

# MIDDLE SCHOOL ETHICS OLYMPIAD

## EXAMPLE – CASE 2: CITIZENSHIP STATUS AT BIRTH



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Laws determining citizenship at birth typically rest on one of two principles: jus soli ('right of soil') or jus sanguinis ('right of blood'). Under jus soli, citizenship is granted if the child is born in a country's territory regardless of the citizenship status of the parents. Under jus sanguinis, citizenship is granted if one or both parents have citizenship regardless of the location of the child's birth. While many states operate under one or the other of these principles to the exclusion of the others, others operate under a mixed regime, the most common of which is a modification of jus soli under which citizenship is granted to all children born in the territory except those born to persons who are in the country illegally.

Recent decades have seen the emergence of a debate in jus soli jurisdictions over so-called 'birth tourism'.<sup>18</sup> These are cases where expecting parents travel to a country where they do not have citizenship to deliver the baby with the sole purpose of having their child gain citizenship in that country before returning home. Unambiguous statistics are hard to come by, but some evidence suggests a rising trend in such cases, primarily in the developed world.<sup>19,20</sup>

Critics of the practice argue that it frequently leaves hospitals on the hook for large unpaid bills, redirects healthcare resources away from residents, raises national security concerns, and debases the value of citizenship.<sup>21</sup>

Others argue that the numbers are so low that it isn't a genuine problem, that attempts to curtail that practice will disproportionately harm stateless persons and/or migrants who benefit most from current policies, and that the debate itself is fuelled by racist and sexist assumptions.<sup>22</sup>

### DISCUSSION QUESTIONS

1. Should birth tourism be accepted as a legitimate way of obtaining citizenship or does it amount to an undesirable legal loophole? Does the answer to this question depend on who the tourists are, e.g., wealthy non-residents versus stateless persons?
2. Should citizenship at birth be determined jus soli (restricted or unrestricted), jus sanguinis, or in some other way? Does the answer to this question apply to all countries, or might different countries be justified in adopting different regimes? If the latter, what sorts of considerations are relevant for evaluating their choice of regime?