

How to Have an American Baby

A FILM BY LESLIE TAI



POV

DISCUSSION GUIDE



Home Safety

Gates



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Film Summary



How to Have an American Baby is a poignant exploration of the intricate world of Chinese birth tourism. Through a nearly decade-long filmmaking process, director Leslie Tai delicately spins an invisible web that connects the stories of ordinary people who navigate love and fear, hopes and pain, and the promises and dangers of the decisions they have made. The film investigates themes of migration, maternal healthcare, birthright citizenship and the sale and consumption of the American Dream. To unravel the complex layers of public perception and political attention surrounding birth tourism, Tai takes the audience beyond sensationalist headlines and into the hearts of pregnant women, hotel operators, drivers, nannies and a shadow industry that is hungry for profit. Telling the story from a distinctively Chinese perspective, Tai fearlessly presents uncomfortable images that challenge preconceived ideas, and compels audiences to reflect on the broader socio-political landscape that influences this particular pursuit of the American Dream.

Using This Guide

This guide is an invitation to dialogue. It is based on a belief in the power of human connection and designed for people who want to use *How to Have an American Baby* to engage family, friends, classmates, colleagues, and communities. In contrast to initiatives that foster debates in which participants try to convince others that they are right, this document envisions conversations undertaken in a spirit of openness in which people try to understand one another and expand their thinking by sharing viewpoints and listening actively.

The discussion prompts are intentionally crafted to help a wide range of audiences think more deeply about the issues in the film. Rather than attempting to address them all, choose one or two that best meet your needs and interests. And be sure to leave time to consider taking action. Planning next steps can help people leave the room feeling energized and optimistic, even in instances when conversations have been difficult.

For more detailed event planning and facilitation tips, visit <https://communitynetwork.amdoc.org/>.

Tips and Tools for Facilitators

Here are some supports to help you prepare for facilitating a conversation that inspires curiosity, connection, critical questions, recognition of difference, power, and possibility.

Share Community Agreements

Community Agreements: What Are They? Why Are They Useful?

Community agreements help provide a framework for engaging in dialogue that establishes a shared sense of intention ahead of participating in discussion. Community agreements can be co-constructed and created as an opening activity that your group completes collectively and collaboratively. [Here is a model](#) of community agreements you can review. As the facilitator, you can gauge how long your group should take to form these agreements or whether participants would be amenable to using pre-established community agreements.

Opening Activity (Optional): Establishing Community Agreements for Discussion

Whether you are a group of people coming together once for this screening and discussion or a group whose members know each other well, creating a set of community agreements helps foster clear discussion in a manner that draws in and respects all participants, especially when tackling intimate or complex conversations around identity. These steps will help provide guidelines for the process:

- **Pass around** sample community agreements and take time to read aloud as a group to make sure all participants can both hear and read the text.
- **Allow time** for clarifying questions, make sure all participants understand the necessity for the agreements, and allow time to make sure everyone understands the agreements themselves.
- **Go around in a circle** and have every participant name an agreement they would like to include. Chart this in front of the room where all can see.
- **Go around two to three times** to give participants multiple chances to contribute and also to give a conclusive end to the process.
- **Read the list aloud.**
- **Invite** questions or revisions.
- **Ask** if all are satisfied with the list.

14th Amendment

The 14th Amendment to the United States Constitution, ratified in 1868, grants citizenship to all persons born or naturalized in the United States, including former slaves, and guarantees equal protection under the law to all citizens. It was enacted in the aftermath of the Civil War to ensure civil rights and equal treatment for all individuals, regardless of race or ethnicity.

Birth Tourism

Birth tourism refers to the practice of traveling to another country for the purpose of giving birth.

Birthright Citizenship

Birthright citizenship, also known as *jus soli* (Latin for “right of the soil”), is a legal principle that grants citizenship to individuals based on their place of birth. It means that anyone born within the territorial boundaries of a country automatically acquires citizenship of that country, regardless of the nationality or citizenship status of their parents. This principle is guaranteed by the 14th Amendment to the Constitution of the United States.

Discrimination

The unequal treatment of members of various groups based on race, gender, social class, sexual orientation, physical ability, religion, and other categories. In the United States, the law makes it illegal to discriminate against someone on the basis of race, color, religion, national origin, or sex. The law also makes it illegal to retaliate against a person because the person complained

about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that an employer reasonably accommodates applicants’ and employees’ sincerely held religious practices, unless doing so would impose an undue hardship on the operation of the employer’s business.

DIY (birth tourism)

DIY stands for “do it yourself.” In this context, it refers to the practice of making birth tourism arrangements (including visa application, booking accommodation, doctor/hospital selection, etc.) oneself, or through family and friends, without the professional assistance of commercial agents or operators.

Equity

In basic terms, to achieve equity is to treat everyone fairly. Emphasis on equity seeks to render justice by deeply considering structural factors that benefit some social groups/communities and harm other social groups/communities. Sometimes for the purpose of equity, justice demands an unequal response.

Institutional Racism

Institutional racism refers specifically to the ways in which institutional policies and practices create different outcomes for different racial groups. Institutional policies may never mention any specific racial group, but their effect is to create advantages for Whites and oppression and disadvantage for people from groups classified as people of color.

Mainland China, Hong Kong, and Taiwan

Mainland China refers to the geographical area under the jurisdiction of the People’s Republic of China, excluding the special administrative regions of Hong Kong and Macau. It encompasses the majority of China’s territory and population, including provinces, autonomous regions, and municipalities directly administered by the central government.

Hong Kong is a special administrative region of China with its own legal and economic systems, separate from those of mainland China. It was a British colony until 1997 when it was handed back to China under the “one country, two systems” principle, which allows Hong Kong to maintain a high degree of autonomy.

Taiwan, officially known as the Republic of China (ROC), is a self-governing island territory located off the southeastern coast of mainland China. It operates as a separate entity from mainland China with its own government, military, and economy. However, China considers Taiwan to be a part of its territory under its “One China” policy.

Maternity Hotels

Maternity hotels are facilities, often in private residences, which provide international clientele, specifically pregnant women, services such as airport pickup, room and board, local transportation, leisure activities and sightseeing excursions, doctor and hospital recommendations, traditional postnatal care, and private infant care, for the express purpose of obtaining U.S. passports for newborn babies.

Medical Tourism

Medical tourism involves traveling to another country to receive medical treatment, usually for lower costs, shorter wait times, access to specialized treatments, or higher-quality care.

Transnationalism

The movement and exchange of ideas, information, objects, and people across national borders.

Chinese Exclusion Act

The Chinese Exclusion Act, passed in 1882, was the first U.S. law to restrict immigration based on nationality. It halted Chinese labor immigration for ten years and prohibited Chinese immigrants from becoming citizens. It was aimed at curbing Chinese labor competition and reflected prevailing anti-Chinese sentiment. It remained in effect until 1943 when it was repealed due to geopolitical considerations during World War II.^{zz}

Paper Sons

Chinese immigrants who migrated to the U.S. while the Chinese Exclusion Act was in place with false paperwork that claimed they were the sons or daughters of Chinese American citizens.

The Immigration and Nationality Act of 1965

The Immigration and Nationality Act of 1965 was a landmark legislation in the United States that significantly reshaped the country's immigration system. It replaced the previous national origins quota system, which heavily favored immigration from

Europe, with a new system based on immigrants' skills and family relationships with U.S. citizens or residents. Overall, it is considered a turning point in U.S. immigration policy, shifting towards a more inclusive and egalitarian approach that prioritized skills and family relationships over national origin.

Key Issues

How to Have an American Baby is an excellent tool for outreach and will be of special interest to people who want to explore the following topics:

- Chinese birth tourism
- U.S.-China relations
- Birthright citizenship
- Medical tourism
- Transnationalism
- Maternal healthcare
- Media portrayals, public perception, and stereotypes
- Cultural conflict
- Women, race, and class
- Ethics and privacy

Background Information

What is Birth Tourism?

Birth tourism is the practice whereby pregnant women travel abroad in order to give birth. The main purpose of birth tourism is usually to obtain foreign citizenship for their newborns. Countries such as the U.S. and Canada have *jus soli*, or “the right of the soil,” laws that grant citizenship to anyone born within their territories. Birth tourism is legal in the U.S. and is protected by the 14th Amendment. Not only does birthright citizenship grant U.S. citizenship to children born on U.S. soil, it also offers the parents and other members of the immediate family a legal pathway to citizenship once they turn 21 years old. Today, birth tourists that travel to the U.S. originate from many different countries, such as Russia, Turkey, South Korea, Nigeria, and Mexico, but birth tourists from mainland China have received an outsized amount of media attention due to the visibility, scale, and degree of commercialization of the industry.

Ethnic Chinese Birth Tourism in the U.S.

Even though the majority of Chinese birth tourists in recent decades are from mainland China, ethnic Chinese birth tourism in the U.S. traces its roots to Taiwanese immigrants in the 1970s. The movement of goods and people between Taiwan, the People’s Republic of China (PRC or mainland China), and the U.S. has always been determined by their domestic political environments and the state of diplomatic affairs with the U.S. Back then, students and visitors from Taiwan were able to come to the

U.S. in large numbers as a result of specific diplomatic policies, while the People's Republic of China heavily restricted all means of legal emigration. The early decades of Taiwanese birth tourism were characterized by low-cost, DIY-style trips arranged through private, personal networks as opposed to formalized commercial chains.

Mainland Chinese birth tourism to the U.S. steadily rose after the 2000s and it took place against the backdrop of mainland China's meteoric economic growth. During the three decades after 1978, it implemented a series of economic reforms that gradually liberalized many parts of the markets that were previously under strict government regulation. By 2010, China had supplanted Japan and became the world's second largest economy by GDP, second only to the U.S. This unprecedented economic growth brought a wide swath of the country out of extreme poverty and into the middle class, and made a small minority very rich. The growth of Chinese birth tourism since the 2000s was made possible by the emergence of this new middle and upper-middle class.

Chinese birth tourism's momentum also depended on domestic and international border policies. After China officially joined the WTO in 2001, the subsequent decade witnessed particularly friendly U.S.-China relationships and relaxed visa policies, such as the ten-year reciprocal visa, leading to a surge in the number of students, migrants, and tourists coming to the U.S.

Prior to 2012, however, most mainland Chinese families preferred Hong Kong as their birth tourism destination. Hong Kong's constitution, the Basic Law, granted permanent residency to any mainland Chinese born there and giving birth in Hong Kong became an effective way for mainlander families to circumvent China's one-child policy as well as give their children the automatic privilege to live and work there. Owing to its status as a former British colony, a Hong Kong passport also offered visa-free travel to many foreign countries that were hard to access with a PRC passport. In 2010, nearly half of all births in Hong Kong were to

mainland Chinese parents, leading to widespread complaints from Hong Kong residents. Facing public pressure, in 2013, the government implemented a “zero-quota” policy that restricted mainland Chinese pregnant women from entering Hong Kong to give birth. As Hong Kong shut its doors to birth tourists, mainland Chinese began to seek opportunities in the United States and Canada, with their sights set, in particular, on Southern California.

Around the same time, a 2013 Chinese romantic comedy about a wealthy mainland Chinese birth tourist’s love story in Seattle, *Finding Mr. Right*, became a massive box-office hit, grossing nearly \$85 million U.S. dollars. The film made birth tourism to the U.S., previously known and practiced primarily by the most wealthy and resourced members of society, a trend among the general Chinese populace. Policy changes in Hong Kong and the rise of U.S.-based birth tourism in the popular Chinese imagination led to increased demand for birth tourism in the U.S., paving the way for a formerly “boutique” industry to transform into the complex “industrial supply chain” depicted in *How to Have an American Baby*. As a result, the clientele for birth tourism expanded beyond the ultra rich and powerful to rising middle and upper-middle class circles.

Why Have an American Baby?

The appeal of U.S.-based birth tourism to mainland Chinese is the result of a confluence of specific socioeconomic and political factors. Birth tourism is attractive to 1) mainland Chinese families who wished to circumvent the one-child policy that was in place between 1980 and 2016, which used a combination of contraception, forced abortion, and financial penalties to restrict most families from having more than one child; 2) unmarried women (usually single women or mistresses) for whom it was difficult to obtain birth permits, local residency permits (*hukou*), and access to public benefits for children born out of wedlock; and finally, 3) parents

who wanted to provide their children the American ideals of equal opportunity and a better future, including a chance to escape the high-pressure educational and labor systems and an uncertain, volatile political future in China, as well as enjoy the benefits of cleaner air and greater food safety.

Moreover, for the rich and politically powerful, having family members with non-Chinese citizenship can help protect and expand their financial assets overseas. It is widely known that a large percentage of government elites who cannot legally hold foreign nationality themselves, secure foreign citizenship for their spouses and children instead. Birth tourism, therefore, is one of the means through which Chinese citizens hedge against political and economic uncertainty.

A Predatory Industry: Selling the Dream of an American Baby

Agencies in China sell the dream of an American baby for birth tourism “vacation packages” starting around \$36,000 and reaching upwards of \$100,000. Packages offer different levels of housing, care, and services. Services include airport pickup, meal preparation, local transportation, assistance with medical and immigration issues, private nanny, and the observance of the all-important traditional practice of postpartum confinement, which entails following a very specific diet of nourishing foods and protecting the body from the elements during the first thirty days of the postpartum period.

Even though these birth tourism packages are often marketed like luxury vacations, the realities on the ground can be far from what is reflected in the glossy brochures. Most birth tourism agencies in China work with independent contractors (i.e. maternity hotels) to provide the essential care their clients need after arriving in the U.S. Because their responsibilities end after clients pay their 30% deposit and board the plane, there is little

incentive to ensure that the client will actually get what they were sold upon arrival. Furthermore, some agents—in order to maximize their bottom line—advise clients to misrepresent the purpose of their visit during their visa interviews to increase their chances of entry, knowing full well this may lead to immigration problems further down the line. Additionally, many pregnant mothers arrive in the U.S. alone, for financial reasons or because their family members can't join them, and have limited English language skills. They are highly dependent on their local handlers to arrange everything from housing and food to transportation, and most importantly, to translate and communicate with local healthcare providers. As a result, when complications arise, birth tourists often have very little recourse or protection from unscrupulous actors, including local medical establishments and other U.S. based individuals or entities that stand to profit from the practice of birth tourism.

Chinese Birth Tourism: Political Controversy and Significance

Compared to other immigration mechanisms, Chinese birth tourism has received disproportionate negative, often overtly racist attention from the media and politicians. In the 2010s, racist, anti-birthright citizenship discourse was common among Republican politicians, who referred to pregnant migrants to the U.S. as “invasion by birth canal” and people who arrive “like rats and multiply.” As part of Jeb Bush’s unsuccessful 2016 presidential campaign, he explained his use of the derogatory term “anchor babies” as not about hispanic migrants but “frankly, it’s more related to Asian people.” The politicization of anti-birth tourism sentiment culminated in 2020 when the Trump Administration passed a ruling that banned visitors from traveling to the U.S. on temporary visas for the purpose of giving birth in the interest of protecting “national security.” When pressed, however, State Department officials could not provide any actual security threat posed by birth tourists. Critics of the ban question its enforceability (as pregnancy tests are not part of any visa application)

and argue that the ban is racist because it does not apply to the 38 countries in the Visa Waiver program, which are mostly white and European, and thereby mainly affects non-white visitors.

The controversy surrounding birth tourism revolves around both the “sanctity” of the 14th Amendment and the trope of the “deserving immigrant.” Birth tourism’s detractors believe that birth tourists exploit an immigration loophole. They argue that the 14th Amendment, which bestows birthright citizenship, should not apply to children born to transient migrants, whom they argue are “cheating the system” or “stealing” from tax-paying U.S. citizens. However, this is a longstanding myth among anti-immigration activists that has been debunked. Many studies have found that immigrants, both legal and undocumented, and their offsprings collectively contribute far more to the U.S. in taxes than the public benefits they receive. Moreover, scholars point out that anti-birth tourism discourse, just like other anti-immigrant discourse, draws heavily from the racist and xenophobic trope of the “deserving” or the “worthy immigrant.” The line between the “deserving” and the “undeserving” immigrant is often drawn across racial and ethnic lines. Historian Ben Railton notes that “every major immigration law prior to 1965...was designed and intended to discriminate explicitly between different nationalities and communities,” and thus “any narrative...that treats the difference between legal and illegal immigration as a matter of choice...is disconnected from the realities.” These narratives overlook the fact that immigration systems have been historically punitive, discriminatory, unfair, and often arbitrary.

The ebb and flow of the Chinese birth tourism industry in the U.S. is a looking glass for broader U.S.-China relations—the most complex and consequential geopolitical relationship of the 21st century. As the relationship between the U.S. and China transitioned from Cold War enemies to trade friends to top economic and political rivals, the Chinese

birth tourism industry also experienced its own tandem birth, explosive growth, and slowdown. Moreover, Chinese birth tourism highlights the fragmented nature of the Chinese American experience. American babies born to Chinese birth tourists do not share the same history and heritage as any of the prior waves of ethnic Chinese immigrants who migrated to the U.S. over the last one and a half centuries. Therefore, what impact these next generations of American babies will bring to both the U.S. and China remains an open-ended question.

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DISCUSSION PROMPTS

Immediately after the film, you may want to give people a few quiet moments to reflect on what they have seen. You could pose a general question (examples below) and give people some time to jot down or think about their answers before opening the discussion. Alternatively, you could ask participants to share their thoughts with a partner before starting a group discussion.

- The director has stated that her greatest wish is for viewers not to know what they think after watching the film. What are your immediate thoughts after viewing the film, if any?
- What are the key themes that this film touched upon? What did you learn? How did that differ from your initial expectations?
- Can you tell the filmmaker's stance on the issues presented in the film? Why or why not?
- Describe a moment or scene in the film that you found particularly moving or disturbing. What was it about that scene that you found especially compelling?

The Practice of Birth Tourism and the Immigration Debate

Due to the high number of maternity hotels in Southern California, birth tourism can be more visible in some cities than others and lead to tension between the birth tourists, the maternity hotel operators, and the local community. The film depicts a tense town hall meeting during which local residents complain about the evidence of maternity hotels in their neighborhood. Local residents raise issues of hygiene, public safety, traffic, and infant welfare, and ask if anything can be done. Alex Garcia, the head of the L.A. County maternity hotel task force, maintains that there is little to enforce if maternity hotels are complying with county zoning laws.

- How do you understand the tension between the local residents and the birth tourists? Do you agree or disagree with the local residents' positions?
- What are the pros and cons of Chinese birth tourism from an economic standpoint?
- Do you feel that there are more or less “legitimate,” “fair,” or “worthy” ways of immigrating to the U.S.? Why or why not?
- What does the “American Dream” mean to you? Do you subscribe to it?

Maternal Healthcare

Birth tourists often expect to receive high quality of medical care in the U.S., but the film depicts several tense encounters between the Chinese women and the U.S. healthcare system before, during, and after childbirth as well as the intense aftermath of a botched delivery.

- Why do you think the director chose to include an extended scene depicting the process of labor and delivery for one of the film's protagonists? Do you feel the scene was necessary? Why or why not?
- Have you previously seen any depictions of childbirth in films or other media? How was this film's birth scene similar or different?

The Invisible Web of Relations

The narrative of the birth tourism industry extends beyond the expectant mothers, encompassing various individuals who actively participate in the complex web of the underground industry, including sales agents, maternity hotel operators, drivers, nannies, doctors, and real estate agents, among others. The director conceived of the structure of the film as “an invisible web of relations,” capturing slices of life and fleeting moments of truth of the various players, while also showing the wider ecosystem and its stakeholders in both the U.S. and China.

- How would you describe the structure of the film? What is your understanding of the “invisible web”?
- How do you conceive of the monetary and power relationships depicted in the film? Are there imbalances? Who do you think is taking advantage of whom?
- Why do you think that it was important for the director to tell the story in a nonlinear format?
- What point of view were the stories told from?
- How is this film different from other documentaries you have seen in form, content, and perspective?

CLOSING ACTIVITY

To help people synthesize what they've experienced and encourage deeper ongoing reflection and exploration you may want to choose from these questions to end your discussion:

- What did you expect to learn about the topic going in? What did you takeaway from the film?
- In what ways did the film challenge or reshape any stereotypes you may have had about Chinese people, immigrants, or the practice of birth tourism?
- What, if anything, does this film make you want to learn more about or research further?
- If you were to recommend this film to someone, who would that person be? What aspects of the film do you think would resonate with them, and why do you believe it is worth sharing?

Resources

[How to Have an American Baby](#)

official website on PBS

['POV' Goes Behind the Closed
Doors of the Chinese Birth Tourism
Industry in the U.S. in Director
Leslie Tai's How to Have an
American Baby](#)

official press release

Filmmaker Magazine, ["I Rejected
the Concept of Linearity": Leslie Tai
on How to Have an American Baby](#)

Creative Capital, [Navigating
Your Sympathies: An Intimate
Conversation with Leslie Tai
Moderated by Alison O'Daniel](#)

Credits & Acknowledgments

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