

The Problem of Birth Tourism

**Prepared Testimony of Steven A. Camarota, Director of Research
Center for Immigration Studies**

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Introduction

In my testimony, I will use the definition of birth tourism that Justice Clarence Thomas adopted in his dissenting opinion in *Trump v. Barbara et al.* He defined birth tourism as “the practice of traveling here with temporary authorization solely to give birth and obtain citizenship for one's children, then returning to raise them in another country”.¹ Concern over birth tourism is really a component of the larger set of issues raised by the practice of granting automatic citizenship to anyone born on U.S. soil, regardless of the parents’ circumstances, time in the country, or relationship with the United States. My testimony will not focus on the recent Supreme Court decision on birthright citizenship. Instead, I will discuss the likely number of birth tourists, specific concerns raised by this practice, and what might be done to reduce it.

How Big is Birth Tourism?

Births to Mothers with a Foreign Address. Based on our analysis of the 2024 public-use birth certificate records provided by the CDC, there were 8,698 births to mothers born aboard who provided an overseas address.² On its face, this might seem like a way to estimate the likely number of women who are engaged in birth tourism. Although some have tried to use the address provided by parents on birth records to estimate birth tourism, for reasons I will explain below, this is not a valid approach.³

Why Birth Tourists Give a U.S. Address. The primary purpose of providing an address on a birth record is to receive the official birth certificate, which proves citizenship and then allows one to apply for a passport. Those engaged in birth tourism have a very strong incentive to provide a U.S. address and remain here until they receive the birth certificate, which typically can take two to four weeks. By staying, the mothers avoid relying on a foreign mail system that might be unreliable for receiving a birth certificate, a passport, or both, once they have returned home.

Putting aside the need to ensure that the child's U.S. birth and ultimately citizenship are properly recorded, staying at a U.S. address is necessary because countries do not generally allow infants to enter without valid travel documents. Countries almost always offer citizenship to those born abroad to their own nationals, particularly if they are not permanent residents or citizens of another country. However, parents must obtain travel documents from their own country's consulate before they can fly home with their infant; the documents are typically mailed to them before they leave.⁴ Finally, airlines flying out of the United States will not allow anyone, including infants, to board without valid travel documents for the destination country. Whether that document is a U.S. passport or, more likely, a home-country travel document, birth tourists have to stay in the U.S. for a time to obtain them.

The Role of Birthing Centers. Birth tourists often are assisted by individuals who advertise their services and provide coaching on how to get a visa and enter the United States. One of the most important services they provide is hotel rooms or rented apartments where the mother can stay prior to giving birth and then for weeks postpartum. There is ample evidence that these so-called “birthing centers” or “birth houses” are where birth certificates for newborns are often sent.

In March 2015, CNN reported that one birth tourist used an address in “a high-end Irvine, Calif., apartment complex where one birth tourism company had rented a number of homes” for her newborn's passport application.⁵ USA Today reported that the warrant used to raid several “birthing centers” stated that the birth tourists were “promised Social Security numbers and U.S. passports for their babies before flying back home”. The warrant also listed “California birth certificates” as one of the items to be seized.⁶

As the U.S. Attorney's Office for the Central District of California disclosed in 2024 after the conviction of Michael Wei Yueh Liu and Jing Dong, who ran short-term housing for women engaged in birth tourism, the new mothers “typically, within one or two months after giving birth” returned to China.⁷ Birthing centers provide mothers with a place to stay before and after birth and an address to which government documents can be sent.

How Many Birth Tourists Are There? The best estimate we have made at the Center for Immigration Studies of the possible number of births to tourists is 20,000 to 26,000 a year, though that estimate is based on data from 2016 and 2017.⁸ Some might think the number is small relative to the overall number of births in the U.S. annually; however, the effect is cumulative. Assuming the numbers we estimated in the past continued, some 200,000 to 300,000 children were born to birth tourists over the last decade — hardly a trivial number.

Unfortunately, our method for estimating birth tourism is no longer viable given changes in the data we used. We compared Census Bureau data with birth records to estimate how many foreign-born mothers had a child and may have left the country immediately.

However, the Census Bureau data no longer aligns with birth records in the way that it once did, suggesting the bureau is struggling to capture births accurately. To the best of our knowledge, no one else has attempted to estimate the scale of the problem beyond just assuming foreign addresses on birth certificates may indicate birth tourism.

Why It Is a Problem

Cheapening of American Citizenship. A survey in 2025 found that just 25 percent of Americans believe children born to tourists should get American citizenship, and that poll merely asked, “Do you think that children born in the U.S. should automatically receive U.S. citizenship if their parents are in the following groups:”, with tourist listed as one of the categories. It did not make clear that the person came specifically to have a child, contradicting what they put on their visa application.⁹ The sense among most Americans that birth tourism is a problem stems, I believe, directly from the idea that it turns American citizenship, one of the most valuable things in the world, into something that can be obtained under false pretenses.

Further, the selection criteria for those admitted as legal permanent residents reflect what the American people, through their elected representatives and enacted laws, want eventually to become their fellow citizens. Birth tourism undermines this basic democratic principle. It bypasses the will of the people and gives out citizenship to those who game the system.

Assimilation and National Security. There are many problems with granting automatic citizenship for the children of illegal immigrants. However, at least the children of illegal immigrants typically grow up in the United States.

This is generally not so for children born to birth tourists. And yet, as American citizens, they are able to enter the U.S. with no prior screening, attend college and receive financial aid, work at almost any job they choose — even with the federal government — and access all public benefits immediately upon arrival.

Furthermore, only citizens can obtain a national security clearance. Having foreign ties and connections, international travel, or an overseas background makes it much more difficult to get a security clearance because those things contribute to national security risks. As citizens, the children of birth tourists have the potential to expose the country to such threats.

Increasing Chain Migration. One of the motives for birth tourism is that, under current law, the children of American citizens (naturalized or U.S.-born) can sponsor their parents for a green card once they reach age 21. This category of permanent immigration is numerically unlimited, with 252,570 individuals admitted under this provision of the law in 2024 alone.¹⁰ The parents category creates a number of challenges for the United States, as these individuals typically arrive in the United States after age 50, with relatively fewer years of work and less in taxes paid prior to retirement.

Further, individuals who arrive at older ages tend to make more extensive use of certain welfare programs. Based on our analysis of the 2024 Survey of Income and Program Participation (SIPP), 44 percent of immigrants who arrived at age 50 or later were enrolled in Medicaid, and 20 percent received Supplemental Security Income (SSI). Among immigrants who arrived before age 50, the numbers were 22 percent for Medicaid and 2 percent for SSI.¹¹

While the vast majority of those sponsoring their foreign-born parents are not the children of birth tourists, birth tourism nonetheless adds to this problematic category in the long run.

Ways to Discourage Birth Tourism

Using Existing Laws and Regulations. The president recently signed an executive order empowering federal agencies to adopt policies and procedures designed to make it more difficult for foreign nationals to engage in birth tourism.¹² Even before the executive order was issued, right after the *Barbara* decision, the Justice Department issued a memo about penalizing those who engage in birth tourism.¹³ The memo explains that birth tourists can be prosecuted under 18 U.S.C. § 1546, which criminalizes “fraud and misuse of visas, permits, and other documents”. The law states that anyone who “knowingly makes under oath, or ... knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder” faces up to 10 years’ imprisonment and a fine.

Further, the DOJ memo encourages federal prosecutors to come up with new ways to combat birth tourism. These include using laws in the following areas: Wire Fraud and Conspiracy to Commit Wire Fraud (18 U.S.C. §§ 1343, 1349), Money Laundering and

Conspiracy to Commit Money Laundering (18 U.S.C. § 1956), Unlawful Use of Means of Identification (18 U.S.C. § 1028(a)(7)), Aggravated Identity Theft (18 U.S.C. § 1028(a)(1)), and Conspiracy to Commit Health Care Fraud (18 U.S.C. § 1347).

Obtaining high-profile convictions in these areas could be a major deterrent to birth tourism. Such convictions would prevent those who engaged in birth tourism from ever entering the country. In fact, to the extent possible, those who are even suspected of birth tourism should be barred from ever entering the United States. This not only reduces the incentive for birth tourism but also ensures they will never do it again.

Changing Visa Processing. While using existing law to prosecute birth tourists is possible, procedural changes could make such prosecutions easier. Unfortunately, as my colleague Mark Krikorian has observed, the current State Department visa form has no “question asking whether the applicant is pregnant” and, worse, “the regulations governing visa issuance now handcuff consular officers in this regard”.¹⁴ Krikorian cited the DOS rules that warn consular officers who process visas that:

*you must not ask a visa applicant whether they are pregnant unless you have a specific articulable reason to believe they may be pregnant and planning to give birth in the United States. You should document any such reason in your case notes. You must not, as a matter of course, ask all female applicants (or any specific subsets of applicants) whether they are pregnant or intend to become pregnant; you also may not require B NIV applicants to provide evidence that they are not pregnant. Additionally, you should remember, when posing your questions, that pregnancy can be a sensitive topic.*¹⁵

As another colleague, Andrew Arthur, observes, these problematic regulations “underscore” the degree to which the DOJ must work in tandem with the State Department to combat birth tourism.¹⁶ These misguided regulations mean would-be birth tourists often have to engage in relatively little deception in order to get their visas, making it difficult to prevent them from obtaining their visas or to prosecute them after the fact.

Create Citizenship Retention Rules. It might be possible to create rules requiring those born in the U.S. to foreign tourists to have lived here for some period of time in order to retain their citizenship. For example, as the State Department website explains, a child born to married parents after November 14, 1986, one of whom is a U.S. citizen, receives citizenship if “the U.S. citizen parent was physically present in the United States or its territories for five years before the child's birth. At least two of these years must be after age 14.”¹⁷

There are other rules for unmarried parents, whether the citizen parent is the father or mother and so on. While not exactly analogous to birth tourism, these rules do show that there can be limits on automatic citizenship. One suggestion would be to require those born in the U.S. to tourist parents to have lived here for some number of years prior to adulthood or even after adulthood; otherwise, they will be assumed to have abandoned their citizenship. Of course, the Supreme Court would ultimately have to pass judgment on such laws, but there is the possibility that a very narrowly tailored rule could pass constitutional muster and significantly curtail birth tourism.

Conclusion

The recent executive order signed by the president is correct when it states, “Citizenship is not a commodity to be acquired through calculated exploitation and evasion of the immigration laws, such as by entering the United States on a nonimmigrant visa for the purpose of giving birth within the Nation's borders.”¹⁸

The scale of birth tourism is not trivial, especially when one considers that the numbers accumulate every year. Stopping or at least reducing it is certainly possible. Instructing consular officers overseas and CBP inspectors at ports of entry to use the tools at their disposal is one line of defense. Changing State Department regulations is another. Prosecuting those who run birthing centers or those who come to America to engage in birth tourism is another way to deter it.

Changing existing laws, enacting new laws that define what is necessary to retain citizenship, and ending the parents category altogether would also help reduce birth tourism. We are not helpless in the face of this abuse. We can significantly reduce the incentives for birth tourism and penalize those who engage in it. The administration has taken important steps in this direction. Congress can also help.

¹ *Trump v. Barbara*, No. 25-365, slip op. at page 51 (U.S. June 30, 2026) (Thomas, J., dissenting).

² The “Birth Data Files” from the CDC website, here:

https://www.cdc.gov/nchs/data_access/vitalstatsonline.htm

³ “About 9% of U.S. births in 2023 were to unauthorized or temporary legal immigrant mothers”, Jeffrey S. Passel and Dalia Fahmy, Pew Research, March 2026. <https://www.pewresearch.org/short-reads/2026/03/31/about-9-of-us-births-in-2023-were-to-unauthorized-or-temporary-legal-immigrant-mothers/> Also see “The Demographic Composition of Birth Tourism in the United States”, Kreisberg, A. N. and Chin, N. D., 2026, U.S. Migration Metrics.

⁴ For example, Chinese nationals are instructed to provide a pre-paid envelope with a U.S. address and a tracking number to their consulate when applying for a Chinese travel document for their newborn.

⁵ “Feds fight ‘maternity tourism’ with raids”, CNN March 3, 2015, <https://www.cnn.com/2015/03/03/us/gallery/birth-tourism>

⁶ *Affidavit for Search Warrant*, United States District Court for the Central District of California, March 2, 2015, <https://i2.cdn.turner.com/cnn/2015/images/03/03/birth.tourism.pdf>

⁷ “Rancho Cucamonga Man Sentenced to More Than 3 Years in Prison for Operating ‘Birth Tourism’ Scheme for Affluent Chinese Clients”, U.S. Attorney’s Office for the Central District of California, December 16, 2024. <https://www.justice.gov/usao-cdca/pr/rancho-cucamonga-man-sentenced-more-3-years-prison-operating-birth-tourism-scheme>

⁸ “A Revised Estimate of Birth Tourism”, Steven A. Camarota, Center for Immigration Studies, March 2020, <https://cis.org/Camarota/Revised-Estimate-Birth-Tourism>

⁹ “Which U.S. births Americans think should be entitled to birthright citizenship”, YouGov poll released February 28, 2025.

¹⁰ Office of Homeland Security Statistics, “U.S. Lawful Permanent Residents: 2024, Annual Flow Report”, Table 2b. <https://ohss.dhs.gov/topics/immigration/lawful-permanent-residents/annual-flow-report/fy-24-lpr-flow-report>

¹¹ Based on the year of entry and age of respondents in of the public SIPP.

¹² “Ending Birth Tourism”, Executive Order 14419, August 6, 2026. <https://www.whitehouse.gov/presidential-actions/2026/08/ending-birth-tourism/>

¹³ “Prosecution of fraudulent birth tourism schemes”, Memorandum for DOJ Employees from Assistant Attorney General Colin McDonald, June 30, 2026. <https://x.com/TheJusticeDept/status/2072055062600499269>

¹⁴ “Citizenship Follies: Are we going to just have to bar the admission of women from abroad?”, Mark Krikorian, Daily Wire, June 30, 2026. <https://www.dailywire.com/news/citizenship-follies>

¹⁵ *Tourists and Business Visitors and Mexican Border Crossing Cards – B Visas and BCCs*, 9 FAM 402.2 (U), section 9 (8)(a), Bureau of Consular Affairs/Visa Office, March 19, 2026. <https://fam.state.gov/fam/09fam/09fam040202.html#:~:text=you%2520must%2520not%2520ask%2520a%2520visa%2520applicant>

¹⁶ “DOJ Vows to Crack Down on Birth Tourism in Response to ‘Birthright’ Opinion”, Andrew Arthur, Center for Immigration June 30, 2026. <https://cis.org/Arthur/DOJ-Vows-Crack-Down-Birth-Tourism-Response-Birthright-Opinion>

¹⁷ “Obtaining U.S. Citizenship for a Child Born Abroad”, U.S. State Department, <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/us-citizenship/Acquisition-US-Citizenship-Child-Born-Abroad.html>

¹⁸ “Ending Birth Tourism”, Executive Order 14419, August 6, 2026. <https://www.whitehouse.gov/presidential-actions/2026/08/ending-birth-tourism/>