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U.S. State Department Issues Rules That Restrict Entry to U.S. For Pregnant Foreigners

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John F. Kennedy Airport in New York in 2017 By. MARK KAUZLARICH/BLOOMBERG NEWS

The U.S. State Department has made public a new set of rules it is adopting that will make it more difficult for foreigners who are pregnant to visit the U.S. on tourist visas, a move aimed at preventing individuals from coming to the U.S. to give birth.

The new rules were unveiled Thursday and take effect Friday. They will attempt to prevent what the Trump administration has referred to as "birth tourism." The rules represent yet another branch in the Trump administration's policy of restricting immigration to the United States, while blocking others from certain countries from visiting at all.

Under the Constitution of the United States, almost all babies born in the U.S. are granted citizenship.

The new rules direct consular officers in foreign embassies to deny tourist visas, known as B visas, to any pregnant woman they believe is looking to travel to the U.S. to give birth. It will be the responsibility of the pregnant woman to convince officers she wants to visit the U.S. for a primary reason other than to give birth.

According to the Wall Street Journal, the effect of the new rules is likely small, because tourist visas are typically issued for 10 years, meaning a pregnant woman could enter the U.S. on a valid visa she was awarded years earlier.

State Department regulations governing visas didn't previously refer to pregnant women, and visa forms didn't ask women to specify whether they are pregnant. Guidance sent to consular officers this week directs officers to ask women about pregnancy not as a matter of course but only if an officer suspects the woman intends to remain in the U.S. through the birth of her child.

Should an officer decide a woman is attempting to come to the U.S. to give birth, the decision is likely final, according to the new rules. Foreign nationals looking to appeal the decisions of consular officers in U.S. courts have seen little success.

"This rule change is necessary to enhance public safety, national security, and the integrity of our immigration system," the White House said in a statement.

According to the Centers for Disease Control and Prevention, about 10,000 babies were born in the U.S. to parents who are foreign residents in 2017, the last year for which data was available, up from about 7,800 in 2007.