

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**Juana Gomez on her own behalf and on §  
behalf of her minor daughters E.S. and §  
I.G.; Diana Hernandez and Javier Reyes §  
on their own behalf and on behalf of their §  
minor son M.A.R.H.; Nancy Hernandez on §  
her own behalf and on behalf of her minor §  
daughter R.J.H. ; Marta Ibarra Luna and §  
Juan Carlos Rodriguez Velasquez on §  
behalf of their minor daughter Y.R.R.I.; §  
Katerine Johana Portillo on her own §  
behalf and on behalf of her minor daughter §  
K.E.P.; Marcelina Rangel Martinez on her §  
own behalf and on behalf of her minor §  
children A.M.P. and S.A.P.; Antonia §  
Rodriguez on her own behalf and on behalf §  
of her minor daughter J.N.A.R.; Damaris §  
Romero Hernandez de Reyes on her own §  
behalf and on behalf of her minor sons §  
J.R.R. and G.G.R.; Flavia Garza on her §  
own behalf and on behalf of her minor sons §  
D.G. and S.G.; Yveth Vega Diaz on her §  
own behalf and on behalf of her minor §  
daughter N.Y.R.; Fany Ventura on her §  
own behalf and on behalf of her minor §  
daughter E.I.H.; Maria Carrillo on her §  
own behalf and on behalf of her minor son §  
A.S.; Yuliana Dominguez on her own §  
behalf and on behalf of her minor son §  
A.J.M.; Diana Parras on her own behalf §  
and on behalf of her minor daughter §  
A.L.M.; Patricia Rojas on her own behalf §  
and on behalf of her minor son M.L.; §  
Maria Torres on her own behalf and on §  
behalf of her minor daughter F.T.; Maria §  
Francisca Rodriguez on her own behalf §  
and on behalf of her minor son G.M.; §  
Lionor Reyna Flores on her own behalf §  
and on behalf of her minor son G.C.; §  
Mirna Ugalde on her own behalf and on §  
behalf of her minor children J.P. and G.P.; §  
Quenia Perez on her own behalf and on §  
behalf of her minor sons J.A.R. and Y.F.; §**

C.A. 1: 15-cv-00446



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**I. Introduction:**

1. The adult Plaintiffs in this case are citizens of Mexico and Central America who now reside in Texas. They bring suit on behalf of themselves and as next friend for their Plaintiff children, who were born in Texas hospitals and are citizens of the United States. The Organizational/Associational Plaintiff, La Union del Pueblo Entero, Inc. (“LUPE”), is a non-profit membership group. Both LUPE and its members have been injured by the Defendants’ improper denial of birth certificates.
2. The Defendants have refused, and continue to refuse, to provide the adult Plaintiffs with certified copies of the birth certificates for their Texas-born sons and daughters (the Plaintiff children). Such refusal is *de facto* based upon the immigration status of the Plaintiff parents. The lack of birth certificates, in turn, is resulting in serious harm and/or the risk of imminent serious harm, to all Plaintiffs.
3. Defendants’ actions violate the Fourteenth Amendment, as well as the Supremacy Clause of the United States Constitution. Defendants are sued in their official capacities. Plaintiffs seek declaratory and injunctive relief.

**II. Jurisdiction and Venue:**

4. This court has federal question jurisdiction pursuant to 28 U.S.C. §1331.
5. Declaratory judgment is sought pursuant to 28 U.S.C. §2201.

6. Venue is proper pursuant to 28 U.S.C. §1391 because many of the complained of acts in this case occurred in Travis County, Texas, and because the Defendants reside in Travis County, Texas.

### **III. Parties:**

7. LUPE is a non-profit organization based in Hidalgo County, Texas. It is dedicated to promoting the health, education, labor, and civil rights of indigent farmworkers and other low-wage workers in the Rio Grande Valley. At this time, it has approximately seven thousand members, many of whom are undocumented immigrants. A number of them have already been denied birth certificates for their Texas-born children. Additional members will be affected by the practices complained of in this lawsuit in the future.

7.A. LUPE assists its members in obtaining identification, which is crucial to the well-being of the members and their families. Birth certificates for a Texas-born child are often required for school enrollment, certain benefit applications, immigration applications, parental consent for medical care, travel, and for stops or other interactions with ICE and/or the U.S. Border Patrol. Crucially, a U.S. citizen child removed from the country with his or her family will be unable to return to the United States without a birth certificate.

7B. LUPE has diverted significant resources in an attempt to identify and address the problems caused by denials of birth certificates to its members and others in the community. It has informed its leadership, staff, and others about the current problem. LUPE has also expended time, energy, and money to identify and try to assist parents who have been affected by denials. It is currently working to advise members of their right to their children's

birth certificates and otherwise assisting them in all ways possible. This important work comes at the cost of other activities that are core to the organization's mission.

8. Plaintiff Giovanna Castro is a resident of Hidalgo, Texas. She brings suit on her own behalf and on behalf of her minor daughter J.J.A.

9. Plaintiff Maria Carrillo is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor son A.S.

10. Plaintiff Maria De Luna is a resident of Hidalgo County. She brings this suit on her own behalf and on behalf of her minor daughter A.R.

11. Plaintiff Yuliana Dominguez is a resident of Hidalgo County. She brings suit on her own behalf and on behalf of her minor son A.J.M.

12. Plaintiff Leonor Reyna Flores is a resident of Hidalgo County. She brings suit her own behalf and on behalf of her minor son G.C.

13. Plaintiff Flavia Garza is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor sons D.G. and S.G.

14. Plaintiff Juana Gomez is a resident of Starr County, Texas. She brings suit on her own behalf and on behalf of her minor daughters E.S. and I.G.

15. Plaintiffs Diana Hernandez and Javier Reyes are residents of Cameron County, Texas. They bring suit on their own behalf and on behalf of their minor son M.A.R.H.

16. Plaintiff Nancy Hernandez is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor daughter R.J.H.

17. Plaintiffs Marta Ibarra Luna and Juan Carlos Rodriguez Velazquez are residents of Hidalgo County, Texas. They bring suit on their own behalf and on behalf of their minor daughter Y.R.R.I.

18. Plaintiff Cynthia Ibarra is a resident of Cameron County, Texas. She brings suit on her own behalf and on behalf of her minor daughter K.E.R.

19. Maria Teresita Madera Esparza is a resident of El Paso, Texas. She brings this suit on her own behalf and on her own behalf and on behalf of her minor daughter M.C.

20. Plaintiff Diana Parras is a resident of Hidalgo County. She brings suit her own behalf and on behalf of her minor daughter A.L.M.

21. Plaintiff Quenia Perez is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor sons J.A.R. and Y.F.

23. Plaintiff Katerine Johana Portillo is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor daughter K.E.P.

24. Ana Karina Ramirez González is a resident of Houston Texas. She brings this suit on her own behalf and on behalf of her minor daughter D.C.

25. Plaintiff Marcelina Rangel Martinez is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor children A.M.P. and S.A.P.

26. Maria del Carmen Reyes Zapata is a resident of El Paso, Texas. She brings this suit on her own behalf and on behalf of her minor son N.A.

27. Plaintiff Antonia Rodriguez is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor daughter J.N.A.R.

28. Plaintiff Maria Francisca Rodriguez is a resident of Hidalgo County. She brings suit her own behalf and on behalf of her minor son G.M.

29. Plaintiff Patricia Rojas is a resident of Cameron County. She brings suit her own behalf and on behalf of her minor son M.L.

30. Plaintiff Damaris Romero Hernandez de Reyes is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor sons J.R.R. and G.G.R.

31. Plaintiff Maria Torres is a resident of Hidalgo County. She brings suit her own behalf and on behalf of her minor daughter F.T.

32. Plaintiff Ugalde is a resident of Hidalgo County. She brings this suit on her own behalf and on behalf of her minor sons J.P. and G.P.

33. Plaintiff Yveth Vega Diaz is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor daughter N.Y.R.

34. Plaintiff Felipa Velazquez is a resident of Hidalgo County. She brings this suit on her own behalf and on behalf of her minor son S.I.V.

35. Plaintiff Fany Ventura is a resident of Hidalgo County, Texas. She brings suit on her own behalf and on behalf of her minor daughter E.I.H.

36. Defendant John Hellerstedt is the Commissioner of the Texas Department of State Health Services. He resides in Travis County, Texas. He is sued in his official capacity.

37. Defendant Geraldine Harris is the Texas State Registrar for the Texas Department of State Health Services, Vital Statistics Unit. She is a resident of Travis County, Texas. She is sued in her official capacity.

38. Defendant Chris Traylor is the Executive Commissioner of the Texas Health and Human Services Commission, (“HHSC”). He is a resident of Travis County. He is sued in his official capacity.

#### **IV. FACTS:**

##### ***A. State Regulatory Scheme: Defendants’ Duties and Authority***

39. The Texas Health and Human Services Commission (“HHSC”) oversees the Texas health and human services system, which is composed of five agencies, including the Texas



Department of State Health Services. HHSC participated in the promulgation and approval of the regulations and policies set forth herein below.

40. The Texas Department of State Health Services, through its Vital Statistics Unit, (“DHS-VSU”), is responsible for registering, collecting, compiling, and preserving all state birth, death, marriage, and adoption records.

41. This duty is carried out through a network of local Vital Records offices located throughout the state. Tex. Health & Saf. Code, Title 3 (Vital Statistics), §191.002.

42. All Vital Statistics officers must provide certified copies of birth certificates upon request to any persons qualified to receive them. *Id.*, Title 3 (Vital Statistics), Chapter § 191.051.

43. The local registrar officials must enforce the state regulations and requirements. *Id.*, Title 3 (Vital Statistics), Chapter § 191.001.

44. Defendants are responsible for ensuring uniform compliance throughout the state, and have supervisory power over all local registrars. *Id.*

45. Defendants can investigate local irregularities and report the matter to local district or county attorneys for prosecution, and such attorneys must promptly initiate proceedings for such violations. *Id.*

46. The State can also deprive non-complying districts of their authority to collect fees for birth certificates issued.

47. To qualify for receipt of a certified copy of a birth certificate, a person must produce acceptable personal identification. Specifically, the person must present the identification documents set forth in the regulations. 25 Tex. Admin. Code, (“T.A.C.”), §181.28 (i)(10-11).

48. All Defendants are responsible for promulgating and enforcing the eligibility regulations and their interpretations.

49. Defendants issue guidance and monitor the local offices to ensure compliance.

*Parental Eligibility Regulations*

50. The acceptable forms of identification are divided into two categories, primary and secondary.<sup>1</sup> 25 Tex. Admin. Code, (“T.A.C.”), §181.28 (i)(11)(B)(ii).

51. Primary forms of identification are available only to U.S. citizens or to persons who already have legal immigration status or permission to be in this country, such as a Permanent Resident Card (green card), an Employment Authorization Document, or a U.S. Re-Entry or Border Crossing Permit. §181.28 (i)(10)(D).

52. Persons who cannot produce a primary document may qualify by producing two forms of secondary identification, as set forth in §181.28 (i)(11)(D), or one secondary document with supporting documents. (See below).

53. Most of these secondary documents will also only be available to persons who can establish their legal status, whether temporary or permanent, in this country.

54. However, valid foreign identity cards (such as drivers’ licenses, consular identification documents, and national identity cards), foreign passports (see discussion below) and Mexican electoral cards are acceptable, and could provide one of the two required secondary identification documents. T.A.C., §§181.28 (i)(11)(D)(xiv)-(xv).

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<sup>1</sup> “Supporting identification” can be accepted in lieu of one secondary identification. However, as discussed herein below, these provisions are often ignored.

55. However, many immigrants leave Mexico and Central America when they are still minors, and have thus never attained such foreign drivers' licenses or national or electoral identity cards.

56. Even those who once possessed foreign drivers' licenses, or national or electoral identity cards, may soon find them expired, stolen, or lost.

57. These foreign drivers' licenses and national identification and electoral cards cannot be obtained or renewed once the person arrives in the United States.

58. Central Americans and Mexicans making the extremely dangerous journey north are often forcibly stripped of all identification cards before arriving in Texas, either through assaults and theft, or for the other grim reasons discussed herein below. See, Plaintiff Katerine Johana Portillo, below.

59. Unlike the adult Plaintiffs, persons residing in Texas with a recognized immigration status are able to relatively easily obtain replacements for lost, stolen, or expired identification documents.

*2012-2013 Changes to Eligibility Regulations and Policies*

60. Prior to 2013, the Texas regulations permitted the acceptance of all foreign passports. Most undocumented immigrants are able to obtain passports from their local consulates in the United States.

61. However, in 2013, the regulation was amended to require that all proffered foreign passports bear a current U.S. visa in order to be accepted. This, of course, excludes all undocumented immigrants.<sup>2</sup>

62. As noted above, T.A.C. §§181.28 (i)(11) (xiv) and (xv) permit acceptance of a foreign government photo identification card.

63. For many years, this provision was properly interpreted to include foreign consular identification cards, such as the Mexican "*matricula*." This had long resolved many of the problems described above.

64. These consular identification documents are official photo identification cards provided by the foreign government, through its consulates, to its citizens residing in the United States. Such persons must provide proof of their citizenship and identity to their consulate to obtain this card.

65. However, in approximately 2013, the Defendants decided that the Mexican *matriculas* and all other consular identification were to be rejected. Defendants knew and intended that a large percentage of undocumented persons would thus be unable to produce any other acceptable foreign identification card.<sup>3</sup>

66. This change was never promulgated under proper rule making procedures.

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<sup>2</sup> On Feb. 15, 2013, the Executive Commissioner of the Health and Human Services Commission proposed amendments to Tex. Admin. Code § 181.28 to "address the recommendations of Rider 72." These amendments were adopted and filed with the Secretary of State, effective August 11, 2013.

<sup>3</sup> Although a 2008 letter from the Chief of Vital Statistics indicates as early as 2008 that *matriculas* would be rejected, local offices continued to accept them, with the acquiescence of Defendants, until 2013. Many Plaintiffs were thus able to obtain birth certificates for children born prior to 2013.

67. These changes regarding foreign passports and *matriculas* coincided with growing political opposition to attempts to develop immigration relief for many undocumented families, especially those with U.S. born children.

68. Even though the Mexican government has carefully revised its *matricula* to greatly increase its security, the new 2015 *matriculas* are still being rejected.

69. Tellingly, although passports are internationally recognized government identification documents<sup>1</sup> of the highest formality, and may be obtained from the local consulates, §181.28 (i)(11)(D)(ix) permits the acceptance of foreign passports *only* if they bear a current U.S. visa.

70. This combination of changes in regulations, interpretations, and policy left a large portion of the undocumented community without any form of identification acceptable to the Defendants, and without any possibility of obtaining such identification.

71. Defendants have been notified of this situation, but have provided no reasonable alternative means for the Plaintiffs to obtain the birth certificates.

72. Counsel for these children have also been denied birth certificates for their infant clients.

73. Beginning in 2013, Defendants began an aggressive campaign of audits, monitoring visits, and other communications with local birth certificate offices, focusing especially upon those located in areas with high concentrations of immigrants.

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<sup>1</sup> Vienna Convention on Consular Relations, Art. 5, done in Vienna on April 14, 1963. U.N. Treaty Series, vol. 596, p. 261. The United States ratified the Vienna Convention in 1969.

74. The immediate purpose of the campaign was to give strict orders to all local registrars to reject all consular identification and all foreign passports lacking a current U.S. visa.

Defendants also ordered and/or encouraged and/or acquiesced to the harsh scrutiny of all applications and paperwork presented by undocumented parents.

75. As a direct and intended result of this harsh campaign, many families able to produce at least one eligible relative with one acceptable secondary document and supporting identification have also been wrongfully denied birth certificates. See, Category 2 Plaintiffs set forth below. This problem was relatively rare prior to 2013.

76. Such persons are summarily told that their identification is unacceptable, and they are either not permitted a chance to present any supporting materials, or have their supporting materials ignored.

77. The officials rejecting these persons usually list some U.S. or Texas documents that must be produced, but make no effort to review the applicant's additional supporting materials.

78. The officials also fail to give any notice, information, or instructions about acceptable supporting identification accessible to these persons. Instead, as stated above, such persons are summarily rejected.

79. Thus a number of parents with identification in compliance with Defendants' new requirements are nevertheless denied birth certificates.

80. Twenty-nine families are current Plaintiffs in this case, together with LUPE. See below at p. 35et seq. Of these, nine had acceptable identification yet were wrongfully turned away.

Reports have been received of many similar cases throughout the state, often involving persons who fear to come forward due to their vulnerable status.

81. Eight former Plaintiff families in this case were also unlawfully denied birth certificates, despite the fact that they had at least one valid identification card and adequate supporting identification. Such Plaintiffs were eventually able to obtain birth certificates through extreme efforts,<sup>5</sup> despite the current harsh regulations and policies.

82. Defendants are fully aware of this pattern and practice of wrongful denials to eligible persons and inconsistent standards being applied. This knowledge is based upon, *inter alia*, communications with their local registrars, reports from counsel for the Plaintiffs, the pleadings in this case, and widespread press accounts.

83. Defendants have refused to take any reasonable action to correct this grave situation, seeking instead to moot the claims of individual Plaintiffs rather than correct the unlawful pattern and practice.

84. Defendants have ordered, encouraged, intended, directed, accepted, condoned, and/or acquiesced to the pattern and practice of unlawful denials of birth certificates to even those

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<sup>5</sup> By way of illustration, former Plaintiff Nieto was forced to seek legal help in order to rescue her grandson B.R., who was trapped in a dangerous situation in Reynosa, Mexico. A birth certificate was issued only after her lawyers threatened to seek a Temporary Restraining Order and engaged in two days of emergency negotiations with opposing counsel. Another Plaintiff parent obtained a birth certificate for her child after her father managed to obtain a U.S. visa and travel across Mexico, at great personal risk. A third mother, after many unsuccessful attempts, obtained a birth certificate by once again presenting her *matricula*, which was then, inexplicably, accepted. These Plaintiffs voluntarily dismissed their claims for purposes of judicial efficiency, but face similar problems should additional copies of birth certificates be required or for any future children they may bear.

undocumented families presenting one acceptable form of secondary identification and adequate supporting materials.

85. The intended and foreseeable result of the new regulations, policies, and practices, is the denial of birth certificates to thousands of undocumented parents since the 2013 changes.<sup>6</sup>

The majority of these parents simply lack adequate identification and are unable to secure it.

Others present the requisite documents, yet be improperly turned away.

86. This situation leaves the child with no birth certificate at all, and both the parents and child with no official proof of their familial and legal relationship to one another. The resulting harms and dangers are set forth below.

#### *Harms to Plaintiffs*

87. The Defendants' actions are inflicting very serious hardships and deprivations upon the Plaintiff parents and their Texas-born Plaintiff children. The problems faced by each named Plaintiff are set forth below

88. At the time of the child's birth in a hospital, the hospital staff arrange for an initial period of Medicaid and the issuance of a social security card for the child.

89. Nonetheless, the parents are frequently told to present the birth certificate to renew Medicaid coverage and to obtain other public benefits to which the U.S. citizen child is entitled.

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<sup>6</sup> For example, one birth certificate office estimates that an average of four families are turned away each day. Even assuming that some of these parents later obtain birth certificates, this could mean that far more than a thousand families were denied birth certificates there during the last two years. Another local office estimated at least four denials per week. This would result in approximately 400 rejections during the last two years. Other community leaders, as well as consular officials from various countries, confirm numerous other denials to undocumented persons throughout the state, most of whom fear to step forward.



90. Likewise, many public schools and day care centers require a birth certificate for enrollment, no matter what the country or state of issuance.

91. Without the birth certificate, there is no official proof of the parent-child relationship, raising serious problems whenever parental consent is required, such as consent for emergency medical care or travel.

92. Plaintiff children cannot travel to, *inter alia*, cultural and educational events without a birth certificate indicating their citizenship and their parents' lawful custody.

93. A number of Plaintiff children cannot be baptized without their birth certificates.

94. Thus, by denying the Plaintiff children their birth certificates, Defendants have created a category of second-class citizens, disadvantaged from childhood on with respect to, *inter alia*, health and educational opportunities.

95. The denial of a birth certificate also endangers the safety of the child. Crucially, a U.S. citizen child removed to Mexico or Central America with his or her parents due to their lack of proper immigration status may face grave dangers as a result of the ongoing drug cartel wars, yet be unable to return to the safety of the United States.

96. The Defendants have also placed the Plaintiff families in danger of being detained or separated by U.S. ICE and Border Patrol agents for lack of proof of any parent-child relationship.

97. The Defendants also place the Plaintiff children at risk of being deported with their parents, and, with the passage of time, *de facto*, forever losing their citizenship rights.

98. This situation greatly disrupts the sanctity of the family, the fundamental right of the Plaintiff parents to raise their children to the best of their ability, and abridges numerous fundamental rights of citizenship to the Texas-born children.

99. All Plaintiffs have suffered and will continue to suffer such irreparable harms.

100. Defendants knew and intended that their actions would result in such harms.

101. Many Plaintiff parents are of child bearing age and will probably have additional children in the future. Without an adequate remedy in this case, they will face precisely the same problems again and again.

***State Encroachment on Exclusive Federal Functions***

102. Defendants' conduct has created an undue burden upon the foreign consulates to somehow support and protect their citizens.

103. The burden on the consulates would become untenable should all fifty states issue individualized requirements which in effect preclude undocumented parents from obtaining birth certificates for their U.S. born children.

104. Such harsh treatment of foreign nationals by a state negatively impacts the United States' diplomatic relations.

105. The United States Congress has enacted a pervasive and detailed statutory scheme setting forth the rights and sanctions applicable to immigrants and their U.S. citizen relatives.

106. All matters of immigration, including the benefits to be provided to, or penalties imposed upon, immigrants are preempted by the federal government, as set forth below.

107. Defendants' actions interfere with the exclusive federal authority over matters involving immigrant rights and penalties, as well as foreign and diplomatic affairs.

108. Defendants are acting beyond the scope of their authority in denying birth certificates on the basis of the parents' immigration status, as set forth above.

*Discrimination*

109. Defendants, in rejecting consular identification documents and foreign passports without valid visas, knew and intended that a substantial percentage of undocumented persons arriving from Mexico and Central America would be denied birth certificates for their Texas-born children as a result.

110. Likewise, Defendants in ordering, accepting, and acquiescing to the wrongful and summary denial of birth certificates to many undocumented parents presenting at least one secondary document, knew and intended that yet more families would be wrongfully denied birth certificates for their Texas born children as a result.

111. Despite actual awareness of the resulting harms, Defendants have failed and refused to make any arrangements for the acceptance of *any* identification documents reasonably accessible to undocumented persons residing in Texas, particularly those residing along the border, south of the Border Patrol checkpoint stations, who cannot travel to the interior of the state.<sup>7</sup>

112. Defendants have also failed and refused to correct the ongoing and unlawful pattern and practice of denying birth certificates even to undocumented families which *can* produce one acceptable form of secondary identification and supporting identification.

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<sup>7</sup> For instance, some Central American countries, such as Honduras, only issue passports out of their Houston consulate, to which the adult Plaintiff's cannot travel.

113. Defendants have acted with the intent to discriminate against the Texas-born children on the basis of their parents' immigration status, depriving the children of the rights, benefits, and privileges granted to all other citizen children.

114. Defendants have also acted with the intent to discriminate against undocumented parents on the basis of their immigration status, penalizing them and making their lives near untenable by obstructing their ability to properly care for their children.

115. Such discriminatory animus and intent is evidenced in many ways, including but not limited to the following:

a. Passports, the most formal of international identification documents, are rejected unless accompanied by a current U.S. visa.

b. In changing state policy and rejecting the *matriculas* and other consular identification documents, Defendants have failed and refused to provide any other means for the adult Plaintiffs and numerous other undocumented persons to obtain the birth certificates of their Texas-born children.

c. Despite awareness of this serious and growing problem, Defendants have failed and refused to take any steps to rectify the situation.

d. Despite actual awareness of the local offices' pattern and practice of improperly denying birth certificates to many of those undocumented families who are able to produce acceptable identification, Defendants have failed and refused to correct this situation.

e. Such changes, and the resulting denials of birth certificates, have coincided with the intensifying public debate over immigration reform.

f. As explained by one Vital Statistics officer, the law was changed to keep undocumented persons from gaining legal status in this country

g. Texas continues to accept identification cards from persons with legal immigration status which have the same or less security than the matricula or foreign passports lacking a U.S. visa.

116. There is no reasonable state justification for denying a U.S. citizen his or her own birth certificate on the basis of his or her parents' immigration status in the United States.

117. There is no reasonable state justification for denying citizens of Mexico or Central America a birth certificate for their Texas-born children.

118. Defendants have at all times acted in their official capacities and under color of state law in this case.

***B. Plaintiffs***

119. For purposes of clarity, three distinct groups of Plaintiffs are presented here. The first is LUPE, the organization/associational Plaintiff in this case. The second group is comprised of Plaintiff parents (and their children) who have no access to the identification documents now required by the Defendants (Category 1). The third group is comprised of Plaintiff parents (and their children) who have managed to produce at least one acceptable secondary document together with adequate supporting identification, but have, nonetheless, been denied birth certificates pursuant to Defendants' unconstitutional policies, patterns, and practices as set forth above (Category 2).

***Institutional / Associational Plaintiff***

120. Plaintiff La Union Del Pueblo Entero ("LUPE"), is a non-profit organization dedicated to protecting and advancing the rights of indigent farm workers and other low wage workers in the Rio Grande Valley, as well as promoting their health, education, and welfare.

a. As discussed above LUPE has approximately seven thousand members, a number of whom are already Plaintiffs in this case, and many more of whom have been or will be denied birth certificates for their Texas-born children pursuant to Defendants' current regulations, policies, and practices. These persons fall within both Categories 1 and 2.

b. LUPE has long provided programs to assist their own members, as well as members of the broader community, to obtain identification papers crucial to daily life for themselves and their families.

c. As further discussed above, LUPE has been directing its time and resources to dealing with the current birth certificate crisis.

d. LUPE leadership is deeply concerned about the *de facto* disenfranchisement of Texas born children and the consequent loss of education, health, and other benefits to which they are entitled.

e. LUPE leadership is also deeply concerned about the potential separation of the Plaintiff parents and children by U.S. officials given the lack of proof of the parent-child relationship; and the potential loss of the children's citizenship should the families be removed from the U.S.

f. LUPE is further concerned about the creation of a population of second class citizens, and the ongoing deprivation of such fundamental rights as the right to familial integrity, the right to travel, and many others

g. Members of LUPE and/or its service community are facing such serious harms and deprivations at this time.

***Category 1: Plaintiffs with No Access to Acceptable Documents***

121. Plaintiff Juana Gomez is a citizen of Mexico who has resided in Texas for sixteen years.

a. Because she left Mexico as a minor, Ms. Gomez has no Mexican electoral card and cannot obtain one.

b. In 2013 Plaintiff Gomez gave birth to her daughter, Plaintiff E.S., in Edinburg, Texas.

c. Plaintiff Gomez has repeatedly attempted to obtain a birth certificate for her daughter E.S., but her *matricula* and school identification card were rejected. The school identification card is now expired.

d. Plaintiff Gomez was recently stopped by U.S. Border Patrol agents who questioned her closely about her relation to E.S., insisting on a birth certificate. In the end they released her, warning her she must obtain a birth certificate at once.

e. Plaintiff gave birth to I.G. in 2015. She has no identification acceptable to Vital Statistics for the purpose of obtaining her child's birth certificate, and hence was turned away again.

f. Plaintiff Gomez is concerned about arranging for future benefits and educational opportunities for which her U.S. citizen children are eligible. She has already had serious difficulties enrolling E.S. in Head Start.

g. Plaintiff Gomez is particularly concerned about preserving her children's U.S. citizenship and the security of her family should they be stopped by Border Patrol officials or deported to Mexico.

122. Plaintiff Nancy Hernandez is a citizen of Mexico.

a. She arrived in Texas at the age of fourteen and has lived here for about fifteen years.

b. Because she left Mexico as a minor, she has no Mexican electoral card or driver's license and cannot obtain one.

c. Her husband is also a Mexican citizen residing in Texas. He has a *matricula* and his birth certificate.

d. Plaintiff Nancy Hernandez gave birth to her first two children in Texas in 2010 and 2012.

e. Both children were given birth certificates upon presentation of their father's *matricula*.

f. In 2014 Ms. Hernandez gave birth in Texas to her daughter, Plaintiff R.J.H.

g. The local office refused to issue a birth certificate for Plaintiff R.J.H.

h. Plaintiff has repeatedly returned to seek the birth certificate for R.J.H., but has been told that the law changed in 2014.

i. Ms. Hernandez is deeply concerned about Plaintiff R.J.H.'s baptism and future school enrollment, as well as the family's safety.

123. Plaintiff Maria Carrillo is a citizen of Mexico. She arrived in the United States at the age of five.



- a. Ms. Carrillo has a Mexican birth certificate and an expired U.S. school identification card.
- b. She gave birth to V.S. in 2012, and was able to obtain his birth certificate at the McAllen, Texas office using her mother's *matricula* and birth certificate.
- c. In 2015 Ms. Carrillo gave birth to A.V. in Texas.
- d. She has been told by the local registrar that her *matricula* and the other documents accessible to her and her mother were no longer being accepted.
- e. Plaintiff Carrillo is very worried about the safety of her family and future problems with travel, benefits, and school matters.

124 . Plaintiff Yuliana Dominguez is a citizen of Mexico. She arrived in the United States at the age of five.

- a. Ms. Dominguez possesses a school ID card from 2011, her *matricula*, and a passport.
- b. Ms. Dominguez gave birth to A.J.D. in 2014 in Texas.
- c. She went to the local birth certificate office to obtain his birth certificate and was told to obtain a Mexican passport.
- d. She complied and returned with the passport, only to be told she needed a U.S. visa on the passport.
- e. Ms. Dominguez cannot baptize her son and is concerned about future safety problems.

125. Plaintiffs Diana Hernandez and Javier Reyes are citizens of Mexico. They arrived in Texas more than a decade ago.

- a. Plaintiff Hernandez was a minor at the time of her arrival and Plaintiff Reyes had just turned 18 years of age.

b. Because of their young age on arrival in Texas, they have never had, and cannot now obtain, a Mexican electoral card or driver's license.

c. Their older children were born in 200 and 2010 and they obtained birth certificates for them with their *matriculas*.

d. Their son M.F.R.H. was born in Texas in 2015.

f. Plaintiff Reyes went to the Harlingen Vital Statistics office with his *matricula*, but was turned away. The official at the office stated that the new laws did not permit them to accept the *matricula*.

126. Plaintiff Ana Karina Ramírez González is a citizen of Mexico who now resides in Houston, Texas.

a. Plaintiff Ramirez lives with her husband who is also a Mexican citizen.

b. Both of them have Mexican *matriculas*, expired Mexican electoral cards, and their birth certificates.

c. Their first child was born in Houston in 2014 and they easily obtained a birth certificate for him by presenting their *matriculas*.

d. Ms. Ramirez then gave birth to her daughter D.C. in 2015 in Houston.

e. She and her husband have applied for D.C.'s birth certificate at the local Houston office, but have been denied for lack of acceptable identification under the current rules and policies.

f. Plaintiffs are concerned about D.C.'s safety and other problems they will face if they cannot obtain a birth certificate for their child.

127. Plaintiff Marcelina Rangel Martinez is a citizen of Mexico.

a. Plaintiff Marcelina Rangel arrived in Texas at the age of 21 and has resided here for 17 years.

b. Plaintiff arrived here before she had obtained a Mexican voter electoral card or driver's license, and she cannot obtain those here.

c. Plaintiff gave birth to her first four children in Texas in 1999, 2002, 2004, and 2011.

d. All four children received birth certificates upon presentation of Plaintiff Marcelina Rangel's *matricula* and birth certificate, and/or her husband's Mexican passport.

e. Plaintiff gave birth to her son, Plaintiff S.A.P., in 2014.

f. She brought the same *matriculas* and passport to the Vital Statistics office, but was denied the birth certificate for S.A.P.

g. Plaintiff, after applying at several different local Vital Statistics offices, sent her application to Austin in December 2014. She never received a reply.

h. In late 2014 Plaintiff lost the birth certificate of her daughter A.M.P.

i. She has also been denied a duplicate copy of A.M.P.'s birth certificate.

j. Plaintiff is very worried about the safety of her family, and the benefits and opportunities owed to her citizen children.

128. Plaintiff Antonia Rodriguez is a citizen of Mexico.

a. She fled the violence in Mexico and has resided in Texas since 2009.

b. Plaintiff has her Mexican birth certificate, passport, *matricula*, and school certificate.

c. Ms. Rodriguez gave birth to her daughter, Plaintiff J.N.A.R., in Texas in 2014.

d. Shortly after the birth, U.S. Immigration and Customs Enforcement ("ICE") apprehended and detained both Plaintiffs Rodriguez and her infant daughter, later releasing them on bond. They have not returned any of Plaintiff Rodriguez's official identification papers.

f. Plaintiff Rodriguez obtained a new *matricula* and passport from the Mexican consulate.

g. The local Vital Statistics office has nevertheless refused to issue a birth certificate for Plaintiff J.N.A.R.

h. Ms. Rodriguez shares all of the same concerns as the other Plaintiffs, as set forth herein.

129. Plaintiff Damaris Romero Hernandez de Reyes and her husband are citizens of Mexico.

a. Both arrived in this country when they were minors and hence do not have, and cannot obtain, a Mexican driver's license or electoral card.

b. Their first child, Plaintiff J.R.R., was born here in 2011.

c. Plaintiff Damaris Romero took J.R.R.'s paperwork, together with her own birth certificate and *matricula*, to the local Vital Statistics office.

d. There, she was told she would have to produce a passport.

e. She returned with a passport and was again denied, this time for lack of a U.S. visa in the passport.

f. J.R.R.'s grandparents also applied for the birth certificate, using expired Mexican electoral cards. They too were denied.

g. In 2013 Plaintiff's second son, Plaintiff G.G.R., was born.

h. Plaintiff Damaris Romero returned to the Vital Statistics office requesting birth certificates for both Texas-born children.

i. The birth certificates were again denied.

j. Plaintiff has grave concerns about the safety of her family and her ability to obtain and preserve the benefits to which the family is entitled.

130. Plaintiff Flavia Garza is a citizen of Mexico. She arrived in Texas as a child and has lived here for more than twenty years.

a. Because of her age on arrival, she has never had, and cannot obtain, a Mexican electoral card or driver's license.

b. Plaintiff Garza gave birth to Plaintiff S.G. in 2013.

c. She went to the local birth certificate office with her *matricula*, her school transcripts, and her birth certificate, as well as S.G.'s hospital birth records. She was denied a birth certificate.

d. She approached other offices, seeking assistance. All denied her a birth certificate, telling her that S.G. could obtain one himself when he turned 18 years of age.

e. Approximately two months ago, Plaintiff called the Vital Statistics office, asking for assistance for both sons. She was told no birth certificates can be issued to her.

f. The lack of birth certificates has caused Plaintiff Garza problems in caring for her U.S. citizen children, including, but not limited to, obtaining SSI for them, and, in the past, enrolling them in Head Start and grade school.

g. Plaintiff is also concerned with travel and safety issues.

131. Plaintiff Diana Parras is a citizen of Mexico.

a. She and her husband came to the United States when they were very young. Both

have Mexican *matriculas*. Ms. Parras once had an electoral card, but it is now lost.

b. Ms. Parras gave birth to five children between 2000 and 2012 in the state of Texas, and had no problems obtaining birth certificates for them with her *matricula* and supporting identification.

c. In 2012 she was warned at the Registrar's office that it would be more difficult in the future for her to obtain a birth certificate for her children using her *matricula* and supporting identification.

d. Ms. Parras gave birth to A.L.M. in 2014 in Edinburg, Texas.

e. Ms. Parras has communicated with the birth certificate office several times and been told that her *matricula* will no longer be accepted. She and her husband have no other acceptable documents.

f. Ms. Parras is very concerned about the safety of her family, as well as ensuring benefits and educational opportunities due to A.L.M.

132. Plaintiff Fany Ventura was born in Honduras and arrived in Texas as a minor. She has lived here since 1996.

a. Because she left Honduras as a minor, she has no national identification card or driver's license and cannot obtain them here.

b. Plaintiff gave birth to a son, Plaintiff V.II., in 2011 in Edinburg, Texas.

c. Plaintiff Ventura obtained a birth certificate for V.II. using her own birth certificate, Medicaid receipts, rent receipts, and other similar materials.

d. Plaintiff gave birth to her daughter E.I.II. in 2014.

e. Plaintiff again went to the registrar's office and produced her own birth certificate and Honduran school photo ID card, supporting identification, and her child's hospital birth records and social security card.

f. Plaintiff has been repeatedly denied the birth certificate for Plaintiff E.I.H.

g. As a result of these denials Plaintiff is having serious problems with benefits due to her child, and knows that she will probably face similar future obstacles with respect to school enrollment. She is also worried about the safety of her family.

133. Plaintiff Maria Francisca Rodriguez is a citizen of Mexico now residing in Texas.

a. Ms. Rodriguez has a *matricula*, an expired electoral card, and a LUPE membership card. Her husband has his birth certificate and a LUPE membership card.

b. With these documents, they were able to obtain birth certificates for their first three Texas-born children between 2007-2010.

c. Their son G.M. was born in Edinburg in 2014.

d. They brought the same papers to the local birth certificate office, but were denied the birth certificate.

e. Plaintiff is very concerned about her inability to baptize her son and about the future school enrollment and benefits problems she will face on his behalf. She is also worried about her son's safety as there is no proof of his parentage or citizenship.

134. Plaintiff Leonor Reyna Flores is a citizen of Mexico and now resides in Texas.

a. Her first two children were born in Texas between 2004-2006. She had no trouble obtaining their birth certificates.

b. Plaintiff has an expired voter card, her *matricula*, and her birth certificate. Her husband has an expired Mexican driver's license and *matricula*.

c. When she returned in 2013 to get a birth certificate for her third child, G.C., she was turned away.

d. She is concerned about school enrollment for her child as well as other matters. She is especially concerned about problems with U.S. Border Patrol as she has no proof of her relationship to her son or his birth of place.

135. Plaintiff Quenia Perez is a citizen of Mexico who has long resided in Texas.

a. Plaintiff Perez has the newest version of the Mexican *matricula* card, which was issued to her in May 2015. This version has greatly increased security aspects and includes a microchip. She also has an expired Mexican electoral card.

b. Her son, Plaintiff J.A.R., was born in Texas in 2006 and she obtained a birth certificate for him with no difficulty.

c. However, in 2011 her former husband returned to Mexico, taking all of J.A.R.'s documents with him and severing communications. (His elderly mother lives in Mexico and cannot assist.)

d. Plaintiff Perez has tried to obtain a new birth certificate for J.A.R., but her documents were rejected.

e. Plaintiff Perez's sister then presented her own Mexican electoral card, driver's license, and *matricula*, but was also turned away.

f. For a time, Plaintiff Perez was able to arrange for the continuation of J.A.R.'s benefits and school enrollment because the local agents knew her and had his documents on file. However, when Plaintiff Perez moved to another town, she had great difficulty enrolling her son in school.



g. Ms. Perez has been informed her that she will need to present J.A.R.'s birth certificate for certain benefits due to him as well.

h. In 2015 Plaintiff Perez gave birth to her youngest son, Plaintiff Y.F.

i. For the same reasons set forth above, she has been unable to obtain a birth certificate for him and now faces the same problems with regard to this child.

136. Plaintiff Giovanna Castro is a citizen of Mexico who now resides in Texas.

a. Her first three children were born in Texas between 2007 and 2010.

b. She had no problems obtaining birth certificates for these three children. She simply presented her Mexican *matricula*.

c. Her youngest child, Plaintiff J.J.A., was born in 2015.

d. Neither she nor her husband has been able to obtain a birth certificate for J.J.R., even though she has a Mexican birth certificate and *matricula*, and her husband has the new, more secure *matricula*, an expired Mexican electoral card, and an expired Mexican driver's license.

e. They were told they would need a Mexican passport with a U.S. visa.

f. The Plaintiffs were finally able to obtain a short version of the birth certificate at a different office, but were warned that it could only be used under limited circumstances.

137. Plaintiff Yveth Vega came to the United States as a child nearly twenty years ago.

a. Because she left Mexico as a minor, she has no Mexican driver's license or voter registration card and cannot obtain them here.

b. In 2013, Plaintiff Yveth Vega gave birth to her daughter, Plaintiff N.Y.R., in McAllen, Texas.

c. Plaintiff took her daughter's hospital birth records and social security card, together with her own *matricula*, to her local Vital Statistics office.

d. Officials there denied the birth certificate for N.Y.R., and told Iveth she needed a Mexican passport. She then obtained a passport, yet was again turned down at the Vital Statistics office.

e. Plaintiff then wrote to Austin, requesting the birth certificate for N.Y.R.

f. The Austin Office of Vital Statistics denied the birth certificate.

138. Plaintiff Maria De Luna is a citizen of Mexico who now resides in Texas.

a. Plaintiff A.R. was born in 2014 in Edinburg, Texas to her mother, Maria de Luna.

b. Plaintiff Maria De Luna visited her local vital statistics desk at Edinburg City Hall in 2015 to obtain her daughter's birth certificate. She was denied the birth certificate after she presented her *matricula*, passport with no visa, and her birth certificate.

c. She was told she needed a Texas ID, a Mexican electoral card, or a Mexican Driver's License or Identification Card. Ms. De Luna has none of these documents and cannot obtain them.

d. Plaintiff Maria De Luna has an older child, born in 2013 in Edinburg, Texas. She was able to receive a birth certificate for that child simply by presenting her state benefits forms.

e. Her husband, Mezalet Rosales Mesa, has only his LUPE membership card and his birth certificate. All four grandparents currently reside in Mexico and cannot travel.

f. The family is concerned about safety issues and other complications they will face if they cannot obtain a birth certificate.

*Category 2: Pattern And Practice: Plaintiffs Denied Birth Certificates Despite Presentation Of One Acceptable Id*

Note: Pursuant to this Court's instructions, Counsel have attempted and will continue to attempt to resolve as many cases in this category as possible with opposing Counsel.

139. Plaintiff Maria Torres is a citizen of Mexico.

a. She fled Mexico at the age of 22, after her father was murdered in front of their home, and she and her mother were threatened with kidnapping.

b. Her first two children were born in McAllen Texas in 2005 and 2010.

c. Ms. Torres had no problem obtaining their birth certificates with her matricula and supporting documents. Ms. Torres also has a valid Mexican driver's license.

d. Her daughter F.T. was born prematurely in McAllen, in 2015.

e. F.T. suffered severe breathing problems for some time.

f. Ms. Torres had serious problems with the Medicaid coverage, which she was unable to quickly resolve without the birth certificate for the child.

g. To avoid further problems, she has tried to get her birth certificate for F.T. in McAllen. However, the officers rejected her matricula and other documents, demanding a valid electoral card, which she does not have and cannot obtain.

h. She returned with her valid Mexican drivers' license and full supporting documents, and was again summarily denied the birth certificate.

i. Ms. Torres is very worried about further health care complications, as well as other problems in the future. She is also concerned about the safety of her family as there is no proof of her parental relationship or the child's birthplace.

140. Patricia Rojas is a citizen of Mexico who now resides in Texas.

a. Ms. Rojas has lived in the United States for nine years.

b. Ms. Rojas gave birth to three children, one in 2006 and twins in 2007.

c. She obtained the 2006 birth certificate with her then-valid laser visa, and for the twins, used her matricula with supporting materials.

d. The birth certificates are the abbreviated forms, however, and she is now having problems with these being rejected by local day care centers.

e. In 2006 she was stripped of her laser card by U.S. officials. This left her with a matricula, an expired Mexican electoral card, an expired Mexican student card, and an expired U.S. B1/B2 visa from her childhood.

f. In 2015 Ms. Rojas gave birth to M.L. in Brownsville, Texas.

g. She went to the local birth certificate office with her documentation and was summarily denied a birth certificate for her son. She was not informed of any way she could obtain it with her U.S. B1/B2 visa.

h. Ms. Rojas insisted upon speaking with the supervisor.

i. She was told that because of a 2014 audit, much stricter requirements were now enforced.

j. Her older sons have been diagnosed with autism, but she cannot work to better support them because the day care centers will not take the children without birth certificates. She also cannot baptize her youngest child. She has serious concerns about the family's safety as well.

141. Plaintiff Katherine Johana Portillo is a citizen of Guatemala. She and her three-year-old son fled her violent spouse in Guatemala and were brought to Texas by a "Coyote", or human smuggler.

a. As the group of immigrants neared northern Mexico, the Coyote ordered everyone to throw all of their identification cards and telephone lists into the woods.<sup>8</sup>

b. Pregnant and fearing for her safety if she disobeyed, Plaintiff Portillo discarded her Guatemalan identification card. She cannot obtain a new one in the United States.

c. In 2014 Plaintiff gave birth to her daughter, K.E.P.

d. Because she had lived in the U.S. as a child with her mother, Plaintiff Portillo still has a Minnesota identification card for minors, and a social security card.

e. Plaintiff Portillo took her identification card and social security card, together with a photo-copy of her Guatemalan national identification card, U.S. immigration release paperwork, her daughter's hospital birth records and social security card, to the Vital Statistics office in McAllen, Texas.

f. Plaintiff was denied a birth certificate for K.E.P. and was told to bring a passport. Plaintiff returned with a Guatemalan passport, but was still denied the birth certificate for K.E.P.

g. Plaintiff Portillo's mother, Gredys Portillo, also attempted to assist in obtaining the birth certificate. She brought with her a valid California identification card, her social security card, Guatemalan passport, and an U.S. employment authorization card and applied at the McAllen office as well. She also had supporting documents.

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<sup>8</sup> The drug cartels have full control over the crossing of the Rio Grande River, and charge exorbitant fees to persons seeking to cross. As Central Americans have travelled further and are more desperate, higher fees are charged. Hence, the Coyotes often insist that the migrants claim to be from southern Mexico.

h. All of the identification documents were rejected by the clerk, who told her that she and/or Katerine should bring in a passport. When they did, they were still denied for lack of current U.S. visas.

i. Plaintiff faces the same concerns and problems as the other Plaintiffs.

142. Plaintiff Cynthia Ibarra is a citizen of Mexico, and is now residing in Texas.

a. Plaintiff Ibarra's daughter K.E.R. was born in Cameron County in 2014.

b. Ms. Ibarra and her husband went to the Brownsville registrar's office to obtain a birth certificate for her child.

c. At that time, she possessed a valid Mexican electoral card and her husband had a valid Mexican drivers' license, a *matricula* card, and supporting identification.

d. The registrar official twice summarily denied them the birth certificate. The officer did not ask for any other materials and did not advise them as to how to obtain the birth certificate with their acceptable identification.

e. As a result, Ms. Ibarra cannot baptize her child.

f. Plaintiff child K.E.R also needs continuing medical evaluations as a result of a serious infection suffered when she born. Ms. Ibarra was warned that she must produce K.E.R.'s birth certificate to avoid problems with her Medicaid coverage.

g. The Ibarras are concerned about what could happen if they are stopped by agents of the U.S. Border Patrol and cannot establish their parental relationship with their daughter, or her birthright citizenship.

143. Plaintiffs Mirna Ugalde and her husband, Miguel Angel Palomino Aguilera, fled Mexico years ago because of violence and poverty.

a. Ms. Ugalde's has a *matricula*, her passport, and her valid IFE. Her husband has his *matricula*, his passport and his valid IFE card.

b. Ms. Ugalde gave birth to three children between 2009-2012.

c. She easily obtained birth certificates for all three children with her documents.

d. Plaintiff J.P. was born in 2013 in Edinburg, Texas. His sister, G.P. was born in 2015 in McAllen, Texas.

d. In 2013, Ms. Ugalde and her husband went to the McAllen City Hall to obtain their son's birth certificate and were turned away. She was told she needed to present a passport.

e. Ms. Ugalde went in a second time, after obtaining a passport, and was turned away again for not having a U.S. visa on the passport.

f. In 2015, after the birth of her daughter, G.P., Ms. Ugalde attempted once more at the McAllen City Hall to obtain both of the children's birth certificates but was turned away once again.

g. Ms. Ugalde finally went to the Weslaco City Hall to obtain the birth certificates. She was only able to obtain the abbreviated version.

h. In November 2015 Plaintiffs presented their valid electoral cards and supporting documents, but were still summarily denied birth certificates.

144. Plaintiffs Marta Ibarra Luna and Juan Carlos Rodriguez Velasquez are citizens of Mexico now residing in Texas.

a. Plaintiff Marta Ibarra Luna has a Mexican *matricula* and current electoral card, as well as supporting documents.

b. Her husband, Plaintiff Juan Carlos Rodriguez, has a Mexican *matricula* and passport.

c. Their daughter, Plaintiff Y.R.R.L., was born in 2015.

d. They took their credentials and the baby's hospital birth records to the McAllen Vital Statistics Office.

e. Marta Ibarra Luna's current electoral card was summarily rejected and she was told she would need a passport with a valid U.S. visa. Juan Carlos Rodriguez' Mexican passport and *matricula* were also rejected.

f. The Plaintiffs were not asked for any supporting identification nor were they advised of this option. They were only told to get a passport with a U.S. visa.

g. When Plaintiffs asked the McAllen Vital Statistics official why birth certificates had become so difficult to obtain, the woman responded that since 2014-2015 the requirements had become stricter to prevent undocumented persons from obtaining status through their U.S. citizen children.

h. After nearly a year, Plaintiff Ibarra managed to obtain the abbreviated birth certificates, but still cannot obtain the complete form for her children.

145. Plaintiff Felipa Velazquez is a citizen of Mexico who now resides in Texas.

a. Ms. Velazquez' husband is also a Mexican national residing in Texas.

b. Their first two children, born in 2006 and 2008 were born in Texas. Ms. Velazquez and her husband obtained their birth certificates without any difficulties.

c. Plaintiff Velazquez gave birth to her minor son S.I.V. in 2016.

d. She and her husband went to the McAllen office to seek a birth certificate for S.I.V.

e. Her husband presented his valid Mexican military card, a valid Mexican drivers' license, a Mexican passport, and a LUPE photo identification card.

f. Plaintiff Velazquez presented her *matricula*, an expired McAllen food processor card bearing her photograph, and an expired Mexican voter identification card.



g. They were nevertheless denied a birth certificate for their child S.I.V., despite her husband's presentation of two valid secondary identification cards.

146. Maria Teresita Madera Esparza:

a. Plaintiff Maria Madera and her husband are citizens of Mexico and are now residing in El Paso, Texas.

b. Their child, M.C., was born in El Paso in 2015.

c. Plaintiff Maria Madera and her husband both have current Mexican electoral cards. She also her Mexican birth certificate, a Matricula, and supporting materials. He also has his Mexican school papers.

d. Plaintiff Maria Madera took these identification materials, and the hospital birth certification documents, to the city birth certificate office in El Paso.

e. She was denied the birth certificate and her electoral card was rejected. She was told she must bring her Mexican drivers' license. She explained that she had left Mexico before learning to drive. She was then told to bring an uncle. She did so but he was also rejected. She was directed to an internet site, but it required the social security number she does not have.

f. Plaintiff Madera was not once informed that her electoral card would be accepted with supporting materials.

g. The family is concerned about immigration and safety and other problems.

147. María del Carmen Reyes Zapata

a. Plaintiff Maria del Carmen Reyes Zapata is a citizen of Mexico now residing in El Paso, Texas.

b. She has two older children born in El Paso, and had no problems obtaining birth certificates for them.

b. She gave birth to her son N.A. in 2013 in El Paso, Texas.

c. She then took her expired U.S. visa, expired Mexican electoral card, and expired Mexican drivers' license to the city birth certificate office.

d. The registrar officials there rejected all of her identification and denied her the birth certificate for N.A.

e. The clerk suggested bringing a U.S. born sibling, but none are old enough to apply for N.A.

f. Plaintiff Reyes Zapata made several inquiries but was always rejected. She was never told that her valid electoral card would be accepted with supporting materials.

g. Plaintiff will soon seek to enroll N.A. in head Start, which will require a birth certificate. She is concerned as well with other safety and immigration issues.

**V. Causes of Action:**

**FIRST CAUSE OF ACTION: 42 U.S.C. §1983**  
**PLAINTIFF CHILDREN: EQUAL PROTECTION**

148. Plaintiffs herein incorporate Paragraphs 1- 147 above.

149. At all relevant times, Defendants Hellerstedt, Traylor and Harris in this case were acting under color of state law.

***A. CATEGORY I PLAINTIFFS***

150. Defendants have a current policy, pattern, and practice of denying birth certificates to the Texas-born, infant children of undocumented immigrants from Mexico and Central America.

151. Specifically, Plaintiffs were denied birth certificates pursuant to the Defendants' regulations and harsh interpretations thereof, as set forth above. Such regulations and interpretations leave Plaintiffs with no access to birth certificates.

152. The Plaintiff children in this case were born in the United States and are United States citizens.

153. The Plaintiff parents have produced valid, official identification in seeking the birth certificates on behalf of their Texas-born children, but were still denied, as intended by Defendants.

154. All persons born in the United States are entitled to receive their own birth certificates.

155. Defendants are violating the Fourteenth Amendment by abridging the privileges and immunities of the U.S. citizen children.

156. Furthermore, Defendants are giving unequal treatment to the Plaintiff children, as compared with the treatment of all otherwise similarly situated children in the State of Texas.

157. Specifically, the Plaintiff children are being denied birth certificates on the basis of their parents' immigration status; and as a result are being denied numerous health, educational and legal benefits to which they are entitled as well as other basic rights of all citizens, including but not limited the right to travel and safeguard their citizenship.

158. Defendants have no reasonable justification for their discriminatory denial of birth certificates to the Plaintiff children.

159. Defendants have knowingly taken the actions complained of in this suit with the intent to discriminate against the Plaintiff children and deprive them of their rights.

160. Defendants' conduct violates the Equal Protection clause of the Fourteenth Amendment of the United States Constitution.

161. Defendants' conduct is causing and will cause Plaintiffs irreparable harm as set forth above.

162. Plaintiffs seek declaratory and injunctive relief against Defendants Hellersted, Traylor and Harris in their official capacities, declaring the Defendants' current policies, practices and/or regulation unconstitutional, and enjoining the Defendants' current failure and refusal to accept any identification reasonably accessible to the Plaintiffs.

163. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

***B. CATEGORY 2 PLAINTIFFS***

164. Defendants have a current policy, pattern, and practice of denying birth certificates to the Texas-born, infant children of undocumented immigrants from Mexico and Central America.

165. Defendants, in their campaign of audits, orders, and instructions to all local birth certificate offices, required and/or encouraged local officials to give harsh scrutiny to all undocumented immigrant parents applying for birth certificates for their Texas born children.

166. Such instructions have resulted in a pattern and practice of summary denials of birth certificates even to numerous undocumented parents able to produce at least one acceptable identification document, together with supporting documents.

167. The Plaintiff children in this case were born in the United States and are United States citizens.

168. The Plaintiff parents have produced valid, official identification which in fact satisfied the current and rigorous regulations, as well as supporting documents, but were still denied birth certificates.

169. Such pattern and practice of wrongful, summary denials is the direct, foreseeable and intended result of the Defendants' campaign.

170. Defendants ordered and/or encouraged this pattern and practice, or in the alternative, they are fully aware of this pattern and practice and accept, condone and acquiesce to it.

171. Defendants have taken no action to correct this pattern and practice of unlawful denials.

172. All persons born in the United States are entitled to receive their own birth certificates.

173. Defendants are violating the Fourteenth Amendment by abridging the privileges and immunities of the U.S. citizen children.

174. Furthermore, Defendants are giving unequal treatment to the Plaintiff children, as compared with the treatment of all otherwise similarly situated children in the State of Texas.

175. Specifically, the Plaintiff children are being denied birth certificates on the basis of their parents' immigration status; and as a result are being denied numerous health, educational and legal benefits to which they are entitled as well as other basic rights of all citizens, including but not limited the right to travel.

176. Defendants have no reasonable justification for their discriminatory denial of birth certificates to the Plaintiff children.

178. Defendants have knowingly taken the actions complained of in this suit with the intent to discriminate against the Plaintiff children and deprive them of their rights.

179. Defendants' conduct violates the Equal Protection clause of the Fourteenth Amendment of the United States Constitution.

180. Defendants' conduct is causing and will cause Plaintiffs irreparable harm as set forth above.

181. Plaintiffs seek declaratory and injunctive relief against Defendants Hellersted, Traylor and Harris in their official capacities, declaring the Defendants' current policies, practices and/or regulation unconstitutional, and enjoining the Defendants' current failure and refusal to accept any identification reasonably accessible to the Plaintiffs.

182. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

**SECOND CAUSE OF ACTION: 42 U.S.C. §1983**

**PLAINTIFF CHILDREN: DUE PROCESS**

183. Plaintiffs herein incorporate Paragraphs 1- 147 above.

184. At all relevant times, Defendants Hellerstedt, Traylor, and Harris in this case acted under color of state law.

***A. Category 1 Plaintiffs***

185. Defendants have a current policy, pattern, and practice of denying birth certificates to the Texas-born, infant children of undocumented immigrants from Mexico and Central America.

186. Specifically, Plaintiffs were denied birth certificates pursuant to the Defendants' regulations and harsh interpretations thereof, as set forth above. This leaves the Plaintiffs with no access to birth certificates.

187. The Plaintiff children in this case were born in the United States and are United States citizens.

188. The Plaintiff parents have produced valid and official identification in seeking the birth certificates on behalf of their Texas-born children. Defendants have denied the parents, and hence their minor children, the birth certificates.

189. Defendants are violating the Fourteenth Amendment by abridging the privileges and immunities of the U.S. citizen children.

190. All persons born in the United States are entitled to receive their own birth certificates.

191. The Plaintiff children have a constitutionally protected property and liberty interest in receiving the birth certificate and all other rights, privileges and benefits due to them as U.S.

citizens including but not limited to familial integrity, the public benefits and opportunities for which they are eligible, and the right to travel.

192. By denying the birth certificates for the Plaintiff children, the Defendants are intentionally obstructing and burdening the many public benefits to which the children are constitutionally entitled, including but not limited to a public school education, housing assistance, and health care programs.

193. By denying the birth certificates for Plaintiff children, the Defendants are intentionally obstructing and burdening the children's fundamental right to travel, enter the United States, and protect and maintain their U.S. citizenship.

194. Defendants have no adequate justification for the denial of birth certificates to the Plaintiffs, and are basing their denial of the Plaintiffs children's rights upon the immigration status of their parents.

195. Defendants' conduct violates the Due Process clause of the Fourteenth Amendment of the United States Constitution.

196. Defendants' conduct is causing and will cause Plaintiffs irreparable harm as set forth above.

197. Plaintiffs seek declaratory and injunctive relief against Hellersted, Traylor and Harris in their official capacities, declaring their current practices and/or regulation unconstitutional, and enjoining the Defendants' current failure and refusal to accept any identification reasonably accessible to the Plaintiffs.

198. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

***B. CATEGORY 2 PLAINTIFFS***

200. Defendants have a current policy, pattern, and practice of denying birth certificates to the Texas-born, infant children of undocumented immigrants from Mexico and Central America.

199. Defendants, in their campaign of audits, orders, and instructions to all local birth certificate offices, required and/or encouraged local officials to give harsh scrutiny to all undocumented immigrant parents applying for birth certificates for their Texas born children.

200. Such instructions have resulted in a pattern and practice of summary denials of birth certificates even to numerous undocumented parents able to produce at least one acceptable identification document, together with supporting documents.

201. Such pattern and practice of wrongful, summary denials is the direct, foreseeable and intended result of the Defendants' campaign.

202. Defendants ordered and/or encouraged this pattern and practice, or in the alternative, they are fully aware of this pattern and practice and accept, condone and acquiesce to it.

203. Defendants have taken no action to correct this pattern and practice of unlawful denials.

204. The Plaintiff children in this case were born in the United States and are United States citizens.

205. The Plaintiff parents have produced valid, official identification which in fact satisfied the current and rigorous regulations, but were still denied birth certificates.

206. All persons born in the United States are entitled to receive their own birth certificates.

207. The Plaintiff children have a constitutionally protected property and liberty interest in receiving the birth certificate and all other rights, privileges and benefits due to them as U.S. citizens including but not limited to familial integrity, the public benefits and opportunities for which they are eligible, and the right to travel.



208. By denying the birth certificates for the Plaintiff children, the Defendants are intentionally obstructing and burdening the many public benefits to which the children are constitutionally entitled, including but not limited to a public school education, housing assistance, and health care programs.

209. By denying the birth certificates for Plaintiff children, the Defendants are intentionally obstructing and burdening the children's fundamental right to travel, enter the United States, and protect and maintain their U.S. citizenship.

210. Defendants have no adequate justification for the denial of birth certificates to the Plaintiffs, and are basing their denial of the Plaintiffs children's rights upon the immigration status of their parents.

211. The Defendants' pattern and practice has also resulted in a de facto lack of clearly articulated, uniform, and consistently enforced eligibility criterion for these Plaintiffs.

212. Plaintiffs are left without adequate notice as to how to obtain a birth certificate and without reasonable and uniform consideration of their applications therefore.

213. Defendants' conduct violates both the substantive and procedural Due Process clause of the Fourteenth Amendment of the United States Constitution.

214. Defendants' conduct is causing and will cause Plaintiffs irreparable harm as set forth above.

215. Plaintiffs seek declaratory and injunctive relief against Defendants Hellersted, Traylor and Harris in their official capacities, declaring their current practices and/or regulation unconstitutional, and enjoining the Defendants' current failure and refusal to accept any identification reasonably accessible to the Plaintiffs.

216. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

**THIRD CAUSE OF ACTION: 42 U.S.C. § 1983**  
**PLAINTIFF PARENTS: EQUAL PROTECTION CLAUSE**

217. Plaintiffs herein incorporate Paragraphs 1- 147 above.

218. At all relevant times, the Defendants Hellerstedt, Traylor, and Harris were acting under color of state law.

***A. CATEGORY 1 Plaintiffs***

219. Defendants have a current policy, pattern, and practice of denying birth certificates to the Texas-born, infant children of undocumented immigrants from Mexico and Central America.

220. Specifically, Plaintiffs were denied birth certificates pursuant to the Defendants' regulations and harsh interpretations thereof, as set forth above. Such regulations and interpretations leave Plaintiffs with no access to birth certificates.

221. The Plaintiff children in this case were born in the United States and are United States citizens.

222. As set forth above, the Plaintiff parents in this case have proffered valid and official forms of identification, but have been denied the birth certificates for their U.S. citizen children.

223. All parents have the right to receive a birth certificate for their U.S. born minor children.

224. All parents have a fundamental right to raise their children as they see fit, to protect them, provide for them, and make all key decisions as to their health education and welfare.

225. The denial of birth certificates deprives the Plaintiff parents of any official confirmation of their relationship to their own children.

226. Such denial greatly complicates and obstructs the Plaintiffs parents' rights to consent to urgent medical care, to travel with their children, to preserve their child's U.S. citizenship, to enroll their children in school, and to obtain other educational, health and cultural benefits for which such U.S. citizen children are eligible.

227. Defendants are treating the Plaintiff parents unequally to all otherwise similarly situated parents of U.S. born children.

228. Defendants are discriminating against the Plaintiff parents on the basis of their immigration status.

229. Defendants have taken the actions complained of in this suit with the intent to discriminate against and penalize the Plaintiff parents as set forth above.

230. Defendants have no reasonable state justification for their discriminatory denial of birth certificates to Plaintiffs.

231. Defendants have at all times acted knowingly, intentionally and under color of state law.

232. Defendants' conduct violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

233. Defendants' conduct is causing and will cause the Plaintiff parents irreparable harm.

234. The Plaintiff parents seek declaratory and injunctive relief against defendants Hellersted, Traylor and Harris in their official capacities, declaring Defendants' current practices and/or regulations unconstitutional, and enjoining the Defendants' current failure and refusal to accept any identification reasonably accessible to the Plaintiffs.

235. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

***B. CATEGORY 2 PLAINTIFFS***

236. Defendants have a current policy, pattern, and practice of denying birth certificates to the Texas-born, infant children of undocumented immigrants from Mexico and Central America.

237. Defendants, in their campaign of audits, orders, and instructions to all local birth certificate offices, required local officials to give harsh scrutiny to all undocumented immigrant parents applying for birth certificates for their Texas born children.

238. Such instructions have resulted in a pattern and practice of summary denials of birth certificates even to numerous undocumented parents able to produce at least one acceptable identification document, together with supporting documents.

239. As set forth above, the Plaintiff parents in this case have proffered valid and official forms of identification, but have been denied the birth certificates for their U.S. citizen children.

240. Such pattern and practice of wrongful, summary denials is the direct, foreseeable and intended result of the Defendants' campaign.

241. Defendants ordered and/or encouraged this pattern and practice, or in the alternative, they are fully aware of this pattern and practice and accept, condone and acquiesce to it.

242. Defendants have taken no action to correct this pattern and practice of unlawful denials.

243. All parents have the right to receive a birth certificate for their U.S. born minor children.

244. All parents have a fundamental right to raise their children as they see fit, to protect them, provide for them, and make all key decisions as to their health education and welfare.

245. The denial of birth certificates deprives the Plaintiff parents of any official confirmation of their relationship to their own children.

246. Such denial greatly complicates and obstructs the Plaintiff's parents' rights to consent to urgent medical care, to travel with their children, to preserve their child's U.S. citizenship, to enroll their children in school, and to obtain other educational, health and cultural benefits for which such U.S. citizen children are eligible.

247. Defendants are treating the Plaintiff parents unequally to all otherwise similarly situated parents of U.S. born children.

248. Defendants are discriminating against the Plaintiff parents on the basis of their immigration status.

249. Defendants have taken the actions complained of in this suit with the intent to discriminate against and penalize the Plaintiff parents as set forth above.

250. Defendants have no reasonable state justification for their discriminatory denial of birth certificates to Plaintiffs.

251. Defendants have at all times acted knowingly, intentionally and under color of state law.

252. Defendants' conduct violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

253. Defendants' conduct is causing and will cause the Plaintiff parents irreparable harm.

254. The Plaintiff parents seek declaratory and injunctive relief against defendants Hellersted, Traylor and Harris in their official capacities, declaring Defendants' current practices and/or regulations unconstitutional, and enjoining the Defendants' current failure and refusal to accept any identification reasonably accessible to the Plaintiffs.

255. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

**FOURTH CAUSE OF ACTION: 42 U.S.C.§1983**  
**PLAINTIFF PARENTS: DUE PROCESS CLAUSE**

256. Plaintiffs herein incorporate Paragraphs 1- 151 above.

257. At all relevant times, Defendants Harris, Traylor and Hellerstedt were under color of state law.

***A. CATEGORY I PLAINTIFFS***

258. Defendants have a current policy, pattern, and practice of denying birth certificates to the Texas-born, infant children of undocumented immigrants from Mexico and Central America.

259. Specifically, Plaintiffs were denied birth certificates pursuant to the Defendants' regulations and harsh interpretations thereof, as set forth above. Such regulations and interpretations leave Plaintiffs with no access to birth certificates.

260. As set forth above, the Plaintiff parents in this case have proffered valid and official forms of identification, but have been denied the birth certificates for their U.S. citizen children.

261. All parents have the right to receive a birth certificate for their U.S. born minor children.

262. All parents have a fundamental right to raise their children as they see fit, to protect them, provide for them, and make all key decisions as to their health education and welfare.

263. Such parental/familial rights are liberty and property interests protected by the fourteenth amendment of the U.S. constitution.

264. The denial of birth certificates deprives the Plaintiff parents of any official confirmation of their relationship to their own children.

265. Such denial greatly obstructs and burdens the Plaintiffs parents' rights to consent to urgent medical care, to arrange travel for their children, to enroll their children in school, and to obtain other educational, health and cultural benefits for which such U.S. citizen children are eligible.

266. Defendants are denying the birth certificates to Plaintiff parents on the basis of their immigration status.

267. Defendants have no adequate state justification for their discriminatory denial of birth certificates to Plaintiffs.

268. Defendants are also violating the Due Process clause of the Fourteenth Amendment by failing and refusing to articulate, impose and enforce clear, rational, and consistent standards for obtaining birth certificates, and by failing to properly inform applicants of those standards.

269. Plaintiffs are left without adequate notice as to how to obtain a birth certificate, and without reasonable and uniform consideration of their applications therefore.

270. Defendants' conduct violates both the substantive and procedural Due Process clause of the Fourteenth Amendment of the United States Constitution.

271. Defendants' conduct is causing and will cause Plaintiffs irreparable harm as set forth above.

272. Plaintiffs seek declaratory and injunctive relief against Defendants Hellersted, Traylor and Harris in their official capacities, declaring their current practices and/or regulation unconstitutional, and enjoining the Defendants' current failure and refusal to accept any identification reasonably accessible to the Plaintiffs.

273. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

**B. CATEGORY 2 PLAINTIFFS**

274. Defendants have a current policy, pattern, and practice of denying birth certificates to the Texas-born, infant children of undocumented immigrants from Mexico and Central America.

275. Defendants, in their campaign of audits, orders, and instructions to all local birth certificate offices, required and/or encouraged local officials to give harsh scrutiny to all undocumented immigrant parents applying for birth certificates for their Texas born children.

276. Such instructions have resulted in a pattern and practice of summary denials of birth certificates even to numerous undocumented parents able to produce at least one acceptable identification document, together with supporting documents.

277. Such pattern and practice of wrongful, summary denials is the direct, foreseeable and intended result of the Defendants' campaign.

278. Defendants ordered and/or encouraged this pattern and practice, or in the alternative, they are fully aware of this pattern and practice and accept, condone and acquiesce to it.

279. Defendants have taken no action to correct this pattern and practice of unlawful denials.

280. The Plaintiff children in this case were born in the United States and are United States citizens.

281. All parents have a fundamental right to raise their children as they see fit, to protect them, provide for them, and make all key decisions as to their health education and welfare.

282. Such parental/familial rights are liberty and property interests protected by the fourteenth amendment of the U.S. constitution.

283. The denial of birth certificates deprives the Plaintiff parents of any official confirmation of their relationship to their own children.



284. Such denial greatly obstructs and burdens the Plaintiffs' parents' rights to consent to urgent medical care, to arrange travel for their children, to enroll their children in school, and to obtain other educational, health and cultural benefits for which such U.S. citizen children are eligible.

285. Defendants are denying the birth certificates to Plaintiff parents on the basis of their immigration status.

286. Defendants have no adequate state justification for their discriminatory denial of birth certificates to Plaintiffs.

287. Defendants are also violating the Due Process clause of the Fourteenth Amendment by failing and refusing to articulate, impose and enforce clear, rational, and consistent standards for obtaining birth certificates, and by failing to properly inform applicants of those standards.

288. Plaintiffs are left without adequate notice as to how to obtain a birth certificate, and without reasonable and uniform consideration of their applications therefore.

289. Defendants' conduct violates both the substantive and procedural Due Process clause of the Fourteenth Amendment of the United States Constitution.

290. Defendants' conduct is causing and will cause Plaintiffs' irreparable harm as set forth above.

291. Plaintiffs seek declaratory and injunctive relief against Defendants Hellersted, Traylor and Harris in their official capacities, declaring their current practices and/or regulation unconstitutional, and enjoining the Defendants' current failure and refusal to accept any identification reasonably accessible to the Plaintiffs.

292. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

**FIFTH CAUSE OF ACTION:**  
**SUPREMACY CLAUSE AND PREEMPTION**

293. Plaintiffs herein incorporate Paragraphs 1- 151 above.

294. Defendants Harris, Hellerstedt, and Traylor have, during all relevant time periods, acted in their official capacities on behalf of the State of Texas.

295. Defendants have at all times acted under color of state law.

296. The federal government has preempted the field of immigration and birthright citizenship, especially matters involving the rights, privileges, and penalties applicable to persons present in this country who have not yet attained legal immigration status.

297. Specifically, Congress has promulgated extensive statutory provisions and regulations with regard to such immigrants' documentation, employment, benefits, shelter, penalties, and numerous other matters.

298. Determination of immigration policies, including the treatment, rights and privileges of such immigrants, is the exclusive function of the federal government.

299. Likewise, matters of international diplomacy and foreign affairs are solely matters for the federal government.

300. Defendants have no authority to interfere with such matters.

301. Defendants have violated the Supremacy Clause of the United States Constitution by refusing to accept valid consular identification cards and/or valid foreign passports or any other form of identification reasonably accessible to the Plaintiffs.

302. Plaintiffs have been and will be irreparably harmed by the unconstitutional actions and policies of Defendants.

303. Infliction of such harms and hardships upon the Plaintiffs in turn harms federal diplomatic and international affairs.

304. Likewise, forcing foreign governments to respond to the fifty states on such key matters interferes with federal diplomatic and foreign affairs.

305. Such sanctions and hardships also interfere and conflict with the careful, extensive and detailed federal statutory scheme for immigration.

306. Defendants have at all times acted knowingly and intentionally.

307. Plaintiffs seek declaratory and injunctive relief against Defendants Harris and Cole in their official capacities, declaring Defendants' current practices unconstitutional, and enjoining the current rejection of valid consular *matriculas* and/or passports.

308. Plaintiffs bring this claim pursuant to 42 U.S.C. §1983 and 28 U.S.C. §2201.

**WHEREFORE PLAINTIFFS PRAY THAT THIS COURT:**

1. GRANT Plaintiffs' request for a Declaratory Judgment, declaring that the denial of birth certificates to Texas-born children on the basis of their parents' immigration status is a violation of the Equal Protection clause of the Fourteenth Amendment.
2. GRANT Plaintiffs' request for a Declaratory Judgment, declaring that the denial of birth certificates to Texas-born children on the basis of their parents' immigration status is a violation of the Due Process clause of the Fourteenth Amendment.
3. GRANT Plaintiffs' request for a Declaratory Judgment, declaring the Defendants' failure and refusal to accept any form of identification reasonably accessible to the Plaintiff parents, and hence the denial of birth certificates for their Texas-born children, is a violation of the Equal Protection Clause of the Fourteenth Amendment.
4. GRANT Plaintiffs' request for a Declaratory Judgment, declaring the Defendants'

failure and refusal to accept any form of identification reasonably accessible to the Plaintiff parents, and hence the denial of birth certificates for their Texas-born children, is a violation of the Due Process clause of the Fourteenth Amendment.

5. GRANT Plaintiffs' request for a Declaratory Judgment, declaring the Defendants' failure and refusal to correct the ongoing pattern and practice of refusing birth certificates even to undocumented immigrants able to produce at least one acceptable identification form violates the Equal Protection clause and Due process of the Fourteenth Amendment.

6. GRANT Plaintiffs' request for a Declaratory Judgment, declaring the Defendants' failure and refusal to set articulate and enforce uniform and rational eligibility criterion is a violation of the Due Process Clause of the Fourteenth Amendment.

7. GRANT Plaintiffs' request for a Declaratory Judgment, declaring that the denial of birth certificates to undocumented parents for their Texas-born children is preempted by the federal government, and that Defendants' current policies violate the Supremacy Clause.

8. ISSUE an injunction requiring Defendants to immediately identify at least two forms of identification reasonably and actually accessible to undocumented immigrant parents now present in Texas, including adult Plaintiffs; and to issue birth certificates forthwith to any Texas-born child upon presentation of either form of parental identification, or in the alternative, requiring Defendants to return to the 2012 status quo.

9. ISSUE an injunction enjoining Defendants, in the alternative, from enforcing the current regulations and policies of rejecting both consular identification such as the matricula, as well as passports without U.S. visas.

consular identification and foreign passports without U.S. visas.

10. ORDER Defendants to pay attorneys' fees, costs, interest, and all other such matters as this Court deems just and reasonable.

Respectfully Submitted,

/S/Jennifer K. Harbury

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<sup>9</sup> Texas RioGrande Legal Aid, Inc. represents all Plaintiff children in this case. All adult Plaintiffs are represented by the Texas Civil Rights Project.

Certificate of Service:

I, Jennifer K. Harbury, hereby certify that this Fourth Amended Complaint was Served upon the Defendants by filing the same through this Court's electronic filing service on March 29, 2016.

/S/ Jennifer K. Harbury  
Jennifer K. Harbury  
Attorney at Law