

APPLYING THE FAMILY IMPACT LENS TO THE 14TH AMENDMENT

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To help student see the relevance of applying the family impact lens to policies and programs, I ask students to consider the family impacts of the part of the 14th Amendment that defines American citizenship. Using the family impact lens in this way generated some amazing discussion at a time that was far ahead of all of the debate on immigration and deportation that we've had recently. I highly recommend this as an issue for family impact analysis because it offers a chance at multi-layered, non-ideological thought.

Here is a more detailed set of instructions that I gave students when I used this as an assignment:

“Section 1 of the 14th Amendment to the Constitution of the United States contains what has been called the “**birthright**” provision, providing **automatic citizenship to anyone born in this country regardless of race, color, or the immigration status of one’s parents**. It reads:

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. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

BACKGROUND:

At the time this amendment was added to our Constitution (1868), international travel was slow and arduous, tourism rare, and much of the U.S. population had been born elsewhere. The 14th amendment did NOT grant citizenship to a baby’s parents, only to the baby if it was born on U.S. soil. You may have heard in the news that some people have suggested that this amendment should be repealed, and that we should exclude from citizenship those children born on U.S. soil from parents who are either temporary visitors or undocumented residents. Those arguing for repeal typically focus their attention on the children of undocumented immigrants, but some also mention concern over a phenomenon called “maternity tourism” in which pregnant women come to the United States with the intent of giving birth here.

Your task is NOT to decide whether or not you support repeal of the 14th amendment. Put your personal opinion aside here. Your task is to **apply a FAMILY IMPACT LENS to the law as it stands now**. How does the United States granting citizenship to infants, but not their parents, affect family functions? In what ways is this policy supportive of families? In what ways might it undermine family functions? In brainstorming about this, you may consider possible impacts on different kinds of families who live here and elsewhere

I present students with criteria from the family impact checklist.

PRINCIPLE 1 – FAMILY RESPONSIBILITY

- Set realistic expectations for families to assume financial and/or caregiving responsibilities for dependent seriously ill or disabled family members depending on their family structure, resources, and life challenges

PRINCIPLE 2 – FAMILY STABILITY

- Strengthen commitment to couple, marital, parental, and family obligations, and allocate resources to help keep the marriage or family together when this is the appropriate goal
- Balance the safety and well-being of individuals with the rights and responsibilities of other family members and the integrity of the family as a whole

- Provide support to all types of families involved in the issue (e.g., for adoption, consider adoptive, birth, and foster parents; for remarried families, consider birth parents, stepparents, residential and nonresidential parents, etc.)

PRINCIPLE 3. FAMILY RELATIONSHIPS

- Recognize that individuals' development and well-being are profoundly affected by the quality of their relationships with close family members and family members' relationships with each other.
- Acknowledge how interventions and life events can affect family dynamics and, when appropriate, support the need for balancing change and stability in family roles, rules, and leadership depending upon individual expectations, cultural norms, family stress, and stage of family life

PRINCIPLE 4. FAMILY DIVERSITY

- Identify and respect the different attitudes, behaviors, and values of families from various cultural, economic, geographic, racial/ethnic, and religious backgrounds, structures, and stages of life
- Respect cultural and religious routines and rituals observed by families within the confines of the law
- Acknowledge and try to address root cause rather than symptoms of the issue or problem (e. g., economic, institutional, political, social psychological causes)

PRINCIPLE 5. FAMILY ENGAGEMENT

- Train and encourage professionals to work in collaboration with families, to allow families to make their own decisions (within the confines of the law), and to respect their choices
- Involve family members, particularly from marginalized families, in policy and program development, implementation, and evaluation
- Affirm and build upon the existing and potential strengths of families, even when families are challenged by adversity
- Acknowledge that the engagement of families, especially those with limited resources, may require emotional, information, and instrumental supports (e.g., child care, financial stipends, and transportation)
- Build on social supports that are essential to families' lives (e.g., friends, family-to-family support, community, neighborhood, volunteer, and faith-based organizations)
- Consider the whole family (even if it is outside the scope of services) and recognize how family decisions and participation may depend upon competing needs of different family members