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Undercover Investigation into Shady Chinese Agencies Promoting U.S. Birth Tourism

Posted on September 5, 2012 by Gary Chodorow



A new undercover investigation by Yicai.com takes a look at shady Chinese agencies that promote travel to America for purposes of giving birth to a US citizen baby. I’ve included an English translation of the September 5, 2012, article below.

According to the article, these agencies help expecting mothers get US visitors’ visas on false pretenses while hiding their pregnancy. The industry also operates unlicensed “postpartum care centers” in the US, where mothers are crowded into homes in residential neighborhoods for 4 months to give birth and then recover. Several centers have been shut down based on complaints of zoning violations and operating without a license. The mothers pay out of pocket for medical care or are coached by the centers on how to lie about their immigration status (and finances) to qualify for Medicaid.

One of the things which may come as a surprise to Americans who use the pejorative term “[anchor baby](#)” is that these usually middle class or wealthy Chinese parents aren’t trying to use their child to immigrate to the US. As the article mentions, China doesn’t recognize dual citizenship. Nevertheless, the parents usually return to China, where they go to great lengths to hide the child’s US citizenship. If the child’s US citizenship is known, the child doesn’t qualify for government medical insurance and can’t attend local schools at the same tuition as Chinese citizens.

Why then give birth in the US? The article mentions that the parent are often motivated by wanting their children to have U.S. citizenship so they can be educated abroad. It’s also not uncommon for parents to want a child to have a foreign passport just for

中文版

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protection in case China isn't stable in the future. And maybe some parents see a foreign child as a status symbol.

As a US immigration lawyer, I'm disappointed that the article doesn't emphasize the illegal nature of the agency schemes to mislead the U.S. Embassy and Consulates in China. They coach the expectant mothers to lie in their visa applications about the purpose of their trip to the US, then lie again when speaking with the US Customs and Border Protection inspector at the airport. Misrepresentation is a permanent ground of inadmissibility (except in narrow circumstances), and I've had multiple parents in my office who've been caught after lying. The result is that their child is a US citizen but the parents are permanently barred from going to the US.

Another question the article doesn't address is, if the expectant mother tells the truth that she is going to the US to deliver a baby, can she be issued a visa? The key requirements to qualify for a visitor's (B1/B2) visa to travel to the US for medical treatment are that the applicant must have a clear medical diagnosis, a detailed treatment plan at a US medical facility, and the financial resources to pay for the costs estimated by that facility for the treatment. The applicant must also prove to the consular officer's satisfaction that she intends to return to a permanent home abroad after a temporary stay in the US. Some Chinese expectant mothers can meet these requirements. Consistent with that, an official at the US Embassy in Beijing told the [Washington Post](#), "You don't deny someone because you know they're going to the U.S. to have children." US Customs and Border Protection (CBP), the agency that posts officers at the airports, used to state on their incongruously states on its website that "[c]oming to the US for the purpose of childbirth is not a valid reason for travel." More recently, however, they've updated the [website](#) to accurately reflect the key legal requirements mentioned above.

Inbound international medical tourism is a billion dollar per year industry according to the US Commerce Department. Patients are drawn by the high standard of care at premier American hospitals like Cleveland Clinic, Harvard, UCLA Medical Center, Johns Hopkins, and Mayo Clinic. The hospitals find this business to be disproportionately profitable. As a lawyer practicing in this area, I see the US government's role as implementing a policy for internaional patients, including expectant mothers, that serves national and humanitarian interests.

Yicai.com is the online version of China Business Daily News. The Chinese story is [here](#). The translation follows.

[Translator's note: a "postpartum care center" is usually a hotel with staff to attend to new mothers. This is a twenty-first century twist on the Chinese tradition of yuezi, during which a new Chinese mother confines herself to home to recover for a month after delivery.]

Investigation of the Industry of Giving Birth in the US: Dirty Secrets of "Postpartum Care Centers"

Author: Jiang Mengyuan Source: Yicai Daily Date: 2012-09-05

Summary: The entire "supply chain" related to [Chinese women] giving birth in the US is misunderstood by these pregnant mothers. In addition, advertisements by agencies [middle men] hide the truth and don't address the various problems that may follow a baby's delivery.

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Although opportunities to give birth in Hong Kong are closing, many—but not all—expectant mothers have the option to give birth in other countries such as the US.

In the 14th amendment to the US Constitution, which became effective in 1868, the first clause states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” It’s a privilege for a child born in the US to obtain citizenship, but people seldom realize the other consequences.

Yicai Daily’s investigation in the US and Shanghai shows that the entire “supply chain” related to giving birth in the US is misunderstood by these pregnant mothers. In addition, advertisements by agencies hide the truth and don’t address the various problems that may follow a baby’s delivery.

According to China National Radio’s report in May this year, the number of expectant from China’s Mainland going to Hong Kong for child delivery has been increased 4 times over the last 10 years, reaching reached 5000 in 2011. Besides Hong Kong and the US, other popular countries and regions that expectant mothers from China mainland like to go to include Australia, New Zealand, and Canada.

Expectant Mothers’ Thoughts

Our investigation shows that expectant mothers prefer to give birth abroad for two reasons: (1) so a child can receive a better education; or (2) in order to have a second child [without violating China's one-child policy]. The 14th amendment to the US Constitution gives expectant mothers visions of a wonderful future.

Ms. Wang, an expectant mother, an accountant in a consulate in Shanghai, is planning to give birth in the US.

Ms. Wang told our journalist that she has already started the US visa application. She plans to enter the US when she is 2 months pregnant so her pregnancy won’t be detected. She has stable work and property, so the visa is likely to be approved.

Ms. Wang explained that she is trying so hard because she wants to give her child a new life. “In China, a child needs to study so hard. Middle school and university entrance exams are like tens of thousands of horses passing a narrow bridge. Even if the child is enrolled in the university, he is still facing a lot of pressure to be employed after graduation,” Ms. Wang said. She says that if her child can be born in the US, and automatically obtains citizenship, then even if he studies in a Chinese university, he can keep his status as a foreign student, which will decrease the pressure on him.

Mr. Zhang, 35 years old, works for a Beijing design institute and plans to have another child.

He has a PhD, and his wife, a masters. They’re both from China’s countryside. They have already obtained a Beijing *hukou* [resident permit for a Chinese citizen] through diligent work. But if they want to have a second child, they need to pay more. So Mr. Zhang is now preparing to become an exchange visitor to the US, and he will bring his wife to have another child.

On April 16, the fourth Chief Executive of Hong Kong, Liang Zhenying, announced that beginning next year Hong Kong private hospitals will refuse to accept pregnant women if neither she nor her husband is a Hong Kong permanent resident. This may increase the

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number of people who want to go to the US to give birth. Some agencies in Shanghai are forecasting a boom.

Our journalist searched “going to the US to give birth” on Baidu [a Chinese internet search engine], and found that 17 out of 20 results on the first page are advertisements for going to the US to give birth. Most promote “postpartum care centers.” This is unimaginable to Americans.

The Truth About “Postpartum Care Centers”

Our journalist has visited several postpartum care centers in New York. Most of them have branch offices in Shanghai, Beijing, and other big cities, mainly in charge of marketing. The U.S. postpartum care centers are responsible for shuttling clients to and from the airport, and all childbirth related arrangements in the US.

The price of these postpartum care centers ranges from 100,000 to 250,000 RMB. Woman stay centers for 4 months, including waiting 3 months for child delivery, and 1 month for postpartum recovery. This price is only for the pregnant woman. Another 350 RMB will be charged each day for a companion.

Our journalist calculated that if a companion will be in the US for four months (120 days), he will pay 42,000 RMB, not including any other expenses or transportation. As an unwritten rule, he also needs to give the center workers tips [red envelopes] of 10,000 to 20,000 RMB cash. The international flights are an additional expense.

Postpartum care centers are usually located in residential areas. They have their own cooks and cleaning staff, and provide three meals a day to the pregnant woman and her companion. Many centers claim that their cooks are professional nutritionists. But through our journalist’s undercover investigation, they actually don’t have any nutritionist qualifications. Most owners prefer to keep the wealth in the family by hiring relatives or friends.

Another abuse is that the centers are located in residential neighborhoods where they disturb the neighbors.

Americans are warmhearted, and they are meddlers. If a group of big belly women disturb the American neighbors, the neighbors will immediately call the police. Neighbors have complained to police about babies crying day and night in these centers.

Sometimes competitors will try to undermine each other. One will make false complaints to the police that another is selling babies or trafficking other humans. Several postpartum care centers in California have been ordered to close down by the government after complaints.

Usually, the expectant mothers who are going to the US have valid visas. What they do in the U.S. is a violation of status but not illegal. Why, then, are these centers in California are often being ordered to close?

There are four reasons. First, US law does not permit doing business in residential-zoned areas, where these centers are usually located. Once they are investigated, the illegal business comes to light. Second, in order to attract more clients, some centers build on additions that violate zoning laws. Third, most centers prefer cash transactions and evade tax laws. Finally, new American mothers don’t have the custom of *yuezi*, so the centers can’t get business licenses. Doing business without license is a legal taboo.

If postpartum care centers are investigated, they will be ordered to close immediately. The pregnant women from abroad may be terrified about being left with nowhere to stay.

Delivery-Related Trickery

It's extremely expensive to go to a doctor in the US. Americans without insurance cannot afford to be hospitalized. Usually, people who are employed have medical insurance, so hospital expenses will be paid by the insurance company. The insurance companies, in turn, receive discounts from the hospital.

A Chinese mother who has been living in the US for many years told our journalist that she gave birth to a girl on the East Coast. She stayed in the hospital for two days. The bill the insurance company mailed to her showed they paid 10,000 USD to the hospital. Fees for C-sections are even higher.

Mr. Zhu, who works in Silicon Valley, told our journalist that he spent 20,000 USD for his wife's 10 month pregnancy in California. Since they have medical insurance, they just paid 10%, or 2000 USD.

Yan Liang, an internal medicine resident at Wishard Hospital in Indiana told our journalist that if a patient wants to give birth in this hospital, they can bargain. After negotiation, the fee is about 7000 USD for natural labor, about 20,000 to 30,000 USD for a C-section.

Our journalist, who did an undercover investigation of a California agency, was quoted a price of 4000 to 5000 USD for natural childbirth, and 7000 to 8000 USD for a C-section.

According to this agency, women can't buy insurance once they get pregnant in California. So the expectant mothers have to pay medical expenses out of pocket. Our journalist pressed regarding whether the low price quote was accurate, and the agency insisted that the price is 4000 to 5000 USD for natural childbirth, and 7000 to 8000 USD for a C-section. The agent said California hospitals are the cheapest in the US.

But according to our investigation, this price is not possible for an uninsured woman. The agent may be luring clients by falsely quoting a low price then, after they arrive in the US, the new mother unfamiliar with the US has no choice but to pay.

Some agents even tell new mothers that it costs nothing to give birth to a baby in America. They help the new mother to falsely claim she is a citizen to receive government assistance. But most Chinese new mothers don't they're making false claims. If the false claim is discovered, the Chinese mother may be denied admission to the U.S. in the future, and the agents may be punished.

The parents who travel so far to the US just want to have an American baby, so even if they discover that the medical cost is much higher than the agent quoted, as long as the mother and baby are safe, they will choose to forbear. But if a medical problem happens during delivery, or if there is a miscarriage, or if the mother's safety is threatened, the consequences are unimaginable.

And Americans don't have the *yuezi* custom, so postpartum care centers are all unable to be licensed. So if there is an accident during the pregnancy, the center is likely to escape liability.

American Baby in China

According to interviews with agents, after delivery and *yuezi*, the parents can take their baby back to China. Before that, the parents can get a birth certificate, US passport, Social Security card, and a Chinese travel certificate, but it's not so easy. For an American child, it is very hard to get the a *hukou*, without which it will cost a lot of money for the child to go to school in China.

According to our journalist's investigation, foreign students whose parents are work in China have to pay 35,000 RMB a year just for tuition to private-owned primary schools in Shanghai. Just during elementary school, they need to pay 175,000 RMB more than children of the same age, which does not even include miscellaneous student fees. That is a great expense for average income families.

In addition, there are restrictions on receiving government medical insurance.

Even though some parents can use their relationships with the government to get a *hukou* for their child, they still need to be very careful to conceal the child's identity. China doesn't recognize dual nationality. If the child's foreign citizenship is discovered, the child's *hukou* will be cancelled.

A US passport must be renewed every 5 years [for a child], and parents must help their child do so at the US Embassy. The parents worry that the fake *hukou* will be discovered as a result, so they choose to go to the US embassy in Korea or Japan, which is near China, but still circuitous and troublesome.

And going abroad is also troublesome, and insider told us, for a child who wants to hide his dual nationality.

People close to the situation say that dual nationality children should use their *hukou* and national ID card to apply for a Chinese passport and Valid Exit-Entry Permit (EEP) to Hong Kong and Macau, and buy an airlines ticket to Hong Kong with the Chinese passport. Upon arrival with the Chinese passport and the valid EEP, the child should buy a ticket to the US with the US passport. The child will depart use the US passport to depart from Hong Kong and enter the US. Returning to China, it's similar: enter Hong Kong with the US passport, and then buy a ticket to China with the Chinese passport.

Mr. Li, a Chinese-American working in Shanghai told to this reporter that his newborn son applied for a *hukou* based on his wife's Chinese nationality. And then he applied to the US Consulate for his son's US passport. So his son holds dual citizenship.

Mr. Li said that his son will go back to the US for elementary school. Before leaving China, he will cancel his son's *hukou*. His son will grow up in the US because his entire family is there.

Some parents will maintain their child's US citizenship and not apply for a *hukou*. These parents will need to send their child to an international school because of the high tuition the child would be charged by a local school.

But the cost of enrollment, tuition, and busing for one year in an international school is about RMB 200,000. And the child may be denied admission. Some international schools are exclusively for the children of foreigners employed by US companies and assigned to work in China. If the US citizen child's parents are Chinese (even if they hold a US visitor's visa), the child may not meet the entrance requirements.



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