



N.J. couple says their baby is stuck in Mexico after surrogate birth

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Laura and Sam Kaitz with their son, Simon, who was born via a surrogate in Mexico City. The couple is trying to bring Simon home to Freehold. Provided by Laura Kaitz

By Brianna Kudisch | NJ Advance Media for NJ.com

When Laura and Sam Kaitz first contracted with a [surrogacy agency](#) in Mexico to have a baby, they never imagined they would spend months trying to bring their infant son home to New Jersey.

The couple has spent more than \$60,000 on the surrogacy and made nearly a dozen trips to the U.S. Embassy in Mexico City trying to get a passport for their baby over the last 10 weeks.

And their son, Simon, is still not home yet because of a dispute over his birth certificate in Mexico, his parents said.

“We haven’t been a family for over two months,” said Laura Kaitz in a phone interview, her voice breaking. “And it’s really scary.”

[The Asbury Park Press first reported](#) the couple’s fight to bring their son to the U.S. The Freehold couple initially planned to work with a Ukrainian surrogacy agency and were ready to sign a contract before the country’s war with Russia broke out. The American surrogacy agency they used to find the Ukrainian agency suggested a Mexican-based agency named Surrogacy Mexico, the couple said.

They were paired with a surrogate in Mexico and — using Sam Kaitz’s sperm and an anonymous egg donor — they were successful with the first egg transfer through IVF, or in vitro fertilization, Laura Kaitz said.

There were some slight hiccups throughout the process, including that their contract said they would be allowed to attend doctor’s appointments with the surrogate, but the agency barred them from doing so, she said. But, overall the couple thought the process was going well.

Simon was born prematurely on April 18, about seven weeks before his due date. He entered the neonatal intensive care unit at the hospital in Mexico, his parents said.

Laura Kaitz was barred from visiting Simon because the hospital only allowed biological parents, she said. So, her husband flew down to be with Simon and eventually took him to an AirBnB where he was staying after the baby was released from the hospital after about three weeks.

But, Simon was not allowed to fly home to New Jersey and remains in Mexico City with his father, the couple said.

A dispute over the baby’s birth certificate has held up Simon’s passport, Laura Kaitz said.

The surrogacy agency’s lawyers told the couple the birth certificate was accurate, but U.S. Embassy officials said it was invalid because it contained Laura’s name, instead of the surrogate’s name, as the baby’s mother, Laura Kaitz said. The birth certificate also contained a string of zeros in a spot where there should have been numbers, they were told.

Surrogacy Mexico did not respond to a request for comment. The U.S. State Department also did not respond to a request for comment.

The couple said the surrogacy agency also misled them about Simon's birth. There were told he was born via a C-section, but the surrogate actually delivered him naturally at home, they said.

Laura Kaitz has traveled to Mexico City twice to see her husband and baby, she said. Sam Kaitz has made 11 trips to the U.S. Embassy in Mexico and provided numerous materials to prove their identity, including a recent DNA test.

U.S. Embassy officials have cautioned prospective parents for years about trying to use a surrogate to have a baby in Mexico. The process can include "long and unexpected delays," the U.S. Embassy said in a [June 2021 release](#).

"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," the U.S. Embassy's warning said.

"As a result, surrogacy agreements between foreign or same-sex intending parents and gestational mothers are not enforced by Mexican courts," it said.

Laura and Sam Kaitz said they were misled by the surrogacy agency, who told them the laws regarding surrogacy had changed in Mexico City.

"It's very stressful," said Sam Kaitz. The first six times he went to the embassy, he was told he needed to bring something different every time, he said. The surrogacy agency has mostly cut off contact and assigned blame to the couple, Sam Kaitz said.

The AirBnB where Sam Kaitz is staying with Simon is costing the couple roughly \$800 a week, they said. The couple paid \$60,000 for the surrogacy, while flights, tests and other expenses have added thousands more, Laura Kaitz said.

On Wednesday, Sam Kaitz was making his 12th trip to the embassy for yet another appointment — to take a DNA test — which he and Laura were told should pave the way forward for Simon's passport.

Until then, Simon will remain in Mexico.

"I don't want this to happen to anybody else," said Laura Kaitz.

The U.S. Embassy's warning from June 2021 about using surrogates in Mexico is still in place, even if agencies may be telling prospective parents the laws have changed, the couple said.

"These are things we had been told," she said. "I think it's important for people to realize the laws have not changed."

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