

# Deported Mexican returns to U.S. to fight for custody of kids

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An immigrant deported to Mexico who is fighting to keep custody of his three children received humanitarian permission to return to the United States to continue his court battle in North Carolina.

Felipe Bautista Montes since Wednesday has been in the western city of Sparta, where on Aug. 10 he must present himself at a hearing before a judge.

Carlos Flores Vizcarra, Mexico's general consul for the Carolinas, confirmed Thursday to Efe that the Department of Homeland Security authorized Montes to receive permission to stay in the country for 90 days.

The Mexican Consulate hired a lawyer to handle the request that was accepted last week by Immigration and Customs Enforcement.

"In the 11 years of my career, I have never heard of a similar action, where the same agency that deported an immigrant now allows him to return," Flores emphasized to Efe.

Donna Shumate, the attorney for Montes in the custody case, commented on Thursday to Efe that his physical presence in court will mean a "big difference" in the presentation of the arguments that the children should return to Mexico with their father.

"Having Felipe here will (make it) easier to respond to the judge's questions," she said.

Also, Shumate said that Montes has already met with his wife Marie and that he is "optimistic" that he will be able to see his children again soon.

The 34-year-old Montes's nightmare began one morning in October 2010 when he got up to prepare breakfast for his pregnant wife and the couple's sons, Isaias and Adrian, and get them ready to take them to daycare.

Having lived and worked nine years in Sparta, he was the family's sole provider, as Marie - a U.S. citizen - suffers from an unspecified disabling mental illness.

Unable to get a driver's license because he was undocumented, Montes had been arrested several times for driving without a license, but continued to drive so he could work.

When he went to court to pay his fines, two ICE agents were waiting for him.

They handcuffed him and transferred him to a detention center in Georgia, from where he was deported to Mexico on Dec. 3, 2010, as his wife was expecting the couple's third child.

Soon after Felipe's deportation, his wife lost custody of their children due to economic difficulties and a decline in her health.

The state Division of Social Services placed the kids with foster families who are now seeking to adopt them.

Montes's situation is not an isolated case, according to the Applied Research report "Shattered Families," which shows that more than 5,000 children of deported or detained immigrant parents are currently in foster homes.

From Mexico, Montes expressed his wish to bring the children to live with him and take care of them in the humble house in the northern state of Tamaulipas that he shares with aunts, uncles and cousins.

However, the North Carolina DSS has argued that the children, who are U.S. citizens, would be better off in this country in the custody of other people.

Consul Flores Vizcarra emphasized to Efe that Mexican authorities will continue to support the father and the family and if the judge rules in their favor they will process the passports and travel tickets of the father and the children so they can return to Mexico. EFE

<http://latino.foxnews.com/latino/news/2012/08/02/deported-mexican-returns-to-us-to-fight-for-custody-kids/print#ixzz22VPjtbtI>