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## Freehold couple struggles to bring baby born to surrogate back from Mexico

**JOE STRUPP** Asbury Park Press

FREEHOLD BOROUGH – It’s been more than two months since Simon Kaitz entered the world.

But the baby boy has never seen his home, has rarely seen his mother and is stuck in Mexico, where he was born.

Simon is the product of a surrogacy birth that occurred 2,500 miles south of Freehold couple Laura and Sam Kaitz's home and has turned their one-time miracle of life into a weeks-long nightmare of bureaucracy, alleged lies and legal fees.

“No one has been able to help us,” said Laura Kaitz, 52, a property manager and mother of two older children from a previous marriage. “We're frightened and panicking. I want my family home.”

Simon was born on April 18 in Mexico City but has been barred from entering the United States ever since, his parents say. They have been told by Mexican and U.S. authorities that he cannot obtain a passport because his birth certificate is not valid.



Sam Kaitz of Freehold Borough with his son, 2-month-old Simon, who he is trying to bring back to the United States from Mexico, where he was born from a surrogate mother. LAURA KAITZ

U.S. officials have [regularly warned](#) potential surrogate parents against doing business in Mexico given the lack of oversight in that country and the potential problems that can arise.

“Although surrogacy agencies/clinics claim surrogacy is legal in Mexico and actively promote Mexico as a destination for international commercial surrogacy, there is no legal framework for foreigners or same-sex couples to pursue surrogacy in Mexico,” a 2021 notice on the U.S. Mexico Embassy website states. “As a result, surrogacy agreements between foreign or same-sex intending parents and gestational mothers are not enforced by Mexican courts.”

It later notes, “If you decide to pursue parenthood in Mexico via assisted reproductive technology (ART) with a gestational mother, be prepared for long and unexpected delays in documenting your child’s citizenship.”

The couple claims they were misled by the surrogacy agency that contracted to oversee the process and found government blockades from the Mexican courts, United States Embassy and U.S. State Department.

As a surrogate child, Simon was conceived in a laboratory using Samuel Kaitz’s sperm and an egg from an anonymous donor. Once fertilized, the egg was placed inside another woman, hired as a surrogate through a Mexican-based surrogacy agency.

The agency, [Surrogacy Mexico](#), finds donors and surrogate mothers and charges a fee to bring the parties together and oversees the process. The Kaitzs said they paid \$60,000.

Although he was born seven weeks premature, the couple says Simon is doing well and is living with his father in a Mexican AirBnB.

But efforts to bring him back home have hit one roadblock after another, they said.

“Every time I look at him it makes me so happy and fills my heart with joy,” Kaitz said from Mexico City, where he has been since Simon’s birth. “But every time I speak with someone from the (surrogacy) agency it breaks my heart all over again.”

Surrogacy Mexico has not responded to repeated requests for comment.

Mexican surrogacy has grown in recent years, according to experts, who point out it’s often one-third the cost of seeking a United States surrogate. Others said the popularity has grown due to the war in Ukraine, which had also been a popular location prior to the Russian invasion there.

Kristen Armstrong, a San Diego-based lawyer who specializes in foreign surrogacy cases, agreed that difficulties often arise, but said that may be the case in any foreign country.

“Surrogacy anywhere in the world can be risky if you are not informed and you are not affiliated or using qualified, experienced and ethical professionals,” Armstrong said in an interview. “These types of problems that these people have run into is unfortunate, but it has to do with the program or attorneys or someone along the way not being completely educated about the process.”

Mr. Kaitz, 37, said he saw the federal warnings when he and his wife began the process more than a year ago but were told by their Mexican lawyer that things had improved.

The U.S Embassy in Mexico did not respond to a request for comment. The U.S. Citizenship and Immigration Service referred a request to the U.S. State Department, which sent a link to its website and the general information on surrogacy overseas.

The Kaitzs’ trouble began when Simon’s birth certificate was wrongly issued with Ms. Kaitz’s name on it as the birth mother, the couple said. Routinely, surrogacy birth certificates name the surrogate mother and the natural father, then the child is formally adopted by the couple.

The Kaitzs said they were told by their Mexican lawyer, who was appointed by the surrogacy agency, that placing Ms. Kaitz’s name on the birth certificate would not be a problem. But when they went to get the child a passport, U.S. Embassy officials said it was not valid.

“His birth certificate kept being delayed, beyond that they needed to get a (Mexican court) judgement for Laura to be on the birth certificate,” Mr. Kaitz said. “They said that would not be a problem. But it has been.”

He said the U.S. Consulate in Mexico has told the couple that the birth certificate they received was not valid and was not issued by the proper Mexican agency.

“They gave us no options, said go back to your lawyers and get a proper birth certificate,” Ms. Kaitz said. “They wanted to see the surrogacy agreement signed by all parties and we provided them with that and a DNA test that shows Sam is the father.”

She said the couple also has signed agreements from the egg donor and the surrogacy mother giving up any rights to the child.

“The consulate has had a lot of sympathy for us, they have tried to help us, but they have said that the surrogacy agency should have provided us with a packet of documents and everything we needed to submit,” Ms. Kaitz said. “They provided us nothing.”

The couple recently reached out to Rep. Andy Kim, D-Monmouth, for help. His office said only that they have been in touch with the U.S. State Department but offered no other details.

Mr. Kaitz, a Newark high school math teacher, said he has met with U.S. officials at least eight times since Simon's birth, with other meetings in different Mexican government agencies as well.

"It seems like every time I get the embassy what they want they ask for something new," he said. "I don't know if it is because they don't know what they need or they are being told something more and it makes it impossible to leave when we do not know upfront what we need. It's been extremely financially stressful, extra time and extra things we are going to have to do because the lawyers didn't do their job right."

While Mr. Kaitz has remained in Mexico, Ms. Kaitz has had to spend most of her time in Freehold Borough watching her other children, 21 and 23, who are on the autism spectrum.

"My other kids haven't seen their father in over 2 months," she said. "And they haven't met their little brother."

Mr. Kaitz said the latest request from the U.S. Embassy in Mexico City, which issues passport to U.S. citizens, is that the couple provide a new DNA sample that can prove he is the biological father, along with proof of his U.S. citizenship and U.S. residency.

He remains hopeful that will be enough but said he would warn others to be careful before going down the same road.

"It will take years off your life," Mr. Katz said. "If you are going to do this, you have got to be very level-headed, if you get upset easily you will barely survive. If you do it, do not allow the agency to provide a lawyer for you for any reason, it must be a lawyer you choose."

*Joe Strupp is an award-winning journalist with 30 years' experience who covers education and several local communities for APP.com and the Asbury Park Press. He is also the author of three books, including Killing Journalism on the state of the news media, and an adjunct media professor at Rutgers University and Fairleigh Dickinson University. Reach him at [jstrupp@gannettnj.com](mailto:jstrupp@gannettnj.com) and at 732-413-3840. Follow him on Twitter at @joestrupp*