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Congress of the United States
House of Representatives
Washington, DC 20515

November 30, 2020

The Honorable Chad Wolf
Secretary
Department of Homeland Security
301 7th Street, SW
Mail Stop 0150
Washington, DC 20528-0150

Dear Secretary Wolf,

We write to ask that you immediately end the systemic abuse of parole authority as it is being applied to nationals of Communist China for entry to the Commonwealth of the Northern Mariana Islands (CNMI), a U.S. territory. This abuse has effectively granted *de facto* visa-waiver status to Chinese nationals, and has created a gaping administrative loophole that undermines U.S. immigration laws and threatens our national security.

The Obama Administration began this misguided and potentially illegal “blanket parole” policy in 2009. Since then, Chinese nationals have been able to sidestep the legal requirement that they obtain a tourist visa before entering the CNMI. In the years since, the volume of entries by Chinese nationals has skyrocketed, along with a troubling rise in so-called “birth tourism” (children born in the CNMI are U.S. citizens). For example, live births to foreign visitors to the CNMI jumped from less than 10 in 2009¹ to almost 600 in 2018.² In fact, the practice of foreign nationals giving birth in Saipan has become so widespread that such births have exceeded the number of births to legal U.S. residents there in recent years.

As you know, foreign nationals may be granted parole into the United States – generally based on humanitarian grounds – on an individual, case-by-case basis. This parole authority was never intended to be applied to entire classes or nationalities of people, and certainly not for the purposes of mere “tourism” – which is essentially what has been happening in the CNMI for many years. We were happy to see that, in one of his first Executive Orders, President Trump directed that the Secretary of Homeland Security “take appropriate action to ensure that parole authority...is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.”³

¹ Jon Elmont, *Saipan: The Island Where Chinese Mothers Deliver American Babies*, The Wall Street Journal, Dec. 17, 2017

² Marc Venus, *Tourist Births at 582*, Saipan Tribune, Sept. 27, 2019

³ Executive Order 13767 (Jan. 25, 2017).

The Chinese parole program for CNMI is an administrative carve-out to the law that allows Chinese nationals to avoid the visa application process and its strict screening, and has facilitated substantial criminal activity, including organized criminal exploitation and human trafficking.

In 2017, for example, the FBI uncovered an underground birth tourism network on Saipan in which Chinese women paid thousands of dollars to a China-based ring that offered packages to women seeking to give birth on U.S. soil. The resulting U.S. citizen children are then able to petition for green cards for their entire family in the future. The perpetrator who operated the illicit enterprise was fined and sent to prison in 2018 for harboring and employing illegal aliens.⁴

In another recent case, well-funded Chinese business interests were implicated for operating an extensive human trafficking⁵ and forced labor operation⁶ in the CNMI. And earlier this year a federal grand jury returned a 71-count indictment⁷ against three Chinese nationals that included charges of racketeering, money laundering and immigration violations.

If all of the criminal activity were not enough to warrant termination of the Chinese parole program, the potential threat to U.S. national security would provide more than sufficient grounds. The U.S. Director of National Intelligence recently described Communist China as “a greater national security threat [to the U.S.] than any other nation.”⁸

As you well know, the Department of Defense is planning to redeploy thousands of U.S. Marines from Okinawa, Japan to Guam in the near future. We understand that this move will require greater use of CNMI land for military exercise and training purposes. In a recent report on the Chinese threat in the Pacific, the U.S.-China Economic and Security Review Commission reported that “[t]he rapid growth in Chinese investment and influx of Chinese tourists—bringing record economic growth to CNMI—is also fueling opposition to DOD plans by business executives, local politicians, and residents,” and “if such Chinese activities deter the United States from carrying out its plans for CNMI, it will contribute to China’s goal of weakening U.S. military presence in the Indo-Pacific.”⁹

The Commission also quoted Retired Lieutenant General Wallace Gregson, former commander of U.S. Marine Corps Forces, Pacific, stating “The Commonwealth of the Northern Marianas and Guam are critical to our position in the Pacific. China seeks to control our access and limit our military presence through influence operations based on suspect casino operations. Energetic

⁴ U.S. Attorney’s Office for Guam & Northern Mariana Islands, *Sen Sun Sentenced for Harboring Illegal Aliens*, May 28, 2018

⁵ Farah Master, *Hong Kong owner of Pacific island casino sued over forced labor, trafficking claims*, Reuters, Mar. 14, 2019

⁶ Bryan Manabat, *Federal judge issues written order against IPI*, The Guam Daily Post, Jul. 20, 2020

⁷ U.S. Department of Justice, *Imperial Pacific International and MCC International Saipan Executives Indicted on Federal Charges*, Aug. 4, 2020

⁸ Brooke Singman, *China’s Anti-Trump Election Meddling Raises New Alarms as DNI Calls Country Biggest Threat*, Fox News, Aug. 17, 2020.

⁹ *China’s Engagement in the Pacific Islands: Implications for the United States*, U.S.-China Economic and Security Review Commission, (June 14, 2018), at 19, <https://www.uscc.gov/sites/default/files/Research/China-Pacific%20Islands%20Staff%20Report.pdf>.

involvement by our law enforcement and financial agencies is needed to ensure these U.S. territories are not ripped away.”¹⁰

Maintaining a program that allows unlimited numbers of Chinese “tourists” who have not been subjected to the full range of checks that are part of the visa application process, including an in-person interview, to enter and remain in the CNMI (which is only 46 miles from Guam), seems extremely imprudent. Even more surprising, however, is that this policy has effectively continued for more than a decade.

Finally, we note that last year the Department of Homeland Security terminated an identical parole program for Russian tourists traveling to CNMI and Guam.¹¹ Every reason your Department gave for terminating the Russian program applies to the Chinese program. For instance, in the September 2019 Notice terminating the Russian CNMI parole program, your Department stated “the parole authority effectively has been used as a substitute for the visa process.”¹² This is undoubtedly also true about the Chinese program. Congress creates new visa programs under its Constitutionally provided authority over immigration law and policy. Parole authority should not be used to create new visa programs or undermine existing ones.

Your Department also justified terminating the Russian parole program because of the increased security that would result, noting “Discontinuing discretionary parole and requiring Russian nationals to obtain a visa to visit the United States for business or pleasure enhances U.S. safety and national security because it requires visa applicants to be screened by the U.S. Department of State. As a result, these visa applicants generally will undergo advance screening and recurrent vetting that includes an in-person visa interview.”¹³ In addition, given the current pandemic, allowing travelers from China – the source country of the COVID-19 virus – to enter the CNMI as parolees, outside the pandemic-related restrictions imposed on visa-based travel to the United States, is certainly not in the national interest.

It is our understanding that the principal argument for continuing the Chinese parole program for CNMI is the fear of an adverse impact on the CNMI’s economy. However, the Department addressed this point in its Notice terminating the Russian parole program. Among other things your Department concluded that “the perceived negative economic impact of discontinuing discretionary parole for [*sic*] Russian nationals in the CNMI and Guam would be offset by” (1) the continued availability to Russian travelers to the CNMI of B-1 visas for business and B-2 visas for pleasure; and (2) the fact that the vast majority of applications by Russian nationals for B-1/B-2 visas are approved.¹⁴ Each of these offsetting factors applies in the case of Chinese travelers to the CNMI.

Your Department’s broad assessment in weighing the security and immigration-related interests of the United States against the potential adverse effect on the CNMI economy bears repeating:

¹⁰ *Id.*

¹¹ 84 Fed. Reg. 46,029 (Sep. 3, 2019).

¹² *Id.* at 46,030.

¹³ *Id.*

¹⁴ *Id.*

DHS acknowledges that certain businesses in Guam and the CNMI may have been formed in reliance on commerce and tourism arising out of this parole policy and could be negatively impacted by its termination. Likewise, Russian nationals may have developed business or personal connections to Guam or the CNMI pursuant to the policy and may be inconvenienced by its termination. DHS believes, however, that any such impacts should be largely mitigated by the fact that bona fide visitors for business or pleasure from Russia generally would be able to obtain a visa to allow them to visit Guam or the CNMI. To the extent that travelers from Russia are deterred from travel to Guam and the CNMI due to the visa requirement, however, DHS believes that the security, immigration, and border management interests of the United States outweigh the potential economic or personal interests that may be adversely affected.¹⁵

Such an assessment is applicable in exactly the same manner to the termination of the Chinese parole program.

The CNMI Chinese parole program is a dangerous loophole in America's immigration system that has been allowed to remain wide open for far too long, and it should be closed. U.S. states and territories should not be operating parallel immigration systems through administrative fiat, and Chinese nationals should be required to meet the same standard to visit the CNMI that they must meet to visit any other part of the United States. The existing parole program for Chinese travelers to the CNMI not only violates the rules regarding the parole authority created by Congress (i.e. reserved for case-by-case situations and for humanitarian or significant public benefit reasons, not simply for tourism purposes), but it also undermines our national security.

Thank you in advance for your favorable consideration, and we look forward to your response.

Sincerely,



Tom Tiffany
Member of Congress



Glenn Grothman
Member of Congress

¹⁵ *Id.*