

Congress of the United States

Washington, DC 20515

March 16, 2026

Acting Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Marco Rubio
Secretary
U.S. Department of State
Washington, DC 20520

Dear Acting Secretary of Homeland Security and Secretary Rubio:

We write to express our outrage at the recent deportation of Lesly Rodriguez Gutierrez and her two young children from Hayward, California to Colombia, including her six-year-old son, Joseph, who is deaf. According to the family's attorney, the family presented for their immigration check-in in San Francisco, as required by law, where they were taken into custody, detained, and deported to Colombia. They followed the law, but they were still punished.

Particularly troubling is the fact that Joseph, a six-year-old child with a hearing disability, was removed from the United States without his assistive hearing devices. The deportation of a young child with a disability, without his aids, under these circumstances raises serious humanitarian and due-process concerns. Children with disabilities require continuity of care, specialized support, and appropriate accommodations—none of which occurred when this child was deported without his medical devices. Removing a six-year-old deaf child from the United States without the basic medical and assistive equipment he relies on is unacceptable.

While U.S. immigration laws are complex, the United States has long recognized the importance of humanitarian considerations, particularly when children and individuals with disabilities and medical devices are involved. The circumstances surrounding this family's detention and rapid deportation are unacceptable.

We strongly urge that the Department of Homeland Security (DHS) and the Department of State urgently work with the family's legal representatives to facilitate the family's return to the United States through humanitarian parole so that Joseph can access the medical support, services, and stability he requires as the circumstances of his detention and deportation can be thoroughly reviewed.

This case needs urgent answers. Accordingly, we request information on the following:

1. What is the legal basis for the detention and expedited deportation of Ms. Rodriguez Gutierrez and her children after appearing for a scheduled immigration check-in?
 - a. In prior statements about this case DHS has claimed that Ms. Rodriguez Gutierrez "agreed" to her deportation and removal. Please provide evidence of this agreement.
 - b. Did DHS provide Ms. Rodriguez Gutierrez the opportunity to have a legal consultation prior to alleged agreement?
2. What assessment was conducted regarding Joseph's disability and his need for assistive hearing devices and specialized support?
 - a. Who conducted this assessment?
3. Why did immigration officials withhold Joseph's assistive hearing devices from a 6-year-old child during the deportation process?
4. DHS policies require compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, which mandate reasonable accommodations for individuals with disabilities, and ICE detention standards

require continuity of medical care and access to necessary assistive devices during detention and removal. In this case, a six-year-old deaf child was deported without his hearing devices. Why did DHS not comply with this law?

5. How many minors with disabilities have been deprived of their assistive devices, including but not limited to wheelchairs, prosthetics, hearing devices, or other necessities during the deportation process?

This case raises serious concerns about the treatment of vulnerable families and children in immigration proceedings. Ms. Rodriguez Gutierrez reports that Joseph is struggling since their detention and arrival in Colombia. Joseph was learning American Sign Language. His removal from our community has caused deep isolation as he's no longer afforded the ability to attend a school with friends, teachers, and a support system that he can effectively communicate with. This has caused a concerning change in his demeanor and even his appetite.

The family has filed applications for humanitarian parole that would allow them to return to the United States to properly address Joseph's needs and allow the family to live in an environment that is safe and supportive. We urge your agencies to review this matter immediately and work with the family's legal representatives to ensure that humanitarian protections are upheld.

We request a response as soon as possible. Given the urgency of the matter, we expect a response to our questions and action to remedy this egregious situation by March 20, 2026.

Sincerely,



Eric Swalwell
Member of Congress



Lateefah Simon
Member of Congress



Zoe Lofgren
Member of Congress



Nanette Diaz Barragán
Member of Congress



Kevin Mullin
Member of Congress



Adam B. Schiff
United States Senator



Alex Padilla
United States Senator