



The Americas

U.S. is denying passports to Americans along the border, throwing their citizenship into question

By [Kevin Sieff](#)

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Editor's note: After this story was published on Aug. 29, the State Department issued a statement challenging the accuracy of the article and provided previously unreleased data on passport denials. That information has been added, as was indicated in a Sept. 1 editor's note. On Sept. 13, the story was updated to include comments from the daughter of Jorge Treviño, who had contacted The Post immediately after the story was published. Additional changes have been made to clarify that an affidavit about Treviño was submitted as part of an Obama-era case and to correct a reference to his profession — he was a general practitioner, not a gynecologist. As was noted in an Aug. 31 correction, the State Department began denying passports during the George W. **Bush** administration, not the Obama administration.

PHARR, Tex. — On paper, he's a devoted U.S. citizen.

His official American birth certificate shows he was delivered by a midwife in Brownsville, at the southern tip of Texas. He spent his life wearing American uniforms: three years as a private in the Army, then as a cadet in the Border Patrol and now as a state prison guard.

But when Juan, 40, applied to renew his U.S. passport this year, the government's response floored him. In a letter, the State Department said it didn't believe he was an American citizen.

As he would later learn, Juan is one of a growing number of people whose official birth records show they were born in the United States but who are now being denied passports — their citizenship suddenly thrown into question. The Trump administration is accusing hundreds, and possibly thousands, of Hispanics along the border of using fraudulent birth certificates since they were babies, and it is undertaking a widespread crackdown.

In a statement, the State Department said that it “has not changed policy or practice regarding the adjudication of passport applications,” adding that “the U.S.-Mexico border region happens to be an area of the country where there has been a significant incidence of citizenship fraud.”

But cases identified by The Washington Post and interviews with immigration attorneys suggest a dramatic shift in both passport issuance and immigration enforcement.

In some cases, passport applicants with official U.S. birth certificates are being jailed in immigration detention centers and entered into deportation proceedings. In others, they are stuck in Mexico, their passports suddenly revoked when they tried to reenter the United States. As the Trump administration attempts to reduce both legal and illegal immigration, the government's treatment of passport applicants in South Texas shows how U.S. citizens are increasingly being swept up by immigration enforcement agencies.

Juan said he was infuriated by the government's response. "I served my country. I fought for my country," he said, speaking on the condition that his last name not be used so that he wouldn't be targeted by immigration enforcement.

The government alleges that from the 1950s through the 1990s, some midwives and physicians along the Texas-Mexico border provided U.S. birth certificates to babies who were actually born in Mexico. In a series of federal court cases in the 1990s, several birth attendants admitted [to providing fraudulent documents](#).

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Based on those suspicions, the State Department during the George W. **Bush** and Barack Obama administrations denied passports to people who were delivered by midwives in Texas's Rio Grande Valley. The use of midwives is a long-standing tradition in the region, in part because of the cost of hospital care.

The same midwives who provided fraudulent birth certificates also delivered thousands of babies legally in the United States. It has proved nearly impossible to distinguish between [legitimate and illegitimate documents](#), all of them officially issued by the state of Texas decades ago.

A 2009 government [settlement](#) in a case litigated by the American Civil Liberties Union seemed to have mostly put an end to the passport denials. Attorneys reported that the number of denials declined during the rest of the Obama administration, and the government settled promptly when people filed complaints after being denied passports.

But under President Trump, the passport denials and revocations appear to be surging, becoming part of a broader interrogation into the citizenship of people who have lived, voted and worked in the United States for their entire lives.

“We’re seeing these kind of cases skyrocketing,” said Jennifer Corroero, an attorney in Houston who is defending dozens of people who have been denied passports.

In its statement, the State Department said that applicants “who have birth certificates filed by a midwife or other birth attendant suspected of having engaged in fraudulent activities, as well as applicants who have both a U.S. and foreign birth certificate, are asked to provide additional documentation establishing they were born in the United States.”

“Individuals who are unable to demonstrate that they were born in the United States are denied issuance of a passport,” the statement said.

The State Department initially declined a Washington Post request for statistics on passport denials. “To ensure the integrity of the passport, the Department does not publish fraud trend statistics,” said a State Department statement.

But after the publication of the Post report on Aug. 29, the State Department challenged the findings and issued data on Aug. 31 suggesting passport denials were at the lowest level in years.

A document labeled “Domestic issuance/denials along the southern border involving potentially fraudulent birth documents” said that in 2017, 971 people, or 28 percent of those in the category, were denied passports, a smaller percentage than in any of the four previous years.

“The State Department’s domestic passport denials are at the lowest rate in six years for midwife cases,” said State Department spokeswoman Heather Nauert in a statement after the story was published.

But those numbers appear to leave out key data. The State Department declined repeated requests from The Post for additional information.

In the majority of cases reviewed by The Post, passport applicants delivered by midwives in South Texas receive repeated requests for additional documentation, but never receive formal denials from the State Department.

The State Department did not respond to requests for statistics on these cases.

The State Department also would not provide details on who falls into the category of “potentially fraudulent birth documents” along the southern border, which it included on its data sheet.

In some cases reviewed by The Post, U.S. military veterans and other Americans with birth certificates from cities hundreds of miles from the border were also denied. It is unclear whether such cases would be included in the newly published statistics.

When Juan, the former soldier, received a letter from the State Department telling him it wasn't convinced that he was a U.S. citizen, it requested a range of obscure documents — evidence of his mother's prenatal care, his baptismal certificate, rental agreements from when he was a baby.

He managed to find some of those documents but weeks later received another denial. In a letter, the government said the information “did not establish your birth in the United States.”

“I thought to myself, you know, I'm going to have to seek legal help,” said Juan, who earns \$13 an hour as a prison guard and expects to pay several thousand dollars in legal fees.

In a case last August, a 35-year-old Texas man with a U.S. passport was interrogated while crossing back into Texas from Mexico with his son at the McAllen-Hidalgo-Reynosa International Bridge, connecting Reynosa, Mexico, to McAllen, Tex.

His passport was taken from him, and Customs and Border Protection agents told him to admit that he was born in Mexico, according to documents later filed in federal court. He refused and was sent to the Los Fresnos Detention Center and entered into deportation proceedings.

He was released three days later, but the government scheduled a deportation hearing for him in 2019. His passport, which had been issued in 2008, was revoked.

Attorneys say these cases, where the government's doubts about an official birth certificate lead to immigration detention, are increasingly common. “I've had probably 20 people who have been sent to the detention center — U.S. citizens,” said Jaime Diez, an attorney in Brownsville.

Diez represents dozens of U.S. citizens who were denied their passports or had their passports suddenly revoked. Among them are soldiers and Border Patrol agents. In some cases, Immigration and Customs Enforcement agents have arrived at his clients' homes without notice and taken passports away.

The State Department says that even though it may deny someone a passport, that does not necessarily mean that the individual will be deported. But it leaves them in a legal limbo, with one arm of the U.S. government claiming they are not an American and the prospect that immigration agents could follow up on their case.

It's difficult to know where the crackdown fits into the Trump administration's broader efforts to reduce legal and illegal immigration. Over the past year, it has thrown legal permanent residents out of the military and formed a denaturalization task force that tries to identify people who might have lied on decades-old citizenship applications.

Now, the administration appears to be taking aim at a broad group of Americans along the stretch of the border where Trump has promised to build his wall, where he directed the deployment of National Guardsmen, and where the majority of cases in which children were separated from their parents during the administration's "zero tolerance" policy occurred.

The State Department would not say how many passports it has denied to people along the border because of concerns about fraudulent birth certificates. The government has also refused to provide a list of midwives whom it considers to be suspicious.

Lawyers along the border say that it isn't just those delivered by midwives who are being denied.

Babies delivered by Jorge Treviño, a well-known doctor in the region, are also being denied. When he died in 2015, the McAllen Monitor wrote in his [obituary](#) that Treviño had delivered 15,000 babies.

It's unclear why babies delivered by Treviño are being targeted, and the State Department did not comment on individual birth attendants. Diez, the attorney, said the government has an affidavit, submitted in an Obama-era case, from an unnamed Mexican doctor who said that Treviño's office provided at least one fraudulent birth certificate for a child born in Mexico.

In an interview on Sept. 13, Treviño's daughter, Marianna Wright, took issue with the allegation in the affidavit, saying there is "no evidence that he ever did anything like issue a birth certificate to someone who was not born in the United States."

One of the midwives who was accused of providing fraudulent birth certificates in the 1990s admitted in an interview that in two cases, she accepted money to provide fake documents. She said she helped deliver 600 babies in South Texas, many of them now being denied passports. Those birth certificates were issued by the state of Texas, with the midwife's name listed under "birth attendant."

"I know that they are suffering now, but it's out of my control," she said, speaking on the condition of anonymity because of the sensitivity of her admission.

For those who have received passport denials from the government, it affects not only their travel plans but their sense of identity as Americans.

One woman who has been denied, named Betty, said she had tried to get a passport to visit her grandfather as he was dying in Mexico. She went to a passport office in Houston, where government officials denied her request and questioned whether she had been born in the United States.

“You’re getting questioned on something so fundamentally you,” said Betty, who spoke on the condition her last name not be used because of concerns about immigration enforcement.

The denials are happening at a time when Trump has been [lobbying](#) for stricter federal voter identification rules, which would presumably affect the same people who are now being denied passports — almost all of them Hispanic, living in a heavily Democratic sliver of Texas.

“That’s where it gets scary,” Diez said.

For now, passport applicants who are able to afford the legal costs are suing the federal government over their passport denials. Typically, the applicants eventually win those cases, after government attorneys raise a series of sometimes bizarre questions about their birth.

“For a while, we had attorneys asking the same question: ‘Do you remember when you were born?’ ” Diez said. “I had to promise my clients that it wasn’t a trick question.”



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