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Which Babies Are Real Americans?

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Priscilla Huang is the Reproductive Justice Project Director and Women's Law Fellow at the National Asian Pacific American Women's Forum (NAPAWF), an organization advocating social justice and human rights for Asian Pacific-American women and girls.

Yuki Lin, born on the stroke of midnight this New Year's, became the winner of a random drawing for a national Toys "R" Us sweepstakes. The company had promised a \$25,000 U.S. savings bond to the "first American baby born in 2007." However, Yuki lost her prize after the company learned that her mother was an undocumented U.S. resident. Instead, the bond went to a baby in Gainesville, Georgia, described by her mother as "an American all the way."

The toy retailer soon found itself in the midst of the country's heated immigration debate. Under mounting pressure, Toys "R" Us reversed its decision and awarded savings bonds to all three babies, including Yuki. The issue of citizenship was at the heart of this controversy: Is a baby born to undocumented immigrants an American in the same way that a baby born to non-immigrant parents is? Since the 14th Amendment grants automatic citizenship to persons born on U.S. soil, both babies have equal standing as citizens. Not all people, however, view citizenship this way. As the grandmother of the Gainesville baby told reporters, "If [the mother is] an illegal alien, that makes the baby illegal."

Today's immigration debate extends beyond the goal of limiting the rights and humanity of immigrants: It's about controlling who may be considered an American. Anti-immigrant activists contend that American citizenship is not about where you were born, but who gave birth to you. By extension, they believe—the 14th amendment notwithstanding—that the government must limit the reproductive capacities of immigrant women. Thus, immigrant women of childbearing age are central targets of unjust immigration reform policies.

Anti-immigrant groups, such as the Federation of American Immigration Reform (FAIR), believe immigrant women of childbearing age are a significant source of the country's so-called "illegal immigration crisis" and want to limit the number of immigrant births on U.S. soil. They are calling for changes to jus soli, our birthright citizenship laws. Unfortunately, some Congressional members are listening.

In the last two sessions of Congress, lawmakers introduced the Citizenship Reform Act, which would amend the Immigration and Nationality Act to deny birthright citizenship to children of parents who are neither citizens nor permanent resident aliens. The bill was reintroduced last month by Rep. Elton Gallegly, R-Calif, and is pending committee action.

Groups like FAIR assert that immigrant women enter the U.S. to give birth to "anchor babies," who can then sponsor the immigration of other relatives upon reaching the age of 21. They further contend that "anchor babies" and their families create a drain on the country's social service programs. The irrational stance of anti-immigrant advocates echoes that of 1990's welfare reformers. Both assume that childbearing by immigrants or poor women of color creates a cycle of poverty and dependence on the government. Immigrant women and women on welfare are depicted as irresponsible mothers and fraudulent freeloaders.

They're wrong. Several studies have shown that immigrants—documented and undocumented—access social welfare services at much lower rates than U.S.-born citizens. Furthermore, under the 1996 Welfare Reform Act, new immigrants are barred from accessing Medicaid benefits for five years, and sponsor liability rules often render many of these immigrants ineligible for services even after expiration of that restriction. And there is no evidence of intergenerational welfare dependency between immigrant parents and children.

Not surprisingly, pregnant immigrant women have become targets for deportation by immigration officials. On February 7, 2006, Immigration and Customs Enforcement (ICE) officials tried to forcibly deport Jiang Zhen Xing, a Chinese woman pregnant with twins. While her husband and two sons waited for her to complete what should have been a routine interview in a Philadelphia immigration office, ICE officials hustled Mrs. Jiang into a minivan and drove her to New York's JFK airport for immediate deportation back to China. After complaining for hours of severe stomach pains, she was eventually taken to a hospital where doctors found that she had suffered a miscarriage.

Mrs. Jiang had lived in the U.S. since 1995. Although she entered the country as an undocumented immigrant, she made an agreement with the ICE in 2004 that allowed her to remain in the U.S. as long as she attended routine check-in interviews at a local immigration office. Jiang's case raises an important question: Why would immigration officials be in such a rush to send a pregnant woman back to her country of origin after she had been allowed to stay in the U.S. for over 10 years? Supporters of Mrs. Jiang and other immigrant women targeted while pregnant believe the harassment stems from nativist fears of immigrant mothers giving birth to U.S.-citizen children.

Anti-immigrant policy makers and advocates are also trying to exploit anti-immigrant hysteria as a vehicle for denying all women the right to reproductive autonomy, and are manipulating the issue of immigration reform to advance an anti-choice agenda. In November 2006, a report from the Missouri House Special Committee on Immigration Reform concluded that abortion was partly to blame for the "problem of illegal immigration" because it caused a shortage of American workers. As the author, Rep. Edgar Emery (R), explained: "If you kill 44 million of your potential workers, it's not too surprising we would be desperate for workers."

In another example, Dr. John Wilke, founder of the National and International Right to Life organizations, testified in September 2005 as a medical witness for the Report of the South Dakota Taskforce to Study Abortion. In his testimony, he stated:

Muslim countries forbid abortion. Furthermore they have large families ... Germany's birth rate is 1.2 ... That is the Aryan Germans. What is happening? They're importing Turkish workers who do all of the more menial labor and right now there are over 1,500 mosques in Germany. The Muslim people in Germany have an average of four children. The Germans are having about one. So it's only a question of so many years and what do you think Germany is going to be? It's going to be a Muslim country.

Dr. Wilke's statement, which conflates U.S. post-9/11 fears about Muslims with nativist fears about the loss of Aryan national identity, was intended as a warning to South Dakotans against liberal laws governing both abortion and immigration. His assertion may seem extreme, but Wilke's arguments are not that unusual. Contemporary immigration reform policies recall the early 1900s eugenics movement, which was rooted in the fear that immigrants (and other undesirable groups) were out-breeding "old stock" Americans. Like the anti-immigrant advocates of today, eugenicists believed that curbing the fertility of such socially unfit groups would help reduce social welfare costs.

Clearly, then, immigrant rights has become a reproductive justice issue. We must challenge the assumption that immigrant mothers are the country's new welfare queens, and reexamine what makes a newborn "an American all the way."