

U.S. TO LIMIT 'BIRTH TOURISM' – WARNING TO ALL PREGNANT TRAVELERS



The White House, under the President Donald Trump Administration, has announced a new visa policy to put an end to the common practice of 'birth tourism'.

Until now, pregnant women of foreign nationality could obtain temporary travel visas to the U.S. and when they gave birth, their child automatically received the U.S citizenship.

According to the amended State Department rules which took effect on January 24th, the State Department **will no longer grant temporary visas to visitors if it is discovered that their primary purpose of entering the U.S is to obtain citizenship for their soon-to-be-born child.**

Details and reasons behind the new regulations

According to a statement from the White House, this change in visa policy is necessary to enhance national security, public safety and the integrity of the U.S. Immigration system.

According to an official statement, the State Department does not believe there is legitimacy in visiting the United States solely with the intent of getting your child citizenship even though the existing immigration rules had made it possible.

This rule is also expected to curb cases of criminal activities going on in the birth tourism industry such as visitors lying about the duration of their stay, where they would reside and their reason for applying for visas

The new regulation also contains a clause that addresses visa applicants who give 'medical treatment' as their primary reason for applying for a temporary visa. According to the regulation, applicants have to show proof of their arrangement for such treatment as well as their financial capacity to cover the associated cost.

This revision will only affect B nonimmigrant visas that are issued for the reason of business or tourism.

It is also important to note that this new adjustment will not affect the 39 countries that are already part of the U.S. Visa Waiver program.

Possible Challenges and Arguments against the Visa Policy

Until now, the practice of traveling to the U.S. to give birth was widely accepted and fundamentally legal as long as due process was followed and applicants stated expressly their reasons for seeking visas.

One challenge this new policy will face is the ability of immigration officers to determine whether a woman is pregnant or not and whether they can act on mere suspicion.

According to the State Department officials, consular officers cannot directly ask a woman if she is pregnant unless they have an articulate reason for the suspicion.

One situation where the question of pregnancy can be brought up according to the State Department is if the applicant has stated medical procedure as their reason for traveling.

Officers are not allowed to request that pregnancy test be done even if they have some suspicion.

As a result, many people can still pass through the system without detection.

Another major loophole to the policy is that the types of visas being adjusted have a 10-year duration; hence, one can actually enter into the U.S. without being pregnant but still get pregnant and give birth before their period of stay is over.

A challenge to the implementation of this policy lies in the fact that the 'birth tourism' industry has existed in the United States and other countries for many years and has grown into quite a lucrative business. It is not unknown however that the Donald Trump administration has always tried to clamp down on this industry.

Moving Forward with the New Visa Policy

The Donald Trump administration has been concerned about the immigration policies for a long time, especially about the fact that the U.S. constitution allows anyone born in the U.S. to be considered a citizen.

The birth of this new regulation is no doubt one way to tackle the issue that has always been a burden to the president, but the loopholes in the policy bring about challenges and questions as to whether this policy in practice would not pose challenges to pregnant women and affect women of foreign nationality trying to come into the United States.

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