



## UNITED STATES COMMISSION ON CIVIL RIGHTS

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1331 Pennsylvania Ave, NW • Suite 1150 • Washington, DC 20425 [www.usccr.gov](http://www.usccr.gov)

July 7, 2015

Honorable Loretta Lynch  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Madam Attorney General:

We write on behalf of a majority of the United States Commission on Civil Rights (hereafter “the Commission”) to request that the Department open an investigation into the possible refusal of the Texas Department of Health Services’ Vital Statistics Unit to issue birth certificates to U.S. citizen children born in the United States to undocumented immigrant parents.<sup>1</sup> If the allegations in the news reports are indeed occurring or have occurred, the State of Texas may be held to have violated the constitutional rights of these United States citizen children.

While the Commission understands the State’s requirement for accurate record keeping, this interest cannot be used as a pretext to override the protections of the 14<sup>th</sup> 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.”<sup>2</sup> Additionally, the 14<sup>th</sup> 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 parental immigration status would violate this guarantee.

If the allegations prove to be true, a majority of the Commission requests that you take all appropriate measures to end the denial of birth certificates to U.S. citizen children of undocumented immigrants and that you immediately issue appropriate birth certificates to U.S. citizen children, regardless of their parents’ immigration status.

We look forward to hearing from you on this matter.

Sincerely,

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<sup>1</sup> *Lawsuit: U.S. Citizen Children Denied Birth Certificates in Texas*, by Juan Castillo, NBC News website, May 28, 2015, <http://www.nbcnews.com/news/latino/suit-alleges-undocumented-parents-denied-birth-certificates-citizen-children-n366111>; *Texas Denies Certificates to Children of Undocumented Immigrants*, by Cedar Attansio, Latin News website, June 2, 2015, <http://www.latintimes.com/texas-denies-birth-certificates-children-undocumented-immigrants-320139>

<sup>2</sup> U.S. Const. amend. XIV, § 1 (emphasis added).



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Martin R. Castro  
Chairman  
On behalf of a majority of the Commission