

“People are going to die because of this”

Trump administration to deny visas to pregnant women

Meenakshi Jagadeesan
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The Trump administration has launched yet another salvo in its ongoing war against immigrants, and citizenship rights more broadly, issuing an order which will effectively block pregnant women from visiting the United States.

According to documents obtained by BuzzFeed and Vox early this week, the State Department has issued a diplomatic guidance to all American embassies telling them to deny visas to women they suspect of coming to the US to give birth. The guidance is putatively aimed at ending “birth tourism”—the supposed phenomenon, hyped by the far right, of women traveling to the US to give birth so that their children acquire American citizenship.

This policy makes the process of applying for a US visa—already a confusing, expensive and unpleasant experience for a significant section of the world’s population attempting to visit the US—potentially an even more degrading one. It places substantial new barriers in the way of obtaining a B-visa, which is a short-term visa granted to tourists, business travelers and people seeking urgent medical care.

Embassy officials are prohibited from asking applicants whether or not they are pregnant. However, if they “have reason to believe the applicant will give birth during their stay in the United States, [they] are required to presume that giving birth for the purpose of obtaining U.S. citizenship is the applicant’s primary purpose of travel,” and deny them the visa.

The applicant can try to persuade the officials to change their minds by demonstrating “a different and permissible primary purpose of travel,” including having already arranged for specialized medical treatment in the US. But, as the guidance makes clear, even this may not be sufficient: “The fact that an applicant has an arranged birth plan with a doctor or medical facility in the United

States or simply expresses a preference to give birth in the United States over other locations is not sufficient to rebut the presumption that their primary purpose of travel is obtaining U.S. citizenship for the child.”

Visa officials, who are not health care experts by any stretch of imagination, are expected to make determinations about whether or not a woman might need specialized care during her pregnancy. Beyond that, even if they were to determine that specialized care available only in the US might be needed, the guidance directs officials to deny visas if the applicants do not demonstrate “that they have both the means and the intent to pay for all treatment-related costs.”

The inhumanity of these new directives is evident, even to those who work within the Trump administration. A State Department official, who spoke on conditions of anonymity, told Vox that pregnant women who applied for these types of visas often did so because the countries in which they lived did not have the kind of medical care that was needed, and oftentimes they did not have the money to get better care. As the official put it, “people will die because of this.”

Kelly Kirkpatrick, a fellow with “Physicians for Reproductive Health,” told The Cut: “We know this rule and the many other anti-immigrant rules finalized by the Trump administration over the last few years intentionally target women, people with low incomes, people of color, and people who may be traveling to the U.S. to seek asylum ... as a doctor in the United States, I know the rates of intimate partner violence and abuse increase for pregnant patients; this makes me even more concerned for those who may be seeking asylum.”

Such concerns are simply and cruelly brushed aside by the administration as it continues its unrelenting assault on immigrant rights. However, this particular guidance

has an even more sinister aspect to it, since it targets the issue of American citizenship itself. It is worth noting that despite being promoted as a major problem by members of the Trump administration, there is no evidence of “birth tourism” being a significant factor in shaping immigration flows.

According to the Migration Policy Institute, a non-partisan think tank, there are 4.1 million children who are US citizens born to undocumented immigrant parents. However, in the vast majority of cases, the birth happened several years after the parents had come to the United States. In fact, as noted by Vox, a 2011 study by the Pew Research Center showed that in over 90 percent of the cases, non-citizen mothers gave birth to their children two years after coming to the US. Given that context, it should be obvious that the logic underlying this guidance is quite different from what is being presented.

The Trump administration has made no bones about its desire to overturn guaranteed birthright citizenship, enshrined in the Fourteenth Amendment to the US Constitution—the principle that every child born in the United States has the right to American citizenship, regardless of the nationality of its parents. Trump announced in 2018 that he wanted to sign an executive order which would overrule the Constitution and deny citizenship to children born to undocumented immigrants.

Such measures, which have not yet been enacted, are being pushed for by the most right-wing elements in the administration including Trump’s fascist advisor Stephen Miller, who sets immigration policy.

Recognizing that a direct attempt by the White House to overturn constitutionally protected rights might provoke mass protests, these elements are trying to subvert existing citizenship laws through flanking maneuvers. The new State Department guidance targeting pregnant women is one such move.



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