

Statesman

Texas settles birth certificate case for undocumented immigrants

10:57 a.m. Monday, July 25, 2016 | Filed in: [News](#)

[James Barragan](#)

American-Statesman Staff

Texas on Monday agreed to settle a case brought by dozen of undocumented immigrants who challenged a state health department policy that denied them birth certificates for their children born in Texas.

“Without birth certificates, our clients lived in constant fear of having their families torn apart and their American-born children deported. They also struggled to get access to basic education, health and childcare services,” Efrén Olivares, the attorney from the Texas Civil Rights Project who represented the plaintiffs, said in a statement. “This settlement will be life-changing for immigrant communities across the state.”



[Ralph Barrera](#)

At Mexico's Consul General office in Austin Mexican nationals wait for their passport and consul ID's to be processed Friday afternoon Sept. 18, 2015. RALPH BARRERA/ AMERICAN-STATESMAN

Statesman

The attorney general's office did not immediately have a prepared statement but confirmed it had agreed to settle the case. Attorneys negotiated the terms for two days before reaching a settlement, Olivares said.

"With the cooperation of the state and our client's insistence and perseverance, we were able to settle it and find a way for children and parents to get their birth certificates," he said. "It's a victory for us and for all these families. The main goal of the lawsuit was for these mothers and these families to be able to get birth certificates and we got that."

The case will not be dismissed immediately. Instead, it is stayed for nine months while the agreements of the settlement are implemented, Olivares said.

"We will work with our clients and other community allies to monitor the state's efforts and ensure that families are in fact receiving birth certificates when they show these newly-accepted IDs," Jennifer Harbury, an attorney for Texas Rio Grande Legal Aid and lead counsel on the case, said in a statement.

The case had centered around the state's refusal to accept certain types of documentation, which included consular cards for immigrants and expired passports and Mexican voter registration cards — all of which were common forms of ID for undocumented immigrants. By denying these forms of documentation, the plaintiffs argued, the state was denying them birth certificates based on their immigration status.

Texas will now accept Mexican voter registration cards as well as other IDs available to undocumented immigrants in their issuance of birth certificates. They will also accept religious and medical records, official immigration documents and some expired IDs as supporting documents. Mexican consular cards will still not be accepted. The state is undergoing an evaluation of the card's security.

Carlos González Gutiérrez, consul general of Mexico in Austin who on behalf of his government submitted a brief in the case supporting the plaintiffs, said he still believes the consular card is "very secure" and will continue to work with the state to have it recognized as such.

He said he was pleased that the Mexican voter registration card, which Mexicans can apply for at the Austin consul, may now be used as proof of identity for parents to receive a birth certificate.

"We are very pleased with the resolution to this conflict," González Gutiérrez said. "From the beginning we had expressed our concern that this policy was an attack on the right to identity of these U.S.-born children."

State officials agreed to begin efforts to train local registrars on the new rules for issuing birth certificates in the coming nine months, including at the scheduled statewide registrars' conferences. The state will also set up a hotline (888-963-7111) to assist people who feel they have been wrongly turned away by local registrars.

Statesman

“To us that was critical in the negotiations and we pushed to get that. One of the big problems this lawsuit uncovered is that there were different and inconsistent standards,” Olivares said. “Some offices would take (these forms of documentation) and other offices wouldn’t. It was the luck of what city they lived in and what standards were applied to you... It’s anathema to due process. The idea of due process is that everyone should be treated the same, treated to the same standards.”

This story has been corrected to reflect that the consular card will not be accepted as a form of identification for obtaining a birth certificate.