



## UNITED STATES COMMISSION ON CIVIL RIGHTS

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

July 7, 2015

Mr. Kirk Cole  
Interim Commissioner  
Texas Department of State Health Services  
PO Box 149347  
Austin, Texas 78714-9347

Dear Commissioner Cole:

We write on behalf of a majority of the United States Commission on Civil Rights (hereafter “the Commission”) to inquire into recent news reports that the Texas Department of Health Services’ Vital Statistics Unit is refusing 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 occurring or have occurred, 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> A majority of the Commission believes additionally that the 14<sup>th</sup> Amendment guarantees equal protection under the law, and that a 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 protection.

If the allegations are true, a majority of the Commission requests that you cease and desist the denial of birth certificates to U.S. citizen children of undocumented immigrants and that you immediately issue requested birth certificates to U.S. citizen children, regardless of their parents’ immigration status. In addition, if these allegations are true and the practice continues, we will examine the possibility of a formal examination by the Commission of this unconstitutional practice by the State of Texas.

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, NBCNews 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