



FOR IMMEDIATE RELEASE  
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## **Jewish Family Service & ACLU File Complaint After DHS Expels Newborn U.S. Citizen**

SAN DIEGO – Today, Jewish Family Service of San Diego (JFS) and ACLU Foundation of San Diego & Imperial Counties (ACLUF-SDIC) filed a joint complaint to the U.S. Department of Homeland Security Office of Inspector General for expelling a two-day old newborn U.S. citizen from the country and forcing him to return to Mexico with his mother and family, who are seeking asylum. The baby is now in Mexico with no legal status.

JFS also filed a parole request for the family to be granted entry into the U.S. while they await asylum proceedings.

The family – originally mother, father and nine-year-old son – fled their home country of Honduras after gangs extorted them, made repeated death threats, beat the nine-year old with a gun (requiring several stitches) and took over their house. The family attempted to seek asylum in the United States, but the Border Patrol forced the family into the Migrant Protection Protocols program (MPP or “Remain in Mexico”) and returned them to Mexico to await their asylum proceedings.

On June 27, 2020, with the mother almost nine months pregnant, the family attempted to cross into the U.S. at the Tijuana-San Diego border and turned themselves in to the U.S. Border Patrol. The Border Patrol immediately separated the family. The mother, who was experiencing pain after falling during their journey, was sent to the hospital. Despite their objections, the father and son were forced to return to Mexico in the middle of the night. At the hospital, the mother gave birth to her son – a natural born U.S. citizen. Two days later, the Border Patrol forced both to return to Mexico as well. Notably, this U.S. citizen child does not have legal immigration status in Mexico.

Throughout each encounter with the Border Patrol, both the father and mother expressed their fear of returning to Mexico. Yet the Border Patrol failed to arrange non-*refoulement* interviews (also known as fear of return to Mexico interviews), which are required under U.S. law.

The family contacted the JFS MPP hotline for assistance. They are afraid to leave their rented room in Tijuana and neither the newborn nor his mother has received any medical care since the birth.

“This family should have been granted release into the U.S. to await their asylum proceedings, as the Department of Homeland Security has done with more than 23,500 individuals – all in family units – over the past 1.5 years across the San Diego border region,” said Luis M. Gonzalez, supervising immigration attorney with JFS, who is leading the parole request. “We urge Homeland Security to grant this family entry into the U.S. immediately to keep the family together and allow for adequate care for the U.S. citizen newborn child and for the mother’s postpartum medical care.”

The Office of Inspector General complaint calls for an urgent investigation of the U.S. Border Patrol’s treatment of this family, including the forced expulsion of the newborn U.S. citizen and his mother to Mexico, as well as the forced removal of the father and son. The complaint notes that the Border Patrol twice failed to ensure that the family had access to non-*refoulement* interviews, a violation of U.S. law and agency policy.

“This case reflects many of the lived horrors of both the so-called ‘Migrant Protection Protocols’ and Border Patrol impunity,” said Mitra Ebadolahi, senior staff attorney with the ACLUF-SDIC. “No family should have to endure what this family has experienced. Together with Jewish Family Service, we are demanding a full investigation. The agency must be held to account for its disregard of basic human rights and its policy and legal transgressions.”

For more information about Jewish Family Service of San Diego, visit [www.jfssd.org](http://www.jfssd.org). For more information about ACLU Foundation of San Diego & Imperial Counties, visit [www.aclusandiego.org](http://www.aclusandiego.org). A copy of the Office of Inspector General complaint can be found on both websites.

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