

# Immigrant born children deserve rights

[Sociology](#), [Immigration](#)



Immigrant Born Children Deserve Rights In the United States today someone can become a citizen through the process of being born to parents with American citizenship or simply being born on U. S. soil. These two processes stem from the ideals of jus soli and jus sanguinis, each latin for right of soil and right of blood, respectively. But children born to unauthorized immigrants in the U. S. comprise a different category. An estimated 340, 000 or 8% of the 4. 3 million babies born in the United States in 2008 were children to illegal aliens (Passel and Taylor 1). Being born on US soil the notion of jus soli applies, automatically making the children U. S. citizens, despite their parents' illegality. Some feel that these children are undeserving of their citizenship, and should be stripped of their rights as citizens and deported with their parents. This is an unjust belief that causes developmental harm to children and strips them of their rights as American citizens. In 1868 following the Civil War the 14th amendment to the constitution was ratified. The amendment 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. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" (Amendments to the U. S. Constitution 30). To simplify, the amendment guarantees the rights of citizenship to anyone born on U. S. soil. The amendment was created with slaves in mind given the time frame of when it was ratified, but that shouldn't make it carry any less weight in present day.

The United States was founded by immigrants seeking the opportunity for a better life. Deporting immigrant parents separates families and can lead to American born children having to relocate to under developed countries. Tomas Isidoro is one of 46, 486 illegal immigrants who were deported in late 2011 who had American born children (Cave 1 qtd. From Morton 5). Isidoro's son, Jeffrey became an American citizen via jus soli, but was forced to leave with his family to Mexico to follow his father after he was deported (Cave 1). Between 2005-2010 1. 4 million people immigrated back to Mexico, and of those 1. 4 million 300, 000 were American born children (Passel et al. 1). Children aren't always fully aware of the choices their parents make, and shouldn't be forced to be face the consequences of deportation. Children born in America deserve the right to stay in their homes with opportunities for their families to be come naturalized citizens. According to a Pew Hispanic report, 45% of illegal immigrants live in a household with a spouse and child or children (Passel and Taylor 3). Of those 45%, 37% are parents to American citizens (Passel and Taylor 3). Immigrants who have come to the U. S. and started families have provided better opportunities for their children than staying in their native countries could have yielded. Children of families forced to return to Mexico struggle with many obstacles such as language barriers and adapting to school in rural areas. Most areas that receive new arrivals aren't fully equipped to handle American citizens, and bar children from entering school's because they lack proper documents (Cave 1). Growing up in an American school system doesn't allow much practice for Spanish, after returning children can be made to feel left out when lessons are completely in Spanish or that's all others speak. Graciela Trevino

Gonzalez returned to Malinalco three years ago and was unable to get her son on a soccer team without proper Mexican identification. "The kids called him 'leche,' 'gringo' - it was awful," said Gonzalez (Cave 1). Leche in Spanish means milk and gringo can hold numerous meanings from harmless to slur. Despite these hardships families are forced to face, there are supporters of deportation regardless of circumstances. Republican Senator Lindsey Graham of South Carolina says, "Birthright citizenship I think is a mistake. We should change our constitution and say if you come here illegally and have a child, that child's automatically not a citizen" (qtd. In Dwyer 1). Despite some who are proponents for changing the amendment, a nationwide survey conducted by the Pew Research Center provides hope for change, in June 2012 56% of the public opposed to changing the amendment (Passel and Taylor). But even within the borders of their own nation, the notion of deportation is an ever present fear for children born to illegals. In June 2011 Alabama passed the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, H. B. 56. This act requires schools check and report the immigration status of students, and for any officers to require immigration papers for anyone suspected of being illegal. The Monday after the law went into effect 2,285 Latino students of the 34,000 in the state, didn't appear for school (Baxter 1). Drastic laws such as H. B. 56 are enacted in hopes of creating harsher societies for illegals, but almost seem reminiscent to the Jim Crow laws during the civil rights movement. A popular idea that has been raised as a possible solution for the "illegal immigrant problem" is attrition through enforcement. The premise of this idea is to make life so difficult for unauthorized immigrants that they simply pack up

and just go back to their native countries (Hitt, Ep. 456 Act 1: Alien). Arizona passing their S. B. 1070 law was the first state to enact a law with attrition through enforcement at the heart of it. Alabama followed closely behind with their own law, H. B. 56, causing children to live in constant daily fear of deportation for their families. Although some legislation has been made to make life difficult for immigrants, some representatives in the house are trying to help illegals and their families. Rep. Lucille Roybal-Allard (D-CA) introduced the Help Separated Families Act, H. R. 6128, for legislation (Murphey 1). The legislation would allow for unauthorized parents detained by immigration officials to have more control over the placement of their children while being detained. Help Separated Families Act of 2012 - Amends part E (Foster Care and Adoption Assistance) of title IV of the Social Security Act to: (1) require state child protection standards to ensure that the immigration status alone of a parent, legal guardian, or relative shall not disqualify the parent, legal guardian, or relative from being a placement for a child; and (2) require the state procedures for criminal records checks to require the state to accept foreign identification documents as sufficient identification for purposes of initiating a criminal records check or a fingerprint-based check. Expresses the sense of Congress that the child welfare agency of a state, or of any county or other political subdivision of a state, should grant a waiver of any requirement which would prevent the placement of a child with a relative of the child, on the basis of a minor legal infraction, if the relative would otherwise be considered eligible for such a placement. Requires the state plan for foster care and adoption assistance to notify relatives seeking placement of a child that their immigration status will

not be questioned, except to the extent necessary in determining eligibility for relevant services or programs. Prohibits a state or local government agency from filing for termination of parental rights in foster care cases based on the removal of the parent from the United States or the parent's involvement in an immigration proceeding, unless: (1) the state (or local agency) has made reasonable efforts to notify of the intention to file such a petition any parent of the child who has been removed from the United States, and any adult relative of the child, including through the diplomatic or consular offices of the country to which the parent was removed, and to reunify the child with any such parent or relative; or (2) the parent is unfit or unwilling to be a parent of the child (Help Separated Families Act of 2012). If passed, this bill would help to begin the push needed to reform the immigration system currently in place in the United States. Rep. Roybal-Allard introduced this bill earlier this year after she received the report from the Immigrations Customs Enforcement (ICE) that estimates as many as 5,000 children are living in foster care in 22 different states because of current immigration policies (Murphey 1). Separation of their families isn't the only threat citizen born children are facing. Because of the fear of having to reveal their status, immigrant parents are more reluctant to use social programs for their children, which leads to less development at an early age. "The undocumented are viewed in current policy debates as lawbreakers, laborers, or victims--- seldom as parents raising children," wrote the author, Hirokazu Yoshikawa, a Harvard professor who published a study on the development of immigrant born children as a book, *Immigrants Raising Citizens* (Yoshikawa 1 qtd. From Semple 1). How well a child is able to grow

during their developmental phase is vital for their future as adults. Poor development can lead to lower school performance, leading to higher drop out rates, and an undertrained workforce in the future (Semple 1). These children deserve the right to be able to grow mentally and take advantage of the opportunities available to them. Hindering these children now will have long-term repercussions for our society. Without the legislation to make changes, we only hurt ourselves in the future with an under educated work force. Immigrant born children in the United States are still American Citizens at the end of the day. Those children deserve their rights as citizens, to grow as normal Children would and to not have to live in constant fear. At the very basis of this, these are people just as everyone else on this Earth, who deserve the same basic rights humans deserve and to not be separated from their families. Believing that immigrant born children are undeserving of their rights, and that they should be deported along with their parents is unjust. American's of all walks of life deserve their rights and these children are no exception. Work Cited " Amendments to the Constitution of the United States of America" gpo. gov 28 October 2012 Baxter, Tom. " Alabama's Immigration Disaster: The Harshest Law in the Land Harms the State's Economy and Society. " www. americanprogress. org 15 February 2012. 27 November 2012 Cave, Damien. " American Children, Now Struggling to Adjust to Life in Mexico. " www. nytimes. com 18 June 2012. 28 October 2012 < [http://www. nytimes. com/2012/06/19/world/americas/american-born-children-struggle-to-adjust-in-mexico. html? pagewanted= all&\\_r= 0](http://www.nytimes.com/2012/06/19/world/americas/american-born-children-struggle-to-adjust-in-mexico.html?pagewanted=all&_r=0)> Dwyer, Devin. " Study: 8 Percent of U. S. Births to Illegal Immigrants. " Abcnews. go. com 11 August 2010. 28 October 2012 < [http://abcnews. go.](http://abcnews.go.com)

com/Politics/birthright-citizenship-study-sheds-light-illegal-immigrants-children/story? id= 11376791#. UJAUo8XA\_HR> Hitt, Jack. " 456: Reap What You Sew: Act 1: Alien Experiment. " Thisamericanlife. org. 27 January 2012. 3 December 2012. Morton, John. " Deportation of Parents of U. S.-Born Citizens. " www. Scribd. com 26 March 2012. 28 October 2012. < http://www. scribd. com/doc/87388663/ICE-Deport-of-Parents-of-US-Cit-FY-2011-2nd-Half> Murphey, Elizabeth. " Rep. ROYBAL-ALLARD INTRODUCES HELP SEPARATED FAMILIES ACT TO KEEP IMMIGRANT FAMILIES TOGETHER. " http://roybal-allard. house. 2 December 2012. Passel, Jeffrey and Cohn, D'Vera and Gonzalez-Barrera, Ana. " Net Migration from Mexico Falls to Zero- and perhaps less. " www. pewhispanic. org 3 May 2012. 23 November 2012 Passel, Jeffrey and Cohn, D'Vera. " A Portrait of Unauthorized Immigrants in the United States. " www. pewhispanic. org 14 April 2009. 28 October 2012 Passel, Jeffrey and Taylor, Paul. " Unauthorized Immigrants and their U. S.- Born Children. " http://www. pewhispanic. org 11 August 2010. 28 October 2012 < http://www. pewhispanic. org/2010/08/11/iii-household-structure-mixed-families/> Roybal-Allard, Lucille. " Help Separated Families Act 2012. " http://www. govtrack. us 13 July 2012. 9 December 2012. Semple, Kirk. " Illegal Immigrants' Children Suffer, Study Finds. " Nytimes. com 20 May 2011. 9 December 2012.