Protecting Birthright Citizenship For Utah Children

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On April 1st, the Supreme Court of the United States heard oral arguments in Barbara v. Trump, more than a year after President Trump released his Executive Order 14160 – “Protecting the Meaning and Value of American Citizenship. [1]” The decision this summer could alter more than 100 years of precedent on birthright citizenship in the United States if it rules in favor of President Trump’s Executive Order.

“Jus Soli”

But how did we get here? As we celebrate Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month this May, we pause to recognize the landmark case of United States v. Wong Kim Ark (1898). This case affirmed the Fourteenth Amendment’s definition as we know it: who is recognized as a U.S. Citizen.

> *This case affirmed that "All person 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.[2]"*

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Who Was Wong Kim Ark?

When we look back at Wong Kim Ark's story, we see our dark past as a country. Wong Kim Ark was a young adult from San Francisco, California who left to visit family in China when his life changed. During that trip, he carried a statement he thought was suffice to return to the U.S. safely attesting his citizenship. However, when he came back, he was denied re-entry and met with a deportation order cited by the 1882 Chinese Exclusion Act that barred people from China from becoming naturalized citizens in the U.S [3]. Thanks to his courage, a long legal fight, and the tenacity of his legal team, he was granted citizenship, and his case set a precedent for who was eligible to become a U.S. citizen.

Wong Kim Ark's legacy has shaped the course of U.S. history. **His case provided other immigrants with the opportunity to gain lawful status and prove that they are, in fact, U.S. citizens**. While his case was just the beginning of a long trajectory to recognize Chinese immigrants as citizens, it provided hope for a community that had long been excluded and met with opposition.

What's At Stake

As we await the Supreme Court's decision, the weight of the decision truly threatens every aspect of these children's lives. One tremendous challenge we could anticipate if birthright citizenship ends is a newborn's ability to access healthcare at birth. Without immediate eligibility to health coverage, these newborns could have delayed and missed well-child visits, immunizations, and care. [4] For low-income families, this proves an even greater risk, with about 17% of births in our state being covered by Medicaid. [5]

When we look at education, the National Education Association (NEA), has shared how families are already experiencing the harmful effects of this administration's increased ICE enforcement. Ending birthright citizenship could deepen the challenges that educators are already facing of mistrust, fear, and uncertainty. [6]

And far beyond education and healthcare, we also consider young people's interaction with the Juvenile Justice System. In a recent paper studying the German

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reform that granted citizenship to children, there was a substantial reduction in the likelihood of crime among youth who were granted citizenship by about 70%. [7] What is evident is how birthright citizenship could shape a youth's trajectory. While we think about what the future holds for children of immigrants, we see how being recognized in the country where a child is born and has known as home plays an important role in their lives and futures.

How Utah Could Be Impacted

In Utah, more than 41,000 U.S. children live with at least one undocumented parent[8]. While not all of these children would be impacted, this gives us a glimpse of how many children in our state could be ineligible for the services, programs, and resources they need to thrive. Supports that they could potentially be ineligible for, not because of where they were born, but because of their parents' citizenship status.

While we await a decision in June, we hope it affirms the longstanding precedent of birthright citizenship. We hope that immigrant families can continue to build their lives in this country without worry that their children may be stateless in the country that they call home. We are hopeful that the Supreme Court reaffirms the longstanding decision and the central argument: the baby and their birth in the United States, regardless of where their parents are from.

Learn More

While this information is intended for adults, we encourage parents and educators to join us in educating our young people about this landmark case and historical moment. For more information on how to teach about Wong Kim Ark's case to children and youth, visit: Who Gets to Be an American? This resource is provided by Teach Asian American Stories, an initiative from AAPI New Jersey.

If you would like to read through a thorough analysis of the oral arguments, visit: Birthright Citizenship: Three Justices Saw the Babies and Their Fundamental Rights

To take action, we encourage you to visit our Utah Immigrant Advocacy Coalition's webpage, where you can find volunteer information and an Immigration 101 page to learn the basics about our immigration system.

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[1] Protecting The Meaning And Value Of American Citizenship – The White House

[2] United States v. Wong Kim Ark | 169 U.S. 649 (1898) | Justia U.S. Supreme Court Center

[3] How the Fight for Birthright Citizenship Shaped the History of Asian American Families

[4] The Supreme Court's Birthright Citizenship Decision Could Dramatically Impact Newborns' Access to Health Care

[5] Utahns with Medicaid Insurance: A Steep Ascent and Even Steeper Decline

[6] NEA Defends Birthright Protections from the Trump Administration

[7] Birthright Citizenship and Youth Crime

[8] Immigrants in Utah

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