



One Hundred Sixteenth Congress  
U.S. House of Representatives  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515  
[www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)

February 6, 2020

The Honorable Carl Risch  
Assistant Secretary of State  
Bureau of Consular Affairs  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Assistant Secretary Risch:

I am writing regarding the January 24 Federal Register notice amending 22 CFR 41.31 governing the issuance of visas in the “B” nonimmigrant classification for temporary visitors for pleasure. The regulatory change appears to establish that travel to the United States with the primary purpose of obtaining U.S. citizenship for a child by giving birth in the United States is impermissible. The notice states that this action was necessary to address “long-term” national security vulnerabilities that could allow foreign governments to recruit U.S. citizens who were born as the result of “birth tourism” and to combat a birth tourism industry that fraudulently profits off the commoditization of U.S. citizenship.

We share your concern with protecting the national security of the United States and protecting the integrity of our immigration system against fraudulent activity. It is imperative that U.S. diplomatic officials have the tools and guidance to implement all relevant regulations in a fair and impartial manner.

However, based on the information we have received to date from the Department about this regulatory change, we are concerned that the new guidance will result in arbitrary implementation that could place an undue burden on all female visa applicants of reproductive age, damage U.S. diplomatic relations and public diplomacy efforts, and discourage legitimate business and pleasure travelers from visiting the United States. Additionally, it is unclear why the Department now has changed its interpretation of relevant statutory provisions governing the issuance of visas to temporary visitors for pleasure. In accordance with the House Foreign Affairs Committee’s Constitutionally mandated oversight of the State Department, as well as to evaluate any legislative responses that may be necessary in response, we request the following:

- Any information or reporting that was considered by the Department in connection with this regulatory change on the long-term national security risks posed by individuals who enter on “B” nonimmigrant visas for the purpose of giving birth and gaining citizenship for the child, to include evidence of efforts by hostile actors to recruit or employ such children as foreign agents.
- Any information that was considered by the Department in connection with this regulatory change on potential retaliatory or reciprocating policies that other countries may put in place affecting pregnant U.S. citizen travelers as a result of this rule change.
- Copies of any and all Department cables, formal guidance, or training documents from 2015 until the present to consular posts on the issue of birth tourism, particularly guidance on what “specific articulable reasons” would justify further questioning by a consular officer about whether an individual is or intends to become pregnant.
- The Department’s legal assessment as to whether it is a violation of U.S. law for individuals to travel to the United States solely to obtain U.S. citizenship for children to whom they give birth in the United States.

The Committee asks that the Department furnish information responsive to this request by February 14, 2020. The Committee’s Subcommittee on Oversight and Investigations intends to hold a hearing in the coming months to provide an opportunity for a more detailed discussion of a range of consular issues and concerns, potentially including this topic. The Department’s timely and complete response to this request for documents, and future participation at relevant hearings, will provide valuable context for the Subcommittee as it undertakes its oversight responsibilities.

Protecting our national security is our highest priority, and it is critical that the visa process for lawful travel to the United States advance our national interests and reflect our values. We look forward to your prompt answers and continued dialogue on these important issues.

Sincerely,



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ELIOT L. ENGEL  
Chairman  
House Foreign Affairs Committee



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JOAQUIN CASTRO  
Chairman  
Subcommittee on Oversight and  
Investigations