

**Congressional Judiciary Committee Hearing  
Birthright Citizenship: Is it the Right Policy for America?**

**Submitted to  
Subcommittee on Immigration and Border Security**

**Submitted by  
Jessica Orozco, Esq.  
Director of Immigration and Civic Engagement  
Hispanic Federation**

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Chairman Gowdy and Ranking Member Lofgren, and members of the Subcommittee, on behalf of the Hispanic Federation (HF), I thank you for the opportunity to provide testimony on this matter. The Hispanic Federation is a national service-oriented membership organization dedicated to promoting the social, political and economic wellbeing of the Hispanic community. We represent 100 local community-based organizations that provide immigration, health, workforce development and other services to hundreds of thousands of Americans annually.

Since its founding in 1990, the Federation has created a legacy of engagement, advocacy and care in support of our nation's immigrant population. Every day, our community-based organizations (CBOs) teach English, provide health care, promote financial literacy and otherwise ease the integration of citizen and non-citizen immigrants into our society. We support and complement the work of our CBOs by advocating for public policies on a local, state and federal level.

There is a broad consensus that our immigration system is irrevocably broken, plagued by visa backlogs, bureaucratic delays and outdated policies that harm our families, communities and nation. Unfortunately, today's hearing questioning the role of "birthright citizenship" in our constitutional democracy does nothing to advance practical solutions to address our nation's immigration challenges. What it does do instead is further the efforts

of those who wish to foster greater division across America and undermine the civil rights of Latinos and other large immigrant communities. Hispanic Federation wholeheartedly opposes proposals to alter how citizenship is granted to those born in the United States. These efforts represent an attack on our country's most sacred values and constitutional principles and should be vigorously rejected by all members of Congress.

### **History of 14<sup>th</sup> Amendment**

The 14<sup>th</sup> Amendment was adopted after the infamous Dred Scott decision of 1857, which held that freed slaves and their descendants could never become US citizens. During this time, states across the country were enacting laws to prevent African Americans from exercising any kind of power - such as voting, serving on juries and owning land. As a result of this decision, America consisted of individuals who were born in America, but could never become citizens of the country they called home. The citizenship clause was created to fix this problem.

We must and cannot allow this shameful period in our history repeat itself. Currently, our nation is divided by states with pro- and anti-immigrant policies. Sadly, over the past decade, we have had to continuously push back against misguided federal, state and local policies working to prevent immigrants from gaining any sort of standing, opportunities and empowerment in their communities. States are expending resources in the attempt to undermine federal administrative relief and enacting legislation that aims to prevent minorities from voting by implementing strict voter identification laws. Stripping away the core of the citizenship clause would be analogous to the aftermath of Dred Scott decision, causing chaos and uproar within the US until inevitable action is taken to restore birthright citizenship.

### **Stateless Persons**

Modifying the birthright citizenship clause would create a large population of stateless persons in the United States. Children who were born and raised in America would not only have no claim to U.S. Citizenship, but would largely have no claim to any citizenship of any country. Our nation would in essence help create a large subclass of individuals who would

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have no nationality or identification documentation and would be permanently subject to disparate and adverse treatment based solely on their ethnicity, and the national origin and race of their parents. In other words, we would turn back the clock and return to a pre-Civil War era of federally sanctioned and enforced discrimination against people born in our country.

## **Conclusion**

The Hispanic Federation urges Congress to strongly reject efforts seeking to undermine birthright citizenship in our constitution. We see first-hand how our community prospers when they possess citizenship – contributing to our economy and society. We also see how they suffer when they are undocumented – living a life of struggle and poverty; susceptible to being victims of crime.

US-born children of undocumented immigrants have significantly contributed to our country. They have paid taxes, created businesses, served in our military, and have served in public office. We must not forget that the United States of America is at its very essence a nation of immigrants. It is our strength and a core of our value system. Rather than waste valuable time considering such divisive proposals, we urge Congress to enact legislation to help immigrants work hard and contribute to their families, communities and nation as they have always done.