



August 19, 2016

The United States Commission on Civil Rights Welcomes Recent Settlement Requiring Texas to Issue Birth Certificates to U.S. Citizen Children of Undocumented Immigrants

The United States Commission on Civil Rights (hereinafter “the Commission”) welcomes the recent settlement in the case against the Texas Department of Health Service Vital Statistics Unit,¹ involving Texas’ denial of birth certificates to U.S. citizen children born in the United States to their undocumented immigrant parents.

This is an issue that the Commission engaged when we learned of Texas’ conduct, which the majority of the Commission believes violates the 14th Amendment to the U.S. Constitution. Failure to have their birth certificates denies U.S. citizens the documentation needed to prove their status and to access benefits to which they and every other U.S. citizen are entitled. On July 7, 2015, the Commission wrote to the Interim Commissioner at the Texas Department of State Health Services, Kirk Cole, demanding that Texas cease and desist its denial of birth certificates to U.S. citizen children of undocumented parents. On the same day, the Commission requested that the Attorney General of the United States, Loretta Lynch, open a formal investigation into Texas’ denial of birth certificates. On March 21, 2016, the Commission followed up with Principal Deputy Assistant Attorney General Vanita Gupta, and requested that the United States Department of Justice review the civil lawsuit filed by several Texas public interest law groups against Texas and consider intervening in the suit given the important federal issues at stake.

On Friday, July 22, 2016, Texas agreed to a settlement, under the terms of which it will begin issuing the previously denied birth certificates by accepting from undocumented parents additional forms of identification. These will include forms of identification it has accepted in the past, such as Mexican voter identification cards.²

The Commission welcomes the news that Texas will end its practice of denying vital documents to U.S. citizens. These documents do not merely prove U.S. citizenship; they enable parents to have their children enroll in school and daycare, be immunized and to have access to healthcare. Additionally, we commend the bravery of the undocumented parents who sought justice for their

¹ *Serna v. Texas Department of Health Service Vital Statistics Unit*, Civ. No. 1-15-CV-446 (W.D.TX)).

² *Supra* note 2.

U.S. citizen children in the courts, even while knowing that doing so might put them at risk of deportation.

“The settlement of this case should send a clear message to all states that efforts to circumvent the 14th Amendment to the U.S. Constitution in order to target the children of immigrants for denial of the rights of citizenship will not be allowed to stand. We thank the Texas public interest law firms for fighting this good fight and protecting the rights of these U.S. citizen children,” stated Commission Chairman Martin R. Castro.

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