



How to Stop Birth Tourism Scams

Introduction

About 20,000 times a year, a foreign woman, already very pregnant, visits the United States, legally, for the purpose of giving birth on American soil so her baby will be born an American citizen.

It's called "Birth Tourism." It's big business, especially in Russia and China. And it's becoming a bigger problem for the U.S. every year. Left unaddressed, birth tourism could compromise America's national security, election integrity, and sovereignty.

The Trump Administration has taken steps to check birth tourism, and several bills have also been introduced in Congress. A Supreme Court ruling this summer declaring birthright citizenship a constitutional right has blocked certain paths to reform, but several options remain open and worth exploring.

Background

Birth tourism is a spillover effect of birthright citizenship. The United States is one of only about three dozen countries in the world that offers full citizenship to all babies born here.

The life-changing privileges of American citizenship make the U.S. a uniquely attractive destination for birth tourism.ⁱ The Center for Immigration Studies estimates that between 20,000 and 26,000 tourists come to the U.S. every year for the express purpose of giving birth.ⁱⁱ

Importantly, birth tourism falls under the category of *legal* immigration. There is no law against foreign women giving birth in the United States. In theory at least, birth tourists can follow all the rules, fill out all the correct forms, and attain legitimate visas like all foreign visitors must under U.S. law.

And they are willing to pay big bucks to make those trips. A highly profitable international birth tourism industry has sprung up, charging tens of thousands of dollars to help women navigate the process. Firms arrange transportation, housing, and medical appointments. They help with translators. And they prepare their clients for their all-important paperwork and interactions with federal agencies. (This, we shall see, is where many supposedly legitimate birth tourism businesses reveal themselves to be criminal enterprises.)

Controversy

Birth tourism is controversial for several reasons.

First, it devalues the concept of U.S. citizenship. Birth tourists are not immigrants trying to join and contribute to American society. They are foreigners deliberately exploiting our nation's openness and generosity. Their children are given citizenship even though they will be raised overseas to be loyal to their native countries. Birth tourism babies receive Social Security cards. They are eligible for welfare benefits and free public education. As years pass, they will be entitled to vote in our elections, receive subsidized college tuition and student loans, and work in the U.S. as freely as children born and raised here.

Second, birth tourism threatens national security. Unconditional citizenship for the children of foreign visitors is an open invitation for hostile nations to infiltrate our homeland. Under current law, the United States would have to grant citizenship *even to the children of Chinese and Russian spies* simply because their mothers came here for a few weeks when they were eight months pregnant. When these "Americans" come of age, they would be allowed to join our military, work in the highest levels of our government, and even run for President. They will also be free to finance political campaigns and influence our elections.

Third, although birth tourism is theoretically legal, in the real world the industry is run by commercial fraudsters. Birth tourism companies don't just plan visits to America like legitimate travel agencies. They also help their clients conceal their pregnancies and lie about their trips, in violation of federal law, to mislead U.S. officials into approving their tourist visas.

Because birth tourists leave the U.S. shortly after their babies are born, they also often skip out on large hospital bills.ⁱⁱⁱ Businesses from Florida to California have raked in millions helping women, mostly from China and Russia lie their way into the country to give birth here. Several of these firms have been convicted on federal charges ranging from conspiracy to fraud to money laundering.^{iv}

Trump Reforms

In 2020, President Trump took on the birth tourism industry by tightening State Department regulations. His new rules clarified that giving birth in the United States is not by itself a legitimate reason for foreigners to be given tourist visas. He authorized U.S. embassies and consulates overseas to deny tourist-visa applications if they suspected the primary reason for a planned trip to the U.S. was to have a baby here.

When President Trump returned to office in 2025, he went further. He signed an executive order denying birthright citizenship to the children of illegal immigrants and temporary visitors, like birth tourists. Trump's order was challenged in court, and in June 2026 the Supreme Court struck it down. By a 5-4 decision, the court ruled in *Trump v. Barbara* that

U.S. citizenship is a guaranteed constitutional right for all people born on U.S. soil, regardless of who their parents are or how they came to be in the country.

Common Sense Solutions

The Court's ruling means that no presidential order or even a law passed by Congress can deny citizenship to the children of birth tourists (or illegal immigrants for that matter). So, reformers are pursuing alternative paths.

The first is amending the Constitution. Senator Rand Paul (R-Ky.) proposed such an **amendment** in April. (He first proposed this amendment back in 2011.) Paul's amendment would limit birthright citizenship to children of American citizens, permanent legal residents, and members of the Armed Forces. However, passing constitutional amendments is difficult. It requires two-thirds votes in both houses of Congress and then ratification by three-quarters of the states. If Paul's amendment can pass, the process will still likely take many years.

There are things Congress can do in the nearer term.

One option is to codify President Trump's State Department regulations in federal law. The **"Ban Birth Tourism Act"** — sponsored by Senator Marsha Blackburn (R-Tenn.), would automatically deny visas to would-be birth tourists. Another option is to increase the penalties for crimes associated with birth tourism: lying on visa forms, health care fraud, etc. Congress could make it a crime to travel to the United States for the purpose of giving birth. It could also require, as a condition of entering the country, that all women affirmatively renounce any claim to American citizenship for any children they may have while here.

The most immediate steps will likely come from the Trump Administration itself. The day after the Supreme Court issued its ruling in the *Barbara* case, Acting Attorney General Todd Blanche announced the Justice Department would prioritize prosecuting birth tourism fraud. The State Department can also further tighten its procedures for screening potential birth tourists.

These reforms would help because they recognize that, at heart, birth tourism isn't really an immigration issue. It's an issue about who we are as a nation. U.S. citizenship is not a universal human entitlement. Nor is it a souvenir for tourists to remember their trip to the States. It certainly should not be a *reward* to people or businesses, let alone foreign intelligence agencies, who break our laws. That is because to truly be an American means something more than having a birth certificate and a passport. It is to believe in the American creed, and (a part usually left out by people who favor more immigration) accepting various cultural markers of America. Belief in fair play, neighborliness, liberty, and respect for the rule of law are not things found in the Declaration of Independence and Constitution. But they are hallmarks of the culture that helped America become what it is today. Of course we have not always honored those ideas in the breach, but that does not mean that they are not part of the American ethos. Believing in the cultural markers of America doesn't make you a citizen: there are plenty of

American citizens who don't, and plenty of people around the world who do. But continuing to allow birth tourism and bringing into our civic community those who are citizens only by dint of having a mother with the resources to travel here, weakens that culture.

If the Supreme Court says we cannot deny birth tourists' children citizenship, then the other branches of government's only recourse is to prevent birth tourists from entering the country in the first place.

ⁱ <https://www.pewresearch.org/short-reads/2026/03/31/us-style-birthright-citizenship-is-uncommon-around-the-world/>

ⁱⁱ <https://cis.org/Camarota/Revised-Estimate-Birth-Tourism>

ⁱⁱⁱ [https://www.hsgac.senate.gov/wpcontent/uploads/imo/media/doc/2022.12.20-%20Final Birth%20Tourism%20Report.pdf](https://www.hsgac.senate.gov/wpcontent/uploads/imo/media/doc/2022.12.20-%20Final%20Birth%20Tourism%20Report.pdf)

^{iv} <https://www.justice.gov/usao-cdca/pr/federal-prosecutors-unseal-indictments-naming-19-people-linked-chinese-birth-tourism>