



**HOST:**

**BONNIE ERBE**

**SPECIAL EDITION**

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BONNIE ERBE: Hello, I'm Bonnie Erbe, welcome to this special edition of *To the Contrary*. We're here, in Southern California, where we're going to introduce you to the new Americans and the burgeoning industry that's growing up around them.

(Musical break.)

MS. ERBE: Yang Lee Hau (sp) is one such new American. He was born in Los Angeles in 2012, to Chinese parents who came to the U.S. to deliver him. That so their child would be an American citizen.

YANG BO: (From tape, translated.) My baby's called – his English name is Leo, Leo Yang. His Chinese name is Yang Lee Hau.

MS. ERBE: Yang Bo is an affluent interior designer in Shanghai. His wife would not talk to us about why she had her child in the U.S. while on a tourist visa. But he explained U.S. citizenship would give his son a better life. Yang was particularly concerned about access to healthier food. He also, surprisingly, talked about access to food stamps. But the main reason is to give his son a better, less expensive education.

MR. BO: (From tape, translated.) Regarding financial advantages, if in the U.S., he will have some. For example, the government will give him \$300 to \$500 per month. This is only a shopping voucher, but in China, he cannot enjoy these benefits. The other benefits are free education, healthier food, unlike in China, where these days, we don't dare to eat anything.

I do believe the American education system is better than the Chinese education system. Really, it is better. What they do for the child's creative ability and the freer study environment are far superior to China.

MS. ERBE: Yang Bo and his wife are part of a growing trend engaged in a practice known as birth tourism. Pregnant women from countries such as China, Korea, Taiwan, and Turkey enter the U.S. on tourist visas with the intention of delivering their babies on U.S. soil. In fact, that's becoming so widespread, in China there's a new hit movie about it. The practice is legal through a constitutional loophole, but is highly unethical. U.S. embassies won't grant visas to women timing their visits so they could give birth in the U.S., so most women hide their pregnancies or get their visas before their pregnancies start to show.

The Fourteenth Amendment to the U.S. Constitution was approved by Congress just after the Civil War, primarily to guarantee citizenship for African-Americans. It declares in part, all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States. Whether that includes children of

foreign parents is in dispute due to a legal debate over the meaning of jurisdiction. Despite that, it is being used by a growing number of foreign women to deliver here.

In 2000, the Centers for Disease Control and Prevention reported that more than 5,000 infants were born here to foreign mothers. In 2008, the latest year for which data are available, the number was just fewer than 7,500, but many say those numbers are woefully underreported.

Here's how birth tourism works. Brokers advertise offering package deals to women who want to have their newborns become U.S. citizens. These women are often accompanied by their husbands, who are an integral part of the planning process.

Canan Tasci reports for the "Inland Valley Daily Bulletin" and has been covering the ballooning trend as more women arrive to give birth in Southern California.

CANAN TASCI: (From tape.) This is kind of a birthing package, where, you know, everything is pre-set up for you. And then, you know, everything from where you're going to stay, where you're going to go while you are here, if you're doing any vacationing while you're here, visiting your doctor's offices, whether you're having a natural birth or whether you're having a C-section, and then all of your meals are included. And that price tag has been reported to be about \$100,000.

MS. ERBE: The women stay in what are called birthing centers or maternity hotels. They are advertised as luxury hotels or high end housing.

MS. TASCI: (From tape.) This is another area in the website, where actually kind of tells you what the facilities to the birthing – the maternity hotels look like, and so you can see some of them have pools.

MS. ERBE: When the women arrive, they find few are luxurious and most are just cut up single-family homes or apartment complexes. The birthing centers are scattered nationwide, with many in New York and Southern California. This birthing center is located in Chino Hills, California, just east of Los Angeles. It is zoned as a single-family home with seven bedrooms. But the agency owner subdivided it into 17 bedroom and 17 bathrooms, a clear violation of California building and zoning laws.

MS. TASCI: (From tape.) A lot of changes to the home that were done without permits. And this is against code enforcement law. And more importantly, the city had an issue with the fact that they were operating a hotel out of a residential home, and that is against code enforcement rules.

MS. ERBE: After seeing a lot of activity in the area and large groups of pregnant women walking around, neighbors started to question what was going on.

CHEREEN FONDRICK: (From tape.) At first, we're like, oh, maybe it's like human sex trafficking or, you know, something really weird is going on and it's not right.

MS. ERBE: Then they learned the house was being used as a maternity hotel.

ROSSANA MITCHELL: (From tape.) On an ethical level, I think it's very concerning. It's not very American. You know, as an immigrant myself, I came over here when I was eight years old. My father came over here first, left our entire family, worked two jobs, earned enough money to send money to get visas for our family. We came over here. We're all citizens now. We're very proud to be Americans and we worked really hard at it. And essentially, this birth tourism, it's like buying citizenship.

MS. ERBE: Rossana Mitchell is the leader of Not in Chino Hills.

MS. MITCHELL: (From tape.) If you come here, you can buy your citizenship, 5,000 to 10,000 (dollars) a month. Essentially, you can come have your baby here, and then go back to your country.

MS. ERBE: Homeowners protested after seeing cars and vans driving through their neighborhood and groups of pregnant Chinese women walking around. Finally, a septic tank overflowed down the hill.

MS. MITCHELL: (From tape.) The sewage was coming down the hill, on the left side on these homes over here and it's coming from the home itself. And the smell was apparently horrendous.

MS. ERBE: Jim Gallagher also protested, since he lives in the neighborhood and was affected by the sewage overflow.

JIM GALLAGHER: (From tape.) I never thought this could happen here. At the same time, I do believe they think that we're – we just roll over it, that we're a sleepy community and we would do nothing about this.

MS. FONDRICK: (From tape.) It was very weird. It was very surreal because why would this happen here, but the traffic going up and down, all the women coming and going and –

MR. GALLAGHER: (From tape.) The fact to the matter is that Chino Hills residents are not willing to take this lying down. Chino Hills residents stood their ground. We call attention to city officials about this. We call attention to the property owner that we weren't going to stand for this.

MS. FONDRICK: (From tape.) You know, today, it's Chino Hills. It's Corona, Eastvale, Rowland Heights, tomorrow, it's going to be all the Southern California.

MS. ERBE: Even members of the Chinese American Association of Chino Hills are against birth tourism.

ANN LIM: (From tape.) I feel it's not right and I think I did all whatever necessary to get my citizenship from beginning until now and I think that's the right process to do that.

LOU ALFONSO: (From tape.) I have a soft spot for those people who want to come in the United States because, like myself, I came from outside the United States. But I went through the legal process, the right way of doing it. It's not the fault of those pregnant women. Any parent would like to have their children have a better life. There's nothing wrong with that. Now, this business of maternity hotels is doing it in a way that I feel it's exploiting the Constitution of the United States.

MS. ERBE: The protests, media attention, and scores of complaints, led the LA City Council to take action.

DON KNABE: (From tape.) What we received is much many more complaints from neighbors who have sort of been in a low key because they were afraid. There has been intimidation in the neighborhoods. All of a sudden, we've had, I think, 72 complaints, complaints being someone saying, hey, I think it's going on in my neighborhood. Or they'd see a group walking in a park and they all happened to be pregnant.

MS. ERBE: Birth tourism violates the spirit, but not the letter of the law. Owners were punished with relatively inconsequential zoning violations. Local officials want to pass laws that give them the power to shut down birthing centers and collect taxes that are not being paid.

MR. KNABE: (From tape.) Obviously, the tax issue would be a huge hit to everyone. People of this end in town or in the area that might not be reporting the cash payments they get to perform, all those kinds of issues. So that's a huge cost. They even started to complain about bloody sheets and, you know, after birth, and you know, all the kinds of things that they've been dealing with that they've been afraid to say anything about. What we don't know is what we don't know and the problem is these mothers would have no way of knowing whether they're receiving a legitimate birth certificate. We don't know if there's been any deaths or injuries because of this.

MS. ERBE: Opposition to birth tourism, both by public officials and people who live nearby these operations is not just based on lost taxpayer revenue or public nuisances. We learned that there's also a huge concern about the health and safety of the women who come here to have their children and the infants they bear.

MR. KNABE: (From tape.) The real issue is the public safety and the health issues that we're trying to avoid the complications and to make sure that these babies and these mothers are in good, healthy conditions because at the end of the day, that's what it's all about.

MR. KNABE: (From tape.) In fact, the brokers create major health hazards and cheat the California government out of taxes they should pay since they are doing business here.

Daniel Deng is a lawyer who represents women who have gone through birth tourism brokers and are now suing them. He says many of the women are being scammed in several ways.

DANIEL DENG: (From tape.) And to enjoy a very good health system, health care service in United States. Many mothers are complaining because when they come over here, they were showing that one woman had one room and one caretaker taking care of the baby. When – but when they come over here, once the baby is delivered, they have 10 babies. They're crying every night. And only one caretaker to care of 10 mothers or the 10 babies.

MS. ERBE: Deng says one health care worker was so overworked, she dropped a baby and the baby died. Then, there are concerns over what the brokers represent and what they deliver.

MR. DENG: (From tape.) And there're so many brokers in China who are competing for the business. So when they first came over here, it turns out that the living condition is not what they promised in China. And frankly, many of those brokers in China, they've never been to the United States. So they would present a misperception and they would get a five-star hotel photos and paste that, you're going to stay here. Or get the five-star hotel as a hospital and say, this is what you're going to get.

MS. ERBE: Instead, what these women are getting are apartments such as these. Deng, as well as nearby residents blame the birth center operators.

MS. MITCHELL: (From tape.) It's definitely the people who are running the business that should be put to blame on definitely because they're reaping the benefits, essentially making a lot of money off these women. They're exploiting them the way I see it. And some of these poor women come over here thinking they're going to be taken care of and everything's substandard. And that's why elected officials need to step up to the plate because we're not just dealing with illegal business. We're also dealing with life, human life, these poor babies that perhaps are going to be born in substandard care.

MS. ERBE: California taxpayers are also apparently being scammed. Operators of maternity hotels promise private doctors and private hospitals and charged the women accordingly. Instead, when the women arrive in the U.S., brokers take advantage of the fact they don't speak English. They trick the women into signing applications for state assistance called Access for Infants and Mothers, and that's illegal. Lawyer Deng says some of the women have actually been charged with fraud.

MR. DENG: When the mother was delivering a baby, the broker, the operator here would ask – would fill out the form and claiming that the mother is a California

resident. Many of the foreign tourist that come over here, they don't speak English. And they just signed all the papers. In their mind, it's necessary paper to get the service rendered. So once they sign the paper and low and behold, those are paper are applications for AIMs program.

I've been advocating in the Chinese community and to the Chinese authority that, you know, you have to have the better regulation of the broker who false advertising and make sure they get bond for it and make sure they have some channel to complain when they come back to China. They go complaining, this broker, you know, is a crook. And they should have some kind of recourse from China, but at the same time, if we – right now, if we could not stop them coming over here, how are we going to regulate it and make sure the woman coming here getting health care and make sure our taxpayer are not footing the bill. And make sure our system is nothing taking advantage of.

MS. ERBE: There are many reasons why women want to deliver on U.S. soil. Not only do they believe our healthcare system is better, they believe as parents they are protected from political persecution if they have a U.S. citizen in the family.

MR. DENG: (From tape.) American consulate and American ambassador there were aggressive in protecting their citizenship – citizens. So when a country is in turmoil, American embassy would be the first one who rescue their own residents, own citizens.

MS. ERBE: They also want to be able to take advantage of better, less expensive educational opportunities for their children. But whether birth tourism is hurting or helping the U.S. economy is an unanswered question.

MS. TASCI: (From tape.) It's been a mixed reaction. I mean, there are some readers who have said, well, this is what makes America and it's a melting pot. And why shouldn't somebody come in from overseas and try to get a U.S. citizenship? Good for us in America, for being a country that people want to be in. But I have other reasons that have called and say, you know, how dare they? They are, you know, taking advantage of the Fourteenth Amendment and they're finding a way, a loophole in the system to become American citizens. And shame on them for trying to do so.

MS. ERBE: Birth tourism is hardly new. In fact, it's been going on for decades. We're about to introduce you to a young woman who was born in the U.S. while her mother was here on a tourist visa and just graduated from the University of California at Davis.

Meet 23-year-old Jennifer Shih. She looks and acts like any young college student, but Jennifer's different. Her Taiwanese mother gave birth to her in New York City, while in the U.S. on a tourist visa, making Jennifer a U.S. citizen.

So why did your parents decide to time it so you were born in New York?

JENNIFER SHIH: (From tape.) It was because my grandma and my uncle is in New York. They were in New York already and then my mom was just visiting them and that's when she decided to have me because my grandmother, she can take care of me. They just feel like – 20 years ago, they just feel like America is a more – you can have a lot more opportunities here in terms of like jobs. And she took me back when I was three months old to Taiwan.

MS. ERBE: Jennifer lived in Taiwan for the next 15 years.

So you grew up thinking you were Taiwanese.

MS. SHIH: (From tape.) I grew up thinking I'm Taiwanese, even though, on the card says I was born in New York. And then, people made fun of me and say, oh, you're a New Yorker and stuff, but I don't even speak the language. Well, I didn't speak the language.

MS. ERBE: One day, when Jennifer was 15, Jennifer parents told her she was moving to the U.S. to go to school.

So when your parents told you, you were moving to the United States, how did they tell you?

MS. SHIH: (From tape.) I was kind of sad that when they told me I had to come here for high school because all my friends are still in Taiwan and it's like – you know – it's like a new environment. And I was never really angry with them. I kind of just did what they told me to do. Yeah, and I just followed what they wanted to do.

MS. ERBE: She landed in Utah, living with a family friend. It was a tough time for her.

MS. SHIH: (From tape.) Yeah, I didn't speak any English before I came here. I was really scared because I was actually the only Asian in school. So I had like no one to talk to and I had to force myself to learn the language, like as soon as possible, so I can talk to communicate and talk to friends, make friends.

MS. ERBE: Jennifer's dad joined her. Their next move was to Idaho. Her parents then decided, if Jennifer lived in California, she could get a good education and pay in-state tuition rates. That saved her family almost \$23,000 a year for four years. But many believe it is the taxpayers of California or any state where a birth tourism baby ends up going to school, who have to make up the difference.

MS. SHIH: (From tape.) I believe I got a better education here in America because, I don't know, I just feel there's more – it's not just about taking classes, you know, there's afterschool program. You can play – you can be on the sports team, like play volleyball. And that helps a lot with my education. Like instead of just going to school for like 12 hours in Taiwan, yeah, yeah, I feel like that definitely helped a lot.

I would say a plus in my life, yeah, because definitely more opportunity and more job opportunity.

MS. ERBE: What do others students of Jennifer's story?

MS. : (From tape.) They're competing with a lot of other students who really need the in-state tuition. And as somebody who receives a lot of financial aid for coming over here, I don't know, I wouldn't want to see that personally taken away from me because somebody else is coming over.

MR. : (From tape.) If people are just using tourism as a means to, you know, have a kid here, I can't say I blame them because they are getting a better life, but I mean, it is still illegal to me.

MS. ERBE: Even so, after eight years of living the American dream, Jennifer is torn.

MS. SHIH: (From tape.) I think I will always think that I'm more Chinese than American, yeah. When I see myself in the mirror because, you know – I don't know, I just – I grew up in Taiwan and then like I'm just so used to the culture and everything, yeah. It's going to be hard for me to consider myself as an American.

MS. ERBE: We found Jennifer after she was profiled by reporter Richard Chang of the "Sacramento Bee." After that story ran, she learned many Americans don't support birth tourism and they aren't afraid to say so.

MS. SHIH: (From tape.) The commentary really harsh and really harmful and they're – she doesn't – you don't – Jennifer doesn't deserve to live in the States and it's illegal to have her here. And it's really harsh, but then I feel like – I don't think my mom – me and my mom are doing anything illegal, like she came here and – I just feel like the other – any other immigrants here, like they took time to get their Green Card and visa and then came here and moved here. And I feel like America – this is what America because is about diversity, is really diverse. I can see many – like any race anywhere. Yeah.

MS. ERBE: After graduating, Jennifer returned to Taiwan for a long visit and landed a job. Attorney Deng told us American educated Asians earn very high salaries when they work for American companies with offices in their homelands, more than they would have made otherwise. However, a few months later, she learned she could not stay in the country as a tourist. And she had to give up her job and move back to California.

What's your goal? Where do you see yourself living?

MS. SHIH: (From tape.) I would say find a job, get married. I would like to raise my kids in Taiwan. Yeah, instead of America. Like, my situation, kind of I want to

raise them in Taiwan first, for about 10 years and then move back to America. I just kind of want to teach them, you know, the culture I grew up in.

MS. ERBE: Like Jennifer's parents, Yang Bo and his wife have to decide when it is most advantageous to send Leo to the United States. He's thinking he'll send Leo over after a few years of early schooling. But the decision for this family and so many others will be made many times until the child turns 18.

MR. BO: (From tape, translated.) Now, the baby has just accomplished the first step, which is to obtain American citizenship. The citizenship is just a piece of paper, but to integrate into America is a very gradual process. To integrate into American society, to integrate into the American masses, to become a real American, this is a very long process.

So it is an experiment. Maybe once again, I will become amongst my friends the first person to eat a crab.

MS. ERBE: That's it for this edition of *To the Contrary*. Please follow me on Twitter @BonnieErbe or @Tothecontrary. And check out our website, [pbs.org/tothecontrary](http://pbs.org/tothecontrary), where the discussion continues. And whether you agree or think to the contrary, please join us next time.

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