

119TH CONGRESS
2D SESSION

S. 5023

To amend the Immigration and Nationality Act to provide for the inadmissibility of certain aliens seeking citizenship for children by giving birth in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2026

Mrs. BLACKBURN (for herself, Mr. BANKS, Mr. BUDD, Mr. CORNYN, Ms. LUMMIS, Mr. SHEEHY, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the inadmissibility of certain aliens seeking citizenship for children by giving birth in the United States, 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 “Ban Birth Tourism
5 Act of 2026”.

1 **SEC. 2. INADMISSIBILITY OF ALIENS SEEKING UNITED**
2 **STATES CITIZENSHIP FOR CHILDREN**
3 **THROUGH BIRTH TOURISM.**

4 Section 212(a)(10) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1182(a)(10)) is amended by adding
6 at the end the following:

7 “(F) ALIENS SEEKING CITIZENSHIP FOR
8 CHILDREN BY GIVING BIRTH IN THE UNITED
9 STATES.—

10 “(i) IN GENERAL.—Any alien seeking
11 admission to the United States as a non-
12 immigrant under section 101(a)(15)(B) to
13 engage in birth tourism is inadmissible.

14 “(ii) BIRTH TOURISM.—An alien is
15 engaging in birth tourism under clause (i)
16 if, based on the reasonable judgment of the
17 Secretary of Homeland Security, the Sec-
18 retary of State, or a consular officer, the
19 alien—

20 “(I) is seeking to enter or reenter
21 the United States for the primary
22 purpose of obtaining United States
23 citizenship for a child by giving birth
24 to such child; or

25 “(II) is likely to give birth to a
26 child within 10 months of entry if

1 such alien is admitted to, or physically
 2 present in, the United States or its
 3 territories or outlying possessions and,
 4 as a result, is likely to obtain United
 5 States citizenship for such child based
 6 on the child's birth on United States
 7 territory.”.

8 **SEC. 3. DEPORTABILITY OF ALIENS SEEKING UNITED**
 9 **STATES CITIZENSHIP FOR CHILDREN**
 10 **THROUGH BIRTH TOURISM.**

11 Section 237(a)(2) of the Immigration and Nationality
 12 Act (8 U.S.C. 1227(a)(2)) is amended—

13 (1) by redesignating subparagraph (F) as sub-
 14 paragraph (G); and

15 (2) by inserting after subparagraph (E) the fol-
 16 lowing:

17 “(F) BIRTH TOURISM.—

18 “(i) IN GENERAL.—An alien is deport-
 19 able if such alien has entered the United
 20 States to engage in birth tourism.

21 “(ii) BIRTH TOURISM.—An alien has
 22 engaged in birth tourism if, based on the
 23 reasonable judgment of the Secretary of
 24 Homeland Security, the Secretary of State,
 25 or a consular officer, the alien—

1 “(I) entered or reentered the
2 United States for the primary purpose
3 of obtaining United States citizenship
4 for a child by giving birth to such
5 child; or

6 “(II) is likely to give birth to a
7 child within 10 months of such entry
8 while in the United States or its terri-
9 tories or outlying possessions and, as
10 a result, is likely to obtain United
11 States citizenship for such child based
12 on the child’s birth on United States
13 territory.”.

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