

The Anchor Baby Myth

The Anchor Baby Myth is the erroneous belief held by many Americans that if an alien has a baby in the US, the alien has the right to remain in the US legally. But haven't you ever wondered why there are over ten million illegal immigrants if all they had to do to fix their status was have a baby here? Maybe it's not so simple.

A child born in the US is a US citizen, but the immigration benefits to the parents are extremely limited. After the alien mother (or father) has been present for no less than ten years, the alien may apply for Cancellation of Removal (aka "Cancellation") if she can prove ten years of good moral character and that deporting her would be an exceptional and extremely unusual hardship to her US citizen child. This is an unusual form of relief as there is an annual cap of 4000 on the number of illegal immigrants who can be granted Cancellation, and for the past several years the government has not reached that cap.¹ This means that under 4000 people are granted this type of Cancellation annually.

Once the child turns 21, he can file a visa petition for the parent. The Restrictionists present this information as though it then becomes a simple matter of filing paperwork.² What they don't tell you is that if the parent entered without inspection, the parent is not able to apply for a green card from within the US.³ She would have to apply for a visa at the consulate. But because she was previously unlawfully present for more than a year, she will be banned from entering the US for ten years.⁴ As the child is not a qualifying relative for a waiver of this ground of inadmissibility,⁵ she would not be able to return to the US legally for ten years despite have a US citizen child over age 21.

Even if the parent had entered the US lawfully and/or were not subject to the ten-year ban, the adult child would still need to prove that he has enough income to support the parent(s) and himself at no less than 125% of the poverty level. Under the 2009 poverty guidelines, a person wanting to sponsor both parents would have to show he makes at least \$22,887⁶, an income level many 21-year-olds have trouble achieving. The child may seek a co-sponsor to help meet the income requirement, but even so, it's clear that legalizing one's parents takes more than the mere filing of papers. Every year many US citizens petition for their parents, but there is no indication that US-born children of illegal immigrants are filing a majority of parental petitions.

Restrictionists attempt to increase the rage against Anchor Babies by painting them as a drain on society; as US citizen children they would have access to public benefits, such as Medicaid and Food Stamps, even if the alien parents are not eligible. However, this claim that Anchor Babies are an economic drain on society fails to take into account the taxes and other economic contributions that the US citizen child will pay over a lifetime.

¹ U.S. Dept of Justice, Executive Office of Immigration Review, FY 2008 Statistical Year, pg. R3

² *Anchor Babies, Part of the Immigration-Related American Lexicon*, Federation for American Immigration Reform (FAIR), http://www.fairus.org/site/PageServer?pagename=iic_immigrationissuecenters4608

³ INA §245(a)

⁴ INA §212(a)(9)(B)(i)(II)

⁵ INA §212(a)(9)(B)(v)

⁶ 2009 Poverty Guidelines, <http://www.uscis.gov/files/form/I-864P.pdf>

In a 2007 report by the White House Council of Economic Advisors, it is estimated that over a lifetime, immigrants and their descendents contribute \$80,000 more in taxes than they receive in public services.⁷

Despite the fallacy of the Anchor Baby Myth, Restrictionists keep pushing it. The greatest danger of the myth is that Restrictionist groups have used it to advocate for denying citizenship to children born in the US if their parents cannot prove lawful status.⁸ They are attempting to undermine the citizenship rights of these mostly Latino children.

Unfortunately, these groups have friends in high places. The "Birthright Citizenship Act of 2007" (H.R. 1940), introduced in the last session of Congress proposed that a child born in the United States will only be a citizen if he is the child of at least one parent who is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien performing active service in the armed forces.⁹ While the bill was not passed, it is chilling to know that this radical piece of legislation had 104 cosponsors in the House.¹⁰

The problem with denying citizenship to people born in the US to illegal immigrants is that it creates a perpetual underclass of people, mostly Latino, who live their entire lives from birth to death in the United States, but have no citizenship rights such as the right to remain in the US, the right to vote, and the right to federal student loans. The Anchor Baby Myth is the quintessential example of how the Restrictionists perpetuate their radical agenda with half-truths and misleading information.

⁷ *Immigration's Economic Impact*, White House Council of Economic Advisors, June 20, 2007
http://georgewbush-whitehouse.archives.gov/cea/cea_immigration_062007.html

⁸ *Anchor Babies*, FAIR, *supra*, and *Anchor Babies*, The American Resistance,
http://www.theamericanresistance.com/issues/anchor_babies.html

⁹ See the text of the bill at: <http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.1940>:

¹⁰ See the congressional history at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:hr1940>: