

**Which Countries Grant Birthright Citizenship?**

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COUNTRY	BIRTH*	NOTES
Algeria	No	Father must be Algerian or stateless
Argentina	Yes	
Australia	No	Children of legal immigrants born in Australia are citizens
Belgium	No	One parent must be a citizen of Belgium
Brazil	Yes	
Cameroon	Yes	
Canada	Yes	Children born to foreign parents after Feb. 1977 are citizens at birth
Colombia	No	One parent must be a legal resident
Czech Repub.	No	One parent must be a citizen of Czech Republic
Egypt	No	Father must be an Egyptian citizen
France	No	Child of foreign-born parents must apply, be approved for citizenship
Germany	No	Those born in Germany acquire the citizenship status of their mother
India	Yes	
Israel	No	If Jewish, a child is automatically a citizen; otherwise, must be the child of an Israeli National to be a citizen
Italy	No	One parent must be Italian
Jamaica	Yes	
Japan	No	One parent must be a citizen of Japan
Kenya	No	One parent must be a citizen of Kenya
Kuwait	No	Father must be a citizen of Kuwait
Mexico	Yes	
New Zealand	Yes	
Nigeria	No	One parent must be a Nigerian citizen
Norway	No	One parent must be Norwegian
Pakistan	Yes	
Philippines	No	One parent must be a citizen of the Philippines
Poland	No	One parent must be Polish
Rep. of Korea	No	One parent must be a citizen of Korea
Saudi Arabia	No	Father must be a citizen (child is added on the father's passport)
Spain	Yes	However, the child needs one year of residence to become a citizen if the parents are foreigners
Sweden	No	If mother is Swedish, the child acquires citizenship at birth; if parents are resident aliens, children acquire the citizenship of their parents
Switzerland	No	If child was born before June 1, 1985, the father must be Swiss for the child to be a Swiss citizen; if the child is born after June 1, 1985, the child will be a Swiss citizen if either parent is Swiss
Syria	No	One parent must be a citizen of Syria
Taiwan	No	One parent must be a citizen of Taiwan
Turkey	No	One parent must be a citizen of Turkey
United Kingdom	No	One parent must be a citizen or a legal resident of the UK for the child to be a
United States	Yes	
Venezuela	Yes	
Zaire	No	Mother must be a citizen of Zaire

\*"Birth" refers only to whether or not a person is guaranteed citizenship simply by being born in that country. However, excluded from consideration are the children of diplomats, or other persons on official government business in a foreign country.

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# Not a Birthright

## *No citizenship for the children of non-citizens*

by William F. Chip

The Republican Party's platform for the 1996 presidential campaign urges legislation or a constitutional amendment that would withhold automatic U.S. citizenship from the American-born children of illegal aliens. This plank has drawn the attention of those on the lookout for fresh signs of Republican mean-spiritedness. In an August 8 editorial, for example, *The [Washington] Post* variously characterizes the citizenship plank as "destructive," "vindictive," and a "new low" in "immigrant bashing."

Much of the negative commentary on the citizenship plank is laced with misinformation. The headline of *The Post's* editorial, "Children Without a Country," erroneously implies that withholding birthright citizenship would turn the children of illegal aliens into stateless vagabonds. Yet, Mexico and nearly all other countries routinely grant citizenship to the

foreign-born offspring of their citizens. The issue for most American-born offspring of noncitizens is not statelessness but whether they are entitled to U.S. citizenship in addition to the citizenship of their parents.

Equally misunderstood are attempts to cast the citizenship plank as an assault on the 14th Amendment to the Constitution. The August 8 editorial erred when asserting that "every individual" born within our borders since adoption of the 14th Amendment has enjoyed birthright citizenship. The 14th Amendment confers birthright citizenship only on persons born, "subject to the jurisdiction of the United States."

The phrase "subject to the jurisdiction" was authored by Senator Lyman Trumbull of Illinois, who also had written the first postbellum legislation enfranchising emancipated slaves. When asked to explain these words during congressional debate on the 14th Amendment, Trumbull answered that the "jurisdiction" he had in mind was a United States claim to the American-born person's "complete" allegiance. The senator argued that enfranchisement of the

otherwise stateless former slaves was a moral imperative, but that it would be wrong to presume or impose a duty of allegiance on the children of American Indians and foreign diplomats, since the children would owe competing allegiance to an

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***"The 14th Amendment confers birthright citizenship only on persons born, 'subject to the jurisdiction of the United States.'"***

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Indian tribe or a foreign nation notwithstanding their birth in the United States.

That the 14th Amendment did not extend birthright citizenship to the children of tribal Indians was confirmed by the Supreme Court in *Elk v. Wilkins* (1884). After *Wilkins* there remained the question of how any child of noncitizen immigrants could be born a United States citizen in light of the parents' country's potential claim of allegiance. That question was answered in *United States v. Wong Kim Ark*, in which the court held that the 14th Amendment conferred birthright citizenship on the children of noncitizen parents who had taken up lawful and

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