The cause and effects of birth tourism in the CNMI  
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Abstract

On November 28, 2009 the United States took over immigration from the CNMI Government. With that, laws regarding immigration to the CNMI changed. The Consolidated Natural Resources Act(CNRA), Public Law 110-229 was enacted. One part of the law that was meant to help the economy was an amendment to the Immigration and Nationality Act to provide for the CNMI a nonimmigrant visa waiver for up to 45 days for tourist from China and Russia. The CNMI is the only US Territory to have this. In the CNMI, tourism is the main source of income used by the local government to keep these islands running. One issue that has come to light since the visa waiver program has started is birth tourism. Since 2009 the numbers of foreign nationals mainly from China who come here to the CNMI to specifically to give birth has gone up every year. From my research, the numbers of births to Chinese mothers has gone up approximately 5500% from 2008 to 2017, and of all foreign in 2017 96% were to those also from China. If birth tourism continues to grow at the rate it is now, the US government might decide to rescind the current visa waiver law and that might have a devastating effect on the economy of the CNMI.

What are the causes and effects of birth tourism in the CNMI?

Birth tourism in the CNMI has been receiving a lot of attention in the local as well as the National news as of late. It is tied into the Conditional worker (CW) program as well as the “Visa Waiver” program, both of which can positively and negatively affect the tourism numbers that sustain the economy of the Commonwealth. Through research and interviews I have compiled the numbers of foreign births in the CNMI by all tourists from 2008 until 2017. Approximately 96% of all foreign births in the CNMI are from visitors from China utilizing the “visa waiver “program to enter and then “overstay” to give birth. This violation of U.S. Immigration law has the negative possibility of having this program, which is meant to help the local economy to be terminated prematurely.

What causes people to come to the CNMI mainly from China to give birth?

In 2009 when the United States took over Immigration from local control it passed the “The Consolidated Natural Resources Act,” and Public Law 110-229. The section of law that applies here is, Title VII: **Title VII: Northern Mariana Islands** - **Subtitle A: Immigration, Security, and Labor** - (Sec. 702) Extends U.S. immigration laws, as defined by the Immigration and Nationality Act, to the Commonwealth of the Northern Mariana Islands (CNMI), subject to a transition period through December 31, 2014. **This has since been extended until the end of 2019**. It also amends the Immigration and Nationality Act to provide for CNMI nonimmigrant visitor visa waivers (as currently provided for Guam) for stays of up to 45 days and Directs the Secretary of Homeland Security (Secretary) to monitor such admissions and suspend the entry of nationals from a country whose nationals have created an unacceptable number of program violations or pose security or law enforcement risks. Here on Island most people call it the “CNMI Only” visa waiver for citizens of China and Russia. ([www.congress.gov/bill/110th-congress/senate-bill/02739](http://www.congress.gov/bill/110th-congress/senate-bill/02739)).

This section of law is important because your average Chinese citizen can’t afford and doesn’t have the resources in order to obtain a U.S. Visa and then be able to fly to the mainland. With this “visa waiver” now almost anyone in China’s new and emerging middle class can afford a plane ticket and a 4 ½ hour direct plane ride to Saipan, and if you paid attention in your social studies class in High School you would remember that because of the fourteenth amendment to the Constitution, any person born in the United States is automatically a U.S. citizen. If I lived in a Communist Country, I might think having a U.S. citizen relative is a pretty good idea as well as having more opportunities that being a U.S. citizen provides.

Throughout the course of my research I was able to speak with about half dozen women, all from China who came to Saipan with the sole purpose of having U.S. citizen children. For legal and privacy reasons I won’t disclose their names, just where in China they came from. What I found interesting is that none were from Beijing or Shanghai, they mostly were from the poorer areas like Heilong Jiang, Shan Dong, and Jilin province. I interviewed a woman in the process of being deported for violating the conditions of her Parole or “overstaying” the time allotted, provided by the “Visa Waiver” program. She was from the Henan Province of China. She and her husband entered Saipan when she was already nine months pregnant. They claimed that they were coming as tourists for a short vacation.

Now, as a United States Customs and Border Protection Officer (CBP) will tell you, it is not a crime to come to the U.S. to give birth, but it is a crime to lie about your purpose for wanting to enter the U.S. and that is what they had done. According to a CBP Officer, it was very obvious that the woman was very far along in her pregnancy and more likely than not, they were coming for birth tourism. They were both denied entry and were to be sent back to China on the next available flight, but what has become the norm now is that the woman will complain of stomach problems or she will say that she is going into labor right then and there, so out of caution for the safety of the woman and the baby, she will be admitted to the U.S. and taken to the hospital. After that it is almost impossible to remove them until after they give birth.

That is what this woman did, she said she was going into labor right there in the airport. So, she was admitted and ultimately gave birth a few days or week later. Her husband she said was never allowed in and went back to China the same day. When I interviewed her, I asked why she came to Saipan to give birth and her response was so that her baby would be a U.S. citizen and one day could go to the States to be educated. I also asked her if it was worth it now that she was going to be deported and bared for reentry for a minimum of five years and she replied that it was. This answer was the same for all but one of the women I spoke to. She stuck to her story that she and her husband had only come as tourists, but who really goes on vacation when they are nine months pregnant?

Those in law enforcement both local and federal as well local law makers in the CNMI legislature all have valuable information on this topic and are invested in the outcome of it. I was able to interview the Port Director for Customs and Border Protection (CBP) and the Resident Agent in Charge (RAC) Special Agent for Homeland Security Investigations Saipan (appendix A) about the current trend of birth tourism in the CNMI. They both agreed that the numbers of those from China abusing the visa waiver program to come here to give birth has been rising every year. According to the CBP Port Director, CBP is seeing anywhere from 3-5 and up to 10 pregnant Chinese women a day flying into Saipan. He also said Saipan is the #2 location in all of the United States with the highest number of birth tourists, beaten out only by Los Angeles, California. He did want to point out that being pregnant and giving birth are not crimes. That as long as the person doesn’t have an inadmissibility, doesn’t break the law, and has ties and equities back in China there is no reason to not admit them under the visa waiver program for anywhere from one up to 45 days. The grey area then becomes can a woman enter Saipan, give birth, recover, obtain all the necessary documents the new baby needs and then depart Saipan in the allotted time? The answer is “no” it is next to impossible to do it. Thus, putting the person out of status and in violation of U.S. immigration law.

Looking at the statistics (Appendix B) from the Commonwealth Health Care Corporation, the numbers of Chinese births continue to rise every year. In 2008 there were 8 births to Chinese mothers and in 2017 there were 448 births to mothers from China. To put this in perspective, in 2017 there was 465 births to “tourists”, 448 specifically from China, which is roughly 96%.

Numbers USA (Numbers USA 2017) published an article stating that since 2009, the number of births to Chinese mothers who have received automatic U.S. citizenship on Saipan has increased by 5800%, it went on, “As long as you have birthright citizenship, its true this is something that can be exploited,” Doris Meissner, former commissioner of the U.S. Immigration and Naturalization Service and a senior fellow at the Migration Policy Institute, told the Wall Street Journal. “This is the first I’ve heard of Saipan. That’s actually quite clever.”

I also conducted an informal survey of NMC students asking questions about birth tourism. Out of the 11 responses I didn’t find anyone who hadn’t heard of birth tourism. On the question, which countries do you think have the most visitors to the CNMI, 82% said China, 9% said Korea, and 9% said The Philippines. On the question, what is your opinion on birth tourism in the CNMI, 64% said it needs to be stopped, 18% said they don’t care, 9% said birth tourists give a “black eye” to the CNMI, and 9% said the more the merrier. Lastly, for my question, would the economy of the CNMI crash without visitor from China? 63% said maybe but it would recover, 27% said yes and only 9% said no.

What are the negative effects of unchecked birth tourism?

A recent article in the Marianas Variety goes so far as to say the loss of the parole program would devastate the NMI economy (Todino, J. 2018).

With the new administration in Washington, D.C. taking a hard line on immigration, the continued and growing exploitation of the immigration laws of this Country here in Saipan can only continue for so long before the Federal Government finally cracks down. In my opinion after doing the research for this report, the only 100% solution that I can see is to rescind the China “visa waiver” program all together and if that were to happen, the local government would need to find alternate forms of revenue. Would the CNMI’s economy crash? I don’t have an answer to that question.

The CNMI is dealing with a lot of issues right now, from the CW program, the Casino issues, the Bloomberg article as well as birth tourism, and it all in one way or another center on tourism. Would the loss of this one program “visa waiver” have a negative effect on the economy? Or might it might spur the local government to find other sources of income for the island instead of putting all their “chips” in one basket? The future of the Commonwealth remains to be seen.

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Appendix A

March 20, 2018, Saipan International Airport.

Port Director for Customs and Border Protection (CBP)

March 20, 2018, MHII Bldg, Puerto Rico, Saipan.

Resident Agent in Charge (RAC) Special Agent for Homeland Security Investigations Saipan.

Appendix B

E-mail correspondence with CNMI Representative Ed Propst.

To provide statistics from the Commonwealth Healthcare Corporation Health and Vital Statistics Office, that shows the numbers of all births in the CNMI from 2008 until 2017.

