

Daily Journal, Nov. 5, 2008

U.S. Citizen Held by Immigration Officials Abruptly Released, Told Case Is Over

By Sandra Hernandez

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LOS ANGELES - A 25-year-old man held for two months at a Lancaster detention center because immigration officials doubted the validity of his California birth certificate was freed Monday evening after government lawyers acknowledged he is a U.S. citizen.



ALAN MITTELSTAEDT / Daily Journal

Jose Ledesma

Federal agents dropped off Jose Ledesma in downtown Los Angeles around 7 p.m., and told him his case is over.

"I'm just happy to be free," Ledesma, 25, said during an interview in Los Angeles. "I was really stressed out in there because I kept telling them I was born here, but they kept saying I wasn't."

Ledesma said agents never explained why he was released, only telling him his case was over.

On Monday, lawyers for U.S. Immigration and Customs Enforcement asked an immigration judge to dismiss the case "based on the respondent's evidence regarding citizenship," wrote Sandra J. Santo, assistant chief counsel with ICE, in a motion to dismiss.

Ledesma, who had a hearing scheduled for Tuesday, never went before a judge to formally dismiss his case.

Ledesma's release came hours after the Daily Journal contacted federal officials about the case, and ICE declined to comment.

But Tuesday, ICE spokeswoman Virginia Kice said Ledesma was detained

because he had "claimed multiple times to be a Mexican citizen who was illegally present in the United States, including before an immigration judge under oath," she wrote.

"ICE carefully investigated Mr. Ledesma's identity information in light of the conflicting information provided over the last several years," Kice wrote in an e-mail.

Kice did not respond to questions about the investigation or why it took two months to complete.

A government-issued birth certificate is sufficient proof of citizenship, according to Bruce Einhorn, a retired Los Angeles immigration judge. The U.S. Citizenship and Immigration Services Web site also lists a certified birth certificate as accepted proof of citizenship.

Ledesma was transferred from a federal prison to ICE custody in September after serving nearly three years for possessing marijuana with intent to distribute.

After serving his sentence, government attorneys accused him of being an illegal immigrant and sought to deport him to Mexico.

Ledesma said he repeatedly told government attorneys and a judge that he was a U.S. citizen and twice provided government lawyers with a copy of his birth and baptismal certificates, showing he was born in Madera County on June 18, 1983.

But, he said, federal immigration officials challenged the documents and said his birth certificate had been canceled.

Ledesma could not afford a lawyer and represented himself in immigration court.

Unlike criminal defendants, detainees facing deportation orders do not have the right to a court-appointed attorney, and nearly 85 percent represent themselves.

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

Madera County officials also confirmed 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."

Ledesma 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.

A San Diego immigration judge ordered Ledesma removed to Mexico in 2003 and 2005. Both times, he said was a U.S. citizen. His statements resulted in immigration charges of falsely claiming to be a U.S. citizen.

Legal experts and immigration attorneys said the case is disturbing.

"This is a scary case in that even a U.S. citizen can be held in immigration detention for a long time," said Stephen Yale-Loehr, who teaches immigration law at Cornell Law School. "The case seems Kafkaesque in that he didn't even have a right to confront his accusers."

Since 2007, at least four other citizens 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.

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.

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