nutty, honestly. This is an anachronism," he said.



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He would like to see birthright citizenship replaced with a policy that allows the children of undocumented immigrants to gain citizenship only after they have lived continuously in the U.S. for 10 years. Australia adopted a similar policy after ending birthright citizenship in 1986.

First something would have to be done about stemming illegal immigration and then legalizing the 11 million undocumented already here, he said.

"Because you really don't want to have millions of illegal aliens already here and then change the citizenship rules because then you're going to end up every year with thousands and thousands of U.S.-born illegal aliens, which is just not sustainable," he said.

Krikorian said the issue with granting birthright citizenship to children of undocumented immigrants is not that it's an "inducement" for undocumented immigrants to come to the United States but that it "anchors" them here.

"It makes it harder to get illegal aliens to go home or for them to decide on their own to go home," Krikorian said. "Whereas if a kid born here to illegal parents isn't a citizen unless they avoid the law for 10 straight years that reduces the anchoring function of that kid and makes it easier to remove the family and or for the family to pack up and go home on their own."

Creating a 10-year wait would also eliminate birth tourism and prevent children of foreign students and workers from automatically getting citizenship he said.

Despite the conjecture about what would happen if birthright citizenship is ended in the United States, and the campaign-trail rhetoric, few observers expect such a development to ever come to pass, regardless of who is elected president next year. A constitutional amendment would require a years-long effort, and the theory suggested by some Republican candidates, such as U.S. Sen. Lindsey Graham of South Carolina, that a statutory fix is possible is disputed by many.

Others suggest that the priority should be on increasing enforcement on the border and in the interior against immigrants who enter the country legally but overstay their visas.

"Everybody that I've talked to said you would have to change the Constitution and I think we ought to realize that that's not going to happen," said U.S. Sen. John McCain, R-Ariz., the 2008 Republican nominee who for years has worked on immigration-reform legislation. "Our founding fathers made it extremely difficult. But the answer to the problem is a secure border and an inspection system."

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