

Practice Areas

BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

E-2 Visas

PERM Labor Certification

HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

The Rights of Children of Foreign-born Workers

Posted: January 19th, 2011

Under the 14th Amendment to the U.S. Constitution, “all persons born... in the United States... are citizens of the United States and the State wherein they reside.”

That language would seem to pretty clearly dictate that the child of a foreign-born worker, here legally or illegally, would nonetheless be a citizen of the United States if born in any one of the states, and entitled to all the privileges of any citizen.

But, according to published reports in the New York Times, the Wall Street Journal and the Politico, lawmakers in some states are considering legislation to create two kinds of birth certificates – one of the children of citizens and another for the children of illegal immigrants.

Such legislation might be used to create a two-tiered approach to citizenship, but that should not fly under the 14th Amendment, which provides that “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

Some have suggested that such legislation could also be used in conjunction with other laws or regulations as a tool for the tracking of some citizens to determine the level of their legal use of benefits and entitlements (and to determine if such benefits are being properly conferred).

In any event, it appears that the legislative atmosphere has changed after last November’s elections, and advocates for foreign workers and for those born to foreign workers on American soil will need to be vigilant.

If you are a foreign-born worker with questions or concerns about your legal rights or those of your child, and you wish to seek qualified counsel, you are welcome to call our offices at (847) 564-0712 to

The Shapiro Law Group

Illinois Business Immigration Lawyer

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Speak with an attorney. Feel free also to check out the pertinent section of [our Website](#) regarding representation of individuals and their families.