

**Beyond the “Anchor Baby” Stereotype:  
Immigrant Women Giving Birth in Spain and the United States**

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## **Abstract**

This paper refers to the phenomenon of pregnant women giving birth in other countries in relation to family strategies and the “replacement migration” phenomenon. Usually, works on “anchor babies” emphasize acquisition of citizenship or other immigration-related benefits from the countries where women go to give birth, yet little is said about demographic and socioeconomic aspects that also benefit the societies where women give birth. Thus, I examine this phenomenon in light of the concept of “replacement migration” as well. This paper focuses on the cases of Spain and the United States as destination countries. It includes a description of trends as well as behavioral, demographic and legal aspects of the phenomena of interest, and the different migrant groups involved in them.

## **Introduction<sup>1</sup>**

Together with increasing interest in restrictions on immigration in industrial democracies — on the thousands of pregnant women, unaccompanied minors and similar justice-related issues that affect would-be mothers, children and other members of the family — we have witnessed increased interest in the phenomenon of pregnant women traveling from their countries of origin to other countries to have their children abroad. This paper examines several aspects of this phenomenon for the cases of Spain and the United States as destination countries. I discuss behavioral factors such as the motivations, demographics and legal aspects of the process, beginning with an examination of current global trends and continuing with an examination of how to obtain citizenship in the receiving countries. The last part of the paper focuses on different groups involved in this phenomenon. In sum, I compare this phenomenon across Spain and the U.S., and establish the differences and similarities between them.

## **The “Anchor Baby” Term**

There are at least two terms referring to this reality: anchor baby and jackpot baby. Originally used in reference to Vietnamese migrants,<sup>2</sup> Gabe Ignatow and Alexander T. Williams (2011) define “anchor child” in their article, “New Media and the Anchor Baby

Boom,” as a young immigrant who will sponsor immigration for family members who are still abroad.<sup>3</sup> Although there is not a clear understanding of this phenomenon, the general consensus is that anchor baby refers to a child born to immigrant parents, and to the strategy of giving birth in a specific country in order to improve parents’ chances of attaining the receiving-country citizenship. Ignatow and Williams also conducted Internet-based research on the evolution of the term “anchor baby.” They found that while in the year 2000 a Google search of “anchor babies” yielded only 10 results, there were about 436,000 results in 2010. In that same year, it quickly gained popularity and the term appeared on 16,000 blogs. *The Daily Show* featured an eight-minute segment on anchor babies, an independent film called *Anchor Baby* was released and *Time Magazine* listed ‘Anchor Babies’ as one of 2010’s ‘Top Buzzwords’. Another term that can be found in reference to these children is *Jackpot baby*: a child that was planned and conceived abroad and then delivered on U.S. soil solely for the parental desires of becoming U.S. citizens indirectly and receiving other economic benefits.<sup>4</sup>

My own more recent online search on the term “anchor baby” using Google Trends, a public web facility that shows how often a particular search-term is entered relative to the total search-volume across various regions of the world, yields the following results present in Annex 1.<sup>5</sup> From 2004 to 2010, the Google search of the concept was stable. At the end of 2010 and the beginning of 2011, probably due to the Republican battle against illegal immigration in the U.S., the political debate about “anchor babies” gained importance, and the search of the concept reached a peak. There was another peak at the end of 2011 possibly due to a revision of the definition of “anchor baby” by the American Heritage Dictionary. Annex 1 does not show the exact number of searches, but it shows the volume relative to the highest point on the chart, which is always 100. An approximate number of searches can be found using another web facility, Google AdWords, which shows that,

during these days, there were approximately 10,000 monthly “anchor baby” searches and searches for other related terms such as “illegal children in the U.S.” or “immigration anchor babies.”<sup>6</sup>

A related term also employed to capture a specific aspect of this phenomenon is “maternity tourism.” This concept refers to the business created around the “anchor babies” phenomenon, by which agencies sell travel packages to couples and host them in “maternity houses” in order to have their children abroad and acquire the citizenship for them. The main difference between “anchor baby” and “maternity tourism” is that the former just refers to the phenomenon of going abroad to have a child so parents can acquire the citizenship of the country of destiny. The latter refers to the business built around that reality.

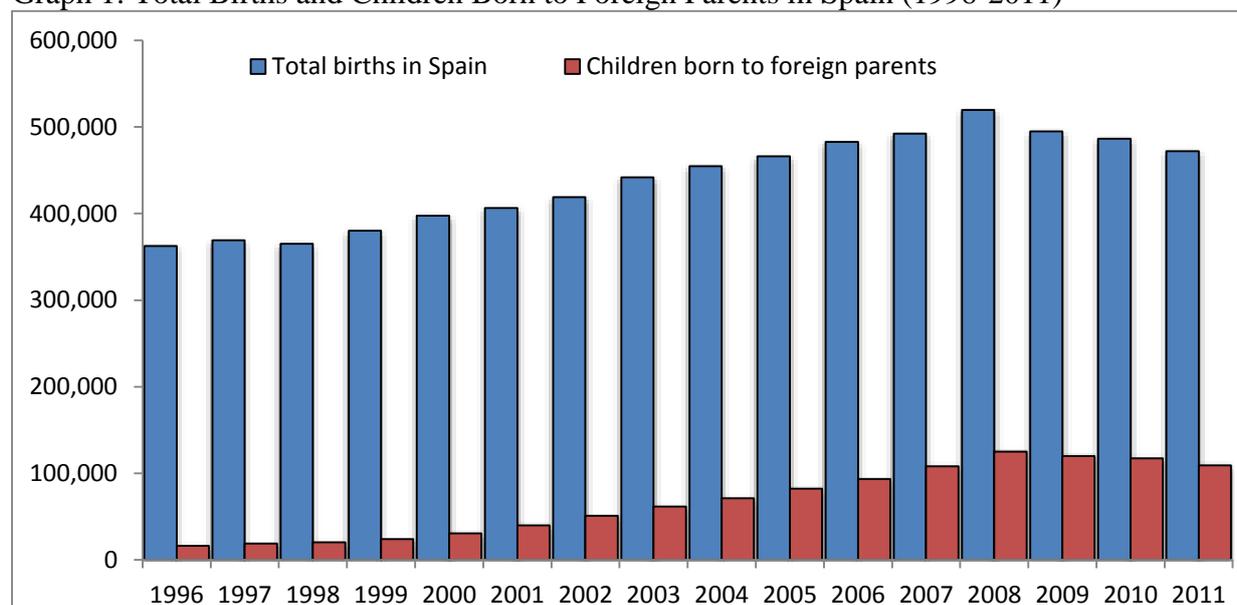
## **Immigrants Giving Birth in Spain and the United States**

### *Trends in Spain*

The number of children born in Spain has been increasing in recent years and corresponds in part to the increasing number of immigrants in the country. The Permanent Observatory for Immigration in Spain shows that this increase is due to a series of factors, some of which are discussed later in this paper.<sup>7</sup> As a demographic aspect related to this, the concept “replacement migration” is a critical one for this analysis. According to the Department of Economic and Social Affairs of the United Nations, “replacement migration” refers “to the international migration that a country would need to offset population decline and population ageing resulting from low fertility and mortality rates.”<sup>8</sup> The UN argues that in the next few years, the populations of almost all European countries and Japan will face population decline and ageing. The event will require an examination of many programs and policies in order to solve such problems.

Graph 1 presents the total number of births in Spain from 1996 to 2011, together with the number of children born to foreign parents. It shows that in the period from 1996 to 2004, a total of 3,596,314 persons were born, and a total of 185,540 were born from foreign parents.<sup>9</sup> According to the *Statistical Yearbook of Immigration of 2006*, the total number of births in Spain in 2005 was 466,371, and 17.65% of the children were born to parents who were both foreign. In 2006, from a total of 482,957 births in Spain, 19.29% were to foreign parents.<sup>10</sup> In recent years the trend has been changing. As shown in Graph 1, birth rate is going down among immigrant women, and this can be explained by Spain’s economic crisis.<sup>11</sup> But the number of births is still significant: 23.13% of children born in 2011 had immigrant parents.<sup>12</sup>

Graph 1: Total Births and Children Born to Foreign Parents in Spain (1996-2011)



Sources: National Statistics Institute (Spain). Data taken from Annual Statistics Bulletins from 1996 to 2011, Table 5.6 “Births with a foreign mother or father by mother and father nationality.”

### Trends in USA

According to The Urban Institute (2006), the number of children with immigrant parents is rising due to rapid immigration. Since the 1990s, more than 35 million immigrants have entered the United States, and the number of children they have given

birth to has exceeded 15 million. Between 1990 and 2000, the figures of children born to immigrants grew 64.8% (from 6.3 to 10.4 million), and from 2000 and 2009, the numbers grew by nearly 40% (from 10.4 to 14.6 million).<sup>13</sup> According to the Pew Hispanic Center (2010), an estimated 340,000 of the 4.3 million babies born in the United States in 2008 were the children of immigrants.<sup>14</sup> In a more recent study, the Pew Hispanic Center (2012) found that from 2007 to 2010, the overall number of births declined 7%, mainly due to the 13% drop in births to immigrants. Despite this decline, total U.S. births in 2010 were 4.0 million and 23.25% were born to immigrant women.<sup>15</sup>

## **Legal Frameworks**

### *Spanish citizenship*

Spain has usually granted Spanish nationality by the application of the right of blood (*ius sanguinis*),<sup>16</sup> which means that Spanish law does not give, in general, Spanish nationality to those born in Spanish territory (*ius soli*).<sup>17</sup> The core of the current regulation on Spanish nationality is Article 11 of the Spanish Constitution of 1978, which is developed by articles 17 to 26 of the Spanish Civil Code. Although the right of soil is not the general rule, it is an option regulated in letters b), c) and d) of Article 17.1 to the Spanish Civil Code. In relation to this paper, three groups of children born to immigrants in Spain are granted Spanish nationality by law. The first group covers those children born to foreign parents in Spain if at least one of the parents was born in Spain. The second group of children encompasses children born to foreign parents in Spain, if neither of them have nationality or the laws of their countries do not grant citizenship to the child. The last group is made up of those born in Spain whose parentage is undetermined.

In a study about the acquisition of the Spanish citizenship, Aurelia Álvarez Rodríguez (2006) comments that article 17 to the Spanish Civil Code does not take into

account the administrative status of the foreign parent in Spanish territory. Consequently, she argues that the illegality of the situation of the parents does not affect the granting of the nationality to the child. Even more, as the child is Spanish, his/her parents become parents to a Spanish person, which gives them preferential treatment in relation to the immigration law.<sup>18</sup> Ortega Dolz (2000) wrote a newspaper article concerning the story of some anchor babies' mothers in Spain (the term in Spanish is "niños ancla"), and he states that pregnancy has become a kind of visa for the women who enter Spain illegally as the Spanish Immigration Law of 2000 says that any pregnant woman cannot be expelled from the country because it may pose a risk to the baby.<sup>19</sup> In 2002, a social worker from Spain said that the pregnant immigrant women who arrived at Tarifa (Cádiz), in the south of Spain, knew exactly the hospital they wanted to be taken to, and even the place where they could stay for free.<sup>20</sup> This means that the mafias that sent these women told them the necessary information to use pregnancy as a tool to stay in the country. Despite this, the information is not complete and, sometimes not true, as they are told that having the baby in Spain means that these children are going to be Spanish with certainty. Although these women can stay in Spain while pregnant, at the end of their pregnancy they might be sent back to their countries as the medical care is only guaranteed during the pregnancy, birth and postnatal period according to Spanish legislation.<sup>21</sup> Álvarez also talks about a possible reform of the immigration law to include a broader *jus soli* system. But she states that it would be preferable to make the acquisition of the nationality an option to the child or his/her parents.

#### *American citizenship*

In *Birthright Citizenship in the United States*, Jon Feere (2010) explains that only 30 of the world's countries practice *jus soli*, and the United States is one of them.<sup>22</sup> The Center for Immigration Studies also confirmed that developed countries generally do not grant automatic birthright citizenship to children of illegal aliens, meaning the United States and

Canada are the only developed countries that grant automatic birthright citizenship to children of illegal and temporary aliens.<sup>23</sup> The main piece of legislation regarding the issue of citizenship in the U.S. is the 14<sup>th</sup> Amendment to the Constitution, which reads that “*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.*” This amendment offers an automatic citizenship to everyone born in the United States, including the children of illegal immigrants. Feere (2010) also explains what is called “the chain migration”: when a child born to an unauthorized immigrant is 18 years old he can sponsor his spouse and unmarried children of his own. Furthermore, at the age of 21, he can also sponsor his parents and any brothers and sisters.<sup>24</sup>

The “anchor babies” phenomenon has become a profitable one for certain enterprises, mainly in its so-called “birth tourism” or “maternity tourism.” Ed Flanagan (2011) remarks in his article that there are agencies that help mothers not only with all the paperwork needed to travel to the U.S., but also with the search for rooms to live in and activities to do during their stay in the country.<sup>25</sup> In a recent article written by Cindy Chang (2013), the author talks about a web page from China called “USA baby care” that literally says “Congratulations! Arriving in the U.S. means you’ve already given your child a surefire ticket for winning the race. We guarantee that each baby can obtain a U.S. passport and related documents.”<sup>26</sup> This “birth tourism” is a booming business in the U.S., where more and more agencies are offering packages with multiple-month hotel stays to mothers-to-be who plan to travel and give birth in the United States.<sup>27</sup> CNN broadcasted an interesting television report on this issue showing some of the “maternity houses” around Los Angeles that take care of the Chinese mothers and help them obtain U.S. citizenship for their newborn babies.<sup>28</sup>

## **National Origins and Demographics of the Parents**

According to the nationalities in a research report published in 2010 by the European Journal of Public Health,<sup>29</sup> in Spain, the largest groups of anchor babies were born to mothers from Latin America, Maghreb and Eastern Europe (14.1%). The smallest groups were reportedly born to foreign mothers from the European Union, sub-Saharan, etc. (4.0%). In recent years, it is worth noting that the number of Moroccan women giving birth in Spain has increased, reaching first place, followed by Romanian, Ecuadorian and Chinese women.<sup>30</sup> Significant differences in maternal age between native and all immigrant groups were found. The results show that there are more births within the immigrant group among less than 20 year olds (4.5% to 6.9%) than in the native female population (1.5%). However, the proportion of births to women of 35 years of age and older was considerably higher in natives than in immigrants. The motivations of these groups to travel to Spain and to their children range from the hope of leaving the disastrous situations they are bearing in their countries of origin, to the improvement of their salary and their lives in general.<sup>31</sup>

In the case of the U.S., Mexicans and Asians – which are said to be wealthier than other immigrants<sup>32</sup> – are the largest groups.<sup>33</sup> In Spain, the youngest mothers were immigrants, but in the U.S., teen U.S.-born women account for a higher share of births (11% in 2010) than foreign-born women (4%). On the other hand, proportion of births to women of 35 years of age and older was considerably higher for immigrants than for U.S.-born women. In relation to the motivations behind this phenomenon, the acquisition of American citizenship is one of the main reasons. It is believed that a better and cheaper education is also an important reason.<sup>34</sup> On the other hand, the motivations of Chinese families range from the desire to provide better educational and travel opportunities to their children, to a way to escape China's one-child policy, to a desire to one day enjoy the American lifestyle.<sup>35</sup>

## Conclusion

The trends in Spain and the U.S. are quite similar, and with the figures increasing continuously in both countries, the issue of “anchor babies” or “replacement migration” is gaining attention in political debates. In both countries, the number of children born has increased due, among other reasons, to rapid immigration and the fertility rate of immigrant women and the “immigration replacement” phenomenon. Although in the past few months, there is a decline in birth rate, the number of children born to immigrant women is still considerable. Regarding the legislation, the differences are quite clear since in the U.S., the acquisition of citizenship is mainly by *jus soli*, while in Spain *jus sanguinis* holds as the general rule. Although the right of soil is not common in Spain, it is an option regulated in the Spanish Civil Code provided that some conditions are met. The main piece of legislation regarding the issue of citizenship in the U.S. is the 14<sup>th</sup> Amendment to the Constitution, which offers an automatic citizenship to everyone born in the United States, including the children of illegal immigrants. An important concept is “the chain migration” which means that a child born to an immigrant, who is, consequently, an American citizen, can also sponsor his or her family. Although it is not easy to obtain nationality in Spain in comparison to the U.S., the mothers’ possibilities of staying in the country while pregnant are quite favorable for both countries. Another important consequence of the so-called “anchor baby” phenomenon is “birth tourism” or “maternity tourism.” Agencies selling travel packages to pregnant women for stays at maternity hotels are appearing throughout the United States, guaranteeing the mothers that their children will obtain U.S. citizenship.

In relation to the characteristics of the groups traveling to these countries, the nationalities are different, being that the largest groups of immigrants in Spain are from Morocco and Romania followed by Latin American, while in the U.S., Asians and

Mexicans form the largest group. Regarding the socioeconomic profile, there is a marked disparity; most immigrants giving birth are not wealthy, but well-to-do women who participate are more prone to participate in the “tourism” modality. Future studies are necessary to arrive to a conclusion on socioeconomic disparities of women giving birth in Spain and the United States. Finally, the motivations are quite similar as all of them are looking for the improvement of their quality of life, among other reasons, by acquiring citizenship and benefiting from the rights that citizenship gives them. To better understand this phenomenon, further research and a follow up on what the public opinion and political groups think about these issues is needed. Within a few years, we will be able to examine the consequences of this phenomenon with greater accuracy.

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## Endnotes

<sup>1</sup>This paper was written for Dr. Margarita Rodriguez' course, International Migration: Trends, Theory and Policy at the University of Miami.

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<sup>3</sup> Ignatow, G., & Williams, A. T., "New Media and the 'Anchor Baby' Boom." *Journal of Computer-Mediated Communication*, 17, No. 1, (2011): 60-76.

<sup>4</sup> "Jackpot baby." *The Urban Dictionary*, (2010). Retrieved from:  
<http://www.urbandictionary.com/define.php?term=jackpot%20baby>

<sup>5</sup> See Annex 1 at the end of the document.

<sup>6</sup> Word: "anchor baby." *Google's Keyword tool (Google AdWords)*. Retrieved from:  
[https://adwords.google.com/o/Targeting/Explorer?\\_\\_c=1000000000&\\_\\_u=1000000000&ideaRequestType=KEYWORD\\_IDEAS](https://adwords.google.com/o/Targeting/Explorer?__c=1000000000&__u=1000000000&ideaRequestType=KEYWORD_IDEAS)

<sup>7</sup> "Boletín Estadístico de Extranjería e Inmigración." *Observatorio Permanente de la Inmigración*, No. 8, (2006):1. Retrieved from:

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<sup>8</sup> "Replacement Migration: Is It a Solution to Declining and Ageing Populations?" *Department of Economic and Social Affairs, United Nations*. Retrieved from:

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<sup>10</sup> "Anuario Estadístico de Inmigración del año 2007." *Observatorio Permanente de la Inmigración* (2007), Capítulo XIII. Nacidos de madre y o padre extranjero. Retrieved from:

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<sup>11</sup> Sánchez, J. L., "La natalidad cae más en las mujeres inmigrantes que en las españolas." *Periodismohumano*, (2010). Retrieved from: [periodismohumano.com/migracion/natalidad-inmigrantes-espanolas-ine.html](http://periodismohumano.com/migracion/natalidad-inmigrantes-espanolas-ine.html)

<sup>12</sup> "Births. Year 2011." *National Statistics Institute*, (2011): Table 5.6. Retrieved from:

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<sup>13</sup> "Children of Immigrants: Facts and Figures." *The Urban Institute*, (2006). Retrieved from:

[http://www.urban.org/UploadedPDF/900955\\_children\\_of\\_immigrants.pdf](http://www.urban.org/UploadedPDF/900955_children_of_immigrants.pdf)

<sup>14</sup> Passel, J., Taylor, P., "Unauthorized Immigrants and Their U.S.-Born Children." *Pew Research Hispanic Center*, (2010). Retrieved from: <http://www.pewhispanic.org/2010/08/11/unauthorized-immigrants-and-their-us-born-children/>

<sup>15</sup> Livingston, G., Cohn, D'V. "U.S. Birth Rate Falls to a Record Low; Decline Is Greatest Among Immigrants." *Pew Research Social & Demographic Trends*, (2012). Retrieved from:

<http://www.pewsocialtrends.org/2012/11/29/u-s-birth-rate-falls-to-a-record-low-decline-is-greatest-among-immigrants/>

<sup>16</sup> The Encyclopedia Britannica defines *jus soli* as "the system by which citizenship is acquired by birth within the territory of the state, regardless of parental citizenship." "Jus soli," *The Encyclopedia Britannica*. Retrieved from: <http://www.britannica.com/search?query=jus+soli>

<sup>17</sup> The Encyclopedia Britannica defines *jus sanguinis* as "the system by which a person, wherever born, is a citizen of the state if, at the time of his birth, his parent is one." "Jus sanguinis," *The Encyclopedia Britannica*. Retrieved from: <http://www.britannica.com/search?query=jus+sanguinis>

<sup>18</sup> Álvarez Rodríguez, A. "Nacionalidad de los hijos extranjeros nacidos en España. Regulación legal e interpretación jurisprudencial sobre los análisis de datos estadísticos de los nacidos en territorio español durante el período 1996-2002." *Observatorio Permanente de Inmigración*, (2006). Retrieved from: <http://www.acnur.org/biblioteca/pdf/7769.pdf?view=1>

<sup>19</sup> Ortega Dolz, P., "La situación de los inmigrantes. Niños-ancla." *El País*, (2000). Retrieved from: [http://www.elpais.com/articulo/espana/ESPANA/LEY\\_DE\\_EXTRANJERIA/Ninos-ancla/elpepiesp/20000515elpepinac\\_20/Tes](http://www.elpais.com/articulo/espana/ESPANA/LEY_DE_EXTRANJERIA/Ninos-ancla/elpepiesp/20000515elpepinac_20/Tes)

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<sup>21</sup> "¿Cuáles son las prestaciones sanitaria para inmigrantes en España?" *Euroresidentes*. Retrieved from: <http://www.euroresidentes.com/inmigracion/inmigrantes-derecho-asistencia-sanitaria-espana.htm>

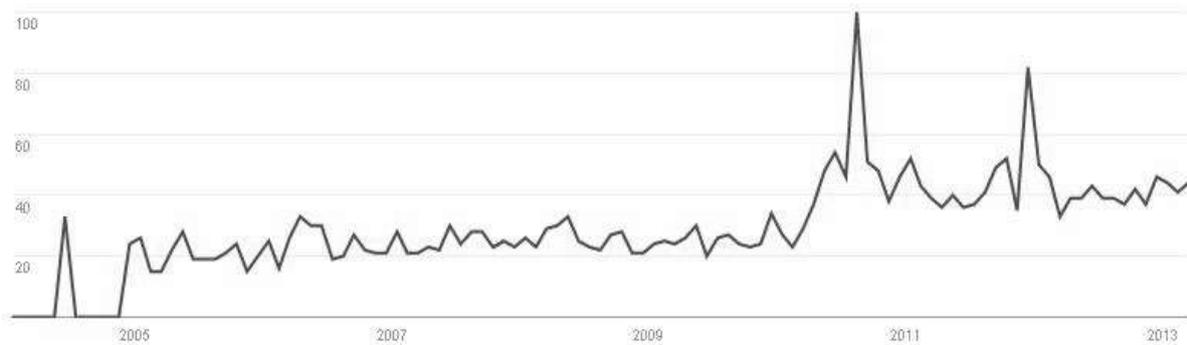
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## Annex 1: Number of Google Searches for “Anchor Babies”

### Interest over time [?](#)

The number 100 represents the peak search volume

News headlines  Forecast [?](#)



Sources: Google Trends. Web Search Interest: “anchor babies.” Worldwide, 2004-present (last modified March 11, 2013).