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**Detainee Tries To Prove He Is a U.S. Citizen  
Birth Certificate Isn't Enough to Win Man's Release**

**By Sandra Hernandez  
Daily Journal Staff Writer**

Jose Ledesma has spent two months locked up in a Lancaster immigration detention facility fighting a deportation order, even though his family has provided officials with a copy of his California birth certificate.

Since September, government attorneys have accused Ledesma of being an illegal immigrant and sought to deport him to Mexico.

Ledesma has repeatedly told government attorneys and a judge he is a U.S. citizen.

Twice, he has provided government lawyers with a copy of his birth and baptismal certificates showing he was born in Madera County on June 18, 1983, he said.

Ledesma said he understands little about the law but questions why prosecutors have told him his birth certificate is canceled.

"They tell me the birth certificate is no longer valid," Ledesma said during a recent interview. "They said it was revoked."

**Madera County Documents**

Officials with U.S. Immigration and Customs Enforcement, the agency that oversees detention, did not respond to a request for comment. But in the past, ICE officials have publicly said agents move quickly to investigate such claims and would never knowingly deport a U.S. citizen.

Ledesma's family provided the Daily Journal with a copy of a birth certificate marked "certified copy" by the Madera County Clerk-Recorder's office.

Madera County officials confirmed to the Daily Journal that a birth certificate with Ledesma's name and birth date is on file.

The birth certificate states that Ledesma was born at 10 a.m., "delivered en route to the hospital" on a stretch of Highway 99. The document lists his mother and father as Reina and Jose Infante Ledesma.

St. Joachim Church officials in Madera also confirmed that a baptismal certificate is on file for Ledesma matching the information on his birth certificate.

Ledesma was transferred from a federal prison to ICE custody in September after serving nearly three years for a conviction on charges of drug possession with intent to distribute.

Unable to pay a lawyer, Ledesma is representing himself in immigration court.

Unlike criminal defendants, immigrants facing deportation orders do not have the right to a court-appointed attorney. In 2006, about 84 percent of immigrant detainees represented themselves in court, according to the Vera Institute of Justice, a New York-based nonprofit.

Ledesma has relied on his sister, Lidia Ledesma, for help proving his citizenship. A U.S. citizen, Lidia has scrambled to stop her younger brother's deportation.

Sitting in her Fresno home, Lidia said that efforts to contact immigration officials have been frustrating.

In August, she called immigration agents at the Lompoc prison.

"I told them he was born here," Lidia said. "I sent them a copy of his birth certificate. It doesn't make sense to me because I would think, if you tell them you are a citizen, the government would have ways of checking on it. But this time it seems immigration just wants to disprove he is a citizen."

Bruce Einhorn, a retired Los Angeles immigration judge, said a birth certificate is sufficient proof of citizenship.

"As an immigration judge, once I have a copy of a government-issued birth certificate, I don't need anything more," Einhorn said.

And the U.S. Citizenship and Immigration Services' Web site also lists a certified birth certificate as accepted proof of citizenship.

Ledesma, however, remains locked up at the Mira Loma Detention Center, located about an hour north of Los Angeles.

"The government attorney keeps trying to get me to sign a paper saying I agree to be deported," Ledesma said. "The lawyer said if I don't sign, they will prosecute me for falsely saying I was a U.S. citizen."

Ledesma said ICE attorneys have repeatedly said he was born in Mexico.

Catherine Halliday-Roberts, the government attorney prosecuting the case, did not reply to the calls seeking comment.

Ledesma, 25, admits that as a juvenile, he told authorities he was born in Mexico, after his mother was deported to Tijuana and he was placed in foster care.

"I ran away [from foster care] and didn't want to go back, so I told them I was born in Mexico," he said.

Ledesma said he moved back and forth between Tijuana and San Diego, often getting stopped by border agents.

"After I turned 18, I never said I was Mexican," he said. "I'd tell them I was a U.S. citizen, but they didn't believe me."

He said agents often ignored the copy of a birth certificate he carried with him.

"They would check their computer and tell me I was lying, and then send me back to Mexico," he said. "Sometimes I didn't argue, because I thought it was easier to just turn around and cross the line," he said.

A San Diego immigration judge ordered Ledesma removed to Mexico in 2003 and again in November 2005.

Both times, Ledesma told the judge he was a U.S. citizen.

His statement resulted in immigration charges of falsely claiming to be an U.S. citizen.

"At the time, I had no way of proving I was born here," he said.

Legal experts said even amid false claims, immigration officials must allow U.S. citizens to stay in their country.

"If you tell me he claimed foreign nationality as a child or was deported several times, my response is that I will find that he is an idiot, but an American idiot," Einhorn said.

"A government-issued birth certificate is sufficient evidence and it trumps prior removals," Einhorn added.

Ledesma is not the first citizen to be detained or deported.

Since 2007, at least four other citizens, including a Georgia man, were detained and ordered deported.

Last month, federal immigration officials acknowledged a U.S. citizen was held in a San Diego detention facility for two weeks.

Guillermo Olivares Romero was mistakenly detained, even though his family provided officials with his birth certificate several times. Olivares was twice deported to Mexico. He was released after attorneys with the American Civil Liberties Union became involved in his case.

And last year, immigration officials deported Pedro Guzman to Mexico. Guzman was born in California and is mentally disabled.

Immigration officials said Guzman told agents he was born in Mexico.

Guzman spent nearly three months eating out of trash cans and sleeping on the street before he was found trying to re-enter the United States from Mexico, his lawyers said.

Ledesma's case is raising concerns that Americans mistakenly detained by federal immigration officials are often not believed about their citizenship.

"It's quite common for U.S. citizens to have difficulty proving they are citizens, even when they present a document issued by their state's vital records department," said Kathleen Walker, former president of the American Immigration Lawyers Association, a Washington, D.C.-based trade group that represents 10,000 immigration attorneys.

In the past year, Walker has represented six U.S. citizens whose claims have been questioned, even though, she said, authorities were provided government certified birth certificates and other records.

"And for people who are detained, they face more hurdles," Walker said. "When you are detained, it's difficult to communicate or get information to prove you are a U.S. citizen. It's not like he can go to the state's vital records office and obtain a certified copy of his birth certificate."

Ledesma is scheduled to appear today in the Mira Loma immigration court.

"This is my home country" Ledesma said. "I'm not naturalized. I was born here. Why can't I stay in the country I was born in?"

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