

119TH CONGRESS
2D SESSION

H. R. 9876

To prohibit birth tourism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2026

Mr. ROSE introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To prohibit birth tourism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Birthright Abuse and
5 Nationality Act” or the “BAN Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) On June 30, 2026, the Supreme Court of
9 the United States held in *Trump v. Barbara* that
10 “children born in the United States to parents un-
11 lawfully or temporarily present are ‘subject to the
12 jurisdiction’ of the United States and are citizens at

1 birth under the Fourteenth Amendment’s Citizen-
2 ship Clause”.

3 (2) The majority opinion in *Trump v. Barbara*,
4 joined by Chief Justice Roberts and Justice Barrett,
5 adopts an unduly narrow and formalistic interpreta-
6 tion of the Fourteenth Amendment that ignores the
7 real-world consequences of birth tourism and reflects
8 a departure from common-sense understandings of
9 jurisdiction, sovereignty, and the proper limits of the
10 Citizenship Clause.

11 (3) Justice Clarence Thomas authored an out-
12 standing and blistering dissent in *Trump v. Bar-*
13 *bara*, rigorously dismantling the majority’s reasoning
14 and warning that its expansive interpretation of the
15 Citizenship Clause dangerously devalues American
16 citizenship and invites further abuse of birthright
17 citizenship by those unlawfully or temporarily
18 present in the United States.

19 (4) Businesses, facilitators, and foreign-based
20 agencies openly advertise and sell packages designed
21 to enable foreign nationals to travel to the United
22 States for the primary purpose of obtaining United
23 States citizenship for a child, thereby treating Amer-
24 ican citizenship as a commercial product.

1 (5) American citizenship is a sovereign privilege
2 that should never be bought, sold, marketed, or oth-
3 erwise commercialized, and that the continued oper-
4 ation of the birth tourism industry undermines pub-
5 lic confidence in the integrity of the Nation's immi-
6 gration system.

7 (6) The laws of numerous democratic nations,
8 including the United Kingdom, Ireland, Australia,
9 New Zealand, France, and Germany, require a
10 meaningful legal connection between a child and the
11 nation, such as the citizenship or lawful residence of
12 a parent, before citizenship is conferred at birth.

13 (7) The widespread abandonment of uncondi-
14 tional birthright citizenship by many democratic na-
15 tions reflects a recognition that citizenship is appro-
16 priately tied to enduring allegiance and legal attach-
17 ment to the sovereign, rather than the mere geo-
18 graphic location of birth.

19 (8) Congress retains broad authority under Ar-
20 ticle I of the Constitution to regulate immigration,
21 determine the conditions of admission of aliens, and
22 establish grounds of inadmissibility under section
23 212 of the Immigration and Nationality Act (8
24 U.S.C. 1182).

1 (9) Congress has repeatedly amended section
2 212(a) of the Immigration and Nationality Act (8
3 U.S.C. 1182(a)) to create new grounds of inadmis-
4 sibility when it has determined that certain conduct
5 is contrary to the national interest and the proper
6 administration of the immigration laws.

7 (10) The practice commonly known as “birth
8 tourism” exploits the benefits associated with United
9 States citizenship and undermines the integrity of
10 the Nation’s immigration system.

11 **SEC. 3. BIRTH TOURISM DEFINED.**

12 Section 101(a) of the Immigration and Nationality
13 Act (8 U.S.C. 1101(a)) is amended by adding at the end
14 the following:

15 “(53) BIRTH TOURISM.—The term ‘birth tour-
16 ism’—

17 “(A) means the act of an alien visiting the
18 United States for the primary purpose of giving
19 birth to a child who does not have a parent who
20 is a national of the United States; and

21 “(B) does not include visiting the United
22 States for medical treatment that is determined
23 necessary by the Secretary of Health and
24 Human Services on a case-by-case basis.”.

1 **SEC. 4. BIRTH TOURISM GROUND OF INADMISSIBILITY.**

2 Section 212(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1182(a)) is amended by adding at the end
4 the following:

5 “(28) BIRTH TOURISM.—

6 “(A) BIRTHING ALIEN.—Any alien who
7 seeks admission to the United States to engage
8 in birth tourism is inadmissible.

9 “(B) FAMILY MEMBERS.—Any alien who is
10 a spouse, partner, or other immediate family
11 member of an alien described in subparagraph
12 (A) and knowingly participates in or facilitates
13 birth tourism is inadmissible.

14 “(C) EVIDENCE.—In determining whether
15 an alien is seeking admission to engage in birth
16 tourism under subparagraph (A), an immigra-
17 tion officer shall consider, among other relevant
18 evidence, whether the alien—

19 “(i) is in the third trimester of preg-
20 nancy at the time admission is sought;

21 “(ii) has an expected delivery date
22 during the anticipated period of stay; or

23 “(iii) seeks admission in a temporary
24 nonimmigrant classification while preg-
25 nant.”.

1 **SEC. 5. CRIMINAL OFFENSE.**

2 Section 1546 of title 18, United States Code, is
3 amended by adding at the end the following:

4 “(d)(1) Whoever—

5 “(A) being an alien, knowingly fails to dis-
6 close a pregnancy or intentionally misrepresents
7 material facts for the purpose of seeking admis-
8 sion to the United States by birth tourism shall
9 constitute birth tourism visa fraud punishable
10 by up to 10 years in prison;

11 “(B) being the spouse, partner, or imme-
12 diate family member of an alien described in
13 subparagraph (A), knowingly participates in,
14 facilitates, or materially assists in the conceal-
15 ment of birth tourism or the commission of
16 fraud described in subsection 3(a) shall likewise
17 be subject to visa revocation, expedited removal
18 or removal; or

19 “(C) being an individual or entity, know-
20 ingly participating in, organizing, advertising,
21 promoting, financing, managing, or otherwise
22 facilitating a commercial enterprise that ar-
23 ranges or assists birth tourism,
24 shall be fined under title, imprisoned for not more
25 than 10 years, or both.

1 “(2) Notwithstanding any other provision of
2 law, a United States district court shall have juris-
3 diction to enter a judicial order of removal at the
4 time of sentencing against any alien who is convicted
5 of an offense under this subsection.

6 “(3) In this subsection, the term ‘birth tour-
7 ism’—

8 “(A) means the act of an alien visiting the
9 United States for the primary purpose of giving
10 birth to a child who does not have a parent who
11 is a national of the United States; and

12 “(B) does not include visiting the United
13 States for medical treatment that is determined
14 necessary by the Secretary of Health and
15 Human Services on a case-by-case basis.”.

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