



UNITED STATES COMMISSION ON CIVIL RIGHTS

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March 21, 2016

Vanita Gupta, Assistant Attorney General
Civil Rights Division at the DOJ
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Ms. Gupta:

We write on behalf of the United States Commission on Civil Rights to request that the Civil Rights Division of the Department of Justice examine and consider intervening, if possible, or mediating in the civil law suit (Serna v Texas Department of Health Services Vital Statistics Unit, Civ. No. 1-15-CV-446 (W.D.TX)) regarding the refusal by the Texas Department of Health Services' Vital Statistics Unit to issue birth certificates to United States citizen children born in the United States to undocumented immigrant parents. In July 2015 the U.S. Commission on Civil Rights wrote to Attorney General Lynch seeking a Department of Justice investigation into Texas' denial of these birth certificates, and we have yet to receive a response. We also wrote to the Texas Department of Health Services' Vital Statistics Unit requesting that they cease the denial of the birth certificates and issue them to these U.S. citizen children. We have yet to receive a response from Texas.

The interest of the State in accurate record-keeping cannot be used to override the protections of the 14th Amendment, which plainly 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."¹ Additionally, the 14th Amendment guarantees equal protection under law, and a majority of the Commission believes that denial of a birth certificate to the most vulnerable of our citizens - infants - solely on the basis of their parent's immigration status would violate this guarantee. The right to a birth certificate as proof of citizenship belongs to the child.

Even though the U.S. District Court denied a request for a preliminary injunction, it found a deprivation of fundamental rights to these children. Birth certificates cannot be withheld any longer from these U.S. citizens. The continuation of this denial leaves U.S. citizen children without the documentation necessary to prove their citizenship. This deprives them of benefits

¹ .S. Const. amend. XIV, § 1 (emphasis added).



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to which they are entitled as U.S. citizens.

The Commission requests that you take all appropriate measures to ensure these children are issued birth certificates to which they are legally entitled.

We look forward to hearing from you on this matter.

Sincerely,

Handwritten signature of Martin Castro in black ink.

Martin Castro, Chairman

Handwritten signature of Roberta Achtenberg in black ink.

Roberta Achtenberg, Commissioner

Handwritten signature of David Kladney in blue ink.

David Kladney, Commissioner

Handwritten signature of Karen Narasaki in black ink.

Karen Narasaki, Commissioner