

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein:

We the undersigned organizations are writing to you to seek your urgent help to adjust current regulations to allow prospective parents from all over the world to travel to the U.S. to be with their newborn child.

The Coronavirus pandemic has created hardships and challenges worldwide, and governments strive to respond by issuing new rules. Inadvertently, not all scenarios are taken into consideration, and groups of people may find themselves in extremely difficult situations, sometimes virtually impossible. This is what's happening now to prospective parents from all over the world are now unable to come and take care of their genetic newborn child (or children if the pregnancy is twins) that were carried by women who chose to be gestational surrogates in the United States. Even though these surrogacy arrangements are fully legal, the disruption caused by travel bans and limited access to necessary official documents is leading to intolerable anxiety and causing avoidable health risks to the new born children.

The prospective parents involved have experienced significant challenges in building their families. Many have experienced years of suffering from infertility, others are members of the LGBTQ community and have no access to parenting options in their home countries. The gestational surrogates are highly altruistic women that also do not deserve the apprehensive uncertainty and stress they are now undergoing due to this situation.

We call upon the authorities in the USA to adjust current regulations to recognize the need of prospective parents to arrive at least several weeks in advance of the expected birth of their children, and recognize the medical necessity of allowing them to return to their home countries before they overstay their visas and where the babies will be fully covered by health insurance and in a safer permanent environment.

In normal times the conventional process includes the prospective parents being handed their baby upon birth by virtue of express written agreements and other consent documents that are drafted well before the birth. Final parental rights are established through legal orders issued prior to the birth, or immediately following it, and subsequently birth certificates are issued with the names of the legal parents. Temporary health insurance is typically arranged in advance through the prospective parents (and requires them to be recognized as legal parents). Babies are then typically issued passports by the country where the birth took place, allowing speedy return to the home country, to a home where they can be better cared for, and where long term health coverage is available.

The entire process is based on the simple assumption that the parents will be present at the birth of their child. It is the legal right of the gestational surrogates to never be asked to make healthcare decisions for the newborn, nor to be held responsible for the ongoing care and expenses for the child. It is obviously the right of the child to have the proper care and legal filiation.

This process has been thrown into chaos by entry bans, the scarce availability of transportation, and closure of governmental offices in charge of issuing birth certificates and passports. Babies, parents, and gestational surrogates are all extremely susceptible and exposed to unnecessary mental, health, and financial hardships. Birth should be a time of joy and bonding, not emotional distress and fear.

The USA already offers exclusions to the entry bans to parents of a citizen. Unfortunately, officials are unclear about how to implement the rules in the case of prospective surrogacy parents in a surrogacy arrangement, and most often they prevent their entry until after the baby is born. Parents then face the challenge (and often extreme expense) of arranging last minute transportation and handling quarantine requirements before they can meet their parentless children. The babies require the appointment of emergency guardians or even foster families. Even after they reunite with their baby, they are unable to secure passports in order to return home, and may even risk overstaying their visas.

The simple solution is to allow prospective surrogacy parents into the country well in advance by recognizing travel for the birth of a surrogacy child as essential (as Canada has already done), and to recognize that issuing passports

for the newborns should fall under the emergency exclusions that already allow this in life-or-death situations in the USA.

The current situation is not aligned with the best interests of any party, nor are they in the interest of public health. It is causing confusion, stress, and undue medical risks.

The undersigned organizations stand with these families and urge all concerned to find appropriate and prompt solution that is in the best interest of all involved.

RESOLVE: The National Infertility Association

The American Society for Reproductive Medicine (ASRM)

The Academy of Adoption and Assisted Reproduction Attorneys (AAAA)

Men Having Babies

Family Equality

The National LGBT Bar Association

National Center for Lesbian Rights

GLBTQ Legal Advocates & Defenders (GLAD)

Network of European LGBTIQ* Families Associations (NELFA)

Taiwan LGBT Family Rights Advocacy (TLFRA)

The Aguda –The Association for LGBTQ Equality in Israel

The Association of Israeli Gay Fathers

Contact:

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Chair of the **American Bar Association's** Assisted Reproductive Technology Law Committee

This issue is of concern to many businesses and individuals across the USA and beyond.

Professionals from the following businesses are expressing their support for this cause:

A Jewish Blessing	Building Families, Inc.	Copps DiPaola Silverman, PLLC
Abundant Beginnings Co	Carole Lieber Wilkins, MFT	Creative Family Connections
All Families Surrogacy	Carrying Hope Surrogacy	Essig & Evans, LLP
Aloha Island Family Surrogacy	Center for Surrogacy & Egg Donation, Inc	Extraordinary Conceptions
ALTEN Life Science	Center for Surrogate Parenting	Family Creations
ART Risk Financial & Insurance Solutions	Central Coast Surrogacy LLC	Family Choice Surrogacy
Ashley W. Pittman, PLLC	Circle Surrogacy	Family Inceptions
Ashcraft Franklin & Young, LLP	Claiborne Fox Bradley Goldman PLLC	Family Source Consultants
Baby Legal Law Firm	Colonial Pines Nursing Home	Fertility Center of Las Vegas
Brilliant Beginnings	Colorado Surrogacy	Field Fertility / Field Law Group, PC
Brinkley Law Firm, LLC	ConceiveAbilities	Forever Families Through Adoption, Inc.

Franklin Law Office, PA	Law Offices of Robert T Terenzio	Surratt Law Practice
Genesis Group	Law Offices of Stanley R Brenner	Surro Connections
Gillespie Law Group, LLC	Lazarus & Troxler	Surrogacy Partnership
Golden Surrogacy	Leslie Schreiber, PA	Surrogate Alternatives
GSMoms	Matching Angels/Angel Matcher LLC	SurrogateFirst
Guided Surrogacy Solutions	Merck Sharp & Dohme	The Cooley Law Firm
Gyemant Paris Law	Meryl B. Rosenberg, Esq.	The Fertility Center of Las Vegas
Heart to Hands Surrogacy	ARTParenting	Law Office of Catherine Tucker PLLC
Hope Springs Fertility Law	Murdoch Hughes Twarog Tarnelli	The Law Office of Margaret E. Swain
IARC Surrogacy	Nichols, DeLisle & Lightholder, PC	The Law Office of Ryan C. Ferrante
Idaho Fertility Law	OC Child & Family Formation Law Group, LLP	The Stein Law Firm, PLLC
International Reproductive Law Group Inc.	Page Provan, family and fertility Lawyers	The Tilden Law Firm
Joey Guzman-Kuffel LMFT	Paule, Camazine & Blumenthal	The Surrogacy Experience
Kainen Law Group	Reproductive Law Center, LLP	Tiny Sprouts Surrogacy
Kindred Surrogacy	Reproductive Possibilities	Trachman Law Center, LLC
King Spry	Robin E. Pope, Oregon Family Formation Lawyer	Triplett Woolf Garretson LLC
Koupal Law Firm, PC	Ross & Zuckerman, LLP	Tsong Law Group
Krislyn M Holaday Law Office LLC	Rumbold & Seidelman	US Surrogacy
KUNIN Law Group	Schaub Hochl Rechtsanwälte AG	USA Surrogacy International
La Jolla IVF	Schlack Ito, LLC	Utah Fertility Center
LaMothe Surrogacy Consulting, PNW Surrogacy	Singer & Fedun, LLC	Victoria Gelfand, Law Offices
Law Office of Amira Hasenbush	Smigel Anderson & Sacks	Vorzimer Masserman
Law Office of Brian Esser	Southern Surrogacy	Watkinson Laird Rubenstein PC
Law Office of David C. Cole, P.C.	Special Deliveries, LLC	West Coast Surrogacy
Law Office of Debrah B. Rosenthal		Wolfsong Law PC
Law Office of Judith A. Hoechst, LLC		Worldwide Surrogacy Specialists
Law Office of Julia Tate-Keith		

The following individuals from *all 50 states* are expressing their support for this cause:

Anna Abraham, CA	Katie Angeleri, IL	Angie Aviles, CA	Kristie Baysinger, TX
Christina Acosta, CA	Raquel Arana, NV	Dawn Baker, CA	Vanessa Benincasa, NH
Tiffany Allen, TX	Eliseo Arebalos, CA	Peyton Ballew, TX	Adrienne Black, OR
Andrew Andehueson, CA	Courtney Augustin, TN	Anael Barriol, TX	Tawni Boedeker, OR
Ashley Anderson, NJ	Analú Avila, CA	Alexandre Baud, NY	Marin Boggs, CA

Jenna Bonfield, CA	Melissa Evans, CA	Nancy Hartzband, NJ	Brandon Logan, GA
Maddelyn Boone, MN	Shahira Faith, FL	Amira Hasenbush, CA	Kristen Macurdy, PA
Erin Bowling, OR	Christian Faith, FL	Kaylyn Hawkins, OR	Gina-Marie Madow, MA
Stan Brenner, FL	Keri Ferland, MA	Aprille Haynie, OH	Candace Mahieu, CA
Stephanie Brinkley, SC	Ryan Ferrante, IL	Bryan Hedlind, OR	Scott Mannion, MA
Melissa Brisman, NJ	Josh Fiedler, NJ	Kristie Heflin, MS	Ashley Mareko, NV
Joanne Bublick, CA	Emily & Gregg Field, CA	Pamela Henderson, FL	Shelly Marsh, CA
Jessica Busman, CA	Audrey Figueira, CA	Hilda Herrera, CA	Corinne Mathiopoulos, CA
David Byrnes, NY	Alonna Phillips-Smith, WA	Valerie Hewitt, CA	Melissa Mawhorter, CA
Mario Caballero, CA	Carey Flamer-Powell, OR	Keyana Higgens, MA	Jessica Mccaffrey, MA
Chelsea Caldwell, AR	James Fobert, NJ	Diane Hinson, MD	Kimberly Mccoy, AZ
Jessyca Camarillo, IL	Don Foskey-Raimer, DE	Judith Hoechst, CO	Caylin Mccullough, CA
Melissa Cameron, UT	Haley Fowler, NC	Karina Hofacker, FL	Ursila Mcfadden, CA
Ashley Cantrell, TX	Amy Fox, NC	Paula Hoke, CA	Elizabeth Mcmichen, TN
Amanda Carrier, CA	Joni Franklin, KS	Katharine Hopkins, CA	Coleman Mcnair, SC
Laura Castrillo, TX	Laura Fretwell, FL	Crystal Hsu, CA	Iyanna Mcneely, IL
Stephanie Chan, CA	Taylor Friedman, CA	Olivia Hung, TX	Amanda Mejia, FL
Rijon Charne, CA	Karina Furman, NY	Dean Hutchison, MA	Ashley Michael, NC
Catherine Clavin, AL	Dawn Galbo, CA	Kayla Jankosz, IN	Christina Miller, MO
Jane Collette, CA	Jennifer Garcia, CA	Heather Jaquay, NC	Michelle Misler, MD
Demetra Congiardo, FL	Johanna Garschina, NY	Ana Johnson, FL	Tiffany Moore, TX
Katelyn Cook, OH	Dorota Gasienica-Kozak, PA	Jennifer Johnson, NE	Erica Mora, CA
Shelly Cooley, NV	Kate Gaskill, MA	Michelle Jordan, IL	Heather Morgan, WA
Molly Corcoran, CT	Abigail Glads, CA	Pavla Jungwirthova, CA	Jay Moseley, TX
Amanda Corsaro, MA	Thomas Gleeson, CA	Katie Justin, NJ	Berenice Musico Martinez, TX
Melissa Czernek, NC	Frank Golden, IL	Amy Kaplan, CA	Stephanie Nathaniel, CA
Erika Daybook, IL	Adam Golden, IL	Michelle Keeyes, CA	Marla Neufeld, FL
Rebecca Deegan, CA	Lynn Goldman, GA	Maryann Kiernan, MA	Sylvia Newman, CA
Kathleen Delisle, MA	Kellie Golik, CA	Allysa Kinder, UT	Lokelani North, HI
Erika Deraze, CA	Kimberlie Goodnough, CA	Lahriisa King, CA	Craig Oleksy, IL
Nidhi Desai, IL	Kara Green, IL	Tracy King, FL	Diana Olmeda, CA
Tina Dettlaff, WI	Ezarra Greenberg, CA	Heather King, OR	Sarah Paige, CA
Tracy Devany, CA	Sarah Groff, PA	Laura Kroman, IL	Iris Pan, CA
Leea Dipentino, CO	Jennifer Guerra, CA	Shoshana Kunin-Leavitt, NV	Jasmine Paz, CA
Sahar Douraghy, CA	Lin Guo, CA	Charlene Kuspa, NC	Robin & David Perkins, CA
Michael Doyle, CT	Sierra Guptill, CA	Sharon Lamothe, WA	Amber Peterson, OR
Eloise Drane, GA	Luis Miguel Gutierrez Gonzalez, IN	Jennifer Lange, MD	Amber Peterson, OR
Katharine Duarte, CA	Joey Guzmán-Kuffel, CA	Katie Lawrence, KS	Noelle Peterson, TX
Sarah Edmunds, ID	Anne Gyemant Paris, CA	Erica Lejeune, LA	Elizabeth Pietro, MA
Helaena Eichberg, CA	Megan Hall, OR	Jo Ann Levitan, CA	Rachael Pirner, KS
Erin Erck, OR	Janelle Hammett, CA	Sandrine Levy, FL	Jennifer Pointer, WA
Karen Erikson, CA	Ashlee Hammonds, GA	Carole Lieberwilkins, CA	Leah Potter, IN
Debbie Esquivel, CA	Christine Hanisco, NH	Leslie Lightholder, MA	Shiva Price, NV
Brian Esser, NY	Sunshine Hanson, CA	Willa Liu, CA	Katherine Provost, NV
Ellen Essig, OH	Amanda Hart, CA	Rachel Loftspring, OH	Kristen Przeklasa, CA

Ava Qu, CA	Bill Singer, NJ	Robert Terenzio, FL	Nikki Wehmeir, CA
Jennifer Rachman, NY	Stephannie Sloane, OR	Joe Tham, CA	Judy Weiss, FL
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Larissa Rodriguez, CA	Alexandra Sokolova, WA	Jennifer Townsend, TN	Jennifer White, CO
Debrah Rosenthal, CA	Holly Sorensen, CA	Ellen Trachman, CO	Vivian Wilborne, CA
Heather Ross, IL	Tiffany Stango, NJ	Amanda Troxler, CA	La Vonna Wyatt, CA
Philip Rowcliffe, CA	Lisa Stark Hughes, CA	Ralph Tsong, CA	Xiaoqin Xu, CA
Juan Ruiz, IL	Chelsea Stone, ID	Kara Valera, TX	Vivian Yan, CA
Stuart Sacks, PA	Jennie Sullivan, IN	Juli Velasquez, FL	Ting Yang, CA
Alyssa Scheffler, NJ	James Sutherland, CA	Junior Velazquez, NV	Jing Yang, CA
Lisa Schuster, MD	Margaret Swain, MD	Virginia Walker, NJ	Catherine Yao, OR
Keely Seaverson, MN	Staci Swiderski, IL	Elizabeth Wanczak, TN	Connie Yeh, CA
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Catherine Sewell, OR	Ricardo Taboada, CT	Nancy Weatherby, MA	Janet Zhu, CA
Elizabeth Shishkoff, IL	Sherman Taylor, OH	Carol Weathers, CA	

The following individuals from across the world are expressing their support for this cause:

Georgios Aronis	Daniel Feander	Nicolas Houvenaghel	Mathieu Piccin
Adam Balsamo	Mathieu Fourmy	Fabien Joly	Helen Prosser
Jeremy Belain	Nadège Fourmy-Mouet	Farid Kheloufi	Basile Puech
Philippe Bernard	Philippe Fraser	Elena Kiouris	Marc Puimatto
Christophe Bocherel	Natalie Gamble	Roman Kireev	Donald Riedeberger
Germain Brisson	Mélanie Gaubert	Benoit Martin	Hilary Smith
Johnny Carpe	Guillaume Gaubert	Ella McNamara	Thibaud Thurier
Johann Colombier	Fabien Faudry	Frank Nelson	Corinne Tith
Michael Cosker	Victoria Gelfand	Cathal O'Rourke	Philipp Urban
Petra Dach	Théophile Guilbaud	Julien Ozun	Johannes Von Kalckreuth
Maria Delanzo	Jean-Marie Hinault	Stephen Page	Cindy Wasser
Julien Fanciulli	Karin Hochl	Ida Parisi	Hua Zhao