



America's Newspapers

Trapped in America's borders

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SUMMARY: Thousands of Mexican Americans, including some Oregonians, find they can't get passports despite showing documents proving their births

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Last summer, Victoria Conover of Silver Lake was planning a tourist trip with her five siblings to Antigua, the Guatemala city famous for spectacular colonial architecture. But Conover's siblings flew to Antigua without her.

A year and a half later, Conover is still trying to get her passport. Thousands of other Americans --including some who live in Oregon and Washington --are stuck in similar passport limbo, according to the American Civil Liberties Union. The problem: They are of Mexican descent and were born in southwestern border states with help from a midwife. The government is doubting whether they are Americans, citing past cases of birth-certificate forgery committed by midwives for Mexican-born children.

Last month, nine U.S. citizens sued the federal government for refusing to issue them passports because of the midwife issue. The class-action lawsuit, filed by the ACLU, alleges that the State Department unfairly targets Mexican Americans, essentially reducing them to "second-class citizenship status."

The government, according to the lawsuit, is systematically asking Americans such as Conover for an excessive number of documents that most people would not possess, such as school or baptismal records, or that never existed. Then, after the applicants go to great lengths to supply additional proof, the State Department often doesn't accept it and deems the applications abandoned --"filed without further action," or essentially closed.

"What has happened to our social justice?" Conover asks. "The U.S. government has made me and many other Mexican Americans people without a country in our own country. We are not Mexican citizens."

A blanket suspicion

The passport rejection problem comes on the heels of anti-illegal-immigrant groups proposing state and federal laws denying birthright citizenship to U.S.-born children of undocumented immigrants.

Conover said a parent's status is irrelevant. Her mother, like many others in the region, used the services of a partera, the Spanish word for midwife, to deliver in a border town about 250 miles south of San Antonio. But in the 1980s and 1990s, dozens of midwives were convicted of forging U.S. birth certificates for about 15,000 children born in Mexico. These midwives were never asked to reveal which children were not actually delivered in the U.S.

As a result, Portland-area lawyers say, the government has a blanket suspicion that anyone who had a midwife-attended birth in the region may not have a valid birth certificate --and denies passports to them.

"The State Department can't issue a document that's proof of U.S. citizenship until we have established that the person is more likely than not an American citizen," said Steve Royster, spokesman for the State Department's Bureau of Consular Affairs. "And where there are questions about the reliability of a person's birth certificate, we have to take extra steps to establish the birth occurred as recorded."

The ACLU in Portland has not joined in the class-action lawsuit, but Portland-area immigration lawyers have seen several cases. They say most people don't even know why they were rejected, or that it's a common problem.

"It's starting to become more of an issue --the lawsuit brought it to light," said Portland immigration lawyer Brent Renison. "Finally, somebody is challenging the difficulties and denials these people are facing. Because of fraud that occurred in the past, people who are innocent victims are required to provide a lot of documentation."

Renison, who worked for the passport agency in Seattle in the 1990s, said part of the problem is the agency's worsening customer service. "The duties have been turned over to private contractors," Renison said, "who are not as experienced."

Demands of proof

The Seattle passport agency's demands sent Conover calling institutions around Stuart Place, the tiny Texas community near Harlingen where she was born in 1946 and which she has not visited since she was 8. The government rejected the original certificate of baptism she provided. Few other records turned up.

At the time of her birth, Stuart Place had only a small store and a school, Conover said, and school officials told Conover that her records were destroyed. Her father was a bracero --part of a temporary contract-labor program that brought Mexicans to work in U.S. agriculture --who worked as a laborer for a nursery, so the employer paid the family's housing, utilities and property taxes. Her mother, who was a homemaker and was undocumented, did not receive prenatal care and was never employed. The family didn't own a library card or driver's licenses, did not receive welfare and never got in trouble with the law.

Conover checked with the Texas Midwifery Board and her midwife's name did not appear on its disciplinary actions list. Her siblings signed affidavits attesting to her birth in the U.S. --as requested by the passport agency --but the government wants further proof.

"I am very disappointed with my government's dismissive attitude towards me, my birthright, my family and my race," Conover said.

The problem also affects people who are not of Mexican descent, such as Portland's Andre Albert, who works at Intel and is of French Canadian and European ancestry. Albert, whose birth in Austin, Texas, in 1979 was also attended by a midwife, applied for his passport seven years ago and was rejected. He couldn't come up with the additional records the government demanded, so he never reapplied. But now he's starting to look for legal representation.

"It seems very oppressive," Albert said. "It's definitely something I'm worried about. There's a lot of countries I want to visit. And travel for work might come up soon."

The issue seems especially urgent, lawyers said, because a new law going into effect next year requires Americans to use a passport, rather than just a birth certificate or driver's license, to visit Mexico and Canada even when traveling by land.

As for Conover, she's not giving up. Next week, she will fly with her husband to Texas to track down the daughter of the midwife who delivered her, as well as the children of her father's employer. She also plans to visit the nearest library to rummage for a newspaper birth announcement.

"I need to fight for my rights as a U.S. citizen," she said.

ILLUSTRATION: Conover Her mother

used midwife

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