



March 17, 2025

U.S. Department of Homeland Security
Office of Civil Rights and Civil Liberties
Compliance Branch, Mail Stop #0190
2707 Martin Luther King Jr. Ave., SE
Washington, DC 20528-0190

Via Email: CRCLCompliance@hq.dhs.gov

RE: Detention and Forced Relocation to Mexico of U.S. Citizen Children During a Medical Emergency

I. Introduction

The Texas Civil Rights Project (“TCRP”)¹ submits this urgent complaint to the Department of Homeland Security’s (“DHS”) Office for Civil Rights and Civil Liberties (“CRCL”) on behalf of Sara Hernández García,² a ten-year-old U.S. citizen recovering from a brain tumor, her four siblings, and their parents (referred to together as “the family”), regarding their treatment by Customs and Border Protection (“CBP”) and other DHS personnel at the checkpoint near Sarita, Texas and at the Donna Processing Center in Donna, Texas on February 3–4, 2025. The information provided in this complaint was uncovered through interviews conducted with the family and other parties with direct knowledge of events, as well as a review of available medical and legal records. We reserve the right to supplement this information at any time.

On the morning of February 3, 2025, the family was traveling from the Rio Grande Valley to Houston, Texas, to get emergency treatment for Sara at Texas Children’s Hospital, where she has been treated in the past. Rather than ensure that a child with a serious medical condition obtained appropriate medical care, CBP officers detained the family for over twenty-four hours and eventually forced the entire family, including U.S. citizens, to Mexico, where Sara cannot receive appropriate treatment.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the CRCL Compliance Branch has authority to investigate allegations of abuses including violation of rights resulting from immigration

¹ TCRP is a 501(c)(3) legal advocacy organization with offices across Texas. TCRP is dedicated to defending the rights and dignity of all those in Texas in the courtroom, in partnership with our communities, and with meaningful policy changes. Since our founding in 1990, TCRP has fought for the rights of immigrants. We are lawyers and advocates for Texas communities, boldly serving the movement for equality and justice.

² All names in this public-facing version of the complaint have been changed to protect the family’s safety. TCRP submitted a version of the complaint to the government that uses the family’s real identities. The present version also omits several exhibits consisting of medical records that corroborate the events described here. Other than these two changes, this version of the complaint is the same as was what was provided to the government.

enforcement, violation of due process rights, discrimination based on disability, and other types of abuses committed by DHS personnel.³ The Compliance Branch is also charged with investigating complaints about disability accommodations under Section 504 of the Rehabilitation Act.⁴

Here, CBP denied urgent medical care to a vulnerable and disabled U.S. citizen child, violated the family's due process rights, and generally subjected the family to a course of abuse and humiliation before removing them to a country where their U.S. citizen children are in grave danger of kidnapping and cannot access the medical care they require. Accordingly, we urge CRCL to open an immediate investigation. We also urge DHS to immediately grant humanitarian parole to Maria, Juan, and Elizabeth, so that the family can be together while Sara gets the medical treatment she needs.

II. Background.

Maria and Juan Hernández García live in the Rio Grande Valley in South Texas with their six children: Fernando, Manuel, Elizabeth, Sara, Alejandra, and Vicente. Five of the six children are U.S. citizens. The Hernández's work hard and are valued members of their community. They are dedicated members of their local church. Maria and Juan have no criminal records and spent decades working to build a better life for their children. The children thrive in school, especially in music and art. The eldest, Fernando, dreams of joining the U.S. military after he graduates from high school.

The family's lives have been complicated by the medical issues of their children. Soon after they were born, both Manuel (15) and Elizabeth (13) were diagnosed with a rare heart rhythm disorder called Long QT Syndrome. Both children are able to live relatively normal lives, but they require regular medical observation, and Manuel wears a heart monitor.

In 2023, Sara (now 10) started to manifest a series of seemingly unrelated symptoms.⁵ Her left foot started to turn at an odd angle. She had stomach pain. She was doing worse in school. She started pulling her hair and complained of headaches. Doctors in the Rio Grande Valley diagnosed her with autism,⁶ but her parents believed something else was wrong and worried the doctors were missing something.

In February 2024, Sara had a seizure at home and an ambulance took her to the hospital.⁷ The doctors found a tumor in her brain and said that she was in critical condition. They decided to airlift her to Texas Children's Hospital in Houston. At Texas Children's, doctors told the parents that they were not optimistic and that Sara was almost dead. At one point, Maria thought she was holding her daughter's lifeless body in her arms. Fortunately, surgeons performed an emergency procedure and managed to remove the tumor. They told the parents it was a miracle.

³ "CRCL Compliance Branch," Department of Homeland Security, Office of Civil Rights and Civil Liberties, <https://www.dhs.gov/compliance-branch> (last accessed March 7, 2025).

⁴ *Id.*

⁵ Exhibit A at 1–2.

⁶ *Id.*

⁷ *See* Exhibit A at 2, 5.

Sara survived but she still needs to be under the care of a pediatric neuro-oncologist. She continued to receive treatment at Texas Children's for much of 2024, and the family moved to Grand Rapids, Michigan where a relative supported them in getting treatment for Sara at Devoss Children's Hospital.⁸ Sara still struggles. She wears a leg brace, forgets words, and the right side of her body is partially paralyzed. She takes medication every day to prevent seizures, and her parents carry an emergency nasal spray in case Sara has a seizure.⁹

After Sara's emergency, Maria had to stop working to care for her, and the family struggled to pay the bills. Their community, however, stepped up. With the support of their church and other community institutions, the community organized a series of fundraisers to help Juan and Maria get back on their feet. Maria and Juan felt deep love and gratitude for this support and were determined to support others in the coming years as they had been supported.

III. CBP denies medical care to Sara for roughly six hours at the Sarita Checkpoint even after confirming that she had a grave and complex condition.

On February 3, 2025, Sara woke up at the family's home in Texas and told her parents that she was dizzy, that her head hurt, and that the left side of her body ached. Fearing the worst, Juan and Maria piled five of the children into the car and started driving to Houston to get Sara to her specialists at Texas Children's. Fernando was staying in Michigan and thus did not join the family.

CBP runs a checkpoint near Sarita, Texas, on Route 77, around eighty miles north of the family's home in the Rio Grande Valley. The family had previously passed through this checkpoint without incident several times when taking Sara to appointments at Texas Children's. Each time, the family showed CBP officers a letter from Texas Children's staff explaining that Sara needed care at the hospital.

The family arrived at the Sarita Checkpoint and presented the letter. The letter explained that Sara is a patient at the hospital "due to treatment for a brain tumor" and that because of "the grave nature and complexity of her disease," it is "necessary" that Sara "continue to be followed closely by the treatment team at Texas Children's Hospital."¹⁰ The letter requested that the parents be permitted to travel in order to oversee care.¹¹ The parents also showed officers the children's birth certificates demonstrating that they are U.S. citizens, and showed them a letter from their immigration attorney, while also explaining that they are in the process of applying for T visas.

Rather than let Sara proceed to Texas Children's, CBP officers detained the entire family. An officer called staff at Texas Children's who confirmed that the daughter was a patient of the hospital¹² and that due to the nature of her condition she would likely be transferred to Texas Children's if she were brought to a local facility. At this point, officers neither allowed the family to proceed to Texas Children's nor brought her to a local facility to address her potential medical

⁸ Exhibit A at 1–4.

⁹ Exhibit A at 2.

¹⁰ Exhibit B.

¹¹ Exhibit B.

¹² Exhibit C at 1.

emergency. Officers took no action at all to ensure Sara got the care she needed. Instead, they confiscated her medication.

While the family was waiting, officers told the parents that someone would need to come pick up their vehicle. The parents called their pastor. When the pastor arrived, he told CBP personnel about Sara's medical condition. The officer told him that Sara—a *U.S. citizen*—would need to get a medical visa.

Officers forced the family to sit in an office at the checkpoint for roughly six hours. All the while, Maria and Juan were terrified that Sara's condition might get worse. Sara sat on a bench crying and complaining that her head hurt. Throughout this time, the parents told multiple officers about Sara's medical condition, Manuel's heart monitor, and that the children were U.S. citizens.

IV. CBP refuses to take Sara to an emergency facility or a specialist even after she arrives at the Donna Processing Center.

Roughly six hours after being detained at the Sarita checkpoint, officers told the family to get into a van because they were being transferred. The van took them to the Donna Processing Center in Donna, Texas.

When they got out of the van, officers began shouting at the family as they brought them to the door of the facility. One of the officers tried to take away Sara's foot brace, but Maria protested and explained that she needed it. Officers brought the family inside the facility to a cage where an officer reviewed the family's documents, including the children's birth certificates showing that they are U.S. citizens, and a letter from their immigration attorney.

Officers then separated the family by gender and put them into two lines. A female officer looked at Manuel's acne and said that he needed to masturbate more. Maria was incensed when she overheard this remark and told the officers that they were insulting a U.S. citizen. Officers searched each member of the family, including the pat downs of sensitive parts of their bodies. Six-year-old Vicente, a U.S. citizen, later asked his mom why they touched him "down there."

After the search, officers began screaming at the children to get in one line. Officers brought the family to the medical area. Medical staff started to examine the children. Manuel told them about his Long QT syndrome, heart monitor, and medications. Maria explained that Elizabeth, who is not a U.S. Citizen, has the same syndrome but is not able to get medications because she does not have health insurance. A male staff member asked Elizabeth how old she was and told her that "you're going to start burning oil soon," referring to menstruation.

Maria told a medical staff member about Sara's surgery and condition, hoping that they would allow Sara to take her medication. The staff member accused her of lying. Sara told the staff member about her experience, explaining that she nearly died during her surgery. The staff member laughed. Maria and Sara showed the staff member one of Sara's scars and the staff member said that it was a very small scar. Eventually medical staff allowed Sara to take her evening dose of seizure medication, but locked up the emergency medical spray. Maria was afraid that Sara would have a seizure and that they would not be able to administer the right medication for her.

At this point, it was clear to CBP's medical team that they had custody of three children with complex medical needs, one of whom was complaining of urgent and serious symptoms, two of whom were U.S. Citizens. Rather than allow Sara to proceed to Texas Children's or transfer her to a local facility, CBP continued to detain her and her family.

A. CBP forces U.S. citizen children with complex medical conditions to spend the night in hot, cramped cells.

After the medical checks, the family was again separated by gender and put into two cells. Sara was with her mother and two sisters. Maria remembers that the room was very small and could barely fit two twin beds. The mats on the floor were very dirty and staff gave the family wipes to clean them off with. A little while after officers put them in the room, Maria saw an officer pass by the cell and told them she wanted to speak to her attorney. The officer mocked her, asking if she thought her attorney was going to be available twenty-four hours a day.

The room was very hot and very bright, like an incubator. The lights did not shut off all night. Sara and her sisters tossed and turned but did not sleep well. Twelve hours earlier, Sara's parents were so worried about her that they rushed the family towards Houston for emergency care. Instead of granting her that care, CBP forced a child who was still recovering from brain surgery to sleep in a hot, dirty, brightly lit cell.

B. CBP threatens the family with permanent separation and denies them adequate access to their attorney.

Early the next morning, officers came in screaming, waking up the children, and saying it was time to shower. After the shower, the family was brought back to their cells.

Three officers, including a supervisor, came to Juan and started pressuring him to sign a deportation order. Juan refused and asked to speak to his attorney. The officers told him that criminals do not have the right to speak to an attorney. One of the officers got very close to Juan, who feared the officer was going to punch him. After some time, the officers got frustrated and went to Maria's cell and demanded she sign a deportation order. One officer threatened that the government would take away her children and she would never speak to them again. Maria again asked to speak to her attorney, and the officer told her that she was a criminal and had no right to an attorney. The officers started screaming at Maria. Maria started to cry.

After a while, officers allowed Maria to speak to an attorney. They brought her to a room with phones. She was able to contact her attorney's office and spoke to an assistant for only three minutes before an officer opened the door and ordered her to hang up.

An officer saw Maria was crying and tried to reassure her that they would not take away her children. The officer told Maria that there was a woman in the facility who collects complaints and sends them to Washington. Maria later spoke to the woman and told her story. The woman seemed very angry and spoke on the phone to someone about their situation. The woman said that it would be a serious complaint because there were two U.S. citizen children with serious medical conditions in CBP custody.

The woman asked Maria to identify the officers who threatened to take away her children, which Maria did. After that, the woman took Maria to the medical area to identify the staff who wanted to throw out Sara's medicine. The woman started arguing with the staff, telling them that the child needed to be in Houston for medical care and that they didn't understand the complexity of Sara's condition. The woman demanded that the staff show her where Sara's emergency medicine was, and the staff explained that they did not know because they were not on shift the previous evening. During this confrontation, Sara fell asleep in a chair. The medical staff asked if this was normal, and Maria explained that the doctors told them to expect this because Sara's brain was still swollen from the surgery.

The woman told Maria she would file a complaint and left the family. Maria and her daughters returned to the cell. The officer who Maria understood to be a supervisor came back and demanded that Maria sign the deportation order. Maria protested, saying that Sara needed treatment in the U.S. The officer said Sara's condition could be treated in Mexico. The officer then said that he knows important people in Washington, and that if he makes a phone call, the government would take her children and she would not see them again. Maria continued to protest that Sara needed treatment and that her children are U.S. citizens, but the officer would only repeat that he is not an attorney, not a judge, and not a doctor.

Maria briefly spoke on the phone to an official at the Mexican consulate. She explained that her children are U.S. citizens and that Sara was sick. The official explained that the family was likely going to be sent to Mexico.

Another officer came and asked Maria why she risked her children by taking them out into the brush. Maria was confused and explained that they were stopped at a checkpoint while trying to get to the hospital. Later, the same officer started talking to Manuel. Manuel explained that he is a U.S. citizen and that he goes to a local high school. The officer chatted with the other children in English as well.

Maria estimates that she told over thirty individual CBP officers and facility staff at the checkpoint and processing center about both Sara's condition and that her children were U.S. citizens.

V. CBP forces Sara to Mexico, where she cannot access medical care and is at serious risk of being kidnapped.

The officers eventually told the family they were going to be sent to Mexico. Officers brought plastic bags with their belongings, including their medications. Maria saw that Sara's emergency medication was missing, but the officer refused to give it back. The officers gathered the belongings and brought the family out to a truck. As they were walking out, one of the officers asked why Sara had a leg brace. Maria again explained that Sara has a serious illness and is a U.S. citizen.

The family was taken to a Port of Entry in Hidalgo, Texas. Officers made everyone get out of the truck and walk to the middle of the bridge. Everyone waited several minutes for a Mexican official to meet them. When the Mexican official came, a U.S. official told the Mexican official that some of the children were U.S. citizens.

The Mexican officials took them to Mexican immigration processing. Another official came over and told Maria that the official had been arguing with U.S. officials about receiving Sara because of her medical condition. The official appeared angry and got even more angry after Maria showed her Manuel's heart monitor. The official stated that she did not understand how the U.S. could kick out its own citizens with such serious medical conditions.

Mexican officials then advised the family that it would be best if they went directly to a migrant shelter in Reynosa rather than be released on the streets. The officials said that if the criminal gangs learn the family had been deported they would kidnap them. The family agreed, and Mexican authorities brought them to a shelter in a closed truck.

Security at the shelter was very heavy. The truck drove through a gate into a walled compound, and the gate closed all the way before they were allowed to leave the truck. The family understood that this process was designed to prevent anybody outside from seeing that vulnerable deportees had just arrived. After they exited the truck, the Mexican official told Maria that she was upset that Sara was deported and that she hoped Sara would be able to get back to the United States for treatment.

Shelter staff gave the family a room and meals. They warned the family to stay inside because criminals had kidnapped people from right outside of the shelter. Maria and Juan started to realize that their children might be at extra risk of kidnapping because they are U.S. citizens.

The family stayed at the shelter for five days, until February 9, when they were finally able to arrange a taxi to take them to stay with relatives in a rural part of Mexico. Maria and Juan were careful when making travel arrangements out of fear that their driver might turn them over to a gang. Eventually, they found a taxi driver whom the shelter staff vouched for and decided to leave because it was not tenable to stay in the shelter with five children. When they got into the taxi, the driver told them that he wanted to keep them safe, but that if the gangs demanded, he would have no choice but to turn the family over. After a long, harrowing journey, the family eventually made it to their relatives' house.

The family is still not safe. Maria and Juan have seen bodies on the side of the road near where they are staying. They believe these are victims of cartel violence. Worse, they fear the children will be targeted for kidnapping if the gangs learn the children are U.S. citizens. People in the region generally believe that all U.S. citizens have money, so the gangs will assume they can get a good ransom by taking the children. As a result, Maria and Juan are keeping the children at their relatives' property. They cannot go to school or the doctor. They have not left the property in nearly a month. Fernando remains in the United States, separated from his family.

Sara and Manuel cannot access medical care in Mexico. They are not registered as Mexican citizens and thus cannot currently access the Mexican medical system. The family does not have money to pay for any private appointments. Maria and Juan also do not believe that they would have access to the pediatric neuro-oncologists and other specialists necessary to treat Sara. They also worry that if they send Sara to Houston for treatment with a trusted friend or adult, CBP will think she is being trafficked and take her into government custody.

VI. Conclusion

The U.S. government, through CBP, committed serious abuses against the Hernández García family, and Sara in particular, by denying access to medical care for a U.S. citizen child with “grave and complex” medical needs.¹³ The abuses committed by the government include but are not limited to:

- Denying Sara immediate access to emergency treatment for her grave and complex medical condition.
- Failing to obtain pediatric medical review of Sara, Manuel, and Elizabeth’s conditions as required by the *Flores* settlement. If a review did occur, it failed to be meaningful.
- Detaining U.S. citizen children with complex medical conditions in deplorable conditions with inadequate food.
- Failing to provide reasonable accommodation to minors with disabilities in CBP custody.
- Making inappropriate sexual remarks to minors in CBP custody.
- Threatening parents with permanent separation from their children.
- Knowingly separating a U.S. citizen minor—Fernando—from his family.
- Forcing U.S. citizen children to enter Mexico where their lives are in peril because of their status as U.S. citizens.
- Forcing U.S. citizen children with grave and complex medical conditions to Mexico where they cannot access adequate medical treatment.

In light of these serious abuses, we request CRCL to open an immediate investigation into this matter.

We further request that DHS grant humanitarian parole for Maria, Juan, and Elizabeth, so that the family can stay united as Sara accesses the medical care she needs.

Please do not hesitate to contact us if you have any questions about this matter.

Sincerely,

¹³ Exhibit B.

/s/ Daniel Woodward

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