

HOUSTON CHRONICLE

A U.S. citizen has been in immigration custody for nearly a month due to a paperwork snafu, attorney says

Meagan Flynn

July 23, 2019

An 18-year-old U.S. citizen set off on a Texas road trip to attend a college soccer team tryout only to end up in the custody of federal immigration authorities for nearly a month, his attorney told The Washington Post on Monday.

Francisco Erwin Galicia, a rising high school senior in Edinburg, Tex., was traveling on June 27 to North Texas with his brother and a group of friends for the scouting event. They were stopped at a Border Patrol checkpoint in the South Texas town of Falfurrias, about 65 miles north of their hometown, according to his attorney, Claudia Galan.

They were asked for papers. And Galicia had plenty, including a wallet-sized Texas birth certificate, a Texas ID card and social security card, Galan said.

But U.S. Customs and Border Protection detained Galicia anyway over suspicion that his documents were fraudulent, she said, making him one of hundreds of American citizens in recent years who, mistakenly targeted by federal immigration authorities, have been forced to prove their citizenship while the threat of deportation hangs over their head.

“He’s been here all his life,” Galan said, but “when Border Patrol checked his documents, they just didn’t believe they were real. They kept telling him they were fake.”

Neither CBP nor ICE immediately responded to messages early Tuesday morning about Galicia’s story, which was first reported by the Dallas Morning News. Online ICE records indicated as of Tuesday morning that he is being held in the South Texas Detention Facility in Pearsall, Tex.

CBP was initially suspicious of Galicia because others in the car did not have proper identification. His 17-year-old brother, who was born in Mexico and has no legal status, only had a school ID. Galicia, born in Dallas in 2000, was taken to a CBP facility where he languished for weeks while authorities sought to confirm his Texas paperwork. He was transferred to a U.S. Immigration and Customs Enforcement detention facility over the weekend, stuck in the throes of removal proceedings, Galan said. His brother, Marlon, was deported voluntarily within two days.

The reason it appears to have taken CBP and ICE so long to determine Galicia's citizenship is because his mother, who is not a citizen, took out a U.S. tourist visa in his name while he was still a minor, falsely saying he was born in Mexico, Galan said. His mother, Sanjuana, told The Post that CBP discovered the visa after fingerprinting her son. The conflicting documents only fueled the agency's suspicion that Galicia's U.S. documents were fake, Galan said.

Sanjuana said she took out the tourist visa for her son because she saw it as the only way he could travel back and forth across the border to visit family. The undocumented mother was unable to get him a U.S. passport because when Galicia was born, Galan said, she gave a different name for herself on his birth certificate. (The birth certificate and other identifying documents were reviewed by The Post.)

But Galan said that even after explaining his mother's error to CBP authorities, and after faxing additional paperwork corroborating that he is a U.S. citizen, Galicia remained in detention. She said she has started the process again with ICE and intends to travel to the agency's South Texas Detention Facility on Tuesday to assist Galicia in signing the paperwork that she hopes will secure his release.

Sanjuana said her son is "desperate" to leave detention, and fears that he could be deported to Mexico at any time.

"All of the abuse he has gone through pains me," she told The Post in Spanish on Monday night. "I can't sleep thinking that they are going to harm him because they think he is lying about his citizenship."

The report from the Morning News on Monday night grabbed the attention of some elected officials, including Rep. Alexandria Ocasio-Cortez (D-N.Y.).

"CBP is detaining *American citizens,*" she wrote on Twitter. "How would you feel trapped in a border camp, where guards wear face masks because the human odor is so strong? When we allow the rights of some to be violated, the rights of all are not far behind."

Although U.S. citizens make up only a small fraction of the total number of arrests made by ICE, it's not necessarily a rare event, according to recent reports. In an April 2018 investigation, the Los Angeles Times found that ICE had released more than 1,480 people from its custody since 2012 after investigating their citizenship claims. In Texas alone, the Cato Institute estimated that ICE had wrongfully placed detainees — requests to local jails to hold a person in custody so ICE can pick them up — on hundreds of U.S. citizens between 2006 and 2017.

Galan said she intends to work quickly with authorities on Tuesday to help Galicia avoid deportation. He has been so afraid of the possibility, she said, that when authorities asked him to sign paperwork on Monday, he refused, insisting on waiting for Galicia.

"He speaks English, but he just thinks they're going to trick him into signing a removal order and that he'll end up getting deported," she said