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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 **CRISTIAN DOE, DIANA DOE,**

14 Plaintiff-Petitioners,

15 v.

16 **CHAD F. WOLF, Acting Secretary of**
17 **Homeland Security; *et. al.*,**

18 Defendant-Respondents.

Case No. 19cv2119 DMS AGS

PLAINTIFF-PETITIONERS'
REPLY IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION

DATE: December 20, 2019

TIME: 1:30 p.m.

CTRM: 13A

Hon. Dana M. Sabraw

INTRODUCTION

This Court already held that Plaintiffs met requirements “identical to the standard for issuing a preliminary injunction,” whether “mandatory” or “prohibitory.” Order Granting Motion for Temporary Restraining Order (“TRO Order”), ECF No. 18 at 6:5–6 & n.3. Defendants assert nothing to justify holding otherwise now. The Court retains jurisdiction because Plaintiffs ask the Court only to ensure access to counsel, not prevent the return of any person to Mexico. Plaintiffs remain likely to prevail on their statutory claim “under the APA, 5 U.S.C. § 555(b).” TRO Order at 9:3–4. As the Court held and Defendants cannot refute, the APA right to counsel applies because the INA does not “expressly” supersede it for non-*refoulement* interviews. 5 U.S.C. § 559. It is arbitrary and capricious to allow access to counsel for credible and reasonable fear interviews but not for non-*refoulement* interviews that involve the same issue—whether there is sufficient reason to believe a person would face persecution or torture in a given country. Defendants are also violating procedural and substantive due process by prohibiting access to retained counsel before and during critical interviews that could determine whether they live or die. Nothing is more fundamental than the right to assistance of counsel in resisting the government’s attempt to expel persons to a country where they fear persecution or torture. As the Court already held, irreparable harm, balance of equities, and the public interest support a preliminary injunction.

ARGUMENT

I. THE COURT RETAINS JURISDICTION.

The Court must “construe narrowly restrictions on jurisdiction.” *Montero-Martinez v. Ashcroft*, 277 F.3d 1137, 1141 (9th Cir. 2002). Defendants cannot overcome “the strong presumption in favor of judicial review of administrative action.” *I.N.S. v. St. Cyr*, 533 U.S. 289, 298 (2001).

The Court lacks jurisdiction over a “decision or action” that is “in the discretion” of Defendants. 8 U.S.C. § 1252(a)(2)(B)(ii). Defendants assert

1 discretion to decide whether they “may return” persons to Mexico pending removal
 2 proceedings. 8 U.S.C. § 1225(b)(2)(C). This case does not attack any such decision.
 3 Plaintiffs do not challenge the government’s ultimate “return decisions,” the
 4 substantive “standards” for making those decisions, or how the government
 5 “weighs the evidence” in making such decisions. Response at 7:19, 8:3–7. They
 6 seek only to ensure access to and assistance of counsel for class members before
 7 officials make those decisions, not dispute the “substance” of any “discretionary
 8 choice” to return anyone to Mexico. *Id.* at 8:13–14. The Court therefore retains
 9 jurisdiction over Plaintiffs’ claims.

10 In barring review of “discretionary decisions themselves,” section
 11 1252(a)(2)(B)(ii) does not bar review of all “procedures used to arrive at those
 12 decisions.” *Id.* at 7:26–27. For example, although it bars review of the ultimate
 13 decision on amount of bond, it does not foreclose a claim that it is “constitutionally
 14 flawed” to fail to consider “a detainee’s financial circumstances” or “whether the
 15 person may be released on alternative conditions.” *Hernandez v. Sessions*, 872 F.3d
 16 976, 987–88 (9th Cir. 2017); *cf. Make the Rd. New York v. McAleenan*, No. 19-CV-
 17 2369 (KBJ), 2019 WL 4738070, at *24–25 (D.D.C. Sept. 27, 2019) (holding that
 18 giving “agency the ultimate authority to *make* the decision ... is not the same thing
 19 as giving the agency sole discretion to determine the *manner* in which that decision
 20 will be made,” for example with “a Ouija board”).

21 Therefore, section 1252(a)(2)(B)(ii) “restricts jurisdiction *only* with respect
 22 to the executive’s exercise of discretion” in deciding the ultimate outcome on return
 23 to Mexico, not “jurisdiction over questions of law” whether class members must
 24 have access to and assistance of counsel before that outcome, and it
 25 “mischaracterizes Plaintiffs’ challenge” to state otherwise. *Hernandez*, 872 F.3d at
 26 988. The absurd logical conclusion of Defendants’ contrary position is that this
 27 Court could not review a policy to bind and gag or otherwise prevent persons from
 28 speaking at non-*refoulement* interviews.

1 As the government's own authority acknowledges, this Court may review an
 2 issue "collateral" to the outcome or the "substantive standards" for deciding that
 3 outcome, such as whether an agency "denied the plaintiffs due process by not
 4 permitting them access to certain records" before the agency made the ultimate
 5 decision. *Gebhardt v. Nielsen*, 879 F.3d 980, 987 (9th Cir. 2018), *cert. denied*, 139
 6 S. Ct. 330 (2018). Similarly, the Court may decide whether class members must
 7 have access to and assistance of counsel in making their case because that issue is
 8 collateral to the ultimate question of return to Mexico.

9 As the Court recognized, the "non-inquiry" issue is a "strawman argument"
 10 because "Petitioners are not challenging an executive branch decision to return
 11 Petitioners to Mexico." TRO Order at 5-6 n.2. Plaintiffs assert claims under the
 12 APA and Due Process Clause, not "the Convention Against Torture" or extradition
 13 statutes. Response at 9:3.

14 **II. PLAINTIFFS ARE LIKELY TO PREVAIL ON THE MERITS.**

15 **A. Class Members Retain Express Statutory Rights to Counsel.**

16 Defendants assert nothing that warrants revisiting the Court's holding that
 17 class members are "entitled to be accompanied, represented, and advised by
 18 counsel" because they are "compelled to appear in person before an agency or
 19 representative thereof." TRO Order at 7:9–11 (quoting 5 U.S.C. § 555(b)).

20 It is absurd to contend class members are not "compelled to appear at their
 21 non-refoulement interviews." Response at 14:23. They are forced into the MPP
 22 program. They are "held in CBP detention facilities" and brought to the interviews
 23 in custody, and their "freedom is clearly confined and restrained." TRO Order at
 24 5:9–10. If such detention is not "overwhelming pressure," then nothing is.
 25 Response at 14:20. Although a subpoena or summons may be sufficient, neither is
 26 necessary to constitute compulsion. Nor is section 555(b) limited to "witnesses." *Id.*
 27 at 14:13. It protects any "person compelled to appear." 5 U.S.C. § 555(b). Congress
 28 could have said "witness," but it chose the broader term "person." Defendants

1 cannot rewrite the statute to suit their convenience.

2 Section 555(b) contains two related but different provisions on access to
3 counsel. The first guarantees the right to “be accompanied, represented, and advised
4 by counsel” for any “person compelled to appear in person before an agency or
5 representative thereof” for any purpose. 5 U.S.C. § 555(b). The second gives a
6 “party” the right to “appear ... with counsel ... in an agency proceeding.” *Id.*
7 The first is broader than the second, applying to any “person,” not just a “party”;
8 protecting the right to be “represented” and “advised,” not merely to “appear”; and
9 containing no limitation to “agency proceeding[s].”

10 Therefore, section 555(b) does not apply “only ‘to agency adjudications of
11 liability.’” Response at 14:16–17; see *United States v. DiStefano*, 129 F. Supp. 2d
12 342, 349 n.3 (S.D.N.Y. 2001) (section 555(b) applied at investigative deposition).
13 In any event, a decision on non-*refoulement* is the “final disposition” of whether a
14 class member will be returned to Mexico pending removal proceedings, which is
15 unreviewable and collateral to the merits of removability. Response at 15:12.
16 Therefore, non-*refoulement* interviews are “agency proceeding[s]” even assuming
17 section 555(b) is so limited.

18 The Court already held section 555(b) applies to this case because the INA
19 “has not expressly superseded” it in the context of “a non-*refoulement* interview.”
20 TRO Order at 8–9. In contending otherwise, Defendants continue to ignore the rule
21 that a subsequent statute cannot supersede the APA’s default right to counsel unless
22 “it does so expressly.” 5 U.S.C. § 559.

23 Defendants admit “there is no statutory ... provision” in the INA on “access
24 to retained counsel prior to and during a non-*refoulement* interview.” Response at
25 12:26–27. As this Court ruled, “Where the INA is silent, the APA default
26 provisions necessarily apply.” TRO Order at 8:23–24. Other courts agree. *Aslam v.*
27 *Mukasey*, 531 F. Supp. 2d 736, 742 (E.D. Va. 2008) (where “INA mandates no
28 particular time frame” to decide “adjustment of status application,” agency “is

1 subject to the catchall time requirement” in section 555(b); *Kim v. Ashcroft*, 340 F.
 2 Supp. 2d 384, 393 (S.D.N.Y. 2004) (without “statutory or regulatory deadline” for
 3 USCIS to “adjudicate an application,” agency is subject to “section 555(b)”).
 4 To ignore the express statement rule of section 559, as Defendants do, would
 5 improperly “emasculate an entire section” of the APA. *United States v. Menasche*,
 6 348 U.S. 528, 538–39 (1955).

7 As this Court observed, the Supreme Court has not held otherwise. TRO
 8 Order at 7:27–8:3. The Supreme Court held only that specific provisions of the INA
 9 involving “deportation proceedings” superseded the APA’s hearing requirements,
 10 because those provisions expressly stated they “shall be the sole and exclusive
 11 procedure for determining the *deportability* of an alien under this section.”
 12 *Ardestani v. INS*, 502 U.S. 129, 133–34 (1991) (quoting *Marcello v. Bonds*, 349
 13 U.S. 302 (1955)) (emphasis added). In relevant part, the current version of that
 14 provision is similarly limited to removal proceedings. 8 U.S.C. § 1229a(a)(3)
 15 (“unless otherwise specified,” immigration court proceedings “shall be the sole and
 16 exclusive procedure for determining whether an alien may be ... removed from the
 17 United States.”). As Defendants concede, under the INA “decisions to remove an
 18 alien” are distinct from decisions to “return an alien” to a “contiguous territory.”
 19 Response at 17:16–18. Accordingly, the INA does not supersede the APA right to
 20 counsel in this case because “[a]ccess to retained counsel for a non-*refoulement*
 21 interview, which is undisputedly not a part of formal removal proceedings, is not
 22 addressed in the INA.” TRO Order at 8:27–28.

23 For the same reasons, the Court already distinguished cases about “expedited
 24 removal proceedings,” Response at 11:24, because whatever the INA may say
 25 about “removal proceedings,” it does not address “whether asylum seekers have
 26 access to retained counsel” in the different context of “a non-*refoulement*
 27 interview.” TRO Order at 8:20–21. The Ninth Circuit did not address whether
 28 section 555(b) applies to expedited removal in *United States v. Barajas-Alvarado*,

655 F.3d 1077, 1088 (9th Cir. 2011). Even if one court has held section 555(b) “does not apply” to an expedited removal proceeding, such a holding remains distinguishable because it pertains only to proceedings governed by “removal statutes.” *United States v. Quinteros Guzman*, No. 3:18-CR-00031-001, 2019 WL 3220576, at *10 (W.D. Va. July 17, 2019). As this Court already held, a non-*refoulement* interview is not part of “removal proceedings,” expedited or otherwise, or addressed in any removal statute. TRO Order at 8:28.

It is irrelevant whether there is any right to counsel in “primary or secondary inspection.” Response at 13:14. Such inspection is a limited threshold inquiry by CBP officers into customs matters and eligibility to enter the United States. *Am. Immigration Lawyers Ass’n v. Reno*, 18 F. Supp. 2d 38, 42 (D.D.C. 1998), *aff’d*, 199 F.3d 1352 (D.C. Cir. 2000). It does not reach the separate, complex, and fact-intensive question whether an individual has established sufficient evidence of fear of persecution or torture to satisfy the non-*refoulement* doctrine, which is determined in a lengthy and thorough interview by a USCIS asylum officer. As Defendants admit, “primary and secondary inspection” occur in “inspection booths” and “ensur[e] and facilitat[e] lawful trade and travel, and prevent[] the introduction of contraband into the United States.” Marin Decl., ECF No. 30-4 ¶ 24. By contrast, the non-*refoulement* interview occurs in an “interview room” in a different location, *id.* ¶ 22, usually days later, after a person is “referred to a USCIS asylum officer for screening” to “assess whether it is more likely than not that the alien will face persecution or torture if returned to Mexico,” Response at 4:8–10. Therefore, a non-*refoulement* interview is not part of the “inspection process.” *Id.* at 13:19–20.

B. The Policy Is Arbitrary and Capricious.

The Policy remains arbitrary and capricious because there is no material distinction between credible fear, reasonable fear, and non-*refoulement* interviews for purposes of access to retained counsel. Each is an interview concerning the issue of “persecution based on a protected ground or torture,” *id.* at 17:9–10, but

1 Defendants deny access to counsel only for non-*refoulement*. Persecution is
 2 persecution and torture is torture, regardless of procedural posture.¹

3 Concerns about “capacity and resources” remain problems of Defendants’
 4 own making. *Id.* at 18:17–18. The government elected to create MPP, implement it
 5 at scale, and detain people in CBP custody pending non-*refoulement* interviews,
 6 when it concedes ICE custody can accommodate counsel access. Marin Decl., ECF
 7 No. 30-4 ¶ 19. It cannot bootstrap its choices into justifications for those choices.

8 **C. The Policy Violates Procedural and Substantive Due Process.**

9 The entry fiction does not deprive any class members of the procedural due
 10 process right of access to retained counsel for non-*refoulement* interviews. It covers
 11 only “rights available in the admissions process,” not the separate matter of return
 12 to Mexico pending removal proceedings. *Kwai Fun Wong v. United States*, 373
 13 F.3d 952, 972 (9th Cir. 2004). Defendants ignore the rule that their interference
 14 with an existing attorney-client relationship necessarily violates the Constitution.
 15 *Comm. of Cent. Am. Refugees v. I.N.S.*, 795 F.2d 1434, 1439 (9th Cir. 1986). In any
 16 event, their discussion of the *Mathews* factors is fundamentally flawed.

17 On the first factor—the interest at stake—the paramount interest in freedom
 18 from persecution, torture, or death remains no less “weighty” in Mexico than in
 19 class members’ home countries. Response at 22:3. Whatever aspiration the
 20 Mexican government has “to honor its international-law obligations,” *id.* at 22:1-2,
 21 the record demonstrates clear threats to class members in Mexico. ECF 2-1 at 5:7-
 22 13. As noted by the USCIS asylum officers’ union, citing Department of State
 23 reports, “Mexico is simply not safe for Central American asylum seekers.”²

24 _____
 25 ¹ A regulation providing an attorney “may be present at the [credible fear]
 26 interview” cannot mean an attorney may *not* be present. Response at 18:8-12 (citing
 27 8 C.F.R. § 208.30(d)(4)). Plaintiffs cannot credibly be accused of “unreasonably
 28 delay[ing] the process” to languish in horrific conditions of detention. *Id.* at 18:2-5.

² Brief of Amicus Curiae Local 1924 in Support of Plaintiffs-Appellees’ Answering
 Brief and Affirmance of the District Court’s Decision, 2019 WL 2894881 *22-
 23, *Innovation Law Lab v. McAleenan*, 924 F.3d 503 (9th Cir. 2019).

On the second factor—risk of error and value of additional safeguards—access to and assistance of counsel unquestionably reduce the risk of error. Unlike the “narrow and mechanical determinations” involved in reinstating a removal order, *Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 496 (9th Cir. 2007), non-*refoulement* decisions involve complex, fact-intensive issues for which counsel is essential to develop a full record. The record demonstrates the self-evident value of access to counsel. Uncontested declarations establish the value of counsel’s participation. ECF No 2-2, Chavarria Decl. at 152 ¶¶ 23-29, Cargioli Decl. at 172 ¶¶ 29-35, Waldron Decl. at 181 ¶¶ 24-28, Knox Decl. at 187 ¶¶ 11-14. Plaintiffs themselves did not pass non-*refoulement* interviews without access to counsel but did so with assistance of counsel after the TRO Order was issued. Decl. of Stephanie Blumberg in Support of Plaintiff-Petitioners’ Reply, Dec.12, 2019 ¶¶ 3-9; Cadill-Mirillo Decl., ECF No. 30-2 ¶¶ 5-7.

Case studies confirm the value of access to lawyers. Two months after the establishment of an attorney project at a detention center, removals decreased by 97 percent.³ Similarly, a pro bono project in a family detention center secured relief from expedited removal for more than 99 percent of those represented.⁴ After asylum seekers detained for credible fear interviews secured access to counsel, 100 percent of those represented were found to have a credible fear. *Innovation Law Lab v. Nielsen*, 342 F. Supp. 3d 1067, 1073–75 (D. Or. 2018).

On the third factor—burden on the government—any alleged burden is a problem of the government’s own making and cannot outweigh the paramount interest at stake and high risk of error. Defendants provide confidential attorney-client meetings for CBP detainees in other contexts. *See, e.g.*, Chavarria Decl., ECF No. 2-2 at 152 ¶ 23. There is no legitimate reason they cannot do so here. Access to

³ Innovation Law Lab, The Artesia Report, <https://innovationlawlab.org/the-artesia-report/>.

⁴ Kari E. Hong and Stephen Manning, Getting it Righted: Access to Counsel in Rapid Removals, 101 Marquette L. Rev. 673, 699-700 (2018).

1 counsel is far more important than the marginal value of serving notice of a
 2 removal hearing on both an adult sponsor and a 16-year-old, rather than only on the
 3 youth. *Cruz Pleitez v. Barr*, 938 F.3d 1141, 1143 (9th Cir. 2019).

4 Even if the entry fiction applies to procedural due process claims of some
 5 class members, it does not foreclose the substantive due process rights of any class
 6 members. *Cancino Castellar v. McAleenan*, 388 F. Supp. 3d 1218, 1246 (S.D. Cal.
 7 2019). Few things are more fundamental to “ordered liberty,” *id.* at 1236, than the
 8 right of access to and assistance of retained counsel for persons confined by the
 9 government who must make their case against forced return to a country where they
 10 fear persecution, torture, or death. The class members are persons seeking asylum
 11 facing blanket denials of counsel access, not “present and future death row and
 12 high-maximum security inmates” facing only non-contact in-person legal visits.
 13 *Mann v. Reynolds*, 46 F.3d 1055, 1056 (10th Cir. 1995). Their rights cannot be
 14 reduced to, much less below, those of convicted prisoners. *Jones v. Blanas*, 393
 15 F.3d 918, 931 (9th Cir. 2004).

16 **D. The Right of Access to Counsel Requires In-Person Visits.**

17 Plaintiffs expressly sought to enjoin Defendants “from preventing
 18 confidential legal visits” with class members. ECF No. 1 at 27:9. Even for
 19 convicted prisoners, access to counsel must be confidential and in-person. *Ching v.*
 20 *Lewis*, 895 F.2d 608, 610 (9th Cir. 1990). If mere delays in visits by attorneys to
 21 detained clients improperly “impaired their ability to establish rapport and trust
 22 with clients, to collect information from clients, [and] to counsel clients in a crisis,”
 23 then the total denial of such visits is unlawful. *Benjamin v. Fraser*, 264 F.3d 175,
 24 180 (2d Cir. 2001). “[E]ven if telephone access were available, a healthy counsel
 25 relationship in the immigration context requires confidential in-person visitation”
 26 with detainees, “especially where an immigrant must be forthcoming about
 27 sensitive matters such as past trauma,” which is especially salient for class members
 28 seeking asylum. *Arroyo v. United States Dep’t of Homeland Sec.*, No. SACV 19-

815 JGB (SHKx), 2019 WL 2912848, at *17 (C.D. Cal. June 20, 2019). Effective communication and rapport with clients are far more than verbal. They include eye contact, gestures, facial expressions, body language, and other nuances that cannot be captured telephonically. Any “paucity of support in appellate opinions” for that self-evident principle “does more to show that the proposition is too clear to be questioned than to show that it is debatable.” *Ueland v. United States*, 291 F.3d 993, 997 (7th Cir. 2002). It is absurd to contend that the hypothetical ability to talk with counsel before detention deprives class members of the right to consult retained counsel before a critical interview that could determine whether they live or die. Class members therefore have the right to confidential in-person legal visits.

III. THE REMAINING FACTORS FAVOR AN INJUNCTION.

Defendants assert nothing to refute the Court’s holding that irreparable harm, balance of hardships, and public interest favor an injunction. TRO Order at 9–10. They ignore evidence of harm suffered by Plaintiffs and class members in Mexico. ECF No. 2-1 at 4–5. They ignore evidence and case law on the importance of counsel in accurate assessments of the likelihood of persecution or torture. They ignore the fact that Plaintiffs’ own “fear assessments” turned out differently when Plaintiffs were guaranteed access to counsel. Response at 24:13. The government suffers no cognizable harm from being compelled to follow the law, and the balance of equities and public interest always favor protecting fundamental rights. *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014); *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir. 1983).

CONCLUSION

For the stated reasons, Plaintiffs respectfully request that the court grant their motion for preliminary injunction.

Dated: December 13, 2019

Respectfully submitted,

s/ Bardis Vakili

Bardis Vakili

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10 Counsel for Plaintiff-Petitioners

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 **CRISTIAN DOE, DIANA DOE,**
14 **Plaintiff-Petitioners,**
15 **v.**
16 **CHAD F. WOLF, Acting Secretary of**
17 **Homeland Security; et al.,**
18 **Defendants-Respondents.**

Case No. 19cv2119 DMS AGS

DECLARATION OF
STEPHANIE BLUMBERG IN
SUPPORT OF PLAINTIFFS-
PETITIONERS' REPLY IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION

DATE: December 20, 2019
TIME: 1:30 p.m.
CTRM: 13A
Hon. Dana M. Sabraw

DECLARATION OF STEPHANIE BLUMBERG

I, Stephanie Blumberg, hereby declare as follows:

1. I have personal knowledge of the facts set forth below, and if called to testify to the same, I could and would do so competently.
2. I am an immigration attorney at Jewish Family Services of San Diego (“JFS”). In that capacity, I represent the plaintiffs in this case known as Cristian Doe and Diana Doe (collectively, “Clients”) and their children in their immigration proceedings. Clients and their children are seeking asylum and were previously subject to the “Remain in Mexico” or “Migrant Protection Protocols” program (“MPP”).
3. After the court granted the Temporary Restraining Order in this case on November 12, 2019, I was able to confidentially consult with Clients in person in preparation for their non-*refoulement* interviews at a Customs and Border Protection (“CBP”) office in downtown San Diego on November 13, 2019, along with Luis Gonzalez, a supervising attorney with JFS.
4. The non-*refoulement* interview for Plaintiff Cristian Doe occurred on November 14, 2019 at approximately 11 a.m. I was present telephonically in the interview along with two other supervising JFS attorneys. Others who participated in the interview included the Asylum Officer and an interpreter. The interview lasted over three hours.
5. During the interview, we were able to participate by identifying discrepancies with the interpretation and adding to the record by eliciting important testimony from Cristian Doe.
6. For instance, it was clear that the interpreter was not directly translating what Cristian Doe was saying to the Asylum Officer; rather, he was summarizing and missing important points. I was able to intervene and ask the interpreter to slow Cristian Doe down if he was unable to directly translate. I also intervened when the interpreter mis-translated a couple of very important

DECLARATION OF
STEPHANIE BLUMBERG

1 terms including derogatory slang terms assailants used against Cristian Doe
2 that had to do with his nationality and indigenous status. These terms were
3 important to communicate to the Asylum Officer as they demonstrated nexus
4 between the harm Clients suffered and their protected grounds.

5 7. I also elicited testimony to clarify timelines of important events and to add to
6 the record regarding the disappearance of one of Clients' family members in
7 Mexico.

8 8. The Asylum Officer interviewing Cristian Doe informed us their office
9 would not be needing to interview Diana Doe or any of their children.

10 9. Later that day, agents with Border Patrol informed us Clients and their
11 children passed their non-*refoulement* interview. Clients and their children
12 were released from CBP custody the next day, on November 15, 2019.

13
14 I declare under penalty of perjury of the laws of California and the United States of
15 America that the foregoing statements are true and correct.

16
17 Executed this 12th day of December 2019 in San Diego, California.

18
19
20 /s/ Stephanie Blumberg
21 Stephanie Blumberg
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