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Taiwan Presidents' U.S. Transit Visits

Introduction

Since 1994, four sitting presidents of Taiwan have undertaken a combined 29 trips abroad that have included transit stops in the United States. Since 1995, the U.S. government has not permitted Taiwan presidents to make non-transit visits to the United States, but has allowed U.S. transit visits. It presents this policy as consistent with the unofficial nature of U.S.-Taiwan relations. (See also CRS In Focus IF10275, *Taiwan: Political and Security Issues*.)

Stakeholders in the U.S. government, Taiwan, and the People's Republic of China (PRC) see Taiwan presidents' U.S. transit visits differently. The U.S. executive branch has stated that it regards transits as private and unofficial and consistent with the U.S. one-China policy. Some Members of Congress have criticized the protocol surrounding Taiwan presidents' transit visits as excessively restrictive. Partly in response to such criticism, the executive branch has gradually loosened such protocol restrictions.

Taiwan governments have sought opportunities for transit visits, portraying U.S. permission for such stops as affirmation of U.S. support, despite the absence of diplomatic relations with the United States. The government of the PRC, which claims sovereignty over Taiwan, has long criticized Taiwan presidents' U.S. transit visits as inconsistent with U.S. commitments to maintain only unofficial relations with Taiwan, and charged that they undermine PRC "sovereignty and territorial integrity."

Evolution of U.S. Policy on Transits

Unofficial Relations

U.S.-Taiwan relations have been unofficial since January 1, 1979, when the United States established diplomatic relations with the PRC and terminated diplomatic relations with self-ruled Taiwan, which officially calls itself the Republic of China (ROC). In three joint communiqués concluded with the PRC in 1972, 1978, and 1982, the United States "acknowledged," but did not endorse, "the Chinese position that there is but one China and Taiwan is part of China." In the 1978 communiqué, the United States also stated that, "the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan." The PRC views the communiqués as the basis for U.S.-China relations.

The 1979 Taiwan Relations Act (TRA, P.L. 96-8; 22 U.S.C. §3301 et seq.) provides the legal basis for unofficial U.S. relations with Taiwan. It includes a statement that it is U.S. policy "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other

peoples of the Western Pacific area." The U.S. government presents TRA and the communiqués, plus six assurances conveyed to Taiwan in 1982, as the documents that guide the U.S. one-China policy. (See CRS In Focus IF11665, *President Reagan's Six Assurances to Taiwan*.)

1994 Taiwan Policy Review

For the first 15 years after terminating diplomatic relations with Taiwan, the U.S. executive branch interpreted unofficial relations as precluding visits of any sort by Taiwan presidents. In May 1994, however, the Clinton Administration for the first time permitted a Taiwan president to transit through the United States, allowing Taiwan's then-President Lee Teng-hui to stop to refuel his plane in Hawaii on his way to Central America, but not to spend the night. Lee, apparently feeling insulted, declined to leave the plane. Some Members of Congress saw the Administration's treatment of Lee as insufficiently respectful. At a hearing of the Senate Foreign Relations Committee immediately after the transit, then-Senator Frank H. Murkowski observed that the U.S. government allowed figures such as Palestinian Liberation Organization Chairman Yasser Arafat and Tibet's exiled spiritual leader, the 14th Dalai Lama, to visit the United States. The American public might not understand, Murkowski suggested, "why our friends such as the Taiwanese are kept so far out and others without formal diplomatic relations with the United States can come to Washington."

In September 1994, the Clinton Administration completed a review of U.S. Taiwan policy. The Administration dispatched Under Secretary of State Peter Tarnoff to China to relay the results to the PRC leadership. Subsequently-declassified talking points show Tarnoff was instructed to say that the Administration would now "[p]ermit normal transits of the U.S., but no visits or public activities, for Taiwan's top leadership," while continuing to "[f]orbid visits, as opposed to transits, by Taiwan's top leadership." On September 27, 1994, Assistant Secretary of State for East Asian and Pacific Affairs Winston Lord presented the outcome of the Taiwan Policy Review to Congress. He stated that President Bill Clinton "has decided to enhance our unofficial ties with Taiwan." Under questioning from Senators, one of whom expressed "dismay" over the conditions of President Lee's transit, Lord said "under our new policy, we will permit overnight visits. We will permit anything consistent with security and comfort and convenience so long as it's a transit visit." Lord added that "the Administration strongly opposes congressional attempts to legislate visits by top leaders of the 'Republic of China' to the U.S." The next month, Congress passed the Immigration and Nationality Technical Corrections Act of 1994 (P.L. 103-416). Section 221 of the act states that whenever Taiwan presidents or high-level Taiwan officials

apply for visas to visit the United States for discussions with federal or state officials, they “shall be admitted.”

Taiwan President’s 1995 Private U.S. Visit

In 1995, President Lee sought to make a private visit to his alma mater, Cornell University. The Clinton Administration initially denied the request and assured the PRC that no such visit would take place. President Clinton pivoted to approving the visit after Congress passed H.Con.Res. 53 (104th Congress) “Expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.” (The vote was 396-0 in the House, and 97-1 in the Senate.) Lee visited Cornell in June 1995 and addressed his fellow alumni. In response, the PRC carried out missile launches, live-fire exercises, a naval exercise, and an amphibious landing exercise over several months in 1995. In March 1996, the PRC undertook more missile launches and a joint amphibious landing exercise in an apparent attempt to drive down support for Lee ahead of Taiwan’s first direct presidential election, which Lee won. The United States responded by dispatching two aircraft carrier battle groups to the area. The events are now known as the third Taiwan Strait Crisis, following earlier crises in 1954 and 1958.

Transits Since 1994

President Lee’s 1995 visit to Cornell remains the sole non-transit visit to the United States by a Taiwan president. Since Lee’s 1994 transit stop, Taiwan presidents have frequently transited through the United States on visits to and from the dwindling number of countries that maintain diplomatic relations with Taiwan. (Seven of Taiwan’s remaining 13 diplomatic partners are in Latin America and the Caribbean. Four are in the Pacific and one, the Holy See, is in Europe.)

The main office of the American Institute in Taiwan (AIT), the ostensibly private entity through which the United States conducts unofficial relations with Taiwan, issues visas for Taiwan presidents and their delegations transiting through the United States. AIT’s Washington headquarters processes their requests for port courtesies, including expedited processing and clearance at U.S. ports of entry and security arrangements. U.S. government practice is not to make executive branch officials available for meetings with transiting Taiwan presidents. Members of Congress and state and local officials often do meet with Taiwan presidents on U.S. transit stops. Transiting Taiwan presidents also commonly attend banquets with Taiwan expatriates. The AIT chairperson accompanies the Taiwan president in the United States. Transits now routinely involve overnight stays, public events, and media coverage.

The Taiwan Travel Act (2018)

In 2018, Congress passed the Taiwan Travel Act (P.L. 115-135). Section 3(b)(2) of the act states that it should be U.S. policy to “allow high-level officials of Taiwan to enter the United States, under conditions which demonstrate appropriate respect for the dignity of such officials, and to meet with officials of the United States,” including officials from the Departments of State and Defense.

2023 House Speaker Meeting

Taiwan President Tsai Ing-wen has made seven overseas trips with transit stops in the United States since 2016. (See **Table 1.**) Her March-April 2023 trip to Guatemala and Belize includes stops in New York and Los Angeles. House Speaker Kevin McCarthy has announced plans to host a bipartisan meeting with Tsai at the Ronald Reagan Presidential Library in California on April 5, 2023. He would be the highest-ranking U.S. official to meet with a Taiwan president on U.S. soil. Tsai spoke by phone with then-Speaker Paul Ryan on a 2016 Los Angeles transit.

A PRC Foreign Ministry spokesperson stated on April 3, 2023 that China “strongly oppose[s] any form of official interaction and contact between the U.S. side and Taiwan authorities.” She suggested that a meeting between the Speaker and President Tsai would undermine “peace and stability in the Taiwan Strait” and warned, “China will take resolute measures to safeguard its sovereignty and territorial integrity.” On March 29, a State Department spokesperson portrayed Tsai’s transits as “consistent with longstanding U.S. practice, consistent with the unofficial nature of our relations with Taiwan, and consistent with the U.S. ‘one China’ policy, which remains unchanged.”

Table 1. President Tsai’s U.S. Transit Visits

Dates in U.S.	Diplomatic Partners Visited	U.S. Places Transited	Select Activities
3/29-31, 4/4-6, 2023	Guatemala and Belize	New York, Los Angeles	Accepted Hudson Institute award in New York.
7/11-13, 7/19-21, 2019	Haiti, Saint Kitts and Nevis, Saint Vincent and Grenadines, St. Lucia	New York, Denver	Columbia University speech. Met Colorado Governor.
3/26-27, 2019	Palau, Nauru, Marshall Islands	Honolulu	Videokonference address to D.C.-based Heritage Foundation
8/12-13, 8/18-19, 2018	Paraguay, Belize	Los Angeles, Houston	Visited NASA’s Johnson Space Center in Houston.
10/28-29, 11/3-4, 2017	The Marshall Islands, Tuvalu, the Solomon Islands	Honolulu, Guam	Visited USS Arizona Memorial in Hawaii. Met Guam Governor.
1/7-8, 1/13-14, 2017	Honduras, Nicaragua, Guatemala, El Salvador	Houston, San Francisco	Visited MD Anderson Cancer Center; met Texas Governor.
6/24-25, 6/30-7/1, 2016	Panama, Paraguay	Miami, Los Angeles	Spoke by phone with House Speaker Paul Ryan.

Source: Office of the President, Taiwan.

Susan V. Lawrence, Specialist in Asian Affairs

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