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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF BARDIS VAKILI IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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* *Pro Hac Vice Application Pending*

I, Bardis Vakili, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. I am the Legal Director at the Center for Human Rights & Constitutional Law ("CHRCL").

3. In this action, CHRCL seeks to serve as class counsel for the following three classes of individuals who have applied for survivor-based immigration benefits and who are impacted by ICE Policy Number 11005.4, *Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits* (Jan. 30, 2025) ("2025 Guidance"), ECF 1-1:

(a) the Pending Petition Class, including all individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement (challenging the 2025 Guidance);

(b) the Deferred Action Class, including all individuals to whom USCIS has granted deferred action based on a pending U or T visa petition and who, during the authorized period of deferred action, ICE detains, seeks to detain, or removes without providing notice and an opportunity to be heard regarding potential revocation of their deferred action (challenging the "De Facto Revocation Policy"); and

(c) the Stay of Removal Class, including all individuals with a pending U or T visa petition who, since January 30, 2025, have been, are, or will be detained by ICE and who request or requested a stay of a final removal order prior to enforcement of that removal order (challenging "Blind Removal Policy").

4. Collectively, CHRCL attorneys have extensive relevant experience in complex litigation of all varieties, including class action litigation, immigration law, and constitutional law. I have served as class counsel in numerous cases protecting the rights of immigrants, including in the following cases: *Cancino Castellar v. Mayorkas*, No. 17-CV-00491-BAS-AHG, 2021 WL 4081559 (S.D. Cal. Sept. 8, 2021) (certifying class of individuals in ICE and CBP custody experiencing delays in presentment to an immigration judge); *Lopez-Venegas v. Johnson*, No. CV 13-03972 JAK (PLAx), ECF No. 104 (C.D. Cal. Feb. 25, 2015) (approving class settlement on behalf of immigrants subjected to "voluntary return" policies); *Franco-Gonzales v. Napolitano*, No. CV 10–02211 DMG (DTBx), 2011 WL 11705815, *1 (C.D. Cal. Nov. 21, 2011) (certifying class of immigration detainees with severe mental illness); *Ms. L. v. U.S Immig. and Cust. Enf't*, 331 F.R.D. 529 (S.D. Cal. 2018) (certifying class of immigration detainees challenging DHS family separation policy); *Aleman-Gonzalez, et al., v. Sessions*, et al., No. 18-cv-01869-JSC, ECF No. 33 (N.D. Cal. June 5, 2018) (granting class certification and preliminary injunction for class of individuals in prolonged immigration custody); *Doe v. Wolf*, 424 F. Supp. 3d 1028 (S.D. Cal. 2020) (certifying class of individuals subject to Migrant Protection Protocols who were denied access to counsel in violation of the APA); *Flores v. Bondi*, No. CV 2:85-04544 DMG (AGRx), ECF No. 1637 (C.D. Cal. 2025) (denying government's motion to terminate settlement on behalf of class of all minors in DHS custody).

5. I also have extensive experience representing immigrants in immigration court proceedings and before USCIS, including survivors of violence and crime. I spent nine years as a Senior Staff Attorney and Interim Legal Director with the ACLU of San Diego & Imperial Counties, and another 4 years as a Staff Attorney in the Orange County office of the ACLU of Southern California. Prior to the ACLU, I was the director of the political asylum program at Casa Cornelia Law Center in San Diego, California, where I represented well over one hundred

individuals in immigration court and USCIS processes who endured persecution or torture. I received a California Lawyer Attorney of the Year award in 2017 for my work addressing the issue of deported United States veterans. I have also been on litigation teams that have been recognized for their contributions in the field of immigrants' rights, including the *Rodriguez* litigation team awarded the National Lawyer's Guild's Daniel Levy Award in 2008 for work on the issue of prolonged detention in immigration prisons, and the *Ms. L* litigation team named attorneys of the year by the San Diego Law Raza Lawyers' Association in 2018 for their work challenging forced family separation.

6. Sarah Kahn is a Senior Staff Attorney at CHRCL. Ms. Kahn has been appointed class counsel in *Casa Libre v. Mayorkas*, No. 2:22-cv-01510-ODW (JPRx), 2023 WL 3649589 (C.D. Cal. May 25, 2023) (certifying class challenging, under the APA, delays in the adjudication of Special Immigrant Juvenile petitions) and is class counsel in *Flores v. Bondi*, No. CV 2:85-04544 DMG (AGRx) (C.D. Cal. 2025) (enforcing settlement on behalf of a class of all minors detained in DHS custody). Ms. Kahn works under my supervision.

7. Erika Cervantes is a Staff Attorney at CHRCL. She has systemic reform litigation experience with the Mexican American Legal Defense and Education Fund ("MALDEF") and Disability Rights Legal Center ("DRLC"). She was counsel for *Promise Arizona v. Hobbs*, Case No. 2:22-cv-01602-SRB (D. Ariz. 2022) (voting rights case); *Chavez v. Pasadena Unified School District*, Case No. 228STCV41127 (Super. Ct. Los Angeles County, 2025) (school discrimination case); and *Langenbacher v. City of Fullerton*, Case No. 30-2022-01296035-CU-CR-CXC (Super. Ct. Orange County 2022) (housing rights case). Ms. Cervantes works under my supervision.

8. CHRCL has sufficient resources to litigate this matter to completion. We are providing, and will continue to provide, our services pro bono to the classes.

9. Plaintiffs' counsel are part of a large network of immigration lawyers and advocates representing immigrant survivors across the country. Counsel will effect any Class Notice by disseminating to relevant listservs and publishing on the Public Counsel, La Raza Centro Legal, Coalition for Humane Immigrant Rights, and Center for Human Rights & Constitutional Law websites.

10. On October 21, 2025, Plaintiffs' Counsel met and conferred with Daniel Beck, Assistant United States Attorney with the U.S Attorney's Office for this District, who has been temporarily addressing matters in this case until separate Department of Justice ("DOJ") counsel is assigned. Prior to the meeting, I informed Mr. Beck of our intent to move for class certification. Due in part to the impact of the government shutdown, Mr. Beck was unable at that time to address the issue or predict when separate DOJ counsel would be assigned and available to do so. Plaintiffs move for class certification "[a]t the earliest possible time after service of a pleading purporting to commence a class action" pursuant to L.R. 23-3. However, we are open to a further conference of counsel upon appointment of more permanent DOJ counsel to the case.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing statements are true and correct.

Executed this 28th day of October, 2025, in San Diego, California

Respectfully submitted,

/s/ Bardis Vakili

Bardis Vakili

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DECLARATION OF LUPE A.

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** Pro Hac Vice Application Forthcoming*

DECLARATION OF [redacted]

I, [redacted], declare that:

1. I have personal knowledge of the facts set forth below and, if called to testify, I could and would do so competently.

2. I was born in Mexico City, Mexico. I am currently 64 years old, and I previously resided in Los Angeles, California. I lived in Los Angeles, California from 2004 to 2025.

3. While in Los Angeles, California, I was very involved in my church both as a member of the church and as a volunteer. I would go to church up to six days a week.

4. Almost all of my family is in the United States. I have three adult children who remain in the United States, and I also have three grandchildren who are U.S. citizens. One of my sons was deported with me.

5. I built my life in the United States. I came to the United States around when I was 36-37 years old.

6. I have lived in the U.S. with my kids since they were little. They attended school in the U.S. I have four kids in the U.S., two of whom graduated from college.

7. In Los Angeles, California, I worked in a clothing factory for 13 years. As part of my work, I separated clothes.

8. While in the United States, I did my taxes every year. While in the U.S., I had my own little business of selling new and used clothes every Saturday. I used these funds to support my kids.

9. While in Los Angeles, I studied English for Adults in several colleges. I took these courses because I just wanted to learn English.

10. In November 2017, I applied for a U-Visa because I was the victim of domestic violence.

11. On May 19, 1997, my former partner was hitting one of our children. In an effort to try to stop him, he slapped me across the face. He then grabbed me from the back and dropped me to the floor. While I was on the floor, he kept kicking me all over my body. I thought he was going to kill me.

12. I reported this crime to the Los Angeles County Sheriff's Department.

13. When they arrived, I told the Department what had occurred, and I allowed the agency to take pictures of my injuries. I provided the Sheriff's Department with a physical description of my former partner and his work address. The Sheriff's Department arrested him shortly after. A few days later, my former partner was charged with domestic violence. I went to court and testified that I was terrified of him.

14. Because of my help, my former partner was convicted and received 150 days in jail, followed by three years of probation.

15. My former partner used to tell me that while he could not do anything to me in the United States, but if I went back to Mexico, he would find me.

16. Through my U-Visa application, I was hopeful that I could one day become a lawful permanent resident.

17. At the time of applying for my U-Visa, I was under the impression that I would be protected from immigration enforcement, including arrest, detention, and removal.

18. Around November 2022, I received notice from USCIS that my U-Visa application was deemed bona fide, and that I had been granted employment authorization and deferred action.

19. Around November 2022, I received my employment authorization document from USCIS.

20. On April 28, 2025, I was home in Los Angeles, CA, and I heard something outside. I then went outside, and I saw ICE officers with my son. The ICE officers asked me to come over to speak with my son. ICE then detained me. The ICE officers were very rough with me. ICE agents hurt my arm and bruised my leg. ICE agents handcuffed me, including my legs. I have arthritis, and I warned them about it. But, the agents did not care. I do not know why they came for me – I did

not commit a crime or do anything new to place my deferred action at risk. I am a good person.

21. On April 28, 2025, an ICE officer pressured me to sign a final order of removal. The officer mentioned that if I didn't sign, they were going to get rid of me anyway. I put my fingerprint in ink on the order because he threatened me.

22. It's my understanding that, on April 28, 2025, my attorney told ICE that I had deferred action through my U-Visa application.

23. I even told ICE that I was applying for a U-Visa.

24. I was told that I had a previous removal order. When my attorney looked for my case information, he found that I had been ordered removed on February 6, 1998. I was not aware of this removal order.

25. It's my understanding that, on April 28, 2025, my attorney attempted to reopen my removal case with the immigration court and asked for a stay for my removal, but ICE deported me before the immigration court could act. I've since learned that my lawyer attempted to talk to an ICE agent about my pending U visa petition and to learn what documents they were asking me to sign, but the ICE agent refused and told him I had "no option" and that he would make me sign if I did not agree.

26. After my arrest, I was sent to an ICE detention center in Los Angeles. I spent one night in that center on April 28, 2025. The detention center did not have pillows or blankets. I had to sleep on the floor. I ended up getting sick with bronchitis.

27. On April 29, 2025, ICE removed me from the United States to Mexico.

28. To date, I am still in Mexico.

29. Before my arrest or removal, I did not receive any notice that my deferred action was being revoked.

30. I am here in Mexico, and I really miss my dogs and kids, my Saturday clothing business, my church, and my pastors.

31. I understand that I will be representing others in this lawsuit. I think it is important that all survivors of crime are given protection and safety. Even if I am able to return to the U.S. and my case is approved, I will continue to assist with this litigation so that others like me can also be protected.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. Executed on _____, 2025, in Mexico.

Signed: _____

DECLARACIÓN DE [redacted]

Yo, [redacted], por la presente declaro:

1. Tengo conocimiento personal de los hechos que se exponen a continuación y, si se me llamara a declarar, podría hacerlo y lo haría de manera competente.

2. Nací en la Ciudad de México, México. Actualmente tengo 64 años y anteriormente residía en Los Ángeles, California. Viví en Los Ángeles, California, desde 2004 hasta 2025.

3. Mientras vivía en Los Ángeles, California, participé muy activamente en mi iglesia, tanto como miembro como voluntaria. Iba a la iglesia hasta seis días a la semana.

4. Casi toda mi familia está en Estados Unidos. Tengo tres hijos adultos que siguen viviendo en Estados Unidos y también tengo tres nietos que son ciudadanos estadounidenses. Uno de mis hijos fue deportado conmigo.

5. Construí mi vida en Estados Unidos. Llegué a Estados Unidos cuando tenía entre 36 y 37 años.

6. He vivido en los Estados Unidos con mis hijos desde que eran pequeños. Ellos asistieron a la escuela en los Estados Unidos. Tengo cuatro hijos en los Estados Unidos, dos de los cuales se graduaron de la universidad.

7. En Los Ángeles, California, trabajé en una fábrica de ropa durante 13 años. Como parte de mi trabajo, separaba la ropa.

8. Mientras estuve en Estados Unidos, pagué mis impuestos todos los años. También tuve mi propio pequeño negocio de venta de ropa nueva y usada todos los sábados. Utilicé esos ingresos para mantener a mis hijos.

9. Mientras estuve en Los Ángeles, estudié inglés para adultos en varias universidades. Hice estos cursos porque simplemente quería aprender inglés.

10. En noviembre de 2017, solicité un visado U porque fui víctima de violencia doméstica .

11. El 19 de mayo de 1997, mi expareja estaba golpeando a uno de nuestros hijos. Al intentar detenerlo, me abofeteó. Luego me agarró por la espalda y me tiró al suelo.

Mientras estaba en el suelo, me dio patadas por todo el cuerpo. Pensé que me iba a matar.

12. Denuncié este delito al Departamento del Sheriff del condado de Los Ángeles.

13. Cuando llegaron, les conté lo que había ocurrido y permití que tomaran fotografías de mis lesiones. Proporcioné al Departamento del Sheriff una descripción física de mi expareja y su dirección de trabajo. El Departamento del Sheriff lo detuvo poco después. Unos días más tarde, mi expareja fue acusado de violencia doméstica. Fui al tribunal y testifiqué que le tenía pánico.

14. Gracias a mi ayuda, mi expareja fue condenado a 150 días de cárcel, seguidos de tres años de libertad condicional.

15. Mi ex pareja solía decirme que, aunque no podía hacerme nada en Estados Unidos, si volvía a México, me encontraría.

16. A través de mi solicitud de visado U, tenía la esperanza de poder convertirme algún día en residente permanente legal.

17. En el momento de solicitar mi visa U, tenía la impresión de que estaría protegida contra las medidas de control migratorio, incluyendo el arresto, la detención y la expulsión.

18. Alrededor de noviembre de 2022, recibí una notificación del USCIS en la que se me informaba de que mi solicitud de visado U se consideraba auténtica y que se me había concedido la autorización de empleo y la acción diferida.

19. Alrededor de noviembre de 2022, recibí mi documento de autorización de empleo del USCIS.

20. El 28 de abril de 2025, estaba en mi casa en Los Ángeles, California, y oí algo fuera. Salí y vi a los agentes del ICE con mi hijo. Los agentes del ICE me pidieron que me acercara para hablar con mi hijo. Entonces, el ICE me detuvo. Los agentes del ICE fueron muy bruscos conmigo. Los agentes del ICE me hicieron daño en el brazo y me dejaron un moratón en la pierna. Los agentes del ICE me esposaron, incluso las piernas. Tengo artritis y se lo advertí. Pero a los agentes no les importó. No sé por qué vinieron a por mí: no cometí ningún delito ni hice nada nuevo que pusiera en peligro mi acción diferida. Soy una buena persona.

21. El 28 de abril de 2025, un agente de ICE me presionó para que firmara una orden final de expulsión. El agente mencionó que si no firmaba, se desharían de mí de todos modos. Puse mi huella digital con tinta en la orden porque me amenazó.

22. Tengo entendido que, el 28 de abril de 2025, mi abogado le dijo al ICE que yo tenía acción diferida a través de mi solicitud de visa U.

23. Incluso le dije a ICE que estaba solicitando una visa U.

24. Me dijeron que tenía una orden de expulsión previa. Cuando mi abogado buscó la información de mi caso, descubrió que se me había ordenado la expulsión el 6 de febrero de 1998. Yo no estaba al tanto de esta orden de expulsión.

25. Tengo entendido que, el 28 de abril de 2025, mi abogado intentó reabrir mi caso de expulsión ante el tribunal de inmigración y solicitó una suspensión de mi expulsión, pero el ICE me deportó antes de que el tribunal de inmigración pudiera actuar. Desde entonces, me he enterado de que mi abogado intentó hablar con un agente del ICE sobre mi solicitud de visado U pendiente y averiguar qué documentos me pedían que firmara, pero el agente del ICE se negó y le dijo que «no tenía otra opción» y que me obligaría a firmar si no estaba de acuerdo.

26. Después de mi detención, me enviaron a un centro de detención del ICE en Los Ángeles. Pasé una noche en ese centro el 28 de abril de 2025. El centro de detención no tenía almohadas ni mantas. Tuve que dormir en el suelo. Acabé enfermando de bronquitis.

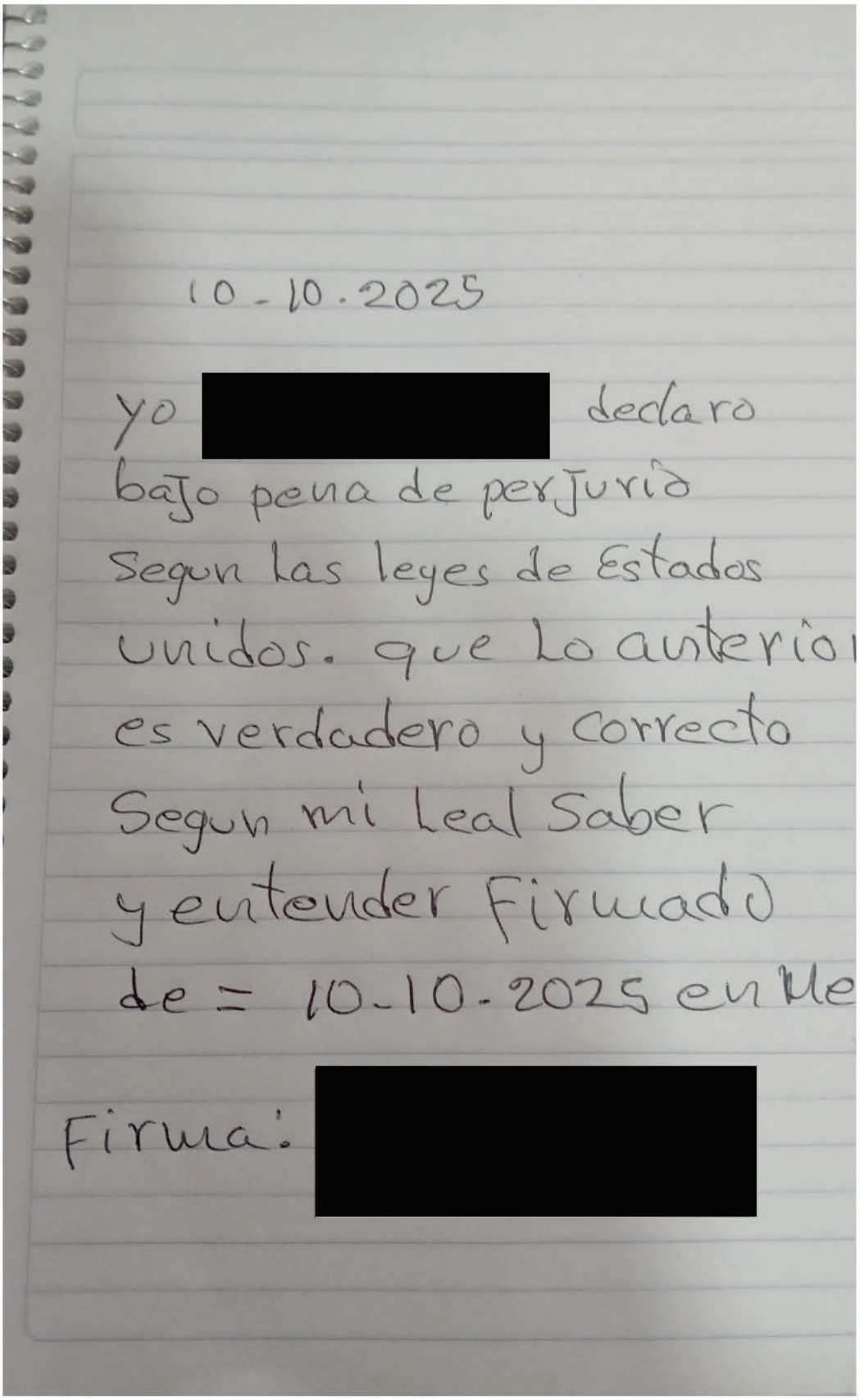
27. El 29 de abril de 2025, el ICE me expulsó de Estados Unidos a México.

28. Hasta la fecha, sigo en México.

29. Antes de mi detención o expulsión, no recibí ninguna notificación de que se fuera a revocar mi acción diferida.

30. Estoy aquí en México y echo mucho de menos a mis perros y a mis hijos, mi negocio de ropa de los sábados, mi iglesia y mis pastores.

31. Entiendo que representaré a otras personas en esta demanda. Creo que es importante que todos los sobrevivientes de delitos reciban protección y seguridad. Incluso si puedo regresar a los Estados Unidos y mi caso es aprobado, continuaré colaborando con este litigio para que otras personas como yo también puedan recibir protección.



10-10-2025

yo [redacted] declaro
bajo pena de perjurio
Segun las leyes de Estados
unidos. que lo anterior
es verdadero y correcto
Segun mi leal Saber
y entender Firmado
de = 10-10-2025 en Me

Firma: [redacted]

CERTIFICATE OF TRANSLATION

I, Sergio Perez, am competent to translate from Spanish into English, and I certify that the translation of the foregoing declaration is true and accurate to the best of my abilities.

Dated: October 12, 2025 Signed: _____

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DECLARATION OF CAMILA B.

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** Pro Hac Vice Application Forthcoming*

DECLARATION OF [redacted]

I, [redacted], hereby declare:

1. I have personal knowledge of the facts set forth below and, if called to testify, I could and would do so competently.

2. I was born in Mexico in 1979. I came to the United States when I was in my early twenties, around 2002.

3. I have lived in Los Angeles for twenty-three years.

4. I came with my four-month-old son who is now a U.S. citizen. In the U.S., I gave birth to my second son, who is 18, and my daughter, who is 14.

5. Around 2006 I began living with my partner, whom I formally married in 2022. He is the father of my two younger children.

6. Around 2005, I began making and selling tamales and I have continued to build my small tamale business. I know many of my regular customers who buy tamales, and my business is locally known in my community.

7. I am very close with my children. My oldest child graduated from university in May, and my second is starting university now. My youngest, my daughter, lives with my husband and me.

8. She is very good at soccer and we go as a family often to watch her play. We often pick her up and walk her home to ensure she gets home safely.

9. In 2021, I was leaving an appointment, and while I was waiting for the bus in the evening, someone approached me and punched me twice in the nose. I fell and I lost consciousness.

10. When I came to, a woman nearby told me to stay calm, that she had called 911 for me. The police arrived soon after.

11. Police officers began asking me questions. Some officers attended to my injures while some other officers arrested him. I believe that he is still in prison today.

12. I was bleeding and very injured. I had to go to the hospital to be treated. It was very traumatic for me.

13. In 2023, an attorney assisted me with applying for a U visa, and my husband applied with me as a derivative on the application.

14. On May 15, 2025, USCIS granted me a bona fide determination on my pending U visa.

15. The raids that ICE had been conducting in Los Angeles have been impacting our community deeply.

16. It is so unjust how the government targets us. These raids on our city are terrifying for our kids, because of the constant policing of ICE and the constant pain of feeling targeted, the children are not ok. It changes kids.

17. On July 1, 2025, I was at my stand telling tamales alongside my colleague who sells pupusas when men approached us and asked me if I had papers. I didn't answer them, and they ordered me to put out my hands. First they tried bending my arm behind my back, and when I couldn't bend that way they forced me to put my hands in front of me and handcuffed me. They forced me and my colleague into an unmarked car.

18. We drove for about twenty minutes and ended up in an alleyway near the University of Southern California. I did not even know whether they were ICE agents. I was terrified, we didn't know what would happen to us, only that we had been kidnapped.

19. The moved us from there into a large truck with other immigrants who had been abducted like we had. They took all of our belongings and put them in bags.

20. They asked for our names and then took us back to the van and took us to detention.

21. I was detained in Los Angeles for a couple days. It was horrible. It was freezing cold, it felt like it was about 20 degrees, and they didn't give us blankets or sweaters. It was so cold it hurt, and the women took anything we could find, even dirty old scraps of clothing that someone had left behind, and tried to wrap ourselves to stay warm, but it was impossible. We slept on the concrete; there weren't even benches, everything was concrete. The food was horrible, only water and burritos and chips and cookies, and for people with diabetes, like me, it was even worse – only one water and one horrible, small burrito for a meal.

22. I was transferred from there to Adelanto. It was horrible to be there so long. They treated us cruelly and the food was the same flavorless, poor quality food, without salt, sugar, or spice, day after day. I was there almost a month.

23. Everyone in the family was so worried, and my children were so sad. Before I was detained, my kids were well, they were studying and doing well in school, and after what happened to me my children became depressed and began not to do as well in school.

24. My kids were panicked because they did not know whether I would be deported or stay in immigration prison.

25. My youngest daughter cried herself to sleep every night.

26. My husband would try to console her, but she was inconsolable.

27. A pro bono attorney filed a habeas petition for me. My lawyer said that because of the habeas, I would get a bond hearing. At the hearing, the judge granted me bond and I was released.

28. I was released August 1, 2025, Friday. I will never forget this day.

29. When I was released, at first I was given an ankle monitor, but then my doctor provided a letter to ICE saying that I have diabetes which can cause my feet to swell, and this could cause the monitor to tighten and could cause an infection.

30. At my check in September 29, I gave the letter, but they told me they couldn't remove it. I explained to her that I could not walk with the monitor on. My pro bono attorney also asked for them to check with a supervisor and the supervisor granted our request to have the monitor removed. However, ICE also set more reporting requirements for me when they agreed to remove the monitor, including a weekly photo check-in and increasing the frequency of Intensive Supervision Appearance Program (ISAP) check-ins from every eight weeks to every four weeks.

31. I have to report to ICE every Thursday with a photograph. Sometimes ICE will call, and they warned me that if I am not able to answer right away, that would be a point against me. I am constantly afraid of missing a call.

32. I am home now and am selling tamales again. Things are slower now than they were because so many in our community are afraid to leave the house with the constant raids.

33. But I go anyway, because I cannot stay in the house, cooped up and thinking about what happened to me, and worrying.

34. I am so happy to be home, my family is so happy to be together again. When I was away from them, I worried about them and missed them, and they worried about me and missed me. I finally feel well being with them again.

35. These check ins continue to be so stressful for me. I worry constantly that I will miss a check in or a call from ICE. It is constantly hanging over my head. I am terrified to be sent back to the detention center. I am traumatized, I cannot go back again.

36. I understand that I will be representing others in this lawsuit. I think it is important that all survivors of crime are given protection and safety. Even if I receive my visa or protection from deportation, I will continue to assist with this litigation so that others like me can also be protected.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. Executed on _____, 2025, in Los Angeles.

Signed: _____

DECLARACIÓN DE [redacted]

Yo, [redacted], por la presente declaro:

1. Tengo conocimiento personal de los hechos que se exponen a continuación y, si se me llamara a declarar, podría hacerlo y lo haría de manera competente.

2. Nací en México en 1979. Llegué a los Estados Unidos cuando tenía poco más de veinte años, alrededor de 2002.

3. He vivido en Los Ángeles durante veintitrés años.

4. Llegué con mi hijo de cuatro meses, que ahora es ciudadano estadounidense. En los Estados Unidos, di a luz a mi segundo hijo, que tiene 18 años, y a mi hija, que tiene 14.

5. Alrededor de 2006 comencé a vivir con mi pareja, con quien me casé formalmente en 2022. Él es el padre de mis dos hijos menores.

6. Alrededor de 2005, comencé a hacer y vender tamales y he seguido desarrollando mi pequeño negocio de tamales. Conozco a muchos de mis clientes habituales que compran tamales, y mi negocio es conocido en mi comunidad.

7. Tengo una relación muy estrecha con mis hijos. Mi hijo mayor se graduó en la universidad en mayo y el segundo está empezando la universidad ahora. Mi hija menor vive con mi marido y conmigo.

8. Es muy buena jugando al fútbol y a menudo vamos en familia a verla jugar. A menudo la recogemos y la acompañamos a casa para asegurarnos de que llega bien.

9. En 2021, salía de una cita y, mientras esperaba el autobús por la tarde, alguien se me acercó y me dio dos puñetazos en la nariz. Me caí y perdí el conocimiento.

10. Cuando recuperé el conocimiento, una mujer que estaba cerca me dijo que mantuviera la calma, que había llamado al 911 por mí. La policía llegó poco después.

11. Los agentes de policía comenzaron a hacerme preguntas. Algunos se ocuparon de mis heridas, mientras que otros arrestaron al agresor. Creo que todavía sigue en prisión.

12. Estaba sangrando y muy herida. Tuve que ir al hospital para que me atendieran. Fue muy traumático para mí.

13. En 2023, un abogado me ayudó a solicitar un visado U, y mi marido se acogió a la solicitud como derivado.

14. El 15 de mayo de 2025, el USCIS me concedió una determinación de buena fe sobre mi visado U pendiente.

15. Las redadas que el ICE ha estado llevando a cabo en Los Ángeles han tenido un profundo impacto en nuestra comunidad.

16. Es muy injusto que el gobierno nos persiga. Estas redadas en nuestra ciudad son aterradoras para nuestros hijos, debido a la constante vigilancia de ICE y al dolor constante de sentirse perseguidos, los niños no están bien. Esto cambia a los niños.

17. El 1 de julio de 2025, estaba en mi puesto vendiendo tamales junto a mi colega, que vende pupusas, cuando unos hombres se nos acercaron y me preguntaron si tenía papeles. No les respondí y me ordenaron que levantara las manos. Primero intentaron doblarme el brazo detrás de la espalda y, como no pude doblarlo, me obligaron a poner las manos delante y me esposaron. Nos obligaron a mi colega y a mí a subir a un coche sin distintivos.

18. Condujimos durante unos veinte minutos y acabamos en un callejón cerca de la Universidad del Sur de California. Ni siquiera sabía si eran agentes del ICE. Estaba aterrorizado, no sabíamos qué nos iba a pasar, solo que nos habían secuestrado.

19. De allí nos trasladaron a un gran camión con otros inmigrantes que habían sido secuestrados como nosotros. Nos quitaron todas nuestras pertenencias y las metieron en bolsas.

20. Nos preguntaron nuestros nombres y luego nos llevaron de vuelta a la furgoneta y nos llevaron al centro de detención.

21. Me detuvieron en Los Ángeles durante un par de días. Fue horrible. Hacía un frío glacial, parecía que había unos 20 grados bajo cero, y no nos dieron mantas ni jerséis. Hacía tanto frío que nos dolía, y las mujeres cogimos todo lo que pudimos encontrar, incluso trapos viejos y sucios que alguien había dejado, e intentamos envolvernos para entrar en calor, pero era imposible. Dormíamos en el cemento; ni siquiera había bancos, todo era cemento. La comida era horrible, solo agua,

burritos, papas fritas y galletas, y para las personas con diabetes, como yo, era aún peor: solo un vaso de agua y un burrito horrible y pequeño por comida.

22. Me trasladaron de allí a Adelanto. Fue horrible estar allí tanto tiempo. Nos trataban con crueldad y la comida era la misma, insípida y de mala calidad, sin sal, azúcar ni especias, día tras día. Estuve allí casi un mes.

23. Toda la familia estaba muy preocupada y mis hijos estaban muy tristes. Antes de que me detuvieran, mis hijos estaban bien, estudiaban y les iba bien en la escuela, pero después de lo que me pasó, se deprimieron y empezaron a sacar malas notas.

24. Mis hijos estaban aterrados porque no sabían si me iban a deportar o si me iba a quedar en la cárcel de inmigración.

25. Mi hija menor lloraba todas las noches hasta quedarse dormida.

26. Mi marido intentaba consolarla, pero era inconsolable.

27. Un abogado pro bono presentó una petición de hábeas corpus en mi nombre. Mi abogado me dijo que, gracias al hábeas corpus, me concederían una audiencia para fijar la fianza. En la audiencia, el juez me concedió la fianza y me pusieron en libertad.

28. Me liberaron el viernes 1 de agosto de 2025. Nunca olvidaré ese día.

29. Cuando me liberaron, al principio me pusieron un monitor en el tobillo, pero luego mi médico proporcionó una carta al ICE diciendo que tengo diabetes, lo que puede hacer que se me hinchen los pies, y esto podría hacer que el monitor se apretara y causara una infección.

30. En mi revisión del 29 de septiembre, entregué la carta, pero me dijeron que no podían quitármelo. Le expliqué que no podía caminar con el monitor puesto. Mi abogado pro bono también les pidió que consultaran con un supervisor y este accedió a nuestra solicitud de quitarme el monitor. Sin embargo, cuando aceptaron quitarme el monitor, ICE también me impuso más requisitos de presentación de informes, entre ellos, presentar una foto semanalmente y aumentar la frecuencia de las presentaciones del Programa de Supervisión Intensiva (ISAP) de cada ocho semanas a cada cuatro semanas.

31. Tengo que presentarme ante ICE todos los jueves con una fotografía. A veces ICE llama por teléfono, y me han advertido que si no puedo contestar de inmediato, eso sería un punto en mi contra. Vivo con el miedo constante de perder una llamada.

32. Ahora estoy en casa y vuelvo a vender tamales. Las cosas van más lentas que antes porque muchos en nuestra comunidad tienen miedo de salir de casa debido a las constantes redadas.

33. Pero yo salgo de todos modos, porque no puedo quedarme en casa, encerrada, pensando en lo que me pasó y preocupándome.

34. Estoy muy feliz de estar en casa, mi familia está muy feliz de estar junta de nuevo. Cuando estaba lejos de ellos, me preocupaba por ellos y los extrañaba, y ellos se preocupaban por mí y me extrañaban. Finalmente me siento bien de estar con ellos de nuevo.

35. Estas visitas siguen siendo muy estresantes para mí. Me preocupa constantemente perder una visita o una llamada de ICE. Es algo que me ronda constantemente por la cabeza. Me aterra que me envíen de vuelta al centro de detención. Estoy traumatizada, no puedo volver allí.

36. Entiendo que voy a representar a otras personas en este juicio. Creo que es importante que todos los supervivientes de delitos reciban protección y seguridad. Aunque obtenga mi visado o protección contra la deportación, seguiré colaborando en este litigio para que otras personas como yo también puedan estar protegidas.

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que lo anterior es verdadero y correcto según mi leal saber y entender. Firmado el _____ de 2025, en Los Ángeles.

Firmado: _____

Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la información que aquí he proporcionado es correcta y completa a mi mejor conocimiento, consciente de las consecuencias legales de declarar con falsedad ante la autoridad.

Hecho el día 13 de Octubre del año 2025, en losAngelesCA.

[redacted]

CERTIFICATE OF TRANSLATION

I, Kathleen O'Gorman, am competent to translate from Spanish into English, and I certify that the translation of the foregoing declaration is true and accurate to the best of my abilities.

Dated: October 13, 2025

Signed: Kathleen O'Gorman

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CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF PAULO C.

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** Pro Hac Vice Application Forthcoming*

DECLARATION OF [redacted]

I, [redacted], declare that:

1. I have personal knowledge of the facts set forth below and, if called to testify, I could and would do so competently.

2. I was born in Valle de Bravo, Mexico in 1982. I am currently 43 years old, and I previously resided in Austin, Texas. I have been in Texas from 2010 to present day.

3. I built my life in the United States.

4. My family is the most important thing in my life. I love my daughters. I am their support, and my wife cares for them. I provide financial support for my daughters. While I am not the perfect father, I try to give my daughters good advice to help them achieve a good life.

5. In total, I have four daughters. Out of the four, three of them are the biological children of my wife and me. My oldest daughter is my wife's biological child. Nonetheless, I have raised my stepdaughter since she was three years old. I always try to give our oldest daughter everything she needs. My wife and daughters are currently in Austin, Texas.

6. All of my daughters are U.S. citizens.

7. My oldest daughter is 21 years old and graduated from high school in the United States. She works in an elementary school in the United States full-time, and wants to attend college to get her degree.

8. My second-oldest daughter is twelve years old, and my third-oldest daughter is six years old. They are still attending school and have always attended school in the United States. My third-oldest daughter is just starting first grade in the United States.

9. My youngest daughter is three years old. She's starting kindergarten in the United States.

10. Around 1997 or 1998, I met my wife in Mexico. In 2008, I married my wife in Mexico. In 2010, I followed my wife to the United States where we lived together. Since 2010, my wife and I have resided in Austin, Texas. For the majority of our time, we rented an apartment in Austin, Texas. Last year, my wife and I took out a loan to buy our first home in Texas. We ended up buying a house in Texas.

11. About three years ago, our family bought twelve acres of land in Briggs, Texas.

12. While in Austin, Texas, I attended church with my family. I enjoy attending church because I firmly believe in God. Depending on our life circumstances, we would go every week or sometimes every other week.

13. I have a small construction company in Texas. I founded the company independently and have managed it from 2016 to 2025. My company specializes in remodeling and constructing new homes. Recently, I had eight subcontractors working for me. The number of subcontractors in my company typically ranges from six to eight. I have a good relationship with them. They've always been paid on time, and I believe I'm a good employer for them.

14. While in Texas, I enjoyed riding my motorcycle. Sometimes, I would take my wife or daughters for a ride on my bike around our neighborhood.

15. Every year, I file my taxes.

16. Around May 2018, I applied for a U-Visa, as a derivative, because my stepdaughter was the direct victim of sexual assault.

17. My stepdaughter met the perpetrator through a cousin of hers.

18. Around December 2016, the perpetrator drove to our home and met with my stepdaughter. Once she was in his truck, the perpetrator pushed her back and forced himself inside her. Before he had done so, my daughter had told him "no."

19. At the time of the offense, the perpetrator was around seventeen years old, and my stepdaughter had just turned thirteen years old.

20. My wife and I worked with the Austin Police Department and the prosecutor's office in the investigation and trial of the crime. As a result, the perpetrator pled guilty to the state felony of injury to a child.

21. This sexual assault has broken my wife. Because of this offense, her anxiety has increased. To date, my wife continues to carry the pain of this tragedy. With God's help, we are working together as a family to overcome this. My wife and stepdaughter rely on me to navigate the pain of this crime.

22. Through my U-Visa application, I was hopeful that I could one day become a lawful permanent resident.

23. At the time of applying for my U-Visa, I was under the impression that I would be protected from immigration enforcement, including arrest, detention, and removal.

24. Around April 14, 2023, I received notice from USCIS that my U-Visa application was deemed bona fide, and that I had been granted employment authorization and deferred action.

25. Around March 27, 2023, USCIS issued me a valid Employment Authorization Document.

26. Around July 25, 2025, I was stopped by the Texas Department of Public Safety for a traffic violation. The high-mounted stop lamp on my work van was not working. During the stop, I showed the officer my driver's license and my insurance.

27. The officer then directed me to come outside my van and go to the sidewalk.

28. The officer then informed me that I was going to be under arrest due to my traffic violation and immigration warrant. In response, I told the officer that I had a permit. The officer then relayed that my permit was not valid. I knew that was not true.

29. I showed the officer my Social Security card and employment authorization document.

30. Regardless of my efforts, I was still arrested.

31. After my arrest, I was first taken to Travis County Detention in Austin, Texas, then to an ICE processing center in Pflugerville, Texas, and then to the South Texas Detention Complex in Pearsall, Texas.

32. Since July 27, 2025, I've been detained at the South Texas Detention Complex ("STDC") in Pearsall, Texas.

33. To date, I remain in detention at the South Texas Detention Complex ("STDC") in Pearsall, Texas. It's hard to be here. There's no good food here. Their services are not good. The Pearsall Detention Complex Center does not attend to sick people quickly. There are some COVID-19 cases here, and the detention facility is incapable of taking control of the COVID situation. The staff is aggressive here, and they are inhumane. The staff yells at you, including things like "Why do you even come here? This is not even your country." The staff is definitely discriminatory.

34. It's my understanding that, around early September 2025, my lawyer attempted to terminate my removal proceedings on the basis of my deferred action that was granted in connection with my pending U-Visa application, but her request was denied by the immigration court. It's also my understanding that ICE opposed my lawyer's request.

35. It's my understanding that, around early September 2025, my lawyer also attempted to pause my removal proceedings to allow USCIS to decide on my U-Visa application, but her request was denied by the immigration court. It's also my understanding that ICE opposed my lawyer's request.

36. It's my understanding that, around September 10, 2025, my lawyer has requested ICE to release me from detention with parole. To date, the request is still pending.

37. It's my understanding that, around September 19, 2025, my lawyer has requested cancellation of removal before the immigration court. To date, the request is still pending.

38. Before my arrest and detention, I had not received any notification that my deferred action had been revoked.

39. To date, I have not received any notification that my deferred action has been revoked.

40. My wife is currently trying to support herself and our daughters with a part-time job. I have been the primary wage earner in the family. My detention is causing my family extreme financial hardship, and could result in our family losing the house we recently purchased.

41. Currently, my friend and staff are supporting my construction company. I have faith that my case will go well and I can return to work.

42. My detention has caused my family extreme emotional distress. It would be so difficult for my family if I had to leave. My detention and potential removal is especially hard for my daughters, they don't want to live without their dad. I want to keep our family together.

43. My wife has a history of anxiety and epilepsy. When her attacks occurred, I always took care of my wife when she had a seizure. I made sure she did not choke or fall. Now, I'm terrified that my wife's seizures will return and that I'll lose her.

44. I understand that I will be representing others in this lawsuit. I think it is important that all survivors of crime are given protection and safety. Even if I am released and my case is closed, I will continue to assist with this litigation so that others like me can also be protected.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. Executed on _____, 2025, in Texas.

Signed: _____

DECLARACIÓN DE [redacted]

Yo, [redacted], declaro que:

1. Tengo conocimiento personal de los hechos que se exponen a continuación y, si se me llamara a declarar, podría hacerlo y lo haría de manera competente.

2. Nací en Valle de Bravo, México, en 1982. Actualmente tengo 43 años y anteriormente residía en Austin, Texas. He estado en Texas desde 2010 hasta la fecha.

3. He construido mi vida en los Estados Unidos.

4. Mi familia es lo más importante en mi vida. Amo a mis hijas. Soy su sustento y mi esposa las cuida. Proporciono apoyo financiero a mis hijas. Aunque no soy el padre perfecto, trato de darles buenos consejos para ayudarlas a tener una buena vida.

5. En total, tengo cuatro hijas. De las cuatro, tres son hijas biológicas de mi esposa y mías. Mi hija mayor es hija biológica de mi esposa. No obstante, he criado a mi hijastra desde que tenía tres años. Siempre intento darle a nuestra hija mayor todo lo que necesita. Mi esposa y mis hijas se encuentran actualmente en Austin, Texas.

6. Todas mis hijas son ciudadanas estadounidenses.

7. Mi hija mayor tiene 21 años y se graduó de la escuela secundaria en Estados Unidos. Trabaja a tiempo completo en una escuela primaria en Estados Unidos y quiere ir a la universidad para obtener su título.

8. Mi segunda hija tiene doce años y la tercera, seis. Ambas siguen yendo al colegio y siempre han estudiado en Estados Unidos. Mi tercera hija acaba de empezar primero de primaria en Estados Unidos.

9. Mi hija menor tiene tres años. Está empezando el jardín de infancia en Estados Unidos.

10. Alrededor de 1997 o 1998, conocí a mi esposa en México. En 2008, me casé con mi esposa en México. En 2010, seguí a mi esposa a Estados Unidos, donde vivimos juntos. Desde 2010, mi esposa y yo residimos en Austin, Texas. La mayor parte del tiempo, alquilamos un apartamento en Austin, Texas. El año pasado, mi esposa y yo pedimos un préstamo para comprar nuestra primera casa en Texas. Al final, compramos una casa en Texas.

11. Hace unos tres años, nuestra familia compró doce acres de tierra en Briggs, Texas.

12. Mientras vivíamos en Austin, Texas, asistía a la iglesia con mi familia. Me gusta ir a la iglesia porque creo firmemente en Dios. Dependiendo de nuestras circunstancias, íbamos todas las semanas o, a veces, cada dos semanas.

13. Tengo una pequeña empresa de construcción en Texas. Fundé la empresa de forma independiente y la he gestionado desde 2016 hasta 2025. Mi empresa se especializa en la remodelación y construcción de casas nuevas. Recientemente, tenía ocho subcontratistas trabajando para mí. El número de subcontratistas en mi empresa suele oscilar entre seis y ocho. Tengo una buena relación con ellos. Siempre les he pagado a tiempo y creo que soy un buen empleador para ellos.

14. Mientras vivía en Texas, disfrutaba montando en moto. A veces, llevaba a mi mujer o a mis hijas a dar una vuelta en moto por nuestro barrio.

15. Todos los años presento mi declaración de impuestos.

16. Alrededor de mayo de 2018, solicité una visa U, como derivado, porque mi hijastra fue víctima directa de agresión sexual.

17. Mi hijastra conoció al agresor a través de un primo suyo.

18. Alrededor de diciembre de 2016, el agresor condujo hasta nuestra casa y se reunió con mi hijastra. Una vez que ella se subió a su camioneta, el agresor la empujó hacia atrás y la violó. Antes de que lo hiciera, mi hija le había dicho «no».

19. En el momento del delito, el agresor tenía alrededor de diecisiete años y mi hijastra acababa de cumplir trece.

20. Mi esposa y yo colaboramos con el Departamento de Policía de Austin y la fiscalía en la investigación y el juicio del delito. Como resultado, el agresor se declaró culpable del delito grave de lesiones a un menor.

21. Esta agresión sexual ha destrozado a mi esposa. Debido a este delito, su ansiedad ha aumentado. Hasta la fecha, mi esposa sigue soportando el dolor de esta tragedia. Con la ayuda de Dios, estamos trabajando juntos como familia para superarlo. Mi esposa y mi hijastra confían en mí para superar el dolor de este delito.

22. A través de mi solicitud de visado U, tenía la esperanza de poder convertirme algún día en residente permanente legal.

23. En el momento de solicitar mi visado U, tenía la impresión de que estaría protegido contra las medidas de control de la inmigración, incluyendo el arresto, la detención y la expulsión.

24. Alrededor del 14 de abril de 2023, recibí una notificación del USCIS en la que se me informaba de que mi solicitud de visado U se consideraba auténtica y que se me había concedido la autorización de empleo y la acción diferida.

25. Alrededor del 27 de marzo de 2023, el USCIS me expidió un documento de autorización de empleo válido.

26. Alrededor del 25 de julio de 2025, fui detenido por el Departamento de Seguridad Pública de Texas por una infracción de tráfico. La luz de freno elevada de mi furgoneta de trabajo no funcionaba. Durante la parada, le mostré al agente mi permiso de conducir y mi seguro.

27. El agente me indicó que saliera de la furgoneta y me dirigiera a la acera.

28. El agente me informó de que iba a ser arrestado por mi infracción de tráfico y por una orden de inmigración. En respuesta, le dije al agente que tenía un permiso. El agente me dijo entonces que mi permiso no era válido. Yo sabía que eso no era cierto.

29. Le mostré al agente mi tarjeta de la Seguridad Social y mi documento de autorización de empleo.

30. A pesar de mis esfuerzos, me arrestaron.

31. Tras mi detención, me llevaron primero al centro de detención del condado de Travis en Austin, Texas, luego a un centro de procesamiento del ICE en Pflugerville, Texas, y finalmente al complejo de detención del sur de Texas en Pearsall, Texas.

32. Desde el 27 de julio de 2025, estoy detenido en el Complejo de Detención del Sur de Texas («STDC») en Pearsall, Texas.

33. Hasta la fecha, sigo detenido en el Complejo de Detención del Sur de Texas («STDC») en Pearsall, Texas. Es difícil estar aquí. No hay buena comida. Sus servicios no son buenos. El Centro de Detención de Pearsall no atiende rápidamente a las personas enfermas. Hay algunos casos de COVID-19 aquí, y el centro de detención es incapaz de controlar la situación del COVID. El personal es agresivo y trata a las personas de manera inhumana. El personal te grita cosas como «¿Por qué has venido aquí? Este ni siquiera es tu país». El personal es claramente discriminatorio.

34. Tengo entendido que, a principios de septiembre de 2025, mi abogada intentó poner fin a mi proceso de expulsión basándose en la acción diferida que se me concedió en relación con mi solicitud de visado U pendiente, pero su solicitud fue denegada por el tribunal de inmigración. También tengo entendido que el ICE se opuso a la solicitud de mi abogada.

35. Tengo entendido que, a principios de septiembre de 2025, mi abogada también intentó suspender mi proceso de expulsión para que el USCIS decidiera sobre mi solicitud de visado U, pero su solicitud fue denegada por el tribunal de inmigración. También tengo entendido que el ICE se opuso a la solicitud de mi abogada.

36. Tengo entendido que, alrededor del 10 de septiembre de 2025, mi abogada solicitó al ICE que me liberara de la detención con libertad condicional. Hasta la fecha, la solicitud sigue pendiente.

37. Tengo entendido que, alrededor del 19 de septiembre de 2025, mi abogada solicitó la cancelación de la expulsión ante el tribunal de inmigración. Hasta la fecha, la solicitud sigue pendiente.

38. Antes de mi arresto y detención, no había recibido ninguna notificación de que mi acción diferida hubiera sido revocada.

39. Hasta la fecha, no he recibido ninguna notificación de que mi acción diferida haya sido revocada.

40. Mi esposa está tratando de mantenerse a sí misma y a nuestras hijas con un trabajo a tiempo parcial. Yo he sido el principal sostén económico de la familia. Mi detención está causando a mi familia graves dificultades económicas y podría provocar que perdamos la casa que hemos comprado recientemente.

41. Actualmente, mis amigos y mi personal están apoyando a mi empresa de construcción. Tengo fe en que mi caso saldrá bien y podré volver al trabajo.

42. Mi detención ha causado a mi familia una angustia emocional extrema. Sería muy difícil para mi familia si tuviera que marcharme. Mi detención y mi posible expulsión son especialmente duras para mis hijas, que no quieren vivir sin su padre. Quiero mantener a nuestra familia unida.

43. Mi esposa tiene antecedentes de ansiedad y epilepsia. Cuando sufría ataques, yo siempre la cuidaba cuando tenía una convulsión. Me aseguraba de que no se ahogara ni se cayera. Ahora, me aterra que las convulsiones de mi esposa vuelvan y que la pierda.

44. Entiendo que representaré a otras personas en esta demanda. Creo que es importante que todos los sobrevivientes de delitos reciban protección y seguridad. Incluso si me liberan y mi caso se cierra, seguiré colaborando con este litigio para que otras personas como yo también puedan recibir protección.

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que lo anterior es verdadero y correcto según mi leal saber y entender. Firmado el 10/13/2025 de 2025, en Texas.

Signed: [redacted]

CERTIFICATE OF TRANSLATION

I, Sergio Perez, am competent to translate from Spanish into English, and I certify that the translation of the foregoing declaration is true and accurate to the best of my abilities.

Dated: October 12, 2025 Signed: _____

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF KENIA JACKELINE MERLOS

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** Pro Hac Vice Application Forthcoming*

DECLARATION OF KENIA JACKELINE MERLOS

I, Kenia Jackeline Merlos, hereby declare:

1. I was born in Honduras in 1981. I am 43 years old. I experienced abuse and persecution in Honduras, lost some of my family members to violence, and my life was in grave danger. I fled to the United States in 2003. I have lived here for 22 years.

2. I came with my husband, and we slowly began to build a life.

3. I was a nanny and caregiver for some time. Then my husband and I were able to open a construction business in 2007. I managed the business administration for our company, dealing with invoices, client relationships, estimates. For some time I continued nannying, but soon business picked up and I began working full time there.

4. I had four children with my husband, all of them born in the United States.

5. My family lived in Portland.

6. Almost ten years ago, God blessed me with triplets. I then got pregnant with the little one, so my family grew from 2 to 6 in just three years. We have 9-year-old triplets, a girl and two boys, and a 7-year-old boy, all U.S. citizens.

7. Business was good. I told my husband I wanted to try to be a full-time mom, still helping with business on the side but spending most of my time raising our kids.

8. I tried my best to give them a good life, signing them up for soccer and music. They even joined an orchestra with the salvation army and won first place in a competition. There would be no opportunities like that for them in Honduras.

9. Playing an instrument was my dream since I was little, and this dream was realized in my babies' lives. I wanted them to experience everything.

10. For first and second grade they attended public school, then we got them into a Lutheran school in Portland in third grade.

11. I felt that when my kids came, my life started. We continued growing the business, inspired to build for them.

12. Our business grew, so we had time and could afford to take trips, take them to the river, to the park.

13. I always told my husband when we have children, I want to spend time with them, I want to give them everything we didn't have.

14. We had a beautiful life, and I have never had any trouble, never been arrested or had any problems with anyone.

15. In June 2023, a white truck parked outside our home and remained there for several days.

16. One day we saw a man approach it with a saw. We thought he might be planning to steal the catalytic converter. My husband and I went out, and my husband told him that if he didn't leave we would call the police.

17. The man pulled out a gun and pointed at us, saying that if we called he would shoot us.

18. We ran into the house and called the police. I saw that he was able to steal the catalytic converter took off in another car.

19. The police interviewed me, and I gave them all the information I had. I also promised to call them if I saw the man again and I always looked out for him.

20. I was traumatized by this incident. I had experienced violence in Honduras, but I felt safe in the U.S.

21. This shook my sense of safety. I was glad to be able to cooperate with police and keep my neighborhood safe.

22. In Honduras, a person may be able to kill someone without consequences, and the government cannot protect you, but in the U.S., there is a justice system and there are protections for survivors.

23. In March 2024, with the assistance of an attorney, I filed a U visa petition.

24. On December 13, 2024, USCIS granted me a BFD. Soon after that, I received my work authorization.

25. After fleeing Honduras, I spent 20 years without being able to see my parents. Because we spent so long unable to be together, each of their visits mean so much to me.

26. This summer, my mother and father visited on a B-2 visa from Honduras. 27. My sister lives in Canada with her family. While she was here, of course my mom wanted to see her other daughter. So on June 28, 2025, I went with my mother and four children to Peach Park on the border of Washington and Canada to visit my sister, who is a Canadian lawful permanent resident, and her husband and two children. My sister's whole family have LPR status or are citizens in Canada. They have a life in Canada and have no desire or plan to leave the country.

28. While we were saying goodbye, CBP officials approached us. They accused me of smuggling my sister, niece, and nephew. It was hard to understand the accusation at first because it was so ridiculous.

29. They took me, my four U.S. citizen children, my sister, her two children, and my 71-year-old mother into custody. My mom was crying in the night, and I would go to her and tell her, just hang on one more day.

30. My sister and her children were released the next day to return to Canada.

31. Then we were separated from my mother, and I spent 14 days detained with my four children, who are all United States citizens.

32. The guards were so cruel to my kids.

33. They told my kids their mom is going to be removed to Honduras and they would be taken from me. They treated us like criminals. When we were being processed one guard said, "do you know why you're here? Because you're a criminal." My kids were sobbing, they cried for two hours after he said this.

34. My kids are little, they don't understand all this. They stopped sleeping, they wouldn't eat. The conditions were identical to a criminal prison.

35. My kids were terrified of the guards. Twice they took me to take a shower and told me to leave my kids. Both times they interviewed my kids while I was away, asking them about me and my husband, trying to discover information to use against us.

36. They didn't allow my kids outside. They barely saw the sun for 14 days. My kids begged to see the sun.

37. They were taken outside when guards took them to the showers, but walking back from the showers the guards would rush them, not letting them linger in the sun.

38. They locked us in a cell for most of the day. They would yell at my kids not to touch anything, not to do anything. Although the door was supposed to be open to a larger indoor space in the prison when someone was there, guards would simply lock the cell door for their shift.

39. For fourteen days, they did not allow us a phone call. My children could not speak to their father.

40. My attorney filed a habeas and the judge issued an order preventing the government from removing me from the district where I was detained.

41. That day, they finally released my children to a close friend.

42. I thought at that point I might be released, too. Instead, I was transferred to another district and they gave me a notice to appear.

43. While I was in custody, CBP contacted ICE and sent them to arrest my husband.

44. Two days ago, my husband was deported.

45. I am still detained in Northwest Detention Center in Tacoma, Washington. They treat us horribly in ICE custody. The food is horrible, sometimes they serve the rice not fully cooked, I often skip meals. When we advocate for ourselves or speak up for each other, they tell us that we are lying. They do not treat us as humans. Everything that we face, the fear of deportation, and we also have to deal with their aggression. They don't give us enough clothes, we have to handwash and dry them ourselves, and when they give us underwear it is worn and stained. After my case was terminated, the women in my unit bought cookies from commissary and saved the milk from meals. They soaked the cookies in milk and microwaved it so it became a cake, and they melted snickers from the commissary to make icing. They created a whole spread from what little they had – and meanwhile the guards deny us everything when they have everything.

46. My attorney confirmed with ICE that they were aware of my deferred action and pending U visa and sent a request for my parole to ICE, but ICE denied it. She also sent a request for ICE Headquarters to review my case and request for release, but she did not receive a response.

47. These people are just devastating our family. At this age, my kids should be playing with toys, playing sports, doing homework, and instead they have been dealing with this for months.

48. I can't understand why they chose to persecute my family this way. It is terrifying how quickly they tore our family apart.

49. This has been devastating for my children. They have lost both of their parents.

50. The person caring for them now lives too far away for them to go to their school. She worked hard to transfer them to a private school near her, which granted them a scholarship to attend. I am just so grateful that people love and care for my babies.

51. My children don't sleep, they don't eat. They are panicked to go to Honduras. Two of my cousins were killed there, and they knew about this. But they also cannot be separated from me. I worry constantly about what will happen to us.

52. I have roots here, my children are from here, I cannot imagine a life with my family in Honduras, starting over.

53. All of my family's path has been destroyed by these people who don't have a heart.

54. I understand that I will be representing others in this lawsuit. I want to protect every person and family who experiences something like what I am going through. Even if I am released or am granted a U visa, I will continue to assist with this litigation so that others like me can also be protected.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. Executed on October 9, 2025, in Washington.

Signed: _____

Declaration of Sarah Kahn

I, Sarah Kahn, hereby declare:

1. I am an attorney representing the Plaintiffs in the above-captioned case.
2. On October 9, 2025, I spoke by phone with Kenia Jackeline Merlos, who is currently detained at Northwest Detention Center.
3. I read this declaration back to Ms. Merlos and she confirmed that everything in the declaration was true and correct.
4. I mailed a copy of this declaration to Ms. Merlos and requested a signature, and on October 24 she confirmed she had received it and was mailing it back, but our office has not yet received it.
5. When Plaintiffs' Counsel receives her signature, Plaintiffs will file an amended declaration.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. Executed on this 17th day of October, 2025, in Anaheim, California.

Signed: 

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CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF LUNA E.

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** Pro Hac Vice Application Forthcoming*

DECLARATION OF [redacted]

I, [redacted], hereby declare:

1. I have personal knowledge of the facts set forth below and, if called to testify, I could and would do so competently.

2. I was born in Mexico in 1978. I came to the United States in 2005, when I was 26 years old. My daughters were 10 and 8 years old.

3. Growing up, my father was extremely physically, psychologically, and emotionally abusive. He began sexually abusing me when I was just 12.

4. When I was 15, I met an older man who began to abuse me. He would threaten me with violence if I did not obey him, and at 15 years old, I became pregnant from his abuse. I had my first daughter when I was 16.

5. I was still living with my father when this man, my daughter's biological father, moved to the United States. About a year later, he called for me to follow him. I was afraid of going, but my daughters and I needed to escape my father, who continued to abuse us. I was also afraid of him and what he would do to me if I did not do as he directed, so I moved to Washington to work for him.

6. He forced me to work in his home and also sent me out to find a job and demanded that I give him everything I earned. I worked for some time at McDonalds, and then at a chicken butcher and distributer, giving him all of my paychecks. He had complete control of me and my daughters.

7. I lived with him about 5 years. One night in 2010, we were at a party and he hit me in front of everyone.

8. That night when we got home, my daughter wanted to leave but he blocked the door – only one of my daughters was with me that night. I decided to leave him forever that night. I had to jump from a window with my daughter to escape. A relative let us stay with them and protected us.

9. I never saw him again, but I learned that he had been arrested soon after.

10. For the following years, life was more peaceful with my children. We spent two years living on our own. I cleaned houses for a company and worked hard to support us. Then I broke my hand and the cleaning company fired me.

11. We struggled to pay rent, and then I met someone whom we lived with.

12. For the fourteen years I lived in the United States, I never even had a ticket.

13. I always lived in a small town and got along with my neighbors and community. I never had a problem with anyone.

14. I had a fruit business for two years, and I spoke to my neighbors and people passing through and got to know some regular customers.

15. In 2018, my father was diagnosed with cancer. When someone raises you in the way he raised me, abusing me from such a young age while I was trapped with him, they keep a hold over you for the rest of your life. I still feared him, and he was still my father.

16. It is one thing to forgive and another to forget. I don't think you ever find a way to forget something like that. I ask God to help me move forward from what I experienced. But I felt compelled to find a way to pay for his treatment, I felt that I had no choice.

17. Desperate to earn enough for his treatment, I turned to selling drugs for a short time and was arrested in 2018.

18. The most difficult part of my incarceration was my separation from my children. I knew that they were going through so much without me. They could not text or call me and I could only talk to them on expensive calls in loud prison rooms. Eventually, I broke under the need to be closer to them and accepted voluntary departure as a way to finish my sentence early.

19. I could speak to them more easily, but we still were so far apart. Things only got worse for my girls while I was in Mexico, and I became desperate to see them. My granddaughter was suffering, too. Her father disparaged her, and he made her feel small. My daughter told me on the phone, "I don't want to live, I don't want to be in life." I knew that I needed to be closer to my children so that I could support them.

20. I thought that in the U.S., I could help my daughters access some of the mental health support that exists for victims.

21. I crossed the border in 2021 and was quickly apprehended. I was sent to prison to complete my sentence.

22. While in prison, I took every class I could take, I got every certificate I could and earned recommendations from the teachers who came to the prison.

23. In July 2023, an attorney helped me file a T visa application from prison. When I told her my story and learned about this support, I felt some hope.

24. I counted down the days until I could be with my children again and worked extremely hard to earn credits to reduce my sentence.

25. Finally, the end of my two-year sentence approached. Prison officials told me not to worry, that I would be released a few days early and that there was no detainer, that I would be home with my girls soon.

26. But when I was released, ICE was waiting for me outside the prison.

27. I was transferred to an ICE detention facility in Tacoma.

28. Everything in my story and my daughters' stories starts from the abuse that started when I was a child and resulted in my daughter. That shaped me and made me vulnerable to the pressure that my abusers used to control me.

29. When my trafficker demanded I follow him to the U.S., I had nowhere to go because of the abuse I was already facing with my father. I also had been trained since I was a child to obey him. My daughters, too, were raised around these men who harmed us. The trauma we endured made me vulnerable to the pressure my father placed on me to earn money for his medical care. All this led to me being incarcerated at a time when my daughters were also facing their own trauma.

30. I have been detained in ICE detention for two years now. First I was detained in Washington, and then I was moved to California.

31. While detained, I felt it was my calling to help the women detained with me. I advocated especially for the pregnant women, who were not getting the medical care they needed. I met an organizer with La Resistencia and began to help them advocating for better conditions in the detention.

32. It hurt me to see so many women suffering, separated from their families, alone, scared. So many of them had never done anything wrong, they were picked up at court or check ins. They would show up and never leave. It was horrible to hear women crying in the night.

33. I looked out for those who were alone or hurting. For example, one woman was very sick. She wasn't eating or talking with her family. I helped her start to eat again and gain strength and I contacted her family for her so they could find her and visit.

34. I feel that I was called to this work, to help women trapped in this system.

35. About eight months ago, I received a bona fide determination on my T visa.

36. I understand that this automatically pauses my removal proceedings so that USCIS can make a final decision on my visa.

37. I went to court for a hearing, without a lawyer because I am representing myself in my immigration proceedings. The judge asked the ICE attorney why I remained detained with a BFD. The attorney told him that he did not know, and the judge chastised him, asking how he could not know. The attorney had no answers.

38. I have served my sentence and I would never again make the mistake I made almost a decade ago.

39. When I applied for the T visa, I included in my application a declaration describing my story and experience. I also included a description of my charges and requested a waiver of inadmissibility.

40. The USCIS agent who reviewed my petition for a BFD would have had this full packet, including my criminal history, and USCIS granted me a BFD. I also understand that they run a background check, and that my BFD notice stated that the "results of the background checks are complete, have been reviewed, and do not present national security concerns."

41. I understand that with a T visa BFD, I am able to access resources including mental health support for victims of crime, abuse, and trafficking. I want to begin the process of healing with my daughters.

42. My only goal is to be released and reunited with my family.

43. I cannot understand why I am still here.

44. If I get out, I want to help other women who have been impacted like I have, and I want to help my children. I don't have fear of anything anymore, but I cannot bear waiting longer in prison.

45. I understand that I will be representing others in this lawsuit. I think it is important that all survivors of crime are given protection and safety. Even if I am released and protected from deportation, I will continue to assist with this litigation so that others like me can also be protected.

DECLARACIÓN DE [redacted]

Yo, [redacted], por la presente declaro:

1. Tengo conocimiento personal de los hechos que se exponen a continuación y, si se me llamara a declarar, podría hacerlo y lo haría de manera competente.

2. Nací en México en 1978. Llegué a los Estados Unidos en 2005, cuando tenía 26 años. Mis hijas tenían 10 y 8 años.

3. Durante mi infancia, mi padre fue extremadamente abusivo física, psicológica y emocionalmente. Comenzó a abusar sexualmente de mí cuando solo tenía 12 años.

4. Cuando tenía 15 años, conocí a un hombre mayor que comenzó a abusar de mí. Me amenazaba con violencia si no le obedecía y, a los 15 años, quedé embarazada como consecuencia de sus abusos. Tuve a mi primera hija cuando tenía 16 años.

5. Todavía vivía con mi padre cuando este hombre, el padre biológico de mi hija, se mudó a Estados Unidos. Aproximadamente un año después, me llamó para que lo siguiera. Tenía miedo de irme, pero mis hijas y yo necesitábamos escapar de mi padre, que seguía abusando de nosotras. También le tenía miedo a él y a lo que me haría si no hacía lo que me ordenaba, así que me mudé a Washington para trabajar para él.

6. Me obligó a trabajar en su casa y también me envió a buscar trabajo y me exigió que le diera todo lo que ganaba. Trabajé durante algún tiempo en McDonalds y luego en una pollería y distribuidora, dándole todos mis cheques de pago. Tenía control total sobre mí y mis hijas.

7. Viví con él unos cinco años. Una noche de 2010, estábamos en una fiesta y me pegó delante de todo el mundo.

8. Esa noche, cuando llegamos a casa, mi hija quería marcharse, pero él bloqueó la puerta; solo una de mis hijas estaba conmigo esa noche. Esa noche decidí dejarlo para siempre. Tuve que saltar por la ventana con mi hija para escapar. Un familiar nos dejó quedarnos con ellos y nos protegió.

9. Nunca volví a verlo, pero supe que lo habían detenido poco después.

10. Durante los años siguientes, la vida con mis hijos fue más tranquila. Pasamos dos años viviendo por nuestra cuenta. Trabajaba limpiando casas para una empresa y me esforzaba mucho para mantenernos. Entonces me rompí la mano y la empresa de limpieza me despidió.

11. Nos costaba mucho pagar el alquiler, y entonces conocí a alguien con quien vivimos.

12. Durante los catorce años que viví en Estados Unidos, nunca me pusieron ni una multa.

13. Siempre viví en un pueblo pequeño y me llevaba bien con mis vecinos y la comunidad. Nunca tuve problemas con nadie.

14. Tuve un negocio de fruta durante dos años, hablaba con mis vecinos y con la gente que pasaba por allí y llegué a conocer a algunos clientes habituales.

15. En 2018, a mi padre le diagnosticaron cáncer. Cuando alguien te cría como él me crió, maltratándome desde muy pequeña mientras yo estaba atrapada con él, te controla durante el resto de tu vida. Yo seguía temiéndole y él seguía siendo mi padre.

16. Una cosa es perdonar y otra olvidar. No creo que se pueda olvidar algo así. Le pido a Dios que me ayude a superar lo que he vivido. Pero me sentía obligado a encontrar una forma de pagar su tratamiento, sentía que no tenía otra opción.

17. Desesperado por ganar lo suficiente para su tratamiento, recurrí a vender drogas durante un breve periodo de tiempo y fui arrestado en 2018.

18. Lo más difícil de mi encarcelamiento fue la separación de mis hijas. Sabía que estaban pasando por muchas cosas sin mí. No podían enviarme mensajes ni llamarme, y yo solo podía hablar con ellas en costosas llamadas desde las ruidosas salas de la prisión. Al final, sucumbí a la necesidad de estar más cerca de ellas y acepté la salida voluntaria como una forma de terminar mi condena antes de tiempo.

19. Podía hablar con ellos más fácilmente, pero seguíamos estando muy lejos. Las cosas solo empeoraron para mis hijas mientras yo estaba en México, y me desesperaba por verlas. Mi nieta también estaba sufriendo. Su padre la menospreciaba y la hacía sentir insignificante. Mi hija me dijo por teléfono: «No quiero vivir, no quiero estar en la vida». Sabía que necesitaba estar más cerca de mis hijos para poder apoyarlos.

20. Pensé que en Estados Unidos podría ayudar a mis hijas a acceder a algunos de los servicios de apoyo psicológico que existen para las víctimas.

21. Crucé la frontera en 2021 y me detuvieron rápidamente. Me enviaron a prisión para cumplir mi condena.

22. Mientras estuve en prisión, asistí a todas las clases que pude, obtuve todos los certificados que pude y me gané las recomendaciones de los profesores que venían a la prisión.

23. En julio de 2023, una abogada me ayudó a presentar una solicitud de visado T desde la cárcel. Cuando le conté mi historia y me enteré de esta ayuda, sentí algo de esperanza.

24. Conté los días que faltaban para poder volver a estar con mis hijas y trabajé muy duro para ganar créditos y reducir mi condena.

25. Por fin se acercaba el final de mi condena de dos años. Los funcionarios de la prisión me dijeron que no me preocupara, que me liberarían unos días antes y que no había ninguna orden de detención, que pronto estaría en casa con mis hijas.

26. Pero cuando me liberaron, ICE me estaba esperando fuera de la prisión.

27. Me trasladaron a un centro de detención del ICE en Tacoma.

28. Todo en mi historia y en la de mis hijas comienza con el abuso que comenzó cuando era niña y que dio lugar al nacimiento de mi hija. Eso me moldeó y me hizo vulnerable a la presión que mis abusadores utilizaban para controlarme.

29. Cuando mi traficante me exigió que lo siguiera a los Estados Unidos, no tenía adónde ir debido al abuso que ya sufría por parte de mi padre. Además, desde niña me habían enseñado a obedecerlo. Mis hijas también se criaron rodeadas de estos hombres que nos hacían daño. El trauma que sufrimos me hizo vulnerable a la presión que mi padre ejercía sobre mí para que ganara dinero para su atención médica. Todo esto me llevó a ser encarcelada en un momento en el que mis hijas también se enfrentaban a su propio trauma.

30. Llevo dos años detenida en un centro de detención del ICE. Primero me detuvieron en Washington y luego me trasladaron a California.

31. Mientras estuve detenida, sentí que mi vocación era ayudar a las mujeres que estaban detenidas conmigo. Defendí especialmente a las mujeres embarazadas, que no recibían la atención médica que necesitaban. Conocí a un organizador de La Resistencia y comencé a ayudarles a defender mejores condiciones en el centro de detención.

32. Me dolía ver a tantas mujeres sufriendo, separadas de sus familias, solas, asustadas. Muchas de ellas nunca habían hecho nada malo, las detuvieron en los tribunales o en los controles. Llegaban y nunca se iban. Era horrible oír a las mujeres llorar por la noche.

33. Me ocupé de las que estaban solas o sufrían. Por ejemplo, una mujer estaba muy enferma. No comía ni hablaba con su familia. La ayudé a empezar a comer de nuevo y a recuperar fuerzas, y me puse en contacto con su familia para que pudieran encontrarla y visitarla.

34. Siento que me llamaba este trabajo, ayudar a las mujeres atrapadas en este sistema.

35. Hace unos ocho meses, recibí una resolución definitiva sobre mi visado T.

36. Entiendo que esto suspende automáticamente mi proceso de expulsión para que el USCIS pueda tomar una decisión definitiva sobre mi visado.

37. Fui al tribunal para una audiencia, sin abogado, porque me represento a mí misma en mis procedimientos de inmigración. El juez preguntó al abogado del ICE por qué seguía detenida con un BFD. El abogado le dijo que no lo sabía, y el juez lo reprendió, preguntándole cómo era posible que no lo supiera. El abogado no tuvo respuesta.

38. He cumplido mi condena y nunca volvería a cometer el error que cometí hace casi una década.

39. Cuando solicité el visado T, incluí en mi solicitud una declaración en la que describía mi historia y mi experiencia. También incluí una descripción de los cargos que se me imputaban y solicité una exención de inadmisibilidad.

40. El agente del USCIS que revisó mi solicitud de BFD habría tenido este paquete completo, incluyendo mis antecedentes penales, y el USCIS me concedió un BFD. También entiendo que realizan una verificación de antecedentes y que mi notificación de BFD indicaba que «los resultados de las verificaciones de antecedentes están completos, han sido revisados y no presentan problemas de seguridad nacional».

41. Entiendo que con una visa T BFD, puedo acceder a recursos que incluyen apoyo de salud mental para víctimas de delitos, abusos y tráfico de personas. Quiero comenzar el proceso de sanación con mis hijas.

42. Mi único objetivo es ser liberada y reunirme con mi familia.

43. No puedo entender por qué sigo aquí.

44. Si salgo, quiero ayudar a otras mujeres que han sufrido lo mismo que yo y quiero ayudar a mis hijos. Ya no le tengo miedo a nada, pero no puedo soportar esperar más en prisión.

45. Entiendo que representaré a otras personas en este juicio. Creo que es importante que todos los sobrevivientes de delitos reciban protección y seguridad. Aunque me liberen y me protejan de la deportación, seguiré colaborando con este juicio para que otras personas como yo también puedan recibir protección.

I declare under penalty of perjury that all the information I have provided here is correct and complete to the best of my knowledge, and I am aware of the legal consequences of falsely declaring before the court. Executed on _____, 2025, in _____.

Signed: _____

Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la información que aquí he proporcionado es correcta y completa a mi mejor conocimiento, consciente de las consecuencias legales de declarar con falsedad ante la autoridad.

Hecho el día 9 de Octubre del año 2025, en [redacted]

[redacted]

[redacted]

CERTIFICATE OF TRANSLATION

I, Kathleen O'Gorman, am competent to translate from Spanish into English, and I certify that the translation of the foregoing declaration is true and accurate to the best of my abilities.

Dated: October 13, 2025 Signed: Kathleen O'Gorman

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CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF CARMEN F.

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** Pro Hac Vice Application Forthcoming*

DECLARATION OF [redacted]

I, [redacted], hereby declare,

1. I was born in [redacted] in 1983. I came to the United States in August 2022.
2. I came with my son, who was five, [redacted] and my husband. We crossed the border and we were promptly apprehended by Border Patrol. We immediately asked for asylum from the Border Patrol agents.
3. After detaining us, they separated us from our daughter.
4. My husband, my son, and I were released and given a court date.
5. My husband, my son, and I went to [redacted] where we stayed with my cousin's in-law, then we found a room to rent.
6. My husband was working construction a few days a week, and sometimes I would also work construction projects with him, and through this income we were able to pay for the room, which we rented from friends of my cousin.
7. My husband was an alcoholic and he was very abusive. He would spend our money on alcohol, he was psychologically damaging my child by the way he treated him and the way he would fight with him.
8. My son started going to kindergarten and made many friends. He loved school, he was very social.
9. He began playing soccer and he was very talented, he began to play for a team that was very good. His team often won their games [redacted] He had been training for a long time with this team, but that was taken from him when we were deported.
10. We often went to church on Saturdays, and then we would also take my son to soccer for practice and games on the weekend.
11. We went to our first court hearing in 2023. Later that year, we attended a court hearing where the judge reviewed our political asylum claim. The hearing was over three hours and the judge stated that what we had testified to was credible and that he would issue a ruling later.

12. In February 2024, we received the ruling from the court stating that the judge had denied the asylum claim and that we had a month to appeal.

13. We could not afford an attorney to help us appeal the denial, but we finally found someone who charged only a few thousand dollars and we were able to scrape those funds together. I learned later that the attorney did not complete a proper appeal, he only resubmitted what we had already given to the court and it was denied.

14. After that, ICE provided me with a wrist monitor. They called me daily and sometimes did home visits. When I got a video call, I had to answer no matter where I was, and I had to check in whenever they asked me to. Every morning and night I had to take a photograph to send it to ICE.

15. For the first time I had to go to regular check ins. I asked my neighbor for help and she connected me with someone who could come with me to my ISAP appointments. This person told me that the lawyer we had hired had not filed the appeal correctly in our asylum case.

16. I was terrified of these appointments, but I never missed a single appointment. I usually had check ins each month.

17. My children's father was drinking very much. When he got to the U.S. he drank even more. He would yell and sometimes even hit me. My son became terrified of him.

18. One night in the summer of 2024, he came home very drunk and I closed my door. My husband began kicking the door. He pounded on the door, threatening to kill me. My son was hysterical.

19. This was not the first time he had abused me and it was the not the first time I had gone to police for protection from him.

20. That week, I had endured several days of threats, intimidation, and sexual abuse leading to this incident, but seeing my child so afraid, I knew I had to protect him and had no choice but to call the police.

21. I called the police and they came and arrested him. I filed a police report and got a restraining order.

22. I hired an attorney to help me apply for a U visa. We received certification from the police and began preparing my application. I submitted my application for a U visa in March 2025.

23. I was grateful to learn about this protection. It was very difficult for us, I was trying to support and raise my child alone, I was working full time to support our home. I thought I would finally be free of him, that my children and I would be safe. I felt we were finally building towards a better life together.

24. For some time, we didn't see him because of the restraining order.

25. Then, one day in December 2024, I came home and my husband was there in the house. [redacted]

26. He was drunk and he began to hit me. [redacted] person [redacted] tried to protect me, telling him, how could you do this? Stop! and I called the police.

27. Over our relationship, he was taken to jail a few times and was always released quickly after. This time, they placed an ankle monitor on him and that prevented him from getting close to us. Sometimes he would come and watch us from afar, for example near my son's soccer games, but because of the ankle monitor he couldn't come closer to us.

28. In March 2025, I learned that my husband had been deported to [redacted]

29. On June 2, 2025, I received a message that I needed to go to an ISAP check in. On June 4, 2025, I went still wearing my work uniform. When I arrived, they told me the appointment was with ICE, not ISAP, and that I needed to return the next day. I listened to their instructions and went to my check in. I went by myself.

30. The ICE officer told me I was being detained. They took me to [redacted] ICE custody and told me I would be deported. They asked if someone could take care of my son. I told them there was no one I could leave my son with, I didn't have anyone to take him.

31. Finally, a family member brought my son to me at [redacted] and then we were flown to Texas to the Dilley Family Detention Center together. My son was just eight years old.

32. ICE detained us just a few days after my son graduated from second grade. He had been looking forward to his summer vacation and he spent it in a prison.

33. We were in ICE Family Detention at Dilley for almost two months, the entirety of my son's summer vacation.

34. My son suffered so much in the family detention center. He would try to sleep in every morning so the day would go faster and he wouldn't have to endure as many hours imprisoned.

35. [redacted] I was in so much pain I could barely walk. I had to go to medical several times while we were detained, but they insisted that I was fine.

36. My son has had medical problems since birth, [redacted] They didn't care about us, all they cared about was to deport us.

37. On July 11, 2025, my attorney requested that ICE release me and my son from detention. The request explained my son's medical needs and my medical issues and the urgent humanitarian reasons for parole. ICE did not care, according to ICE we were fine.

38. In the request, my attorney also explained that I had a pending U visa petition.

39. ICE denied these requests.

40. My attorney then requested a stay of removal from both the Board of Immigration Appeals ("BIA"), where he had filed a motion to reopen my removal proceedings, and from ICE, but ICE opposed my attorney's request to the BIA and denied my attorney's requests for stay.

41. I never received a bona fide determination on my case.

42. At the end of July, ICE deported me and my son from Dilley Detention Center.

43. [redacted] I had nowhere to go.

44. When we landed in my birth country, I saw a man standing across from us and my heart sank. It was my husband. My son was shocked at first and didn't know what to do.

45. My husband told me it was such a coincidence that he was there when we arrived, but I knew that he was lying, he had found out that we were being deported and he was there to take us.

46. [redacted]

47. [redacted] What could I do? I had no choice, I had nowhere else to go and there was no one speaking up for me. So we went.

48. I cannot go anywhere without permission. I have to explain everything I am doing. I cannot leave my house without an excuse. I must send him updates constantly. I never know what will make him angry. We live in constant fear of him. I cannot even take a phone call when he is around.

49. At night, he takes my phone and checks it. If there is any new number, he interrogates me about who it is and why I communicated with them.

50. I don't have my passport or my son's passport. I have nowhere to go in my country of origin, I have nowhere to take my child and no way to escape.

51. What happened to my child and me was unjust and cruel. We have always followed the directions we are given. We have gone to court hearings and check ins. My son is loved by his friends and he is a talented kid who was enjoying his childhood. I believed that the U visa meant that we would finally be safe, finally be able to build a stable life in the U.S. The government deported me before USCIS had a chance to review my petition, instead they put me and my child on a plane and sent us into the arms of the person we had sought protection from.

52. I understand that I will be representing others in this lawsuit. I think it is important that all survivors of crime are given protection and safety. Even if I am released and my case is closed, I will continue to assist with this litigation so that others like me can also be protected.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. Executed on _____, 2025, in [redacted]

Signed: _____

DECLARACIÓN DE [redacted]

Yo, [redacted],

1. Nací en [redacted] en 1983. Llegué a los Estados Unidos en agosto de 2022.

2. Vine con mi hijo, que tenía cinco años, [redacted], y mi marido. Cruzamos la frontera y fuimos detenidos inmediatamente por la Patrulla Fronteriza. Inmediatamente solicitamos asilo a los agentes de la Patrulla Fronteriza.

3. Después de detenernos, nos separaron de nuestra hija.

4. Mi esposo, mi hijo y yo fuimos liberados y se nos asignó una fecha para presentarnos ante el tribunal.

5. Mi esposo, mi hijo y yo fuimos a [redacted], donde nos quedamos con los suegros de mi primo, y luego encontramos una habitación para alquilar.

6. Mi esposo trabajaba en la construcción unos días a la semana y, a veces, yo también trabajaba con él en proyectos de construcción. Con estos ingresos pudimos pagar la habitación que alquilábamos de a unos amigos de mi primo.

7. Mi marido era alcohólico y muy violento. Se gastaba nuestro dinero en alcohol y estaba dañando psicológicamente a mi hijo por la forma en que lo trataba y se peleaba con él.

8. Mi hijo empezó a ir al jardín de infancia e hizo muchos amigos. Le encantaba la escuela, era muy sociable.

9. Empezó a jugar al fútbol y tenía mucho talento, empezó a jugar en un equipo que era muy bueno. Su equipo ganaba a menudo sus partidos [redacted]. Llevaba mucho tiempo entrenando con este equipo, pero eso se lo negaron cuando nos deportaron.

10. A menudo íbamos a la iglesia los sábados y luego también llevábamos a mi hijo al fútbol para entrenar y jugar los fines de semana.

11. Fuimos a nuestra primera audiencia judicial en 2023. Más tarde ese mismo año, asistimos a una audiencia judicial en la que el juez revisó nuestra solicitud de asilo político. La audiencia duró más de tres horas y el juez declaró que lo que habíamos testificado era creíble y que emitiría un fallo más adelante.

12. En febrero de 2024, recibimos la sentencia del tribunal en la que se indicaba que el juez había denegado la solicitud de asilo y que teníamos un mes para apelar.

13. No podíamos permitirnos un abogado que nos ayudara a apelar la denegación, pero finalmente encontramos a alguien que solo cobraba unos pocos miles de dólares y pudimos reunir esos fondos. Más tarde supe que el abogado no completó una apelación adecuada, solo volvió a presentar lo que ya habíamos entregado al tribunal y fue denegada.

14. Después de eso, el ICE me proporcionó un monitor de muñeca. Me llamaban a diario y, a veces, hacían visitas a domicilio. Cuando recibía una videollamada, tenía que responder sin importar dónde estuviera, y tenía que presentarme cada vez que me lo pedían. Cada mañana y cada noche tenía que hacerme una foto para enviársela al ICE.

15. Por primera vez, tenía que acudir a controles periódicos. Le pedí ayuda a mi vecina y ella me puso en contacto con alguien que podía acompañarme a mis citas del ISAP. Esta persona me dijo que el abogado que habíamos contratado no había presentado correctamente la apelación en nuestro caso de asilo.

16. Me aterrorizaban estas citas, pero nunca falté a ninguna. Normalmente tenía que presentarme cada mes.

17. El padre de mis hijos bebía mucho. Cuando llegó a Estados Unidos, bebía aún más. Gritaba y a veces incluso me pegaba. Mi hijo le tenía miedo.

18. Una noche del verano de 2024, llegó a casa muy borracho y yo cerré la puerta. Mi marido empezó a dar patadas a la puerta. Golpeaba la puerta y amenazaba con matarme. Mi hijo estaba histérico.

19. No era la primera vez que me maltrataba y tampoco era la primera vez que acudía a la policía para que me protegieran de él.

20. Esa semana, había soportado varios días de amenazas, intimidación y abuso sexual que condujeron a este incidente, pero al ver a mi hijo tan asustado, supe que tenía que protegerlo y no tuve más remedio que llamar a la policía.

21. Llamé a la policía y vinieron y lo arrestaron. Presenté una denuncia policial y obtuve una orden de alejamiento.

22. Contraté a un abogado para que me ayudara a solicitar un visado U. Recibimos la certificación de la policía y comenzamos a preparar mi solicitud. Presenté mi solicitud de visado U en marzo de 2025.

23. Me sentí agradecida al conocer esta protección. Fue muy difícil para nosotros, yo intentaba mantener y criar a mi hijo sola, trabajaba a tiempo completo para mantener nuestro hogar. Pensé que por fin me libraría de él, que mis hijos y yo estaríamos a salvo. Sentí que por fin estábamos construyendo una vida mejor juntos.

24. Durante algún tiempo, no lo vimos gracias a la orden de alejamiento.

25. Entonces, un día de diciembre de 2024, llegué a casa y mi marido estaba allí. [redacted]

26. Estaba borracho y empezó a pegarme. La persona [redacted] intentó protegerme, diciéndole: ¿Cómo puedes hacer esto? ¡Para!. Y yo llamé a la policía.

27. Durante nuestra relación, lo llevaron a la cárcel varias veces y siempre lo liberaban rápidamente. Esta vez, le colocaron un monitor en el tobillo que le impedía acercarse a nosotros. A veces venía y nos observaba desde lejos, por ejemplo, cerca de los partidos de fútbol de mi hijo, pero debido al monitor en el tobillo no podía acercarse a nosotros.

28. En marzo de 2025, yo aprendi que mi marido fue deportado a [redacted]

29. El 2 de junio de 2025, recibí un mensaje en el que me decían que tenía que acudir a una cita con el ISAP. El 4 de junio de 2025, fui con mi uniforme de trabajo. Cuando llegué, me dijeron que la cita era con el ICE, no con el ISAP, y que tenía que volver al día siguiente. Seguí sus instrucciones y acudí a mi cita. Fui sola.

30. El agente del ICE me dijo que estaba detenida. Me llevaron a la custodia del ICE en [redacted] y me dijeron que me deportarían. Me preguntaron si alguien podía cuidar de mi hijo. Les dije que no había nadie con quien pudiera dejar a mi hijo, que no tenía a nadie que lo acogiera.

31. Finalmente, un familiar trajo a mi hijo a [redacted] y luego nos llevaron en avión a Texas, al Centro de Detención Familiar de Dilley. Mi hijo solo tenía ocho años.

32. El ICE nos detuvo solo unos días después de que mi hijo terminara segundo grado. Estaba deseando que llegaran las vacaciones de verano y las pasó en una prisión.

33. Estuvimos en el centro de detención familiar del ICE en Dilley durante casi dos meses, todas las vacaciones de verano de mi hijo.

34. Mi hijo sufrió mucho en el centro de detención familiar. Intentaba dormir hasta tarde todas las mañanas para que el día pasara más rápido y no tuviera que soportar tantas horas encerrado.

35. [redacted] me dolía tanto que apenas podía caminar. Tuve que ir al médico varias veces mientras estuvimos detenidos, pero insistían en que estaba bien.

36. Mi hijo ha tenido problemas médicos desde que nació, [redacted] No se preocupaban por nosotros, lo único que les importaba era deportarnos.

37. El 11 de julio de 2025, mi abogado solicitó al ICE que nos liberara a mi hijo y a mí. En la solicitud se explicaban las necesidades médicas de mi hijo y mis problemas de salud, así como las razones humanitarias urgentes para la libertad condicional. Al ICE no le importó, según ellos estábamos bien.

38. En la solicitud, mi abogado también explicó que tenía una petición de visado U pendiente.

39. El ICE denegó estas solicitudes.

40. Mi abogado solicitó entonces una suspensión de la expulsión tanto a la Junta de Apelaciones de Inmigración (BIA), donde había presentado una moción para reabrir mi proceso de expulsión, como al ICE, pero el ICE se opuso a la solicitud de mi abogado a la BIA y denegó las solicitudes de suspensión de mi abogado.

41. Nunca recibí una resolución definitiva sobre mi caso.

42. A finales de julio, el ICE nos deportó a mí y a mi hijo desde el centro de detención de Dilley.

43. [redacted] o tenía adónde ir.

44. Cuando aterrizamos en [redacted] vi a un hombre de pie frente a nosotros y se me encogió el corazón. Era mi marido. Mi hijo se quedó en shock al principio y no sabía qué hacer.

45. Mi marido me dijo que era una coincidencia que estuviera allí cuando llegamos, pero yo sabía que mentía, que se había enterado de que nos iban a deportar y que estaba allí para llevarnos.

46. [redacted]

47. [redacted] ¿Qué podía hacer? No tenía otra opción, no tenía adónde ir y no había nadie que me defendiera. Así que nos fuimos.

48. No puedo ir a ningún sitio sin permiso. Tengo que explicarle todo lo que hago. No puedo salir de casa sin una excusa. Tengo que enviarle constantemente información actualizada. Nunca sé qué es lo que le va a enfadar. Vivimos con un miedo constante hacia él. Ni siquiera puedo atender una llamada telefónica cuando él está cerca.

49. Por la noche, me quita el teléfono y lo revisa. Si hay algún número nuevo, me interroga sobre quién es y por qué me he comunicado con esa persona.

50. No tengo mi pasaporte ni el de mi hijo. No tengo adónde ir en [redacted] no tengo adónde llevar a mi hijo y no tengo forma de escapar.

51. Lo que nos pasó a mi hijo y a mí fue injusto y cruel. Siempre hemos seguido las instrucciones que nos han dado. Hemos acudido a las audiencias judiciales y a las citas de control. Mi hijo es querido por sus amigos y es un niño con talento que disfrutaba de su infancia. Creía que el visado U significaba que por fin estaríamos a salvo, que por fin podríamos construir una vida estable en Estados Unidos. El Gobierno me deportó antes de que el USCIS tuviera la oportunidad de revisar mi solicitud, en lugar de eso, nos subieron a mí y a mi hijo a un avión y nos enviaron a los brazos de la persona de la que buscábamos protección.

52. Entiendo que representaré a otras personas en esta demanda. Creo que es importante que todos los sobrevivientes de delitos reciban protección y seguridad.

Incluso si me liberan y mi caso se cierra, continuaré colaborando con este litigio para que otras personas como yo también puedan recibir protección.

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que lo anterior es verdadero y correcto según mi leal saber y entender. Firmado el 10/15 de 2025, en [redacted]

Signed: [redacted]

CERTIFICATE OF TRANSLATION

I, Sergio Perez, am competent to translate from Spanish into English, and I certify that the translation of the foregoing declaration is true and accurate to the best of my abilities.

Dated: October 12, 2025 Signed: _____

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF YESSENIA RUANO

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** Pro Hac Vice Application Forthcoming*

DECLARATION OF YESSENIA RUANO

I, Yessenia Ruano, hereby declare:

1. I was born in El Salvador in 1987. I fled El Salvador and came to the United States in 2011. I lived in the U.S. for fourteen years, until I was told I would be detained and deported if I did not leave, and I was forced to self-deport on June 17, 2025.

2. I worked on a coffee farm as a child and always had enough growing up with my mother and five siblings, but the situation in El Salvador turned extremely dangerous as I got older. In 2009, things became extremely difficult. I had many dreams of working in a school and becoming a teacher, and I earned a teaching license while I lived there. Then things began to get worse, and gangs and kidnappings increased. [redacted] I could no longer have these dreams in El Salvador, and I fled.

3. [redacted] I could not go back – I needed to cross to safety in the U.S. where I could seek asylum. [redacted].

4. [redacted]

5. [redacted].

6. [redacted]

7. [redacted]

8. [redacted]

9. [redacted]

10. [redacted] After everything I went through [redacted], these months of detention triggered and compounded my trauma.

11. Immigration authorities gave me a fear interview and after they determined I had legitimate fear of returning to El Salvador, I was granted release on bond. A friend loaned me $5,000 to pay for bond and I was finally freed.

12. After I was released from immigration custody, I was ordered to go to immigration court to pursue my claims.

13. [redacted]

14. It is heartbreaking to think that these people can continue to kidnap people who are so vulnerable. Because I was an immigrant and new to the country and seeking asylum, people have told me that what happened to me is normal for people in my position. The traffickers also told us that if we speak out, we will be deported, and this silences us and empowers traffickers. Knowing now that even though I applied for protection, ICE still would have detained and deported me if I had not left the country, makes me feel that there really aren't protections for survivors. I no longer trust the T visa process or that it can protect people who report trafficking, and I know there are other women who have no protection and are being told they have no choice but to accept something so horrific.

15. It was so difficult when I first arrived in the U.S. I had intended to live with my aunt in Washington D.C., but in the end my aunt couldn't help me.

16. I worked for some time at a pizza company, making and packaging pizzas. I met a young man there, a coworker, and we fell in love. In 2015, we had two daughters together, and in July 2024 I married him.

17. I attended my first immigration court hearing in 2013. After that hearing, I received my work authorization. I was able to get legal employment and I began cleaning houses and offices.

18. I had a friend from Mexico who was studying to be a teacher. In 2015, she was a student teacher, and she found out that I had been a teacher in El Salvador. She encouraged me to apply to work with the Milwaukee Public School system and I applied. I went through a background check and English test. In January 2016, they told me that a position was going to be open for me in 2017 as a teaching aide at a school that served primarily Spanish speaking children.

19. At first I focused on learning what the U.S. school system was like and how to be the best teacher in this system. There were many more rules than at schools in El Salvador. For the first few months I studied the other teachers and how the school worked.

20. I often remembered my experience being imprisoned, and how it felt to learn a new culture and language. Many of the children were Mexican, or they or their families were from other Spanish speaking countries. I felt for the children if they struggled in school or had trouble following the rules. I tried to help them understand and feel safe.

21. I taught Spanish grammar and math, fourth grade classes and kindergarten classes, at MPS from 2017 until 2025.

22. In 2015, I gave birth to two twin daughters.

23. My daughters are the most important thing in my life. As soon as they were old enough, they went to the school where I worked in Milwaukee. I think God was with me, putting together the pieces of my life, because they were able to be with me in school where I worked. We were together in the mornings before school started, and I saw them at lunch time, and at the end of the school day I took them home.

24. One of my daughters is very good at math, and the other is very artistic.

25. Both of my daughters took violin classes. They started with a Milwaukee Symphony Orchestra.

26. In our free time, I walked or biked with my daughters in our neighborhood.

27. Every summer, they attended summer camp. This year they were enrolled and were looking forward to summer camp, but I couldn't take them because we were forced to come to El Salvador.

28. I liked to clean the block in front of my house and keep my neighborhood clean. In winter I would shovel the block and in front of the houses. I taught my daughters to do the same, never to stop outside our door but to also clear the snow for our neighbors.

29. I made friends with my neighbors, who are all from different countries.

30. I went to church every Sunday and Thursday for prayers.

31. Last year, I started to participate in mass, I read the first reading, and became much more involved in the church. I made pupusas to sell at church events. I was part of a prayer group and I loved to sing in the church. I volunteered as a First Communion teacher.

32. I found strength and hope through the Church.

33. I had my second immigration court hearing in 2023 and I appeared for the hearing. I understood that I needed to appear to explain my case to the judge.

34. The judge said that I was not a priority to deport and that I could stay in the country.

35. Around 2023, my lawyer at the time told me that I was eligible for a T visa and withdrew my claim for withholding of removal so I could apply for a T visa. That lawyer told me they didn't handle T visas, and I began looking for another attorney to help me. For some reason, even though I had not filed my T visa petition yet, the attorney cancelled my withholding of removal case.

36. I finally found a new attorney who submitted my T visa application around February 2025.

37. I received a receipt saying that USCIS had received my T visa application and my lawyer brought it to ICE to request to close my case so that my T visa application could be reviewed and approved.

38. Instead of closing my case, ICE told me I needed to continue to attend scheduled ICE check ins. At the first check in, the agents told me I would be deported. They said that if I didn't go on my own, they would hunt me down and find me and that I would be separated from my daughters, detained, and deported.

39. Some people told me to hide from immigration, but I could not leave my school, or leave my daughters, and I knew I had to follow ICE's directions. I was in turmoil, because I also could not face being taken away from my kids and imprisoned.

40. I could not sleep for months. I had regular check ins with ICE. February 14 was the first check in when they said I would be deported. The next was April 15, then May 30. Each time I was terrified that I would be detained with my daughters waiting outside. But still I went to each check in I was required to attend. Each time I went, and I trusted that God would accompany me.

41. My lawyer also submitted a request to ICE for a stay of my removal. But they told him they were going to detain me at my next check in and deport me. Eventually, ICE denied the request for a stay. ICE never obtained a determination from USCIS on my eligibility for a T visa. I still have not received one.

42. ICE put a monitor on me, so there was no way I would have gone anywhere without them knowing. I had to answer a call every day and had to take a picture, but sometimes the signal was very bad at work. I lived in terror that I would miss one of these calls.

43. I didn't want to scare my students, so I lied to them that my monitor bracelet was an apple watch. I lost ten pounds just from the stress of constantly being checked and fearing being arrested.

44. I was under so much pressure that finally I could not continue the stress and fear.

45. My community supported me. In June 2025, ICE told me to attend another check-in. Teachers and students from MPS conducted a walk out in support, advocating for me to stay in the U.S. I am so thankful to them for that.

46. My lawyer contacted an ICE agent, and the agent warned us that they will detain me at my check in if I don't leave the country before that.

47. I tried to explain to my daughters that we could either go to El Salvador or hide and live in the shadows in Milwaukee. They saw me crying so much, they told me no, mama, we can go together, we can stay together so you don't have to hide.

48. I finally decided that to keep my family together and safe, I needed to leave the United States before the check in.

49. My daughters had never been to El Salvador before. The school year was almost over, and being forced to leave the United States meant they were torn from their school, their friends, and their lives.

50. When we first got to El Salvador it was so hard for them. They were constantly crying, they kept asking me why we couldn't have hidden in Milwaukee. They missed their school, their friends, and their community.

51. My kids had to learn to be strong, just like I had to. It breaks my heart. I wanted something better for them.

52. I came to the United States to escape violence, and I experienced a horribly traumatic event as I tried to flee. I have always gone to my court hearings and followed court orders and directions from ICE. I have built a life in the U.S. and am deeply tied to my community. It is even worse for my daughters, who are U.S. citizens and whose lives are in the U.S. I have always been so grateful for the protection that the United States provided me so that I could build a life here. DHS's change of policy to now go after survivors of crime and trafficking instead of protecting them is horrible.

53. I understand that I will be representing others in this lawsuit. I want to protect every person and family who experiences something like what I am going through. Even if I am able to return to the U.S. and am granted a T visa, I will continue to assist with this litigation so that others like me can also be protected.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. Executed on _____, 2025, in El Salvador.

Signed: _____

DECLARACIÓN DE YESSENIA RUANO

Yo, Yessenia Ruano, declaro lo siguiente:

1. Nací en El Salvador en 1987. Huí de El Salvador y vine a los Estados Unidos en 2011. Viví en los Estados Unidos durante catorce años, hasta que me dijeron que sería detenida y deportada si no me marchaba, y me vi obligada a auto deportarme el 16 de junio de 2025.

2. De niña trabajé en una finca cafetalera y siempre tuve lo suficiente para crecer con mi madre y mis cinco hermanos, pero la situación en El Salvador se volvió extremadamente peligrosa a medida que fui creciendo. En 2009, las cosas se volvieron extremadamente difíciles. Tenía muchos sueños de trabajar en una escuela y convertirme en maestra, y obtuve una licencia de enseñanza mientras vivía allí. Entonces las cosas empezaron a empeorar, y aumentaron las pandillas y los secuestros. [redacted], y se volvió demasiado peligroso quedarme. Ya no podía tener esos sueños en El Salvador, y huí.

3. [redacted] No podía volver, necesitaba cruzar a la seguridad de los Estados Unidos, donde podría solicitar asilo. [redacted]

4. [redacted]

5. [redacted]

6. [redacted]

7. [redacted]

8. [redacted]

9. [redacted]

10. [redacted]

11. Las autoridades de inmigración me hicieron una entrevista para evaluar mi temor y, después de determinar que tenía un temor legítimo de regresar a El Salvador, me concedieron la libertad bajo fianza. Un amigo me prestó 5000 dólares para pagar la fianza y finalmente fui liberada.

12. Después de ser liberada de la custodia de inmigración, se me ordenó acudir al tribunal de inmigración para presentar mis reclamaciones.

13. [redacted]

14. Es desgarrador pensar que estas personas pueden seguir secuestrando a personas tan vulnerables. Como era inmigrante, recién llegada al país y solicitante de asilo, la gente me ha dicho que lo que me pasó es normal para alguien en mi situación. Los traficantes también nos dijeron que si hablábamos, nos deportarían, lo que nos

silencia y da poder a los traficantes. Ahora que sé que, aunque solicité protección, el ICE me habría detenido y deportado si no hubiera abandonado el país, siento que realmente no hay protección para los supervivientes. Ya no confío en el proceso de la visa T ni en que pueda proteger a las personas que denuncian la trata, y sé que hay otras mujeres que no tienen protección y a las que se les dice que no tienen más remedio que aceptar algo tan horrible.

15. Fue muy difícil cuando llegué por primera vez a Estados Unidos. Tenía la intención de vivir con mi tía en Washington D.C., pero al final mi tía no pudo ayudarme.

16. Trabajé durante un tiempo en una pizzería, haciendo y empaquetando pizzas. Allí conocí a un joven, un compañero de trabajo, y nos enamoramos. En 2015 tuvimos dos hijas y en julio de 2024 me casé con él.

17. Asistí a mi primera audiencia en el tribunal de inmigración en 2013. Después de esa audiencia, recibí mi permiso de trabajo. Pude conseguir un empleo legal y empecé a limpiar casas y oficinas.

18. Tenía una amiga de México que estaba estudiando para ser profesora. En 2015, era profesora en prácticas y se enteró de que yo había sido profesora en El Salvador. Me animó a solicitar trabajo en el sistema de escuelas públicas de Milwaukee y lo solicité. Pasé por una verificación de antecedentes y una prueba de inglés. En enero de 2016, me dijeron que en 2017 habría un puesto disponible para mí como asistente de enseñanza en una escuela que atendía principalmente a niños de habla hispana.

19. Al principio me centré en aprender cómo era el sistema escolar estadounidense y cómo ser la mejor profesora en este sistema. Había muchas más normas que en las escuelas de El Salvador. Durante los primeros meses estudié a los demás profesores y cómo funcionaba la escuela.

20. A menudo recordaba mi experiencia en prisión y cómo me sentí al aprender una nueva cultura y un nuevo idioma. Muchos de los niños eran mexicanos, o ellos o sus familias eran de otros países de habla hispana. Me compadecía de los niños si tenían dificultades en la escuela o les costaba seguir las reglas. Intentaba ayudarles a comprender y a sentirse seguros.

21. Enseñé gramática española y matemáticas, en clases de cuarto grado y de jardín de infancia, en MPS desde 2017 hasta 2025.

22. En 2015, di a luz a dos hijas gemelas.

23. Mis hijas son lo más importante en mi vida. Tan pronto como tuvieron la edad suficiente, fueron a la escuela donde yo trabajaba en Milwaukee. Creo que Dios estaba conmigo, encajando las piezas de mi vida, porque pudieron estar conmigo en la escuela donde trabajaba. Estábamos juntas por las mañanas antes de que empezaran las clases, las veía a la hora del almuerzo y, al final de la jornada escolar, las llevaba a casa.

24. Una de mis hijas es muy buena en matemáticas y la otra es muy artística.

25. Las dos tomaron clases de violín. Empezaron con la Orquesta Sinfónica de Milwaukee.

26. En nuestro tiempo libre, paseaba o montaba en bicicleta con mis hijas por nuestro barrio.

27. Cada verano, asistían a un campamento de verano. Este año se habían inscrito y estaban deseando ir al campamento de verano, pero no pude llevarlas porque nos vimos obligados a venir a El Salvador.

28. Me gustaba limpiar la manzana frente a mi casa y mantener limpio mi vecindario. En invierno, quitaba la nieve de la manzana y de frente a las casas. Les enseñé a mis hijas a hacer lo mismo, a no limitarse a limpiar frente a nuestra puerta, sino también a quitar la nieve de nuestros vecinos.

29. Hice amistad con mis vecinos, que son todos de diferentes países.

30. Iba a la iglesia todos los domingos y jueves para rezar.

31. El año pasado, comencé a participar en la misa, leía la primera lectura y me involucré mucho más en la iglesia. Hacía pupusas para vender en los eventos de la iglesia. Formaba parte de un grupo de oración y me encantaba cantar en la iglesia. Me ofrecí como voluntaria para enseñar la Primera Comunión.

32. Encontré fuerza y esperanza a través de la Iglesia.

33. En 2023 tuve mi segunda audiencia en el tribunal de inmigración y me presenté a ella. Entendí que tenía que acudir para explicar mi caso al juez.

34. El juez dijo que no era una prioridad para la deportación y que podía quedarme en el país.

35. Alrededor de 2023, mi abogado en ese momento me dijo que era elegible para una visa T y retiró mi solicitud de suspensión de expulsión para que pudiera solicitar

una visa T. Ese abogado me dijo que no se ocupaban de visas T, y empecé a buscar otro abogado que me ayudara. Por alguna razón, aunque aún no había presentado mi solicitud de visa T, el abogado canceló mi caso de suspensión de expulsión.

36. Finalmente encontré un nuevo abogado que presentó mi solicitud de visado T alrededor de febrero de 2025.

37. Recibí un recibo en el que se indicaba que el USCIS había recibido mi solicitud de visado T y mi abogado la llevó al ICE para solicitar el cierre de mi caso, de modo que mi solicitud de visado T pudiera ser revisada y aprobada.

38. En lugar de cerrar mi caso, el ICE me dijo que tenía que seguir acudiendo a las citas programadas con el ICE. En la primera cita, los agentes me dijeron que me deportarían. Me dijeron que si no me iba por mi cuenta, me buscarían y me encontrarían, y que me separarían de mis hijas, me detendrían y me deportarían.

39. Algunas personas me dijeron que me escondiera de inmigración, pero no podía dejar mi escuela ni a mis hijas, y sabía que tenía que seguir las instrucciones del ICE. Estaba muy angustiada, porque tampoco podía afrontar la idea de que me separaran de mis hijas y me encarcelaran.

40. No pude dormir durante meses. Tenía que presentarme regularmente ante el ICE. El 14 de febrero fue la primera vez que me dijeron que me iban a deportar. La siguiente fue el 15 de abril, y luego el 30 de mayo. Cada vez tenía mucho miedo de que me detuvieran con mis hijas esperando fuera. Pero aun así acudí a todas las citas a las que tenía que asistir. Cada vez que iba, esperaba que Dios me acompañara.

41. Mi abogado también presentó una solicitud al ICE para que suspendieran mi expulsión. Pero le dijeron que me detendrían en mi siguiente cita y me deportarían. Finalmente, el ICE denegó la solicitud de suspensión. El ICE nunca obtuvo una resolución del USCIS sobre mi elegibilidad para un visado T. Todavía no la he recibido.

42. El ICE me puso un monitor, por lo que no había forma de que pudiera ir a ningún sitio sin que ellos lo supieran. Tenía que responder a una llamada todos los días y tenía que hacerme una foto, pero a veces el servicio funcionaba muy mal. Vivía con el terror de perderme una de esas llamadas.

43. No quería asustar a mis alumnos, así que les mentí diciendo que mi pulsera de vigilancia era un Apple Watch. Perdí cinco kilos solo por el estrés de estar constantemente controlado y el miedo a que me arrestaran.

44. Estaba bajo tanta presión que finalmente no pude soportar más el estrés y el miedo.

45. Mi comunidad me apoyó. En junio de 2025, el ICE me dijo que acudiera a otra cita. Los profesores y alumnos de MPS organizaron una manifestación en mi apoyo, abogando por que me quedara en Estados Unidos. Les estoy muy agradecido por ello.

46. Mi abogado se puso en contacto con un agente del ICE, y este nos advirtió que me detendrían en mi control si no abandonaba el país antes de esa fecha.

47. Intenté explicarles a mis hijas que podíamos irnos a El Salvador o escondernos y vivir en las sombras en Milwaukee. Me vieron llorar tanto que me dijeron: «No, mamá, podemos irnos juntas, podemos quedarnos juntas para que no tengas que esconderte».

48. Finalmente decidí que, para mantener a mi familia unida y a salvo, tenía que salir de Estados Unidos antes de la facturación.

49. Mis hijas nunca habían estado en El Salvador. El año escolar estaba a punto de terminar y verse obligadas a abandonar Estados Unidos significaba que se separaban de su colegio, sus amigos y sus vidas.

50. Cuando llegamos a El Salvador por primera vez, fue muy difícil para ellas. Lloraban constantemente y me preguntaban por qué no nos habíamos escondido en Milwaukee. Echaban de menos su colegio, a sus amigos y a su comunidad.

51. Mis hijas tuvieron que aprender a ser fuertes, igual que yo. Me rompe el corazón. Quería algo mejor para ellas.

52. Vine a Estados Unidos para escapar de la violencia y sufrí un evento terriblemente traumático mientras intentaba huir. Siempre he asistido a mis audiencias judiciales y he seguido las órdenes judiciales y las instrucciones del ICE. He construido una vida en los Estados Unidos y estoy profundamente vinculada a mi comunidad. Es aún peor para mis hijas, que son ciudadanas estadounidenses y cuyas vidas están en los Estados Unidos. Siempre he estado muy agradecida por la protección que me brindó Estados Unidos para que pudiera construir una vida aquí. El cambio de política del DHS de ahora perseguir a los sobrevivientes de delitos y tráfico en lugar de protegerlos es horrible.

53. Entiendo que representaré a otras personas en esta demanda. Quiero proteger a todas las personas y familias que pasan por algo similar a lo que yo estoy pasando. Incluso si puedo regresar a los Estados Unidos y me conceden una visa T, seguiré

colaborando en este litigio para que otras personas como yo también puedan estar protegidas.

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que lo anterior es verdadero y correcto según mi leal saber y entender. Firmado el 10/03/2025 de 2025, en El Salvador.

Signed: 

CERTIFICATE OF TRANSLATION

I, Sergio Perez, am competent to translate from Spanish into English, and I certify that the translation of the foregoing declaration is true and accurate to the best of my abilities.

Dated: October 12, 2025 Signed: _____

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CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF PAULO C.'S DAUGHTER

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** Pro Hac Vice Application Forthcoming*

In RE: [redacted]

AFFIDAVIT OF [redacted]

I, [redacted] do hereby swear to and state the following:

1. My name is [redacted], the heart daughter of [redacted] You may ask yourselves "heart daughter"? How does that make sense? Let me explain it to you. Since the age of 3 years old I have had the honor to call him my father, while not having his same blood. He took on the role, stepped up to the plate when he did not have to. He chose to.

2. My parents split up when I was really little. My biological father was in my life, but he wasn't very present. I would only see him every once in a while. When I was about 3 years old, my mother and [redacted] relationship started. From the very beginning, [redacted] became the father I needed, the father I was missing.

3. [redacted] stepped up and became my dad, but he also became my best friend. He's my everything, he and my mom. He has always been there for me, time after time, even when you least expect it. That is something I fear my sisters will not have. If he cannot remain in the United States, they will not have his strength, his presence, his support. They will not know the stability that I have known, as I knew that whatever happened in life I could count on him. They risk losing that.

4. One time when I relied on both of my parents' strength was when I was a victim of sexual assault. I was just barely 13 years old. At first, I felt fear and shame, but then I opened up and talked about it. He was arrested and convicted. My parents were there with me every step of the way, they both even took me to therapy. The person who did this to me is still around, and since he is a cousin of my cousin, I have to run into him every so often. When I do, I get very anxious and start shaking. I know that having [redacted] around helps me feel safe, and I know that my parents and myself are still available to law enforcement if they ever needed our testimony for something related to him.

5. My three younger sisters are [redacted] biological daughters. As the oldest, my job is to set an example, always look out for them, remind them how everything will be okay as long

as we're together.

6. In July of this year, our world was flipped upside down, our rock and foundation was taken from us. At the young age of 21 I have seen that without my parents I am lost, they give me strength and remind me that I am capable of doing anything and everything. How am I supposed to see my siblings and tell them that all is right, when in reality, like me, they need their father more than anything.

7. Time after time I catch myself thinking, how do I explain the situation to them when they come asking for their father? What do I tell my 12-year-old sister who is able to comprehend what's happening, how do I keep her from keeping steady and pushing forward? My 3 and 6 year old sisters, how am I supposed to bring them comfort? What more can I tell them besides "he'll be home soon" How do I stop their tears, how do I keep their hearts safe, how can I keep on reminding them everything is okay when part of their family has been stripped away from them. They are just girls needing their father, the first love they have ever known.

8. I worry the most about [redacted] His absence is hitting her hard. Every so often, I see her just break down. I can see something is wrong and ask her, and she says "it's dad," then cries. She is not the same person as she was before he was detained. I worry so much about how this will affect her if he is gone for a long time. She and [redacted] are two peas in a pod. She's already suffering, and she will get worse.

9. The two youngest keep talking about [redacted] asking when he will be home. They are young enough to not quite understand, but I know that if he's gone for good, they will start showing the same sadness that [redacted] does.

10. I worry about my mom too, and all of my sisters depend completely on her right now. My mom is joy. She is a very joyous person, she is also calm and strong. She jokes about how she is a Libra so she is very balanced. However, since [redacted] was detained, I have watched her change. She is not joyous now. She's very strong, and she is trying her hardest to remain strong for us, but I have seen her get overwhelmed. Anxiety takes over. It's scary. All I know from her is hard work and not giving up. Watching her fall apart is terrifying, like our world is falling apart with her. I try my best to step up when she falls,

but I'm only 21 and it's hard for me to step into their shoes. If [redacted] can't return to us, my mom will only be able to stay balanced for so long. I worry that her anxiety will get worse, and that will affect my sisters so much, since we rely on my mom's strength and joy.

11. I work full time as a front desk registrar in the elementary school where I went, and where my sisters go. I hope to return to school and get my bachelor's degree in early childhood education, and become a teacher. If [redacted] cannot return, I don't know if that will happen. I don't know if any of my sisters will be able to pursue their dreams.

12. No words will ever describe how much [redacted] has changed my life. He is the man who has shown up time after time. He is a man who makes things happen, he moves mountains to keep his family afloat. The last couple of months without him have felt like an eternity, the emptiness, the house that doesn't feel like a full home. He is our glue, our happiness, the man who reminds us of all things being just fine. To whoever is reading this, please understand that we are just a family waiting to be whole again.

Signed under pains and penalties of perju[redacted]

Dated: 09/25/2025

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW
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Tel: (909) 274-9057

Attorneys for Plaintiffs

Additional counsel listed on following page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF SARAH KAHN

REDACTED VERSION OF DOCUMENT PROPOSED TO BE FILED UNDER SEAL

Additional Counsel for Plaintiffs:
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2533 W 3rd Street, #101
Los Angeles, CA 90057
Tel: (213) 353-1333

** Pro Hac Vice Application Forthcoming*

DECLARATION OF SARAH KAHN

I, Sarah Kahn, hereby declare:

1. I have personal knowledge of the facts set forth below and, if called to testify, I could and would do so competently.

2. I am a Senior Staff Attorney with the Center for Human Rights and Constitutional Law.

3. Attached as Exhibit A to this declaration is a true and correct copy of [redacted] letter of bona fide determination issued by United States Citizenship and Immigration Services ("USCIS"), sent to me by her lawyer via email.

4. Attached as Exhibit B to this declaration is a true and correct copy of [redacted] employment authorization card, sent to me by her lawyer via email.

5. Attached as Exhibit C to this declaration is a true and correct copy of a declaration by Jill Nedved, the lawyer of Kenia Jackeline Merlos, sent to me via email.

6. Attached as Exhibit D to this declaration is a true and correct copy of [redacted] letter of bona fide determination issued by USCIS; [redacted] work authorization; and the decision of an immigration judge in [redacted] case, sent to me by his lawyer via email.

7. Attached as Exhibit E to this declaration is a true and correct copy of ICE's grant of a stay of removal in [redacted] case, dated November 19, 2024, and [redacted] application for a stay of removal, dated November 14, 2024, sent to me by her lawyer via email.

8. Attached as Exhibit F to this declaration is a true and correct copy of [redacted] Motion for a Stay of Removal, dated July 14, 2025, sent to me by her lawyer via email.

9. Attached as Exhibit G to this declaration is a true and correct copy of Department of Homeland Security's Opposition to [redacted] Motion for a Stay of Removal, dated July 23, 2025, sent to me by her lawyer via email.

10. Attached as Exhibit H to this declaration is a true and correct copy of [redacted] request for parole from Immigration and Customs Enforcement ("ICE") Family Detention, sent to me by her lawyer via email.

11. Attached as Exhibit I to this declaration is a true and correct copy of [redacted] request for humanitarian parole, sent to me by her lawyer via email.

12. Attached as Exhibit J to this declaration is a true and correct copy of a Decision from the Board of Immigration Appeals in [redacted] case, dated July 31, 2025, sent to me by her lawyer via email.

13. Attached as Exhibit K to this declaration is a true and correct copy of Kenia Jackeline Merlos' U visa receipt notice and bona fide determination granting deferred action and employment authorization issued by USCIS, dated December 13, 2024, sent to me by her lawyer visa email.

14. Attached as Exhibit L to this declaration is a true and correct copy of Yessenia Ruano's Order of Supervision form noting her appearance at regular ICE check ins, sent to me by her lawyer via email.

15. Attached as Exhibit M to this declaration is a true and correct copy of Yessenia Ruano's USCIS receipt notice for her I-914 application for a T visa issued by USCIS, sent to me by her lawyer via email.

16. Attached as Exhibit N to this declaration is a true and correct copy of Yessenia Ruano's Warning for Failure to Depart issued by ICE, sent to me by her lawyer via email.

17. Attached as Exhibit O to this declaration is a true and correct copy of Yessenia Ruano's February 2025 Application for a Stay of Removal noting her pending T visa, sent to me by her lawyer via email.

18. Attached as Exhibit P to this declaration is a true and correct copy of ICE's denial of Yessenia Ruano's Application for a Stay, dated March 6, 2025, sent to me by her lawyer via email.

19. Attached as Exhibit Q to this declaration is a true and correct copy of Yessenia Ruano's Application and Request for a Stay of Removal, dated June 2, 2025, and ICE's denial of Yessenia Ruano's Application for a Stay, dated June 11, 2025, sent to me by her lawyer via email.

20. Attached as Exhibit R to this declaration is a true and correct copy of [redacted] notice of bona fide determination on her pending T visa issued by USCIS, sent to me by her lawyer via email.

21. Attached as Exhibit S to this declaration is a true and correct copy of [redacted] request for a Stay of Removal, dated October 2, 2025, and ICE's denial of a stay of removal, dated October 15, 2025, sent to me by his lawyer via email.

22. Attached as Exhibit T to this declaration is a true and correct copy of [redacted] work authorization card; [redacted] notice of bona fide determination issued by USCIS; a letter from [redacted] doctor conveying [redacted] diabetes condition and the medical implications of continuing to wear an ankle monitor; and the docket in the habeas petition [redacted] attorney filed, showing that the parties stipulated to the bond hearing that resulted in her release, sent to me by her lawyer via email.

23. Attached as Exhibit U to this declaration is a true and correct copy of an email from USCIS to an attorney in response to a request to expedite review of a U visa petition outlining USCIS's policy of expediting review only at the request of ICE.

24. Attached as Exhibit V to this declaration is a true and correct copy of volume 3, part C, chapter 5 of the USCIS Policy Manual, governing U visa bona fide determination adjudication and policies.

25. Attached as Exhibit W to this declaration is a true and correct copy of volume 3, part B, chapter 6 of the USCIS Policy Manual, governing T visa bona fide determination adjudication and policies.

26. Attached as Exhibit X to this declaration is a true and correct copy of volume 3, part D, chapter 5 of the USCIS Policy Manual, governing VAWA notice of prima facie case adjudication and policies.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing statements are true and correct. Executed this 27th day of October, 2025, in Anaheim, California.

Respectfully submitted,

/s/ Sarah Kahn
Sarah Kahn

EXHIBIT A

November 2, 2022

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521

U.S. Citizenship and Immigration Services

[redacted]
c/o IMG CENTER FOR WOMEN AND CHILDREN
634 S SPRING ST STE 727
LOS ANGELES, CA 90014

[redacted]
I-918, Petition for U Nonimmigrant Status

CORRESPONDENCE

On November 27, 2017, you submitted a Form I-918, Petition for U Nonimmigrant Status. As the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year, U.S. Citizenship and Immigration Services (USCIS) may not grant U-1 nonimmigrant status to any petitioner until new visas become available. Under 8 U.S.C. 1184(p)(6) and 1103(a), the Department of Homeland Security (DHS) may conduct a bona fide determination, and if warranted as a matter of discretion, provide employment authorization and deferred action.

At this time, the evidence demonstrates your petition for U nonimmigrant status is bona fide, and you warrant a favorable exercise of discretion to receive employment authorization and deferred action. Because USCIS has determined your petition is bona fide and you warrant a favorable exercise of discretion, you will be issued an employment authorization document and have been placed in deferred action. Your employment authorization document and grant of deferred action are valid for a period of four years. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.

Under 8 U.S.C. 1184(p)(6), if USCIS determines your petition is bona fide, you may submit a Form I-765, Application for Employment Authorization with this office. USCIS grants employment authorization based on the bona fide determination and favorable exercise of discretion described above under 8 U.S.C. 1184(p)(6), as well as under 8 CFR 274a.12(c)(14), which gives the agency the authority to provide employment authorization to noncitizens placed in deferred action. On November 27, 2017, you filed a Form I-765, EAC1804850540, under 8 CFR, section 274a.12(c)(14). This Form I-765 is based on your pending Form I-918, which USCIS has determined is bona fide. You will receive separate correspondence regarding the adjudication of your Form I-765.

Priority for the issuance of U nonimmigrant status will be determined by the date the Form I-918 was received by USCIS. Once a visa is available to you, USCIS will determine your eligibility for U nonimmigrant status and whether you are admissible to the United States.

If you are represented by an attorney, all further correspondence should be accompanied by Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

This notice does not constitute valid U nonimmigrant status or employment authorization, and may

not be used to demonstrate legal immigration or employment status.

Sincerely,

L. Miller
Director
Officer: EX0748

EXHIBIT B

7 Product Way
Lees Summit, MO 64002

USPS Tracking # eVS

9205 5901 5370 8435 4921 33

USCIS National Customer Service Center
1-800-375-5283

IMG CENTER FOR WOMEN AND CHILDREN
STEVEN JUSTIN SHAFER
634 S SPRING ST STE 727
LOS ANGELES, CA 90014-0000

Date 11/2/2022

IMPORTANT INFORMATION – SAVE THIS NOTICE

Use this tear-off portion to speed your application for an extension or replacement card.

[redacted]

IMG CENTER FOR WOMEN AND CHILDREN
STEVEN JUSTIN SHAFER
634 S SPRING ST STE 727
LOS ANGELES, CA 90014-0000

Scan QR for more information on your card, rights, and benefits.

[redacted]
EAC1804850540

[redacted]
1A0422424349 56

Help USCIS Serve You Better

We recommend that you keep this notice for your records. It has important information.

The tear-off portion of this notice can help speed your application for an extension or replacement card. When you file for another card, we recommend you attach the tear-off portion to your completed application.


FORM I-765
Rev (12-2019)

EXHIBIT C

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW
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bardis@centerforhumanrights.org
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1505 E 17th St. Ste. 117
Santa Ana, CA 92705
Tel: (909) 274-9057

Attorneys for Plaintiffs

Additional counsel listed on following page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Immigration Center for Women and Children; Lupe A.; Camila B.; Paulo C.; Kenia J. Merlos; Luna E.; Carmen F.; Yesenia Ruano; Daniel H.; Coalition for Humane Immigrant Rights; La Raza Centro Legal, California Collaborative for Immigrant Justice;

Plaintiffs,

v.

Kristi Noem, Secretary of Homeland Security, in her official capacity; U.S. Immigration and Customs Enforcement, United States Citizenship and Immigration Services,

Defendants.

Case No.: 2:25-cv-09848

DECLARATION OF JILL NEDVED

Additional Counsel for Plaintiffs:

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San Francisco, CA 94103
Tel: (415) 575-3500

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Adam Reese (Cal. Bar No. 362898)
areese@chirla.org
2533 W 3rd Street, #101
Los Angeles, CA 90057
Tel: (213) 353-1333

** Pro Hac Vice Application Forthcoming*

DECLARATION OF JILL NEDVED

I, Jill Nedved, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. I am an immigration attorney at Gonzales & Gonzales Immigration Law Offices in Seattle Washington. I represent Kenia Jackeline Merlos in her immigration proceedings.

3. On October 14, 2025, I represented Ms. Merlos in a hearing in her removal proceedings. At the hearing, the immigration judge terminated her proceedings in her discretion based on her deferred action status. *See* 8 C.F.R. §§ 1003.18(d)(1)(ii)(d); 1003.1(m)(1)(ii).

4. In my experience, termination of proceedings frequently leads to the prompt release of a client in DHS detention. However, OPLA/ICE reserved the right to appeal the decision and have refused to release Ms. Merlos, despite my direct personal request and subsequent email request for prompt release directly to OPLA/ICE after the decision. They have stated that her order is not considered final while their right to appeal is pending and would not be final during the duration of the appeal if they file an appeal to the Board of Immigration Appeals. The appeal period is 30 days, but if an appeal is filed by DHS, a determination by the Board of Immigration Appeals could take 5 to 7 months, in my experience.

I declare under penalty of perjury of the laws of the State of Washington and the United States that the foregoing statements are true and correct.

Executed this 17th day of October, 2025, in Dover, Vermont.

Respectfully submitted,

/s/ Jill Nedved

Jill Nedved

EXHIBIT D

April 14, 2023

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521

U.S. Citizenship and Immigration Services

JONATHAN LEVY
AMERICAN GATEWAYS
314 E HIGHLAND MALL BLVD STE 501
AUSTIN, TX 78752

[redacted]

I-918A, Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A)

CORRESPONDENCE

On May 22, 2018, you submitted a Form I-918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A) for your family member. In order to approve a Form I-918, Supplement, A, the principal's petition for U Nonimmigrant Status (Form I-918) must first be approved. As the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year, U.S. Citizenship and Immigration Services (USCIS) may not grant your U-1 nonimmigrant status petition until new visas become available. Under 8 U.S.C. 1184(p)(6) and 1103(a), the Department of Homeland Security (DHS) may conduct a bona fide determination, and if warranted as a matter of discretion, provide employment authorization and deferred action.

At this time, the evidence demonstrates your family member's Form I-918, Supplement A petition for U nonimmigrant status is bona fide, and that they warrant a favorable exercise of discretion to receive employment authorization and deferred action. Because USCIS has determined their petition is bona fide and warrants a favorable exercise of discretion, they will be issued an employment authorization document and have been placed in deferred action. Your family member's employment authorization document and grant of deferred action are valid for a period of four years. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.

Under 8 U.S.C. 1184(p)(6), if USCIS determines the evidence demonstrates your family member's petition is bona fide, your family member may submit a Form I-765, Application for Employment Authorization with this office. USCIS grants employment authorization based on the bona fide determination and favorable exercise of discretion described above under 8 U.S.C. 1184(p)(6), as well as under 8 CFR 274a.12(c)(14), which gives the agency the authority to provide employment authorization to noncitizens placed in deferred action. On May 22, 2018, your family member filed a Form I-765, EAC1817150251, under 8 CFR274a.12(c)(14). This Form I-765 is based on your family member's pending Form I-918, Supplement A, which USCIS has determined is bona fide. Please be aware that your family member's currently filed Form I-765 will be adjudicated as if it were filed under 8 CFR274a.12(c)(14). Your family member will receive separate correspondence regarding the adjudication of your family member's Form I-765.

Priority for the issuance of U nonimmigrant status will be determined by the date the Form I-918 was received by USCIS. Once a visa is available to your family member, USCIS will determine their eligibility for U nonimmigrant status and whether they are admissible to the United States.

If you are represented by an attorney, all further correspondence should be accompanied by Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

This notice does not constitute valid U nonimmigrant status or employment authorization, and may not be used to demonstrate legal immigration or employment status.

Sincerely,

L. Miller
Director
Officer: 5061

7 Product Way
Lees Summit, MO 64002

USPS Tracking # eVS

9205 5901 5370 8445 3497 79

USCIS National Customer Service Center
1-800-375-5283

AMERICAN GATEWAYS
JONATHAN LEVY
314 E HIGHLAND MALL BLVD STE 501
AUSTIN, TX 78752-0000

Date 3/27/2023

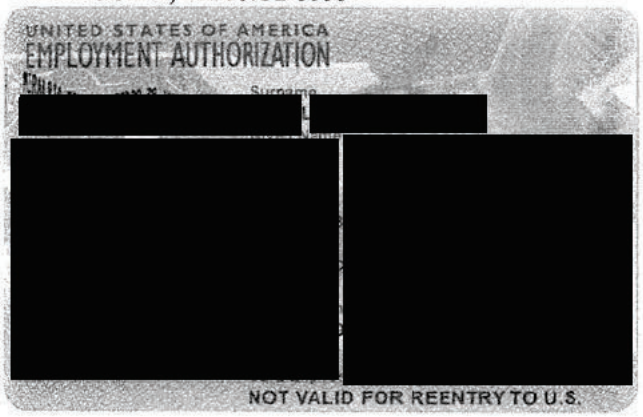
IMPORTANT INFORMATION – SAVE THIS NOTICE

Use this tear-off portion to speed your application for an extension or replacement card.

[redacted]

AMERICAN GATEWAYS
JONATHAN LEVY
314 E HIGHLAND MALL BLVD STE 501
AUSTIN, TX 78752-0000

Scan QR for more information on your card, rights, and benefits.



[redacted]

EAC1817150251

[redacted]

1A0622430761 09

Help USCIS Serve You Better

We recommend that you keep this notice for your records. It has important information.

The tear-off portion of this notice can help speed your application for an extension or replacement card. When you file for another card, we recommend you attach the tear-off portion to your completed application.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:
[redacted]

To:
Crawford, Karen J
P O Box 14194
Austin, TX 78761

A-Number:
[redacted]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
09/09/2025

☐ Unable to forward - no address provided.

☑ Attached is a copy of the **decision of the Immigration Judge.** This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

☐ Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review.** This is a final order. No appeal is available.

☐ Other:

Date:

Immigration Judge: Veronica M. Segovia 09/09/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : [redacted] | [redacted]

Riders:

Date: 09/09/2025 By: PARSONS, LINDA, Court Staff

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:
[redacted]

To:
Crawford, Karen J
P O Box 14194
Austin, TX 78761

A-Number:
[redacted]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
09/09/2025

ORDER OF THE IMMIGRATION JUDGE

☑ Respondent ☐ the Department of Homeland Security has filed a motion to terminate these proceedings, and the non-moving party was accorded notice and an opportunity to respond. The motion is ☑ opposed ☐ unopposed.

After considering the facts and circumstances, the immigration court orders that the motion to terminate is ☐ granted ☐ with ☐ without prejudice ☑ denied because:

☐ The Department of Homeland Security ☐ met ☐ did not meet its burden of proving by clear and convincing evidence that Respondent is removable as charged. 8 C.F.R. § 1240.8(a).

☐ Respondent ☐ met ☐ did not meet the burden of proving that Respondent is clearly and beyond a doubt entitled to admission to the United States and is not inadmissible as charged. 8 C.F.R. § 1240.8(b)-(c).

☐ Other.

☑ Further analysis/explanation:

The Department of Homeland Security (DHS) has broad and sole discretion to initiate removal proceedings by issuing, serving, and filing a Notice to Appear (Form I-862), which vests jurisdiction over an alien's removal proceedings with the Immigration Court. See 8 C.F.R. § 1003.14(a); see also Matter of Ordaz, 26 I&N Dec. 637, 641 (BIA 2015) (noting that the DHS has the sole discretion to commence removal proceedings). Once the notice to appear is filed with the Immigration Court, jurisdiction over proceedings vests with the Immigration Judge. 8 C.F.R. §1003.14(a).

In immigration proceedings, it is the Immigration Judge's responsibility to determine whether the respondent is subject to removal as charged in the notice to appear and to adjudicate the respondent's application for relief from removal, if any. INA §§ 240(a)(3), (c)(1)(A); 8 C.F.R. §§ 1240.1(a)(1) (i), 1240.11. In

conducting proceedings, an Immigration Judge exercises the powers and duties delegated by law and by the Attorney General of the United States through regulation. 8 C.F.R. § 1003.10(b) (2011). An Immigration Judge has the authority to regulate the course of the hearing and to take any action consistent with applicable law and regulations as may be appropriate. 8 C.F.R. §§ 1240.1(a) (1) (iv), (c).

In deciding individual cases, an Immigration Judge must exercise his or her independent judgment and discretion and may take any action consistent with the Act and regulations that is appropriate and necessary for the disposition of such cases. 8 C.F.R. § 1003.10(b). In the present case, the DHS has exercised its broad and sole discretion to initiate removal proceedings against the respondent, a determination entitled to a certain level of deference. As indicated in the motion, the respondent has a pending U Visa since 2018. Respondent received a bona fide determination from USCIS in 2023. The respondent has not demonstrated that pendency of removal proceedings causes adverse immigration consequences. The respondent has not presented a situation where his eligibility for a U Visa is contingent upon the pending removal proceedings being terminated or administratively closed. Indeed, based on the information presented in the respondent's motion, he would need to apply for a waiver of inadmissibility. While the Court acknowledges the respondent's desire to seek immigration relief before United States Citizenship and Immigration Services (USCIS), the respondent is eligible to seek other forms of relief before the Court and will be given the opportunity to do so. Should the DHS decide to exercise prosecutorial discretion and agree to allow the respondent to seek relief instead with USCIS, the Court will take that position into consideration with any future motion.

Immigration Judge: Veronica M. Segovia 09/09/2025

Appeal: Department of Homeland Security: ☐ waived ☑ reserved
Respondent: ☐ waived ☑ reserved

Appeal Due: 10/09/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : [redacted] | A-Number : [redacted]

Riders:

Date: 09/09/2025 By: PARSONS, LINDA, Court Staff

EXHIBIT E

Office of Enforcement and Removal Operations

Department of Homeland Security
12445 E. Caley Ave
Centennial, CO 80111

U.S. Immigration and Customs Enforcement

November 19, 2024

[redacted]

Re: Application for a Stay of Deportation or Removal for [redacted]

Dear [redacted]

This letter is in response to your request for a Stay of Deportation or Removal received by this office on November 14, 2024. After a thorough review of your administrative file, all applicable databases, Form I-246, and supporting documents, ICE has decided that a favorable exercise of discretion will be granted, and your stay request will be granted for a period of six (6) months from the date of this letter. This stay is only granted to [redacted]

Stays of removal are granted at the discretion of the field office director for temporary periods of time and no beneficiary of a stay of removal should presume or expect that future stays will be granted. The favorable exercise of prosecutorial discretion in this case does not confer any immigration status upon your client, nor is it in any way a reflection of an alien's immigration status. The granting of this stay is not intended to, does not, and may not be relied upon to create any right or benefit outside of its intended purpose. Under no circumstances does this stay operate to cure any defect in status under any section of the Act for any purpose. This stay may be revoked after approval if you are arrested by any law enforcement agency or convicted of any crime(s), or if the terms of an Order of Supervision are violated.

Approximately 30 days prior to the expiration of this stay of removal, you should be in contact with the case Deportation Officer to make the necessary arrangements for a timely departure from the United States unless your removal status changes. Should circumstances warrant the request for additional stays, a new Form I-246 application and fee must be submitted prior to the expiration of this stay. Your application must include all ***new*** relevant factors and supporting documentation and state the period of time for which a stay is being requested.

[redacted]

Acting Deputy Field Office Director

www.ice.gov

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

OMB No. 1653-0021
Expires: 10/31/2023

APPLICATION FOR A STAY OF DEPORTATION OR REMOVAL

Action Block - For ICE Use Only

☒ GRANTED ☐ One Year ☒ Six Months ☐ Three Months ☐ Other: _____
☐ DENIED ☐ Denial letter attached.
☐ REJECTED ☐ Incorrect Fee ☐ Application was not submitted in person ☐ Other: _____
☐ Additional information attached.

Date: 11/19/24 Decision made by: [redacted]
(Printed Name/Title)

Deciding Official Signature (Sign in ink): _____ Office: 11 A 124

Fee/Date Stamp
I-246
Date: 11/14/2024
Paid: $ 155.00
Initials: DR

A-File Number: [redacted]	Date: 16/10/2024	If you are currently detained by ICE, provide the name of the detention facility:
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]
Address (*Number and Street*): [redacted]	Country of Citizenship: [redacted]	Passport No: [redacted] / Expiration Date: [redacted]
Apartment Number: [redacted]	Length of stay requested: ☒ One year ☐ Six months ☐ Three months ☐ Other:	
Town/City: [redacted] / State: [redacted] / Zip Code: [redacted]	Arrested by police or other law enforcement agency (other than for immigration reasons) ☐ Yes - Documents attached ☒ No	
Telephone Number: [redacted]	Cell Telephone Number: [redacted]	

REASON(S) FOR REQUESTING A STAY OF DEPORTATION OR REMOVAL:

[redacted]

EVIDENCE SUBMITTED (attached):

☐ Medical ☐ Brief ☒ Other (*specify*):

I certify under penalty of perjury that the information provided and contained herein is true and correct to the best of my knowledge and belief:

[redacted] 10/16/2024
(Signature) (Sign in ink)

INFORMATION IF FORM PREPARED BY OTHER THAN APPLICANT:

I declare under penalty of law that this document was prepared by me at the request of the applicant and is based on all information of which I have knowledge. I understand that providing false information on behalf of the applicant could result in criminal prosecution and, upon conviction, a fine or imprisonment or both.

[redacted] [redacted]
(Printed Name) (Signature) (Sign in ink)

[redacted]
(Telephone Number) (Street Address) (City) (State) (Zip Code)

EOIR 74 of 256

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

APPLICATION FOR A STAY OF DEPORTATION OR REMOVAL

A decision in a stay of deportation or removal application is within the sole discretion of the Secretary of Homeland Security or his or her designee, including the Field Office Director. You may not appeal his or her decision.

1. Who may file this application?

Anyone ordered deported or removed from the United States may apply for a stay of deportation or removal under 8 C.F.R. 241.6. Fill out a separate application with required documentation (see item 3) for each family member and others who will also seek a stay of deportation or removal.

2. Where should I submit this application?

Submit this application in person* to your local Enforcement and Removal Operations (ERO) Field Office. You can locate your nearest ERO Field Office at: http://www.ice.gov/contact/ero/index.htm

- **If you are detained**, file this application with the ERO Field Office that has jurisdiction over your custody.
- **If you are not detained,** file this application with the ERO Field Office closest to your residence. **If you have a problem delivering the application in person, contact your local ERO Field Office to see if delivery would be permitted by general mail or another delivery service.*

3. What identity documents do you require from me?

Provide documentation from category A, B, or C below. All documents submitted will be retained by ERO pending final disposition in your case.

(A) **Original passport** - Valid for 6 months past the time period being requested **OR**

(B) **Copy of passport** - Valid for 6 months past the time period being requested **AND** a copy of birth certificate or other identity documents **OR**

(C) **If you have no valid passport** - If your country of citizenship requires a passport for entry and you do not have a valid passport or a passport that is valid for 6 months past the time period you requested, you must provide proof that you applied for a passport or similar travel document. A copy of your application, proof of fee being paid and a copy of all documentation you submitted is required. If you receive a response that your application has been received, include a copy of that correspondence.

4. What evidence or documentation should I submit with this application?

- **Medical** - If the basis of your request is due to a medical condition, you must obtain documentation from your doctor regarding your medical condition, treatment, prognosis, and any assistance you need relating to your condition
- **Arrests** - Submit police reports and disposition of all arrests
- **Convictions** – Submit judgment, conviction and sentencing documents for all convictions
- **Summary** - Submit your reasons why you are requesting a stay of deportation or removal. Provide any additional documentation or evidence that would support your basis for a stay.

5. What fees should I submit with this application?

The fee for processing this application is $155.00. Include the fee with the application. There is no refund, regardless of the action taken. Payments must be made out to, "Department of Homeland Security" or "Immigration and Customs Enforcement". **Accepted methods of payment:** *U.S. Cash, Money Order, or Cashier's Check.*

6. Why could ICE reject this application?

- Incorrect fee (erroneous fee amounts will not be refunded)
- Application filed at incorrect ERO Field Office
- Multiple applicants listed on same application
- Failure to sign your application
- Failure to submit application in person
- Failure to submit required identity documents. (see item 3)
- Incorrect home (physical) address listed on application
- You are currently categorized as an ICE fugitive or you have made other attempts to hinder your deportation or removal
- When applicable, failure to completely and clearly fill out the section listed as, "Information if form prepared by other than applicant"

7. Why could ICE deny this application?

- Failure to submit medical documentation that supports your reason for this request, if applicable
- Failure to submit your statement or summary that explains why you submitted this request
- Record of criminal activity
- Threat to self or others
- Inaccurate, incomplete or untruthful information
- Not currently under a final order of deportation or removal
- Discretion of the Field Office Director or designee

8. What will happen when I submit this application?

- You may be fingerprinted (if 14 years or older)
- You may be photographed
- Your criminal history (if any) will be reviewed
- Your information will be entered into Department of Homeland Security databases.

9. What if this application is approved?

- You will be issued an Order of Supervision (OSUP) and be required to comply with the conditions listed in the OSUP
- You may have other conditions to comply with set by the Field Office Director or designee
- You may be required to post an OSUP bond (minimum bond amount: $1,500.00)

10. Why could ICE revoke my stay of deportation or removal after it is approved?

- Arrest by any law enforcement officer
- Conviction of any crime(s)
- A violation of the OSUP
- A violation of the terms of an OSUP bond
- For any reason(s) at the discretion of the Field Office Director or designee

11. What can happen if I submit false information?

All statements made in response to questions in this application are declared to be true and correct under penalty of perjury pursuant to 18 U.S.C. 1546. The knowing placement of false information on the application may subject you, or the preparer of the application, to criminal penalties under 18 U.S.C. 1546, and you and the preparer to civil and criminal penalties pursuant to the Immigration and Nationality Act 274C and 8 U.S.C. 1324c.

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

APPLICATION FOR A STAY OF DEPORTATION OR REMOVAL

PRIVACY NOTICE

Authority: The collection of this information is authorized by 8 U.S.C. § 1231 and 8 CFR § 241.6.

Purpose: The information requested is being collected to enable U.S. Immigration and Customs Enforcement (ICE) to determine your eligibility under the Immigration and Nationality Act for a stay of deportation or removal from the United States.

Agency Disclosure of Information: For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the DHS/USCIS-ICE-CBP-001 Alien File (A-File), Index, and National File Tracking Systems of Records Notice (SORN), which can be viewed at **www.dhs.gov/privacy**.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within the U.S. Department of Homeland Security (DHS), as well as federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for collection, enforcement, investigatory, litigation, or other purposes.

Providing Information to DHS: Furnishing this information is voluntary. However, requests for stays of deportation or removal will not be considered unless this form is completed.

PUBLIC REPORTING BURDEN

U.S. Immigration and Customs Enforcement is collecting this information as a part of its agency mission under the Department of Homeland Security. The estimated average time to review the instructions, search existing data sources, gather and maintain the data needed and completing and reviewing this collection of information is 30 minutes (0.50 hours) per response. Responses to this collection of information are voluntary for anyone ordered deported or removed from the United States. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB Control Number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Office of the Chief Information Officer/Forms Management Officer
U.S. Immigration and Customs Enforcement 500 12th Street, SW,
Washington, DC 20536-5202
(Do not mail your completed application to this address.)

NOTICE - A pending application does not preclude the execution of a final order of deportation or removal. The Field Office Director may at his or her discretion revoke the approval of this application and execute the order of removal at a date and time of his or her choosing. No advance notice is required for the execution of a final order of removal. Additionally, provision of false information could result in the denial of your application.

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

OMB No. 1653-0021
Expires: 10/31/2023

APPLICATION FOR A STAY OF DEPORTATION OR REMOVAL

Action Block - For ICE Use Only	Fee/Date Stamp
☐ **GRANTED** ☐ One Year ☐ Six Months ☐ Three Months ☐ Other: _____ ☐ **DENIED** ☐ Denial letter attached. ☐ **REJECTED** ☐ Incorrect Fee ☐ Application was not submitted in person ☐ Other: _____ ☐ Additional information attached. Date: _____ Decision made by: _____ *(Printed Name/Title)* Deciding Official Signature *(Sign in ink)*: _____ Office: _____	

A-File Number:	Date:	If you are currently detained by ICE, provide the name of the detention facility:
[redacted]	16/10/2024	

Last Name:	First Name:	Middle Name:
[redacted]	[redacted]	[redacted]

Address (*Number and Street*):	Country of Citizenship:	Passport No:	Expiration Date:
[redacted]	[redacted]	[redacted]	[redacted]

Apartment Number:	Length of stay requested:
[redacted]	☒ One year ☐ Six months ☐ Three months ☐ Other:

Town/City:	State:	Zip Code:	Arrested by police or other law enforcement agency (other than for immigration reasons) ☐ Yes - Documents attached ☒ No
[redacted]	[redacted]	[redacted]	

Telephone Number:	Cell Telephone Number:
[redacted]	[redacted]

REASON(S) FOR REQUESTING A STAY OF DEPORTATION OR REMOVAL:

[redacted]

EVIDENCE SUBMITTED (attached):

☐ Medical ☐ Brief ☒ Other *(specify)*:

I certify under penalty of perjury that the information provided and contained herein is true and correct to the best of my knowledge and belief:

(Printed Name) *(Signature) (Sign in ink)*

INFORMATION IF FORM PREPARED BY OTHER THAN APPLICANT:

I declare under penalty of law that this document was prepared by me at the request of the applicant and is based on all information of which I have knowledge. I understand that providing false information on behalf of the applicant could result in criminal prosecution and, upon conviction, a fine or imprisonment or both.

[redacted] *(Printed Name)*

ID Awi2T6ZnpKWmJct3RLNPb2VZ *(Signature) (Sign in ink)*

[redacted] *(Telephone Number)* [redacted] *(Street Address)* [redacted] *(City)* [redacted] *(State)* [redacted] *(Zip Code)*

Continuation to: I-246, Page 3

[redacted] We want to recognize the importance of addressing both her emotional well-being and legal needs simultaneously. We want to request the Stay of deportation while she receives a response from the police department and subsequently file for a U-Visa.

EXHIBIT F

DETAINED

[redacted]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE BOARD FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
FALLS CHURCH, VIRGINIA

In the Matter of:	File No.:
[redacted]	[redacted]
In Removal Proceedings.	

MOTION TO EXPEDITE AND FOR IMMEDIATE STAY OF REMOVAL BASED ON MEDICAL HARDSHIP TO DETAINED MINOR CHILD AND FLORES PROTECTIONS

DETAINED

[redacted]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE BOARD FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
FALLS CHURCH, VIRGINIA

In the Matter of:	File No.:
[redacted]	[redacted]
In Removal Proceedings.	

To the Honorable Board of Immigration Appeals:

COMES NOW the Respondent, [redacted], through undersigned counsel, and respectfully moves the Board to expedite adjudication of her pending Motion to Reopen and Stay of Removal, and to immediately issue a stay of removal, in light of a serious and urgent medical emergency involving her 8-year-old son, who is detained with her.

I. PROCEDURAL POSTURE

1. [redacted] who is currently detained by U.S. Immigration and Customs Enforcement (ICE) along with her minor children at South Texas Family Residential
2. On June 3, 2025 Respondent filed a Motion to Reopen and an accompanying Emergency Stay of Removal based on newly available eligibility for a U visa and compelling humanitarian grounds.
3. That motion remains pending before the Board.
4. The Respondent and her minor child have now been in ICE custody for more than 21 days, triggering the protections set forth in the Flores Settlement Agreement and 8 C.F.R. § 236.3.

II. MEDICAL HARDSHIP TO DETAINED MINOR CHILD AND MOTHER

1. Respondent's 8-year-old son, detained with her, [redacted]. (See Exhibit A, Affidavit from Respondent)
2. He is now experiencing [redacted]. However, he has only been provided over-the-counter medication (Tylenol) and an Antihistamine. He has not received adequate pediatric medical attention in ICE custody.
3. The Respondent has also reported [redacted] that has been making it difficult for her to eat and walk due to the pain. She also was informed that the doctor ordered an ultrasound but to this day it has not been performed. She was given medications, Acetaminophen and stool softener but those has not helped her.
4. This constitutes a serious medical concern that endangers the child's life and well-being. Continued detention without appropriate care violates the Flores Agreement, due process protections under the Fifth Amendment, and ICE's own detention standards.

III. LEGAL STANDARDS SUPPORTING EMERGENCY RELIEF

1. The Flores Settlement Agreement and 8 C.F.R. § 236.3 require that minors be released without unnecessary delay or held only in the least restrictive setting.
2. Courts have consistently interpreted Flores to establish a presumptive 20-day limit on minor detention, unless exceptional circumstances are present. See *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1 (D.D.C. 2020); *M.S.P.C. v. U.S. ICE*, 459 F. Supp. 3d 706 (D.D.C. 2020).
3. The BIA retains broad equitable authority to consider humanitarian factors and changed circumstances in adjudicating motions to reopen. See *Matter of Y-G-*, 24 I&N Dec. 357 (BIA 2007); *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988); *Matter of Sanchez Sosa*, 25 I&N Dec. 807 (BIA 2012).
4. A minor child's worsening health condition—especially when detained—qualifies as an extraordinary and compelling circumstance meriting expedited adjudication and a stay of removal.

Under 8 C.F.R. § 1003.2(a), the Board may reopen proceedings or adjudicate motions in its discretion based on new evidence and urgent humanitarian concerns. The BIA Practice Manual Ch. 5.8(c) expressly permits requests for expedited consideration when supported by:

- A written request

- Documentary evidence
- A clear explanation of urgency

Additionally, 8 C.F.R. § 1003.2(f) provides for stays of removal during adjudication of motions to reopen. Prolonged detention of medically vulnerable individuals also implicates constitutional due process protections. Case law supports the grant of stays and expedited review to protect detainees from life-threatening consequences. See Devitri v. Cronen, 289 F. Supp. 3d 287 (D. Mass. 2018) (holding that removal of medically vulnerable detainees without adequate review may violate due process).

IV. PRAYER FOR RELIEF

WHEREFORE, Respondent respectfully requests that the Board:

1. Expedite adjudication of the pending Motion to Reopen and Stay of Removal in this case;
2. Immediately issue a stay of removal pursuant to 8 C.F.R. § 1003.2(f) and the Board's inherent equitable powers, to prevent irreparable harm to the Respondent and her minor children;
3. Consider the deteriorating medical condition of Respondent's child and the respondent's lack of timely medical attention as a humanitarian basis supporting reopening and release under applicable law and policy.

A declaration from Respondent regarding her son's medical condition is submitted contemporaneously. Additional evidence, including ICE records or medical documentation, can be submitted upon request.

Respectfully submitted,

[redacted]

EXHIBIT G

[redacted]
Assistant Chief Counsel
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
12445 East Caley Avenue
Centennial, CO 80111
Telephone: (303) 784-6560

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

In the Matter of:	
[redacted]	[redacted]
In removal proceedings	

DEPARTMENT OF HOMELAND SECURITY'S REPLY TO MOTION TO EXPEDITE AND MOTION TO STAY REMOVAL

The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), hereby respectfully asks the Board of Immigration Appeals (Board) to deny the respondent's pending motion to stay removal. DHS does not oppose the motion to expedite the motion as the respondents are detained in ICE custody. However, the motion to reopen should be denied as the respondents failed to state any valid grounds for reopening. As such, DHS opposes the motion to stay removal as the respondents have not shown that they are likely to prevail on the motion to reopen.

The respondents have filed a motion to reopen in which they request the reopening of their removal proceedings over a year after an immigration judge ordered the respondents removal on February 16, 2024, and it became administratively final on July 18, 2024 when the Board rendered its decision.

The respondents, who bear the very heavy burden of establishing that their case should be reopened, have not met that burden. *Matter of S-Y-G-*, 24 I&N Dec. 247, 254 (BIA 2007). Motions to reopen are generally disfavored. *Maatougui v. Holder*, 738 F.3d 1230 (10th Cir. 2013); *Matter of Coelho*, 20 I&N Dec. 464, 472 (BIA 1992). Motions to reopen "are particularly disfavored in immigration matters." *Gurung v. Ashcroft*, 371 F.3d. 718,722 (10th Cir. 2004); *Matter of S-Y-G-*, 24 I&N Dec., at 252. Both federal courts and the Board have long expressed the significance of finality. *I.N.S. v. Abudu*, 485 U.S. 94, 107 (1988). There is an immense "importance [to] finality, a governmental interest that must be weighed and one that was a principal articulated focus of the regulations respecting motions and the legislation on which they are based." *Matter of G-D-*, 22 I&N Dec. 1132, 1137 (BIA 1999). A motion to reopen must generally state new facts to be proven at a new hearing if the motion is granted and shall

only be granted if the evidence is material and was not available during the former hearing. 8 C.F.R. § 1003.2(c).

Generally, a respondent may only file one motion to reopen and must file the motion within ninety days of the date of entry of a final administrative order of removal, deportation, or exclusion. 8 C.F.R. § 1003.23(b)(1).

As an initial matter, the respondents' motion is untimely by approximately one year. The respondents have failed to establish that the ninety-day deadline for submission of a motion to reopen should be equitably tolled. In order for this deadline to be equitably tolled, the respondents must show that the prior proceedings were not fundamentally fair – that there was a deprivation of due process – *and* that they have exercised due diligence. *Mahamat v. Gonzales*, 430 F.3d 1281, 1282 (10th Cir. 2002). Equitable tolling is only appropriate where the movant has pursued their rights diligently and there are some extenuating circumstances which stood in the way of and prevented them from timely filing a motion to reopen. *Estrada-Cardona v. Garland*, 44 F.4th 1275, 1287 (10th Cir. 2022). The respondents have failed to show that their prior removal proceedings were fundamentally unfair and that any due process deprivation occurred in those proceedings. Additionally, the respondents have failed to establish, as is their burden if they seek equitable tolling of the ninety-day deadline, that they exercised due diligence or that anything stood in the way of filing a motion in the ninety days after and the Board rendered its decision on July 18, 2024.

Furthermore, the lead respondent seeks reopening to pursue a U nonimmigrant visa; however, this is not within the purview of the Executive Office for Immigration Review (EOIR) and there is no adequate reasoning or foundation for reopening.

Moreover, the lead respondent has not shown that the Board should exercise its sua sponte authority to reopen as becoming eligible for relief after the issuance of a removal order is not an extraordinary circumstance. The use of sua sponte authority to reopen proceedings is an exceptional form of discretionary relief and "is not meant to be used as a general cure for filing defects or to otherwise circumvent the regulations, where enforcing them might result in hardship." *Matter of J-J-*, 21 I&N. Dec. 976, 984 (BIA 1997). As such, the immigration judge should reserve sua sponte reopening for "for truly exceptional situations." *Matter of G-D-,* 22 I&N Dec. 1132, 1133–34 (BIA 1999). Such a truly exceptional situation does not exist here. The respondent has not asserted any reasons which would constitute truly exceptional circumstances warranting the use of sua sponte authority to reopen these proceedings. As such, the respondent has not met the high burden to show that the respondents' removal proceedings can and should be reopened.

Finally, DHS opposes the motion to stay removal, as the respondents have not shown that they are likely to prevail on the motion to reopen. In addition, many of the issues raised in the stay motion are outside of the purview of EOIR as it does not have authority to determine whether DHS has complied with the *Flores* settlement, does not have authority to adjudicate a U nonimmigrant visa application, does not have authority to delve into the conditions of the respondents' detention, and does not have authority to provide the equitable relief sought by the respondents because the Board is not a court of equity.

Based on the foregoing, the respondents have not met their high burden to show that their removal proceedings should be reopened and the motion to reopen should be denied because the respondents failed to state any valid grounds for reopening. Consequently, the motion to stay

removal should be denied given the respondents have failed to show that there is a likelihood that they would prevail on the motion to reopen.

July 23, 2025 Respectfully submitted,

[redacted]
Assistant Chief Counsel
U.S. Department of Homeland Security

EXHIBIT H

[redacted]

July 11, 2025

RE: Request for Release of Minor Children and Mother in ICE Custody

Name: [redacted]

A#: [redacted]

Detention Location: South Texas Fam Residential Center

Counsel of Record: [redacted]

To: Office of the Principal Legal Advisor (OPLA)
U.S. Immigration and Customs Enforcement

Dear Officer:

I am counsel for [redacted] currently detained with her minor children at South Texas Fam Residential Center. I respectfully request the immediate release of [redacted] and her child pursuant to the **Flores Settlement Agreement**, **8 C.F.R. § 236.3**, and **humanitarian considerations** outlined below.

Legal Basis for Release of Minor Children and Family Unit:

1. Under the **Flores Settlement Agreement**, minors in immigration custody must be released "without unnecessary delay" to a parent or guardian unless release is not possible. If not released, they must be held in the least restrictive setting appropriate for their age and needs.
2. **8 C.F.R. § 236.3(b)(2)** and (j) reiterate the presumption that minors should not remain detained and that family unity is favored.
3. The courts have interpreted Flores as creating a **presumptive 20-day limit** on detention of minors (*L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1; *M.S.P.C. v. U.S. ICE*, 459 F. Supp. 3d 706).

[redacted] and her minor child have now been detained **beyond the 20-day limit**, with no justification for prolonged detention. As of today, they have been held for over 36 days.

 [redacted]  [redacted]  [redacted]

[redacted]

Urgent Humanitarian Circumstance – Medical Condition of 8-Year-Old Son:

[redacted] and has only received **Tylenol and an Antihistamine** while in custody. He has not received proper pediatric medical care despite signs of significant distress and possible respiratory compromise.

[redacted] is terrified for her child's life. Continued detention in a facility without access to adequate medical evaluation or care constitutes not only a violation of Flores and ICE's own standards, but also a **substantive due process concern** under the Fifth Amendment.

Other Relevant Factors:

- [redacted] is the principal applicant in a **pending U visa petition** based on being a victim of a qualifying crime.
- A **Motion to Reopen** is pending before the Board of Immigration Appeals, and a stay request has been filed.
- She has substantial community ties and no criminal history.

Request:

In light of the above, we request:

- The **immediate release of the family unit** on humanitarian parole or under alternatives to detention (ATD), or
- At minimum, the **release of the minor child** pursuant to *Flores*, with his mother, as authorized under ICE policy and law.

[redacted]

We are available to coordinate placement and support services immediately upon release.

Please contact us at [redacted] with any questions.

Respectfully,

[redacted]

EXHIBIT I

Outlook

RE: [redacted] Request for Medical Exp and Humanitarian Parole

From [redacted]
Date Tue 7/22/2025 2:34 PM
To [redacted]
Cc [redacted]

Furthermore, your clients are receiving medical above and beyond the medical standards set by the Family Residential Standards (FRS). [redacted] has been seen for abdominal pain and referred to the local hospital foe examination and it was determined that your client has [redacted] issues were discovered or reported and has been given medications to assist but yesterday refused to take medications. [redacted]

[redacted]
Supervisory Detention and Deportation Officer
San Antonio Field Office, Dilley Immigration Processing Center
Enforcement and Removal Operations (ERO)
Immigration and Customs Enforcement (ICE)
(G-Cell) 210-559-7436

From: [redacted]
Sent: Tuesday, July 22, 2025 1:23 PM
To: [redacted]
Cc: San Antonio.Outreach <SanAntonio.Outreach@ice.dhs.gov>; [redacted]
SNALegalAccess-Dilley, <SNALegalAccess-Dilley@ice.dhs.gov>
Subject: RE: [redacted] Request for Medical Exp and Humanitarian Parole

Your client is final order. An IJ issued her and her son a final order of removal on [redacted] 2024. You client when submitted and appeal that was dismissed and has re-submitted a new MTR appeal that OPLA is requesting the BIA to expedite. Pending scheduling, your clients will remain in custody pending BIA decision. Should BIA not scheduled hearing within a reasonable time timeframe, your clients will be released. Your request for release is denied.

Respectfully,

[redacted]
Supervisory Detention and Deportation Officer
San Antonio Field Office, Dilley Immigration Processing Center
Enforcement and Removal Operations (ERO)
Immigration and Customs Enforcement (ICE)
[redacted]

From: San Antonio.Outreach <SanAntonio.Outreach@ice.dhs.gov>
Sent: Monday, July 14, 2025 1:01 PM

To: [redacted]
Subject: FW: [redacted] Request for Medical Exp and Humanitarian Parole

[redacted]
Deportation Officer, Special Operations Unit
San Antonio Field Office
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
[redacted]

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Due to the Third Party Rule regulations, this information is not to be disseminated to anyone outside of ICE. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. **No portion of this report should be furnished to the media, either in written or verbal form**

From: [redacted]
Sent: Monday, July 14, 2025 9:24 AM
To: San Antonio.Outreach <SanAntonio.Outreach@ice.dhs.gov>
Subject: [redacted] Request for Medical Exp and Humanitarian Parole

You don't often get email from [redacted] Learn why this is important

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click here and follow instructions.

Hello,

I am writing on behalf of my client, [redacted] who are currently detained at Joe Corley Detention Center. I respectfully submit this request for urgent medical expedite and humanitarian parole based on their critical and worsening health condition. We are also requesting their release based on he Flores Settlement Agreement.

Attached, please find a formal letter outlining the basis for this request. Please confirm receipt of this email and advise on next steps.

Thank you for your urgent attention to this matter.

Thank you! // ¡Gracias!

[redacted]

EXHIBIT J

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

[redacted]

Respondents

FILED
Jul 31, 2025

ON BEHALF OF RESPONDENTS: [redacted]

IN REMOVAL PROCEEDINGS
On Motion from a Decision of the Board of Immigration Appeals

Before: Reid, Temporary Appellate Immigration Judge[1]

REID, Temporary Appellate Immigration Judge

The lead respondent,[2] [redacted] moves to reopen the Board's July 18, 2024, decision dismissing the respondents' appeal from the Immigration Judge's [redacted] 2024, decision denying the respondents' claims for asylum and withholding of removal. Sections 208(b)(1)(A), 241(b)(3)(A), of the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1158(b)(1)(A), 1231(b)(3)(A); 8 C.F.R. §§ 1208.13, 1208.16.[3] The Department of Homeland Security ("DHS") has not filed a brief in response to the motion. We will deny the motion to reopen.[4]

[1] Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. *See generally* 8 C.F.R. § 1003.1(a)(1), (4).

[2] The respondents in listed in the caption for this motion to reopen are the lead [redacted] her son [redacted] and her daughter [redacted] References to the respondent are to the lead respondent, unless noted otherwise.

[3] The prior removal proceedings also included the respondent's husband [redacted] Each respondent filed his or her own asylum application based on the same set of facts set forth in the lead respondent's application ("Form I-589") (IJ at 2, Feb. 16, 2024).

[4] During the pendency of her motion to reopen, the respondent also filed a motion to stay removal, and a separate motion to expedite and stay removal, the latter based on the placement of the respondent and her 2 children into DHS' custody at a family detention center in Texas (*see* June 6, 2025, Emergency Motion to Stay Removal Pending Decision on Motion to Reopen; *see also* July 14, 2025, Motion to Expedite and for Immediate Stay of Removal Based on Medical Hardship to Minor Child and Flores Protections). The motion to stay removal was denied on July

(continued…)

[redacted]

Subject to certain exceptions, an alien may file only one motion to reopen, and the motion must be filed within 90 days of the date of entry of a final administrative order of removal. INA §§ 240(c)(7)(A), (C)(i), 8 U.S.C. §§ 1229a(c)(7)(A), (C)(i); 8 C.F.R. § 1003.2(c)(2). The 90-day deadline may be subject to equitable tolling, however, provided that the movant demonstrates that he or she has exercised due diligence in pursuing the case during the requested tolling period, and that an extraordinary circumstance prevented timely filing. *See Mahamat v. Gonzales*, 430 F.3d 1281, 1283 (10th Cir. 2005); *see also Riley v. INS*, 310 F.3d 1253, 1258 (10th Cir. 2002); *see also Matter of Morales-Morales*, 28 I&N Dec. 714, 717 (BIA 2023) (applying the equitable tolling rule from *Holland v. Florida*, 560 U.S. 631 (2010), and requiring movants to demonstrate two things to justify equitably tolling a deadline: 1) that they have been pursuing their rights diligently, and 2) that an extraordinary circumstance prevented timely filing). A motion to reopen must also establish prima facie eligibility for relief in the reopened proceedings. *See INS v. Abudu*, 485 U.S. 94, 104 (1988) (the Board may deny a motion to reopen on the grounds that "the movant has not established a prima facie case for the underlying substantive relief sought"); *see also Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (the movant must meet a "heavy burden" and present evidence that "if proceedings before the immigration judge were reopened, with all the attendant delays, the new evidence offered would likely change the result in the case.).

The respondent's motion to reopen was not filed within 90 days of the Board's July 18, 2024, decision. INA §§ 240(c)(7)(A), (C)(i), 8 U.S.C. §§ 1229a(c)(7)(A), (C)(i); 8 C.F.R. § 1003.2(c)(2). The respondent has established, however, that the 90-day deadline on her motion to reopen should be equitably tolled until her filing date of June 3, 2025, because she exercised due diligence in pursuing her case during the requested tolling period, and she has established that an extraordinary circumstance prevented her from timely filing her motion to reopen. *See Mahamat*, 430 F.3d at 1283; *see also Matter of Morales-Morales*, 28 I&N Dec. at 717.

The respondent moves to reopen on the grounds that on or about March 11, 2025, she filed an application for a U-visa that remains pending with the United States Citizenship and Immigration Services ("USCIS"), and which lists her minor son as a derivative beneficiary (June 3, 2025, Motion to Reopen at 6-10 and Exh. D at 117). The respondent contends that she pursued the motion to reopen with due diligence because after "becoming the victim of a crime and learning of her eligibility for U visa protection" she "promptly gathered supporting documentation, sought legal counsel, and filed her U-visa application in March 2025" (June 3, 2025, Motion to Reopen at 8). The respondent also contends that extraordinary circumstances, including her pro se status during the pendency of the respondents' appeal at the Board, the trauma she experienced from the crime, and her limited understanding of available legal remedies following the Board's July 18, 2024, decision, prevented her from timely filing her motion to reopen (June 3, 2025, Motion to Reopen at 8 and Exh. D at 98-114).

The crime that is the basis of the respondent's pending U-visa application occurred on July 26, 2024, 8 days after the Board's July 18, 2024, final administrative decision (June 3, 2025,

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28, 2025. In light of the issuance of this decision denying the respondent's motion to reopen, we will deny as moot the July 14, 2025, motion to expedite and stay removal.

[redacted]

Motion to Reopen at 9 and Exh. C). The record reflects that the respondent immediately reported the crime to the police and obtained a protective order against her husband that same day (June 3, 2025, Motion to Reopen, Exh. C at 66, 69, 76-77). The respondent also reported an August 19, 2024, violation of the protective order by her husband to the police (June 3, 2025, Motion to Reopen, Exh. C at 70-73). Further, the record reflects that the respondent obtained the required law enforcement certification for her U-visa application (Supplement B to a Form I-918), which was signed on November 12, 2024 (June 3, 2025, Motion to Reopen, Exh. C at 64-67).

The record clearly shows that the respondent has established a prima facie case of crime victim status, and that she has been actively pursuing that case with the appropriate authorities. It is not unreasonable that during the period after the spousal abuse occurred, the respondent would focus on filing her claims with the local police, including reporting her husband's violation of a protective order, and perfecting her U-visa application, including obtaining the required law enforcement certification before filing a motion to reopen in these removal proceedings.

Further, the nature of the abuse that the respondent experienced, and the proximity of her children are factors that also likely delayed her ability to file her motion to reopen in her removal proceedings earlier. A psychosocial evaluation provided by the respondent speaks to these concerns and explicitly cites to the respondent's interest in providing safety for her children (June 3, 2025, Motion to Reopen, Exh. C at 103-113). On the record presented, the respondent has established that an extraordinary circumstance, the criminal spousal abuse by her husband and the resulting legal, financial, mental, and emotional hardships associated with being the victim of spousal abuse and attempting to care for her 2 children at the same time, prevented her from filing her motion to reopen before June 3, 2025. Thus, the respondent has demonstrated that the 90-day deadline for her motion to reopen should be equitably tolled until the June 3, 2025, filing date, and we will not deny her motion to reopen on the basis of untimeliness. INA §§ 240(c)(7)(A), (C)(i), 8 U.S.C. §§ 1229a(c)(7)(A), (C)(i); 8 C.F.R. § 1003.2(c)(2).

We will deny the motion to reopen, however, because the respondent has not established that she is prima facie eligible for any relief that may be available in these removal proceedings. *See Abudu*, 485 U.S. at 104; *see also Matter of Coelho*, 20 I&N Dec. at 472-73. The Immigration Judge and the Board resolved all legal and factual issues within their authority, and a final administrative decision was issued in these proceedings in July of 2024. The respondent was afforded the opportunity to present all claims subject to the jurisdiction of this Board and the Immigration Judge. The respondent remains eligible to pursue other relief before DHS that is not within the authority of the Immigration Judge or the Board, including a U-visa or another form of humanitarian relief, as well as a stay of removal. *See* 8 C.F.R. § 214.14(c)(1)(ii) (2020) ("An alien who is the subject of a final order of removal, deportation or exclusion is not precluded from filing a petition for U-1 nonimmigrant status directly with USCIS. The filing of a petition for U-1 nonimmigrant status has no effect on ICE's authority to execute a final order, although the alien may file a request for a stay of removal pursuant to 8 C.F.R. § 241.6(a) and 8 C.F.R. § 1241.6(a)."). The respondents may pursue this humanitarian request with DHS irrespective of the administratively final removal order. The pendency of the respondent's U-visa application does not, however, provide a basis to reopen administratively final removal proceedings, as she has not

[redacted]

identified, much less established, eligibility for any relief within the authority of the Immigration Judge or the Board. *See* 8 C.F.R. §§ 214.14(c)(1)(ii), (5)(i) (2020).

For the same reason, we will also deny the respondent's motion to reopen sua sponte as she has not established the requisite "exceptional situation" to support the exercise of our discretion to reopen these removal proceedings sua sponte (June 3, 2025, Motion to Reopen at 10-12). 8 C.F.R. § 1003.2(a); *see Matter of J-J-*, 21 I&N Dec. 976, 984 (BIA 1997). The respondent contends that certain equities evident in the record, including evidence that she is a mother to United States citizen children, has no criminal record, suffered trauma from the crime that occurred on July 26, 2024, and has cooperated with law enforcement, support the exercise of our discretion to reopen sua sponte (June 3, 2025, Motion to Reopen at 10-12). While we acknowledge these equities in the record and sympathize with the respondent's experience, these factors do not present an "exceptional situation" that supports reopening sua sponte because the respondent has not demonstrated that she is prima facie eligible for any relief within the authority of the Immigration Judge or the Board. 8 U.S.C. § 1003.2(a); *see Matter of J-J-*, 21 I&N Dec. at 984.

The respondent also argues that this case warrants termination or administrative closure in the Board's discretion, based on her pending U-visa application, and her equities, including her lack of a criminal record, that she is a mother to several children, including United States citizen children, and that she suffered trauma as a result of the July 26, 2024, crime (June 3, 2025, Motion to Reopen at 12-15). In support of her argument in favor of administrative closure or termination, the respondent's motion cites the opinions issued in *Matter of Sanchez Sosa*, 25 I&N Dec. 807, 809-15 (BIA 2012), and *Matter of Coronado Acevedo*, 28 I&N Dec. 648 (A.G. 2022), and also the EOIR's Final Rule on Efficient Case and Docket Management in Immigration Proceedings, 89 Fed. Reg. 46742 (May 29, 2024) (June 3, 2025, Motion to Reopen at 12-15). The respondent's arguments are unavailing.

As noted above, we recognize the equities in the record, and the respondent's pending U-visa application, which includes a signed law enforcement certification (June 3, 2025, Motion to Reopen, Exh. C). However, the respondent's motion to reopen does not establish her prima facie eligibility for any relief that is within the authority of the Immigration Judge or the Board. Thus, we will not exercise our discretion to administratively close or terminate these proceedings, which have been administratively final since July 18, 2024.

The respondent's citations to the decisions in *Matter of Sanchez Sosa*, 25 I&N Dec. at 809-15, and *Matter of Coronado Acevedo*, 28 I&N Dec. at 648-52, and to the EOIR's Final Rule on Efficient Case and Docket Management in Immigration Proceedings, 89 Fed. Reg. 46742, do not support her request for termination or administrative closure. In *Matter of Sanchez Sosa*, the Board articulated the considerations relevant to adjudicating a requested continuance of removal proceedings based on a pending U-visa application. *See Matter of Sanchez Sosa*, 25 I&N Dec. at 809-815. Here, the respondent's removal proceedings ended over a year ago with the Board's July 18, 2024, final administrative decision, and in the absence of any eligibility for any relief within the authority of the Immigration Judge or the Board, the reasoning of *Matter of Sanchez Sosa*, 25 I&N Dec. at 809-15 is not applicable here.

[redacted]

In *Matter of Coronado Acevedo*, the Attorney General held that pending the outcome of rulemaking, Immigration Judges and the Board may consider terminating or dismissing removal proceedings in certain types of limited circumstances, such as where an alien has obtained lawful permanent residence after being placed in removal proceedings, where the pendency of removal proceedings causes adverse immigration consequences for an alien who must travel abroad to obtain a visa, or where termination is necessary for the alien to seek relief before USCIS. *See Matter of Coronado Acevedo*, 28 I&N Dec. at 648-52. The respondent has not demonstrated that the "limited circumstances" identified in *Matter of Coronado Acevedo* apply here, and, as noted above, the respondent may continue to pursue her U-visa application with USCIS and also request a stay of removal. 8 C.F.R. § 214.14(c)(1)(ii), (5)(i) (2020)

The respondent has also not established that the authority provided in the Final Rule on Efficient Case and Docket Management in Immigration Proceedings, 89 Fed. Reg. 46742 (effective July 29, 2024), supports administrative closure or termination of these removal proceedings. The respondent's request for termination of these proceedings is based on humanitarian reasons because her U-visa application remains pending before USCIS. However, the Final Rule on Efficient Case and Docket Management in Immigration Proceedings explicitly prohibits termination for humanitarian reasons without DHS' agreement, and the respondent does not have U-visa status at this time. *See* Final Rule on Efficient Case and Docket Management in Immigration Proceedings, 89 FR 46742-01 (explaining that the rule's "catch-all discretionary termination ground explicitly provides that EOIR adjudicators may only terminate outside of the enumerated circumstances where, '[d]ue to circumstances comparable to' the enumerated provisions, 'termination is similarly necessary or appropriate for the disposition or alternative resolution of the case.' 8 C.F.R. § 1003.1(m)(1)(ii)(F), 8 C.F.R. § 1003.18(d)(1)(ii)(F). However, the rule specifies that the EOIR adjudicator may not terminate a case for purely humanitarian reasons, unless DHS expressly consents to such termination, joins in a motion to terminate, or affirmatively indicates its non-opposition to a noncitizen's motion. See 8 C.F.R. § 1003.1(m)(1)(ii)(F), 8 C.F.R. § 1003.18(d)(1)(ii)(F).").

Accordingly, the following order will be issued.

ORDER: The motion to reopen is denied.

NOTICE: If a respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, or to present himself or herself at the time and place required for removal by the Department of Homeland Security, or conspires to or takes any action designed to prevent or hamper the respondent's departure pursuant to the order of removal, the respondent shall be subject to a civil monetary penalty of up to $998 for each day the respondent is in violation. *See* section 274D of the Immigration and Nationality Act, 8 U.S.C. § 1324d; 8 C.F.R. § 280.53(b)(14).

EXHIBIT K

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number [redacted]		Case Type I918 - PETITION FOR U NONIMMIGRANT STATUS
Received Date 03/08/2024	Priority Date	Applicant MERLOS, KENIA JACKELINE
Notice Date 03/08/2024	Page 1 of 2	Beneficiary MERLOS, KENIA JACKELINE

KENIA JACKELINE MERLOS
c/o IMMIGRATION GROUP LLC
5820 WATERFORD DISTRICT DRIVE
MIAMI FL 33126

Notice Type: Receipt Notice
Fee Waived

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

Contacting the Agency

If your safe mailing address changes and you do not have an attorney of record or representative on your case you must submit your address change in writing, with your signature, to the center with jurisdiction over your filing. Otherwise, you might not receive notice of your action on this case. If any other changes need to be made you also must contact the center with jurisdiction over your filing in writing. Please include what changes need to be made and your signature.

If any of the information in your notice is incorrect or you have questions about your case, you can reach USCIS at www.uscis.gov/contact, utilizing the available case inquiry options for "Inquiries for VAWA, T, and U Filings."

Nebraska Service Center
U.S. Citizenship & Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521

Processing time - Processing times vary by case type. Go to www.uscis.gov to see the current processing times listed by case type and office.

- View your case status on our website's Case Status Online page.
- You can also sign up to receive free email updates as we process your case.
- During most of the time while your case is pending, the processing status will not change. This is because we are working on cases that were filed before your case.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.
- If you do not receive an initial decision or update from us within our current processing time, visit our website at www.uscis.gov for options for submitting an inquiry.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter

If this is an interview or biometrics appointment notice, please see the back of this notice for important information.

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number		Case Type
[redacted]		I918 - PETITION FOR U NONIMMIGRANT STATUS
Received Date	**Priority Date**	**Applicant**
03/08/2024		MERLOS, KENIA JACKELINE
Notice Date	**Page**	**Beneficiary**
03/08/2024	2 of 2	MERLOS, KENIA JACKELINE

Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

NOTICE: The information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter

THE UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION

DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number [redacted]		**Case Type** I918 - PETITION FOR U NONIMMIGRANT STATUS
Received Date 03/08/2024	**Priority Date**	**Applicant** [redacted] MERLOS , KENIA JACKELINE
Notice Date 12/13/2024	**Page** 1 of 1	**Beneficiary** [redacted] MERLOS , KENIA JACKELINE

IMMIGRATION GROUP LLC
c/o ALMA PIERINA ROSIGNOLI UMANA
5820 WATERFORD DISTRICT DRIVE
MIAMI FL 33126

Notice Type: Bona Fide Determination Notice

CORRESPONDENCE

On 03/08/2024, you submitted a Form I-918, Petition for U Nonimmigrant Status. As the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year, U.S. Citizenship and Immigration Services (USCIS) may not grant U-1 nonimmigrant status to any petitioner until new visas become available. Under 8 U.S.C. 1184(p)(6) and 1103(a), the Department of Homeland Security (DHS) may conduct a bona fide determination, and if warranted as a matter of discretion, provide employment authorization and deferred action.

At this time, the evidence demonstrates your petition for U nonimmigrant status is bona fide, and you warrant a favorable exercise of discretion to receive employment authorization and deferred action. Because USCIS has determined your petition is bona fide and you warrant a favorable exercise of discretion, you may be issued an employment authorization document and may be placed in deferred action. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.

Under 8 U.S.C. 1184(p)(6), if USCIS determines your petition is bona fide, you may submit a Form I-765, Application for Employment Authorization with this office. USCIS grants employment authorization based on the bona fide determination and favorable exercise of discretion described above under 8 U.S.C. 1184(p)(6), as well as under 8 CFR 274a.12(c)(14), which gives the agency the authority to provide employment authorization to noncitizens placed in deferred action. You filed a Form I-765 based on your pending Form I-918, which USCIS has determined is bona fide. Please be aware that your currently filed Form I-765 will be adjudicated as if it were filed under 8 CFR, section 274a.12(c)(14). You will receive separate correspondence regarding the adjudication of your Form I-765.

Priority for the issuance of U nonimmigrant status will be determined by the date the petition was received by USCIS. Once a visa is available to you, USCIS will determine your eligibility for U nonimmigrant status, and whether you are admissible to the United States.

If you are represented by an attorney, all further correspondence should be accompanied by Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

This notice does not constitute valid U nonimmigrant status or employment authorization, and may not be used to demonstrate legal immigration or employment status.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter

EXHIBIT L

U.S. Department of Homeland Security

Immigration and Customs Enforcement — **Continuation Page for Form:** I-220B

Alien's name	File Number	Date
Yessenia Ruano-Andres	[redacted]	November 30, 2011

Alien's Signature

[redacted]

Alien's Telephone Number (if any)

[redacted]

RIGHT INDEX PRINT

PERSONAL REPORT RECORD

DATE	OFFICER	COMMENT/CHANGES
12-29-2011		Un per O/S, no charges NRD: 3/5/2012 ~~JR~~. To report to MIL Office.
3/9/12		Deported to person could not report earlier due to D.O.'s illness). Next report date 7/9/12.
7/9/12	JRM	~~In~~ as per O/S. Next report date 12/10/12.
12/10/12	JRM	In as per O/S. Next report date 5/20/13.
5/20/13	JRM	In as per O/S. Next report date 5/19/13. JRM
19 MAY 2014	[illegible]	In on O/S. Next report date: 18 MAY 2015.
May 16, 2015	CJJ	In as per O/S. Next report date: May 16, 2016
5/16/16	MC	~~In~~ Next date 6/5/2017
7/3/2017	BP	In O/S. Next report date 7/4/2018
7/9/2018	RC	In O/S. Next report date 7/1/2019
7-1-19	RMA	In on O/S Next Report Date June 30, 2020
6-30-2020	RMA	In on O/S Next Report June 24 2021
6/21/2021	[illegible]	Next Report Date July 27 2023
7/27/2022	[illegible]	NEXT REPORT DATE DECEMBER 7 2023 @ 8:00
12-7-2023	[illegible]	Next Report Date February 14, 2025 8:00 AM
2-14-2024	CL	Next report date April 15 2025 @ 8:00 AM Bring Itinery - depending on status/outcome of stay - to depart within 30 days of next report date
4/15/25	CBE	Next Report Date: May 30, 2025 @ 8:00 Am

Signature [redacted]

Title: Deportation Officer

Form I-831 Continuation Page

- Final order [redacted]

NCV: 7/20/2020
2-21-2023

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision

File No: [redacted]
Date: November 30, 2011

Name: Yessenia Ruano-Andres

On July 22, 2011, you were ordered:
(Date of final order)

[ ] Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
[X] Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

[X] That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.

[ ] That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.

[X] That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.

[X] That you do not travel outside ~~California~~ Wisconsin for more than 48 hours without having notified this Service office of the dates
(Specify geographic limits, if any)
and places of such proposed travel.

[X] That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.

[X] That you appear in person on Thursday, December 29, 2011 at the Service office at: 101 West Congress Parkway, Suite 4000, Chicago, IL 60605
at 10:00 AM

[ ] That you assist Immigration and Customs Enforcement in obtaining any necessary travel documents.

[] Other:

[X] See attached sheet containing other specified conditions (Continue on separate s[redacted]

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the Spanish language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

[redacted]

(Signature of alien)

11/30/11
Date

Form I-220B (Rev. 4/1/97) N

EXHIBIT M

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

[redacted]		Case Type I914 - APPLICATION FOR T NONIMMIGRANT STATUS
Received Date 02/11/2025	Priority Date	Applicant [redacted] RUANO ANDRES , YESSENIA ELIZABETH
Notice Date 05/07/2025	Page 1 of 2	Beneficiary [redacted] RUANO ANDRES , YESSENIA ELIZABETH

YESSENIA ELIZABETH RUANO ANDRES
c/o THE LISINSKI LAW FIRM LLC
3982 POWELL ROAD STE 330
POWELL OH 43065

Notice Type: Receipt Notice
Fee Waived

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

Contacting the Agency

If your safe mailing address changes and you do not have an attorney of record or representative on your case you must submit your address change in writing, with your signature, to the center with jurisdiction over your filing. Otherwise, you might not receive notice of your action on this case. If any other changes need to be made you also must contact the center with jurisdiction over your filing in writing. Please include what changes need to be made and your signature.

If any of the information in your notice is incorrect or you have questions about your case, you can reach USCIS at www.uscis.gov/contact, utilizing the available case inquiry options for "Inquiries for VAWA, T, and U Filings."

Nebraska Service Center
U.S. Citizenship & Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521

Processing time - Processing times vary by case type. Go to www.uscis.gov to see the current processing times listed by case type and office.

- View your case status on our website's Case Status Online page.
- You can also sign up to receive free email updates as we process your case.
- During most of the time while your case is pending, the processing status will not change. This is because we are working on cases that were filed before your case.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.
- If you do not receive an initial decision or update from us within our current processing time, visit our website at www.uscis.gov for options for submitting an inquiry.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter

EXHIBIT N

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Warning for Failure to Depart

Name:	Field Office:	File #:
RUANO-ANDRES, YESSENIA	MIL-T	[redacted]

Section 243(a) of the Immigration and Nationality Act provides, in part, that:

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who--

(A) willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,

(B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,

(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or

(D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

Any action Immigration and Customs Enforcement may take to obtain a travel document for your departure or to remove you will *NOT* relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above.

* Section 241(a)(1)(C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.

Date Order Final:	Ordered Removed under Section:
July 22, 2011	212a9Aii, 8 USC 1229a

Record of Service
(Check method used)

(X) Record of Personal Service

Served By: (Print Name and Title of Officer) [redacted] — Date: February 14, 2025

Officer's Signature: [signature] — Location of Service: ICE ERO MILWAUKEE Sub Office 310 E KNAPP ST MILWAUKEE, WI 53202

Served On: (Alien's Signature) — Date: February 14, 2025

( ) **Warning administered in Court** (Copy of order attached)

( ) **Certified Mail Service**

Record of Personal Service (Cont.)

Fingerprint of Alien (Specify finger used)

[redacted]

Attach certified mail receipts here.

Form I-229(a)
(Revised 12/04/02)

INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL

The following is a list of things you are required to complete within 30 days of receiving this form, in order comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the ICE officer depending on the facts of each case. Failure to comply or provide sufficient evidence of your inability to comply, may result in the extension of the removal period and subject you to further detention. In addition, you may be subject to criminal prosecution. If you need assistance in complying with any of the requirements, please contact a Deportation Officer.

- ☒ Submit passports (current and expired) to ICE. If you have a copy of your passport, you are to submit it.
- ☒ Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.
- ☒ Comply with all instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.
- ☒ Submit to ICE birth certificates, national identification cards, and any other document issued by a foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering the United States.
- ☒ Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.
- ☒ Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.
- ☒ You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from the United States.
- ☒ Provide ICE with written copies of requests to embassies or consulates requesting issuance of a travel document.
- ☒ Provide ICE with written copies of responses from embassies or consulates regarding your requests.
- ☒ Solicit permission from another country, which may be able to accept you, to enter that country to affect your removal from the United States.
- ☐ Provide your true and correct name and date of birth and any other identities you have ever used.
- ☐ Other: _____

Alien's Signature _____ A Number [redacted]

Served by [redacted] on February 14, 2025 (Date) at MIL-T (Location)

To be served with I-229 (a) no later than 30 days after the final order

(Rev. 04/18/12)

EXHIBIT O

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

OMB No. 1653-0021
Expires: 10/31/2027

APPLICATION FOR A STAY OF DEPORTATION OR REMOVAL

Action Block - For ICE Use Only	Fee/Date Stamp
☐ GRANTED ☐ One Year ☐ Six Months ☐ Three Months ☐ Other: ☐ DENIED ☐ Denial letter attached. ☐ REJECTED ☐ Incorrect Fee ☐ Application was not submitted in person ☐ Other: ☐ Additional information attached. Date: Decision made by: (Printed Name/Title) Deciding Official Signature (Sign in ink): Office:	Application received on Fee Paid on 2/14/2025 Fee paid by (CC/MO) [redacted] 2723 Amount paid: 155 Fee Received by CK ICE deposit ticket # MIL 25 1004

A-File Number: [redacted]	Date: 07/27/2023	If you are currently detained by ICE, provide the name of the detention facility: N/A		
Last Name: Ruano Andres	First Name: Yessenia	Middle Name: Elizabeth		
Address (*Number and Street*): [redacted]		Country of Citizenship: El Salvador	Passport No: N/A	Expiration Date: 04/11/2018
A [redacted]		Length of stay requested: ☒ One year ☐ Six months ☐ Three months ☐ Other: N/A		
Town/City: Milwaukee	State: WI	Zip Code: [redacted]	Arrested by police or other law enforcement agency (other than for immigration reasons) ☐ Yes - Documents attached ☒ No	
Telephone Number: N/A	Cell Telephone Number: [redacted]			

REASON(S) FOR REQUESTING A STAY OF DEPORTATION OR REMOVAL:

I have a pending application for a T visa with USCIS [redacted] I need to remain in the United States to receive a decision on that application. Additionally, my deportation would result in extreme hardship for my two U.S. citizen daughters. I am also afraid to return to El Salvador because of the violence I experienced in the past. Please see affidavits and evidence for more information.

EVIDENCE SUBMITTED (attached):

☐ Medical ☒ Brief ☒ Other *(specify)*:

Certificates, letters, other supporting evidence

I certify under penalty of perjury that the information provided and contained herein is true and correct to the best of my knowledge and belief:

Yessenia Elizabeth Ruano Andres *(Printed Name)* — *(Signature) (Sign in ink)*

INFORMATION IF FORM PREPARED BY OTHER THAN APPLICANT:

I declare under penalty of law that this document was prepared by me at the request of the applicant and is based on all information of which I have knowledge. I understand that providing false information on behalf of the applicant could result in criminal prosecution and, upon conviction, a fine or imprisonment or both.

Allison Mignon *(Printed Name)* — *(Signature) (Sign in ink)*

414488-1280	PO BOX 1226	Milwaukee	WI	53201
(Telephone Number)	*(Street Address)*	*(City)*	*(State)*	*(Zip Code)*

EXHIBIT P

Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
101 W. Ida B. Wells Drive, Suite 4000
Chicago, IL 60605-1074

U.S. Immigration and Customs Enforcement

Allison Mignon
ATTN: Yessenia E. Ruano-Andres
PO BOX 1226
Milwaukee, WI 53201

Re: I-246 Application for Stay of Deportation or Removal

Dear Allison Mignon,

This letter is in response to the Application for a Stay of Deportation or Removal, Form I-246, filed with U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), on behalf of your client Yessenia Elizabeth Ruano-Andres.

Upon review of the evidence submitted, it has been determined that your client does not warrant a favorable exercise of prosecutorial discretion. Your client's application for a stay of removal is hereby denied and there is no appeal to this decision. If you have any questions regarding this matter, please contact Deportation [redacted]

[redacted]

EXHIBIT Q

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

OMB No. 1653-0021
Expires: 10/31/2027

APPLICATION FOR A STAY OF DEPORTATION OR REMOVAL

Action Block - For ICE Use Only	Fee/Date Stamp
☐ GRANTED ☐ One Year ☐ Six Months ☐ Three Months ☐ Other: _____ ☐ DENIED ☐ Denial letter attached. ☐ REJECTED ☐ Incorrect Fee ☐ Application was not submitted in person ☐ Other: _____ ☐ Additional information attached. Date: _____ Decision made by: _____ (Printed Name/Title) Deciding Official Signature (Sign in ink): _____ Office: _____	

A-File Number:	Date:	If you are currently detained by ICE, provide the name of the detention facility:
[redacted]	06/01/2025	

Last Name:	First Name:	Middle Name:
Ruano Andres	Yessenia	

Address (*Number and Street*):	Country of Citizenship:	Passport No:	Expiration Date:
[redacted]	El Salvador		

Apartment Number:	Length of stay requested: ☐ One year ☐ Six months ☐ Three months ☒ Other: Decision on T Visa

Town/City:	State:	Zip Code:	Arrested by police or other law enforcement agency (other than for immigration reasons) ☐ Yes - Documents attached ☒ No
Milwaukee	WI	[redacted]	

Telephone Number:	Cell Telephone Number:
[redacted]	

REASON(S) FOR REQUESTING A STAY OF DEPORTATION OR REMOVAL:

PLEASE SEE ATTACHED LETTER AND EVIDENCE DEMONSTRATING PENDING T-VISA [redacted]
[redacted] AS WELL AS LACK OF CRIMINAL RECORD, DEEP US FAMILY TIES, SERVICE IN THE COMMUNITY
AND COMPLIANCE WITH ALL PREVIOUS DHS ORDERS.

EVIDENCE SUBMITTED (attached):

☐ Medical ☒ Brief ☒ Other *(specify)*:
ATTACHED EVIDENCE

I certify under penalty of perjury that the information provided and contained herein is true and correct to the best of my knowledge and belief:

Yessenia Ruano Andres *(Printed Name)* — *(Signature) (Sign in ink)*

INFORMATION IF FORM PREPARED BY OTHER THAN APPLICANT:

I declare under penalty of law that this document was prepared by me at the request of the applicant and is based on all information of which I have knowledge. I understand that providing false information on behalf of the applicant could result in criminal prosecution and, upon conviction, a fine or imprisonment or both.

Marc Efton Christopher *(Printed Name)* — *(Signature) (Sign in ink)*

(414) 751-0051	PO Box 236	South Milwaukee	WI	53172
(Telephone Number)	*(Street Address)*	*(City)*	*(State)*	*(Zip Code)*

CHRISTOPHER & DE LEÓN
IMMIGRATION & CRIMINAL LAW

June 2, 2025

Immigration and Customs Enforcement
Enforcement and Removal Operations
310 E. Knapp Street
Milwaukee, WI 53202

RE: Request for Stay of Removal
Yessenia Elizabeth RUANO ANDRES
[redacted]

Dear Officer,

We write with urgency and humility in a final effort to request a stay of removal for Ms. Ruano Andres. We understand that the Department of Homeland Security is intimately familiar with Ms. Ruano's situation. The Department recently denied a previous request for a Stay of Removal, however, a new factor has arisen. Specifically, Ms. Ruano Andres has officially received the receipts on her application for a T-Visa.

I. BASIS FOR STAY REQUEST

In light of this development, we contend that ICE Policy, specifically the January 2025 Interim ICE Guidance (Policy 11005.4) supports Ms. Ruano's request for stay. ***The guidance explicitly contemplates that enforcement action may not be appropriate where a victim's immigration relief is pending and stresses the importance of avoiding disruption of victim protection efforts.***

Current ICE policy provides procedural protections and acknowledges the sensitive nature of cases involving trafficking survivors:

- The January 2025 Interim ICE Guidance (Policy No. 11005.4) directs officers to coordinate with the Office of the Principal Legal Advisor (OPLA) when considering enforcement actions against noncitizens who have filed applications for victim-based immigration relief, including T visas.
- The guidance explicitly contemplates that enforcement action may not be appropriate where a victim's immigration relief is pending and stresses the importance of avoiding disruption of victim protection efforts.

PO Box 236
South Milwaukee, WI 53172
414.751.0051 888.264.0002 facsimile
www.christopher-law.com

- While ICE officers are no longer required to affirmatively seek out indicia of victimization, the existence of a known, receipted T visa application—as in Ms. Ruano Andres's case—triggers a duty to consult and weigh discretionary factors before removal.

Ultimately Ms. Ruano and her two United States Citizen children face real and unspeakable danger should they be returned. We understand and respect the directive of of ICE ERO to effectuate the removal of individuals in the United States. However, this request is in line with recent ICE guidance.

Ms. Ruano:

- [redacted].
- In every instance, since 2011 has complied with DHS directives.
- Maintains deep US Family and Community Ties, with twin USC daughters recently turning 11 years old and working full time as a teachers aid for Milwaukee Public Schools.
- Has no criminal record whatsoever.
- Faces serious danger upon return to El Salvador both due to her past trauma and the deteriorating country conditions, [redacted]. Country conditions reports from the U.S. State Department and Human Rights Watch support her well-founded fear of continued harm.

II. PROCEDURAL BACKGROUND

As the Department knows, Ms. Ruano Andres first entered the United States in 2011 after fleeing [redacted] in El Salvador. She was initially removed via expedited order on June 16, 2011. After a reentry without inspection, she passed a credible fear interview and was placed into full removal proceedings. On February 21, 2023, the Chicago Immigration Court dismissed her removal case. Her previous request for a stay of removal was denied, but this request arises in a different legal and factual posture, and ICE retains full authority to grant a stay as an exercise of prosecutorial discretion under INA § 241(c)(2) and applicable DHS guidance.

II. NEWLY ARISEN LEGAL ELIGIBILITY: T VISA RECEIPT

As of March 2025, Ms. Ruano Andres has received official receipt notices from USCIS confirming the proper filing of her T visa application under INA § 101(a)(15)(T). [redacted] The receipt establishes a good faith pending petition and warrants serious humanitarian consideration. ICE policy memos

support de-prioritizing enforcement for victims of trafficking, particularly where bona fide applications are filed.

III. PERSONAL HISTORY AND EQUITABLE FACTORS

A. Deep U.S. Family and Community Ties

Ms. Ruano Andres has resided in the United States since 2011. She is a mother to two U.S. citizen children, all of whom rely on her for emotional and financial support. She has no significant criminal history, maintains a stable home, and continues to contribute positively to her community.

B. Work Ethic and Education

Despite the trauma she endured, Ms. Ruano Andres holds a degree in education and language literature from El Salvador and has worked in caregiving and custodial roles in the U.S. to support her family. She has filed taxes, abided by court procedures, and consistently reported to ICE when required.

C. Vulnerability and Risk Upon Return

As detailed in her prior declaration, Ms. Ruano Andres would face serious danger upon return to El Salvador, both due to her past trauma and the deteriorating country conditions[redacted]. Country conditions reports from the U.S. State Department and Human Rights Watch support her well-founded fear of continued harm.

IV. TRAFFICKING-RELATED CLAIM

Ms. Ruano Andres's T visa application [redacted]

In her sworn affidavit, she states:

[redacted] See Attached Affidavit.

[redacted] She further describes:

[redacted]

[redacted] Additionally, she notes:

[redacted]

[redacted]

V. DISCRETIONARY BALANCING

In conclusion, in light of the above, Ms. Ruano Andres presents a compelling case for discretion. She is:

- [redacted]
- A **primary caregiver** to multiple U.S. citizen children;
- **Legally eligible for a humanitarian visa**, pending with USCIS;
- A **non-priority** under ICE enforcement guidance;
- **Compliant with supervision** and not a flight or public safety risk.

VI. CONCLUSION

In sum, Ms. Yessenia Ruano Andres is a long-standing resident of the United States, a mother to U.S. citizen children, [redacted] who now has a properly filed and receipted T visa application pending with USCIS. Her case presents multiple compelling grounds for discretionary relief, including [redacted] her essential role as a caregiver, the grave risks she faces if removed, and her strong record of compliance. ICE's own policy framework—most recently articulated in the January 2025 Interim Guidance—recognizes the importance of minimizing enforcement actions against noncitizens with pending victim-based relief. In light of these factors, we respectfully request that ERO–Milwaukee exercise its discretion to stay her removal, ensuring that she is not retraumatized and that her petition for lawful status may proceed under the protection of U.S. law.

Sincerely,

Marc E. Christopher
Christopher & De Leon Law Office

Exhibit List – Request for Stay of Removal

Applicant: Yessenia Elizabeth Ruano Andres

[redacted]

Submitted to: U.S. Immigration and Customs Enforcement – ERO Milwaukee

Index of Exhibits

- Exhibit A: G-28
- Exhibit B: I-220B Personal Report Record
- Exhibit C: USCIS Receipt Notice for Form I-914, Application for T Nonimmigrant Status
- Exhibit D: Copy of I-914 Application for T Nonimmigrant Status along with Affidavit of Yessenia Ruano Andres [redacted]
- Exhibit E: Affidavit of Yessenia Ruano Andres in support of Request for Stay.
- Exhibit F: Birth Certificates of U.S. Citizen Children and Letters of Support from Children's Teachers and Community Members.

Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
101 W. Ida B. Wells Drive, Suite 4000
Chicago, IL 60605-1074

U.S. Immigration and Customs Enforcement

Marc Christopher
ATTN: Yessenia E. Ruano-Andres
2013 14th Avenue
South Milwaukee, WI 53172

Re: I-246 Application for Stay of Deportation or Removal

Dear Mr. Christopher,

This letter is in response to the Application for a Stay of Deportation or Removal, Form I-246, filed with U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), on behalf of your client Yessenia Elizabeth Ruano-Andres.

Upon review of the evidence submitted, it has been determined that your client does not warrant a favorable exercise of prosecutorial discretion. Your client's application for a stay of removal is hereby denied and there is no appeal to this decision. If you have any questions regarding this matter, please contact Deportation Officer [redacted]

[redacted]

EXHIBIT R

February 24, 2025

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
38 River Road
Essex Junction, VT 05479-0001

U.S. Citizenship and Immigration Services

[redacted]
c/o NORTHWEST IMMIGRANT RIGHTS PROJECT
1119 PACIFIC AVENUE STE 1400
TACOMA, WA 98402

[redacted]
I-914, Application for T Nonimmigrant Status

CORRESPONDENCE

On July 24, 2023, you submitted a Form I-914, Application for T Nonimmigrant Status. Under 8 CFR 214.205(a), if an Application for T Nonimmigrant Status is submitted after August 28, 2024, USCIS will conduct an initial review to determine if the application is bona fide. An application will be deemed bona fide if:

(i) The applicant has submitted a properly filed and complete Application for T Nonimmigrant Status;

(ii) The applicant has submitted a signed personal statement; and

(iii) The results of initial background checks are complete, have been reviewed, and do not present national security concerns.

At this time, USCIS has determined that your application for T nonimmigrant status is bona fide, and this serves as written notice of that determination. Additionally, this notice is also to inform you that any final order of removal, deportation, or exclusion is automatically stayed because your application has been determined to be bona fide. Your application will be treated as a bona fide application as of the date of this notice.

Since USCIS has deemed your application bona fide, USCIS may consider you for deferred action. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.
To be considered for deferred action and employment authorization as a matter of discretion, you must submit a Form I-765, Application for Employment Authorization, under 8 CFR, 274a.12(c)(40) in accordance with form instructions. If, after review of the available information including additional background checks, USCIS determines that deferred action is warranted in a particular case as an exercise of enforcement discretion, USCIS will then proceed to adjudication of your Form I-765, Application for Employment Authorization, if one has been filed.

If you are granted deferred action and employment authorization, your period of deferred action will

begin on the date your employment authorization begins. You will receive separate correspondence regarding the adjudication of your Form I-765 once it is filed.

USCIS updates and reviews background and security checks at regular intervals during this period of deferred action and employment authorization. USCIS reserves the right to terminate the grant of deferred action and revoke your employment authorization at any time if it determines they are no longer warranted or were granted in error.

Generally, a Form I-914, Supplement A, Application for Derivative T Nonimmigrant Status, will only be considered for a bona fide determination if the principal applicant receives a bona fide determination, deferred action and employment authorization. Once it is determined your application is bona fide, USCIS will conduct a bona fide determination review of any pending Form I-914, Supplement A applications you have filed on behalf of eligible family members.

Sincerely,

John M. Allen
SCOPS Deputy Associate Director of Adjudications

EXHIBIT S

Enforcement and Removal Operations

U.S. Department of Homeland Security
Harlingen Field Office
1717 Zoy Street
Harlingen, TX 78552

U.S. Immigration and Customs Enforcement

October 15, 2025

Christine Hoffman Immigration Attorney
5600N. Mary Avenue, Suite 310
Oklahoma City, OK 73112
Phone: (405) 726-1075
Email: christine@cghoffmanlaw.com

Re: [redacted]

Dear Ms. Hoffman:

Reference is made to your letter requesting the release of your client, [redacted], pending completion of his immigration proceedings.

The Harlingen Field Office, Enforcement and Removal Operations, received the request on October 3, 2025.

I have carefully reviewed your request and your supporting documentation, and I have given them full consideration. I have conducted an inquiry into your request and based on the documentation and evidence reviewed, your request for release is denied at this time.

[redacted]

October 02, 2025

In the Matter of: [redacted]

Dear Chief Counsel OR Assistant Chief Counsel:

I represent [redacted] in removal proceedings before the Immigration Court. I respectfully submit this request for administrative closure, continuance, parole, or termination of proceedings—in light of the new ICE Interim Guidance (Directive 11005.4, Jan. 2025) and the compelling humanitarian circumstances in this case.

Legal Framework: ICE Directive 11005.4 (Jan. 2025)

In January 2025, ICE issued **Directive 11005.4**, titled *Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits*, which rescinds prior guidance (such as Directive 11005.3 and ICE Policy Statement 10076.1) and provides updated principles for enforcement decisions involving those with or seeking victim-based benefits. Key relevant features of this new guidance include:

1. **Recognition of pending victim-based benefit status**
    - The guidance explicitly provides that ICE civil enforcement actions should consider whether an individual is a "current or potential beneficiary of victim-based immigration benefits."
    - ICE agents and field office directors are directed to consult with OPLA when encountering individuals known to have pending or approved victim-based petitions.
2. **Discretion is not absolute but contextual**
    - The guidance emphasizes that civil enforcement is still discretionary, and that any enforcement decision should weigh the "totality of the circumstances."
    - Importantly, ICE is no longer required under 11005.4 to affirmatively seek evidence that a person is a victim in order to favor discretion, nor to treat victim status as an automatic positive factor—but victim status may still be considered when known.
    - The guidance rescinds prior instructions that ICE should coordinate with USCIS to expedite adjudication of victim-based petitions, though it allows expedited requests on a case-by-case basis if it is in ICE's "best interest."

Thus, while 11005.4 does narrow some affirmative obligations, it does not eliminate consideration of victim-based status. Rather, it embeds that status into the discretionary calculus. My client's circumstances warrant a favorable exercise of that discretion.

Application of 11005.4 to This Case

1. **Client is a known potential beneficiary of victim-based relief**
   - Respondent has filed a pending **U nonimmigrant visa** petition based on his status as a victim of a violent assault he reported to law enforcement. *See* Exhibit A.
   - Because the agency already knows of his pending U petition, that factor must be part of ICE's deliberation and consultation with OPLA.
2. **Equities and hardship favor nonenforcement**
   - **Medical need/disability**: Respondent suffers from knee pain that requires evaluation and treatment. Removal would severely disrupt his access to care and risk permanent harm. *See* Exhibit B.
   - **Fear of retaliation / danger on return**: The assailant who attacked him in the U.S. was deported back to Guatemala. Having reported the crime and contributed to the assailant's deportation, Respondent faces a credible risk of retaliation if returned. *See* Exhibit A.
   - **Non-adverse record and community ties**: Respondent is a long-term resident of the United States who has significant family and community ties. Although he has some criminal background, none of these crimes are violent or serious enough to constitute a risk to the community. *See* Exhibit A.
3. **Policy alignment and public interest**
   - The enforcement resources spent to remove someone with these compelling humanitarian factors and an active case pending may be better deployed elsewhere.
   - A refusal to accord relief here would undermine the public-policy purpose of victim-based immigration benefits—that victims who assist law enforcement should not be penalized by removal.

Conclusion

Respondent's case presents strong humanitarian factors, a lack of adverse equities, and an established path to lawful status. For these reasons, we request that OPLA exercise favorable discretion and allow the Respondent's U visa process to proceed without the risk of removal.

Thank you for your attention to this request. Please do not hesitate to contact me at 405-726-1075 or via email at christine@cghoffmanlaw.com if you require any additional information.

Respectfully,
/s/Christine Hoffman, Esq.
Gilarranz-Hoffman Law PLLC

EXHIBIT A

GILARRANZ-HOFFMAN LAW PLLC

September 16, 2025

USCIS Nebraska Service Center
Attn: I-918
850 S Street
Lincoln, NE 68508

Re: Supplement I-918, Petition for U Nonimmigrant Status
[redacted]
EXPEDITE REQUEST FOR BONA FIDE DETERMINATION

Dear USCIS Officer:

I am the legal representative for the petitioner named above. Please be advised that [redacted] was a victim of fraud by a notary. This notario filed a U non-immigrant petition, and we ask that you please supplement his application for U non-immigrant status previously filed with all these forms, supporting documents, and information.

Please accept the enclosed Petition for U Nonimmigrant Status on behalf of [redacted] is the direct victim[1] of the qualifying crime of Felonious Assault. He suffered physical, psychological, and emotional damage and has helped law enforcement investigate and prosecute this crime.

This crime occurred when the perpetrator struck and stabbed [redacted] with a dangerous weapon in the face and neck, causing visible injuries that needed hospitalization. The perpetrator caused permanent mental trauma. To this day, [redacted] fears going back to his country because he is sure that his perpetrator will kill him. The perpetrator was charged under Oklahoma State Statute with Assault and Battery with a dangerous weapon, 21 O.S. 645, 652, 653, and 681. After the incident, [redacted] cooperated with the investigation, which ultimately led to the perpetrator being prosecuted and deported back to Guatemala.

According to DHS: "Where the state aggravated robbery statute includes assault with a deadly weapon, assault with a threat to cause serious bodily injury, or otherwise includes what could be considered a felonious assault under applicable state law, and law enforcement records of the offense show that such an assault occurred, USCIS may determine that aggravated robbery is substantially similar to the qualifying criminal activity of felonious assault.[2] In this case, the perpetrator was charged with Assault and Battery with a dangerous weapon, 21 O.S. 645, 652, 653, and 681. These sections explicitly make this crime a felony, and they list the use of a deadly weapon and the intention of killing as elements of the crime.

Additionally, [redacted] is applying for Advance Permission to Enter as a Nonimmigrant to use an exception under discretionary authority or waive any potential inadmissibility grounds.

---

[1] 8 CFR § 214.14(a)(14).
[2] DHS, U Visa Law Enforcement Resource Guide (2022), https://www.dhs.gov/sites/default/files/2022-05/U-Visa-LawEnforcement-Resource-Guide-2022.pdf.

U nonimmigrant applicants may apply for a waiver of any inadmissibility ground except those in INA § 212(a)(3)(E) [participants in Nazi persecutions, genocide, torture, or extrajudicial killing].

EXPEDITE REQUEST: [redacted] is currently under ICE custody, facing potential deportation to Guatemala. As explained in his U visa packet. [redacted] cannot safely go back to Guatemala. [redacted] is sure that his perpetrator will kill him once he knows that [redacted] is back in Guatemala. [redacted] has reason to know that his perpetrator is a very dangerous person with active participation in criminal cartels. We respectfully ask USCIS to expedite the processing of his bona fide determination to avoid [redacted] deportation.

Thank you very much for your support in this matter. If you need more information, please call my office (405-726-1075) or email me at christine@cghoffmanlaw.com at your convenience.

Respectfully,

Christine Hoffman
Attorney at Law

EXHIBIT T

THE UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES

[redacted]

		Case Type: I918 - PETITION FOR U NONIMMIGRANT STATUS
Received Date: 08/28/2023	Priority Date	[redacted]
Notice Date: 05/15/2025	Page: 1 of 1	

LAW OFFICE MITCHELL H SHEN ASSOC
c/o MITCHELL H SHEN
617 S OLIVE ST STE 810
LOS ANGELES CA 90014

Notice Type: Bona Fide Determination Notice

CORRESPONDENCE

On 08/28/2023, you submitted a Form I-918, Petition for U Nonimmigrant Status. As the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year, U.S. Citizenship and Immigration Services (USCIS) may not grant U-1 nonimmigrant status to any petitioner until new visas become available. Under 8 U.S.C. 1184(p)(6) and 1103(a), the Department of Homeland Security (DHS) may conduct a bona fide determination, and if warranted as a matter of discretion, provide employment authorization and deferred action.

At this time, the evidence demonstrates your petition for U nonimmigrant status is bona fide, and you warrant a favorable exercise of discretion to receive employment authorization and deferred action. Because USCIS has determined your petition is bona fide and you warrant a favorable exercise of discretion, you may be issued an employment authorization document and may be placed in deferred action. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.

Under 8 U.S.C. 1184(p)(6), if USCIS determines your petition is bona fide, you may submit a Form I-765, Application for Employment Authorization with this office. USCIS grants employment authorization based on the bona fide determination and favorable exercise of discretion described above under 8 U.S.C. 1184(p)(6), as well as under 8 CFR 274a.12(c)(14), which gives the agency the authority to provide employment authorization to noncitizens placed in deferred action. You filed a Form I-765 based on your pending Form I-918, which USCIS has determined is bona fide. Please be aware that your currently filed Form I-765 will be adjudicated as if it were filed under 8 CFR, section 274a.12(c)(14). You will receive separate correspondence regarding the adjudication of your Form I-765.

Priority for the issuance of U nonimmigrant status will be determined by the date the petition was received by USCIS. Once a visa is available to you, USCIS will determine your eligibility for U nonimmigrant status, and whether you are admissible to the United States.

If you are represented by an attorney, all further correspondence should be accompanied by Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

This notice does not constitute valid U nonimmigrant status or employment authorization, and may not be used to demonstrate legal immigration or employment status.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter

HOWARD K RAGLAND JR. MD

1511 S. Vermont Unit #2 Los Angeles, CA 90006

Tel: (323) 786-6370 • Fax (323) 840-3101

Dr. Howard K. Ragland Jr.

[redacted]

09/25/2025

To Whom It May Concern:

[redacted] has been our patient since 2020 for all of her medical conditions. The patient is being treated here at this facility for her high blood pressure, high glucose (diabetes) and her kidney issues. It is my medical opinion that the patient should not wear the ankle monitor due to her medical conditions. Due to her diabetes and high blood pressure it is common for patients feet to swell and it can cause an infection on her foot due to it tightening the monitor. As her doctor I am scared that if the patient gets an infection it can worsen and cause gangrene on foot.

If there are any questions or concerns about this patient or any other matter please feel free to contact me at (323) 786-6370 or through fax at (323) 840-3101.

Respectfully,

Dr. Howard K. Ragland Jr.
1511 S. Vermont Ave. Unit 2
Los Angeles, CA 90006
Tel: 323-786-6370 • 323-641-7499
Fax: 323-840-3101

Howard K Ragland Jr. MD

[redacted]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA [redacted] vision - Los Angeles)
CIVIL DOCKET FOR CASE #: [redacted] -MEMF-SP

[redacted]
Assigned to: Judge Maame Ewusi-Mensah Frimpong
Referred to: Magistrate Judge Sheri Pym
Cause: 28:2241 Petition for Writ of Habeas Corpus (federal)

Date Filed: 07/03/2025
Date Terminated: 08/01/2025
Jury Demand: None
Nature of Suit: 463 Habeas Corpus - Alien Detainee
Jurisdiction: U.S. Government Defendant

Petitioner

[redacted]

represented by **Jana May Whalley**
Public Counsel
610 South Ardmore Avenue
Los Angeles, CA 90005
213-385-2977
Fax: 213-201-4727
Email: jwhalley@publiccounsel.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Kristi Noem
Secretary, Department of Homeland Security

represented by **Assistant 2241-194 US Attorney LA-CV**
AUSA - Office of US Attorney
Criminal Division - US Courthouse
312 North Spring Street 12th Floor
Los Angeles, CA 90012-4700
213-894-2434
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

[redacted] US Attorney
300 North Los Angeles Street Suite 7516
Los Angeles, CA 90012
213-894-0474
Fax: 213-894-7819
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

OIL-DCS Trial Attorney
Office of Immigration Litigation
District Court Section
PO Box 868 Ben Franklin Station

[redacted]

Washington, DC 20044
202-353-8806
Email: oil-dcs.cacd@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

Pam Bondi
Attorney General

represented by **Assistant 2241-194 US Attorney LA-CV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

[redacted]
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

OIL-DCS Trial Attorney
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

Immigration and Customs Enforcement

represented by **Assistant 2241-194 US Attorney LA-CV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

[redacted]
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

OIL-DCS Trial Attorney
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

Todd M. Lyons
Acting Los Angeles Field Office Director, Immigration and Customs Enforcement

represented by **Assistant 2241-194 US Attorney LA-CV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

[redacted]
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

OIL-DCS Trial Attorney
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

[redacted]

Date Filed	#	Docket Text
07/03/2025	1	[redacted] (Attorney Jana May Whalley added to party [redacted] (pty:pet))(Whalley, Jana) (Entered: 07/03/2025)
07/03/2025	2	[redacted] Petitioner [redacted] . [redacted] (Entered: 07/03/2025)
07/03/2025	3	NOTICE OF REFERENCE to a U.S. Magistrate Judge. This case has been assigned to the calendar of the Honorable District Judge Maame Ewusi-Mensah Frimpong and referred to Magistrate Judge Sheri Pym, who is authorized to consider preliminary matters and conduct all further hearings as may be appropriate or necessary. Pursuant to Local Rule 83-2.4, the Court must be notified within five (5) days of any address change. See notice for additional details. (sh) (Entered: 07/03/2025)
07/03/2025	4	[redacted] by [redacted] (Entered: 07/03/2025)
07/08/2025	5	Notice of Appearance or Withdrawal of Counsel: for attorney [redacted] counsel for Respondents Pa[redacted]migration and Customs Enforcement, Todd M. Lyons, Kristi Noem. Adding [redacted] as counsel of record for Kristi Noem; Pam Bondi; Immigration and Customs Enforcement; Todd M. Lyons for the reason indicated in the G-123 Notice. Filed by Respondents Kristi [redacted] d Customs [redacted] to party Immigration and Customs Enforcem[redacted]orney [redacted] added to party Todd M. Lyons(pty:res), Attorney [redacted] added to party Kristi Noem(pty:res))([redacted]) (Entered: 07/08/2025)
07/09/2025	6	ORDER by Magistrate Judge Sheri Pym, re Stipulation for Order 4 (SEE ORDER FOR DETAILS). (kca) (Entered: 07/09/2025)
07/10/2025	7	(TEXT ONLY ENTRY) A Telephone Conference was held in this matter on July 10, 2025. The court and counsel conferred regarding the pending case. At the parties request, the court will refrain from issuing a briefing schedule pending petitioners efforts to schedule an immigration bond hearing. The parties are directed to file a status report on or before July 16, 2025, regarding petitioners bond hearing and any agreement the parties may reach as to briefing, relief from transfer, and rel[redacted]ttorney for Petitioner: Jana May Whalley. Attorney for Respondent: [redacted]. Courtroom Deputy: Kimberly Carter. Time: 08 minutes. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. Court Recorder: CS-RS-3. (kca) (Entered: 07/11/2025)
07/16/2025	8	Joint STIPULATION for Order AGREEMENT NOT TO TRANSFER FOLLOWING JULY 10, 2025 STATUS CONFERENCE filed by Respondents Pam Bondi, Immigration and Customs Enforcement, Todd M. Lyons, Kristi Noem. (Attachments: # 1 Proposed Order)([redacted]) (Entered: 07/16/2025)
07/16/2025	9	ORDER APPROVING JOINTSTIPULATION 8 by Magistrate Judge Sheri Pym (SEE ORDER FOR DETAILS) [NOTE CHANGES MADE BY THE COURT]. (kca) (Entered: 07/16/2025)
07/29/2025	10	JOINT STATUS REPORT filed by Responde[redacted]ndi, Immigration and Customs Enforcement, Todd M. Lyons, Kristi Noem. ([redacted]) (Entered: 07/29/2025)

08/01/2025	11	NOTICE of Voluntary Dismissal filed by Petitioner [redacted]. Dismissal is without prejudice. (Whalley, Jana) (Entered: 08/01/2025)

PACER Service Center

Transaction Receipt

10/10/2025 07:47:35

PACER Login:	sarahekahn	**Client Code:**	
Description:	Docket Report	**Search Criteria:**	[redacted] End date: 10/10/2025
Billable Pages:	4	**Cost:**	0.40

[redacted]

EXHIBIT U

Sarah Kahn <sarah@centerforhumanrights.org>

FW: URGENT 3rd Request for U-Visa Expedited Review - Loss of Liberty - [redacted] XXX

1 message

Christine Brito <Christineb@britoesq.com> Fri, Oct 3, 2025 at 10:56 AM
To: "sarah@centerforhumanrights.org" <sarah@centerforhumanrights.org>

From: HD NSC I-918 Inquiries <nsc.i-918inquiries@uscis.dhs.gov>
Sent: Friday, September 19, 2025 9:36 AM
To: Christine Brito <Christineb@britoesq.com>
Subject: URGENT 3rd Request for U-Visa Expedited Review - Loss of Liberty - [redacted]

Good day,

Your request for expeditious processing of your client's I-918 Petition for U Nonimmigrant Status has been reviewed and a determination was made that your request does not meet the criteria for expedite. Therefore, your request for expeditious processing is denied.

If you are requesting expeditious processing because the applicant or petitioner is currently detained or because the applicant or petitioner is currently subject to a final order of removal.

Please contact U.S. Immigration and Customs Enforcement (ICE). A request for expeditious processing in these situations will only be considered if the request is made by ICE.

Thank you for contacting External Affairs/1367 Protected Persons Customer Service. If there is anything else we can do to assist you and your client(s), please do not hesitate to contact us.

We are experiencing a high level of incoming emails and while we appreciate the gesture, it is not necessary to send a "thank you" response.

Regards,

ISOA Bonnie

VAWA Customer Service

Vermont Service Center

Please Note: All attorney or authorized representative responses to the above email must include the full A-number or receipt number for the applicant/petitioner for whom inquiries are being made.

On Monday, September 17, 2018, USCIS published a revised version of the Notice of Entry of Appearance as Attorney or Representative (Form G-28). Beginning November 19, 2018, we will only accept the May 23, 2018 and September 17, 2018 versions of the form.

Attorneys and accredited representatives can ensure their Form G-28 is properly filed by:

- Completing all fields, including original signatures by both you and the client;
- Completing a separate form for the applicant and petitioner, if you represent both;
- Completing a Form G-28 for each individual application or petition, if your client has filed multiple forms;

- Ensuring your client's name appears exactly as it does on the related benefit form; and
- Ensuring that Part 1 is completed with information about you as the attorney or accredited representative, and not the applicant or petitioner.

For the most recent version of the Form G-28, full instructions on completing the form and additional filing tips, visit http://www.uscis.gov/g-28.

-----Recent Email History-----

From: christineb@britoesq.com

To: nsc.i-918inquiries@uscis.dhs.gov

Cc:

Sent: 2025-07-25 19:24:56

Subject: URGENT 3rd Request for U-Visa Expedited Review - Loss of Liberty - [redacted]

CAUTION:

This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the USCIS Security Operations Center with questions or click the “Report Phishing” button to report it as a phishing attempt.

CAUTION:

This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the USCIS Security Operations Center with questions or click the “Report Phishing” button to report it as a phishing attempt.

My office represents [redacted]

[redacted]

[redacted]

[redacted]

[redacted] is currently detained at the Golden State Annex Detention Center pending the adjudication of his I-918/I-192 application. USCIS has discretion to conduct an expedited review in the event of loss of life, liberty, severe financial loss, emergencies, or humanitarian reasons.

Here, my client risks imminent deportation without a finding that he qualifies for deferred action. My client was ordered removed on June 24, 2025 by IJ Halperin at Adelanto Immigration Court. Now, he has a pending BIA appeal challenging that removal order. Without a decision or status on deferred action, he risks being deported and thereby risking his life if returned to Guatemala, and his liberty to remain released while waiting for a final U-Visa adjudication.

Thus, it is urgent that I receive confirmation if he qualifies for expeditious review or supervisory review of the herein request [redacted] freedom and liberty is at stake and a prompt response will determine his continued detention or release.

Thank you,

Christine

EXHIBIT V

U.S. Citizenship and Immigration Services

MENU

Chapter 5 - Bona Fide Determination Process

By statute, USCIS has discretion to provide employment authorization to aliens with pending, bona fide U nonimmigrant status petitions.[1] Consequently, USCIS implemented the Bona Fide Determination (BFD) process.

During the BFD process, USCIS first determines whether a pending petition is bona fide. Second, USCIS, in its discretion, determines whether the petitioner poses a risk to national security or public safety, and otherwise merits a favorable exercise of discretion. If USCIS grants the alien a Bona Fide Determination Employment Authorization Document (BFD EAD) as a result of the BFD process, USCIS then also exercises its discretion to grant that alien deferred action for the period of the BFD EAD. USCIS generally does not conduct waiting list adjudications for aliens who USCIS grants BFD EADs and deferred action to; these petitioners' next adjudicative step is final adjudication when space is available under the statutory cap.[2]

As a matter of policy, USCIS interprets "bona fide" as part of its administrative authority to implement the statute as outlined below. Bona fide generally means "made in good faith; without fraud or deceit."[3] Accordingly, when interpreting the statutory term within the context of U nonimmigrant status, USCIS determines whether a petition is bona fide based on the petitioner's compliance with initial evidence requirements and successful completion of background checks. If USCIS determines a petition is bona fide, USCIS then considers any national security and public safety risks, as well as any other relevant considerations, as part of the discretionary adjudication.[4]

As a primary goal, USCIS seeks to adequately evaluate and adjudicate petitions as efficiently as possible. The BFD process provides an opportunity for certain petitioners to receive BFD EADs and deferred action while their petitions are pending, consistent with the William Wilberforce Trafficking Victims Reauthorization Act of 2008 (TVPRA 2008).[5]

Only petitioners living in the United States may receive BFD EADs, since those outside the United States cannot as a practical matter work in the United States.[6] Likewise, deferred actio

petitioners in the United States since those outside the United States have no potential removal to be deferred.

A. Bona Fide Determination

1. Principal Petitioners

USCIS determines a principal petition is bona fide if:

- The principal petitioner has properly filed a complete Petition for U Nonimmigrant Status (Form I-918), including all required initial evidence,[7] except for the Application for Advance Permission to Enter as a Nonimmigrant (Form I-192).[8] Required initial evidence includes:
  - A complete and properly filed U Nonimmigrant Status Certification (Form I-918, Supplement B) submitted within 6 months of the certifier's signature; and
  - A personal statement from the petitioner describing the facts of the victimization; and
- USCIS has received the result of the principal petitioner's background and security checks based upon biometrics.[9]

2. Qualifying Family Members

A qualifying family member is not guaranteed a BFD EAD solely because the principal petitioner receives a BFD.[10] The record must independently demonstrate the Form I-918, Supplement A is bona fide. USCIS determines a qualifying family member's petition is bona fide when:

- The principal petitioner receives a BFD;
- The petitioner has properly filed a complete Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A);
- The petition includes credible evidence of the qualifying family relationship;[11] and
- USCIS has received the results of the qualifying family member's background and security checks based upon biometrics.[12]

B. Exercise of Discretion, Including Risk to National Security or Public Safety and Other Factors

Once USCIS has determined a petition is bona fide, USCIS determines whether the petitioner poses a risk to national security[13] or public safety by reviewing the results of background checks, and considers other relevant discretionary factors.[14] USCIS then determines whether to exercise its discretion to issue a BFD EAD and grant deferred action to a petitioner.

Section 214(p)(6) of the Immigration and Nationality Act (INA) gives the Secretary of Homeland Security, and USCIS as his or her designee, discretionary authority over the issuance of employment authorization to aliens with pending, bona fide U nonimmigrant status petitions.[15] A principal petitioner or qualifying family

member who poses a risk to national security or public safety, or has other adverse discretionary factors, may not merit the favorable exercise of discretion necessary to grant deferred action.

Moreover, at the final adjudication, such individuals may require a waiver for any grounds of inadmissibility, and may be ineligible for U nonimmigrant status if they do not merit a favorable exercise of discretion. Therefore, in exercising the discretion granted by the INA, USCIS grants BFD EADs to principal petitioners and qualifying family members with pending bona fide petitions who it determines merit a favorable exercise of discretion, considering any risk to national security or public safety, as well as other relevant discretionary factors.

USCIS may choose not to exercise its discretion to grant a BFD EAD and deferred action where a petitioner appears to pose a risk to national security or public safety. For example, where a principal petitioner or qualifying family member has been convicted of or arrested for any of the following acts, USCIS generally does not issue a BFD EAD and deferred action and instead proceeds to a full adjudication to assess eligibility for waiting list placement. The following categories generally overlap with inadmissibility grounds[16] and may include:

- National security concerns;[17] and
- Public safety concerns, which include but are not limited to:
  - Murder, rape, or sexual abuse;
  - Offenses involving firearms, explosive materials, or destructive devices;[18]
  - Offenses relating to peonage, slavery, involuntary servitude, and trafficking in persons;[19]
  - Aggravated assault;
  - An offense relating to child pornography; and
  - Manufacturing, distributing, or selling of drugs or narcotics.[20]

Violent and dangerous crimes, such as those listed above, embody the very activities law enforcement seeks to deter and prevent through cooperation facilitated by the U nonimmigrant status program.

Additionally, USCIS may determine on a case-by-case basis that other adverse factors weigh against a favorable exercise of discretion. USCIS may also exercise discretion favorably notwithstanding the above concerns if case-specific circumstances warrant it.

Recognizing that many factors may influence whether criminal activity is prosecuted and results in a conviction, an arrest for a serious crime is relevant to whether USCIS should exercise its discretion favorably. A determination about whether to favorably exercise discretion when there are indicators of national security or public safety concerns requires a comprehensive review of the available evidence.

For example, officers may need to request additional evidence or information in certain cases where security checks indicate that a petitioner has an arrest record.[21] Therefore, USCIS does not conduct this in-depth, discretionary review during the BFD process. Instead, if USCIS determines that a petitioner may pose a risk to national security or public safety, or has other relevant adverse factors that would require further review, and therefore will not receive a BFD EAD, USCIS initiates a waiting list adjudication and conducts a comprehensive discretionary review as part of the evaluation of Form I-192 if one is submitted.

USCIS evaluates all evidence provided by petitioners regarding their arrest records before making determinations for waiting list placement.[22]

C. Adjudicative Process

USCIS evaluates all petitions for U nonimmigrant status filed by aliens living in the United States as described above.[23] If USCIS determines a principal petitioner and any other qualifying family members have a bona fide petition and warrant a favorable exercise of discretion, USCIS issues them BFD EADs and grants deferred action.

USCIS initiates waiting list adjudication for petitioners who do not receive BFD EADs. When USCIS determines a principal petitioner will not receive a BFD EAD, USCIS proceeds to a full adjudication for waiting list placement for the principal petitioner and his or her qualifying family members.

A determination that a petitioner will not receive a BFD EAD and deferred action is not a denial of Form I-918 or the Application for Employment Authorization (Form I-765). A petitioner who does not receive a BFD EAD and deferred action is evaluated for waiting list eligibility and still has the opportunity to obtain employment authorization and a grant of deferred action if deemed eligible for waiting list placement. Consequently, non-issuance of a BFD EAD is not a final agency action. Correspondingly, USCIS does not accept or process motions to reopen or reconsider, appeals,[24] or requests to re-apply for a BFD EAD.

For any qualifying family member who will not receive a BFD EAD, USCIS completes a full adjudication for that qualifying family member. The full adjudication includes the issuance of Requests for Evidence (RFEs) to address any deficiencies or concerns identified in the qualifying family member's record but it is not an adjudication for waiting list placement. Because qualifying family members are "accompanying or following to join" the principal petitioner, they will not be placed on the waiting list unless the principal petitioner was placed on the waiting list.[25]

If the qualifying family member resolves the deficiencies or concerns in the record, USCIS issues a BFD EAD and grants deferred action to the qualifying family member. If additional evidence provided by the qualifying family member does not resolve the deficiencies or concerns identified, then USCIS does not issue a BFD EAD and generally places the qualifying family member's petition with the principal petition back in line to await a final statutory cap adjudication.

When USCIS issues a final decision to the principal petitioner, USCIS also issues a final decision for any qualifying family member who did not receive a BFD EAD. USCIS retains the authority to deny any petition when, after full adjudication, USCIS determines the qualifying family member is ineligible for the underlying benefit.

For example, USCIS may deny the petition where the record establishes that the claimed family member does not have a qualifying family relationship with the petitioner, or where USCIS determines a favorable exercise of discretion is not warranted to waive the qualifying family member's grounds of inadmissibility.

1. Criminal History Check for Bona Fide Determination Employment Authorization Documents

To efficiently determine whether to issue BFD EADs and grant deferred action, USCIS conducts background and security checks to identify petitioners who may pose risks to national security and public safety, or other adverse discretionary factors. USCIS relies on a variety of databases that collect information from law enforcement agencies and other federal, state, local, and tribal agencies, including information regarding arrests and convictions.

USCIS uses this information to determine whether a petitioner is admissible for the purposes of receiving a grant of U nonimmigrant status or merits a favorable exercise of discretion to waive any grounds of inadmissibility. USCIS' consideration of national security and public safety risks at the BFD EAD stage aligns with inadmissibility grounds evaluated during the adjudication of a petition for U nonimmigrant status and is therefore a consistent exercise of discretion within the authority afforded by INA 214(p)(6) to grant BFD EADs.

A petitioner who is not issued a BFD EAD due to the risk the petitioner appears to pose to national security or public safety receives a full adjudication for waiting list placement. During the adjudication for waiting list placement, petitioners have the opportunity to provide USCIS with potentially mitigating information or other evidence pertaining to arrests or convictions.

USCIS issues petitioners a BFD EAD and grants deferred action in order to promote victim stability and continued cooperation with law enforcement. However, USCIS updates and reviews background and security checks at regular intervals during the validity period of a principal petitioner or a qualifying family member's BFD EAD.

Additionally, USCIS retains discretion to update background and security checks at any time when case-specific circumstances warrant. During those reviews, USCIS evaluates whether the petitioner and qualifying family members who have been granted BFD EADs and deferred action continue to warrant the BFD EAD and merit a favorable exercise of discretion while their petitions for U nonimmigrant status are pending with USCIS.

USCIS reserves the right to revoke the BFD EAD[26] and terminate the grant of deferred action at any time if it determines the BFD EAD or favorable exercise of discretion are no longer warranted, or the prior BFD EAD and deferred action were granted in error.

For example, USCIS may revoke the BFD EAD and terminate deferred action if USCIS identifies any adverse information, such as new information pertaining to the risks the petitioner poses to national security or public safety, or the withdrawal of a petitioner's Form I-918, Supplement B. At that time, USCIS initiates a waiting list adjudication to gather additional information and evidence to determine if the petitioner is eligible for a waiver of inadmissibility for any relevant inadmissibility grounds and placement on the waiting list.

2. Previously Filed Form I-765 for Bona Fide Determination Process

USCIS uses all Applications for Employment Authorization (Form I-765) already filed by principal petitioners under 8 CFR 274a.12(a)(19) and (c)(14) to issue a BFD EAD. USCIS also uses Form I-765 applications previously filed under 8 CFR 274a.12(a)(20) and (c)(14) for a qualifying family member to issue a BFD EAD to qualifying family members. Using previously filed applications limits the burden on petitioners to file additional paperwork.

Where a petitioner has filed a Form I-918 but has not filed an accompanying application for employment authorization under 8 CFR 274a.12(a)(19), (a)(20) or (c)(14), USCIS issues a notice indicating that the petitioner has received a BFD and may receive a BFD EAD. To obtain an EAD, the petitioner must file a Form I-765 after receiving this notice.

3. Bona Fide Determination Employment Authorization Document Issuance

Once USCIS has determined that a petitioner present in the United States has a bona fide petition and merits a favorable exercise of discretion, and therefore may receive a BFD EAD, USCIS issues a notice to inform the

petitioner of the decision.

Such petitioners who have already filed a Form I-765 under either of the EAD classifications noted above then receive an EAD and a grant of deferred action valid for 4 years. Petitioners who must file a new Form I-765 after receiving the BFD notice from USCIS receive employment authorization and deferred action valid for 4 years once USCIS finishes adjudicating the Form I-765.

4. Prima Facie Case for Approval

Where USCIS issues a BFD EAD to a petitioner, the petitioner is also considered to have established a prima facie case for approval within the meaning of INA 237(d)(1). The term "prima facie" refers to a petition appearing sufficient on its face.

The evaluation performed by USCIS to determine whether a petition is bona fide and whether a petitioner receives a BFD EAD is a more complex evaluation than looking at the petition on its face alone. The BFD process satisfies the prima facie standard that U.S. Immigration and Customs Enforcement (ICE) previously requested in specific circumstances[27] since the steps taken to determine whether a petition is bona fide and a petitioner receives a BFD EAD rely on the initial evidence submitted with a petition for U nonimmigrant status, as well as the results of background checks.

5. Waiting List Adjudication for Petitioners Not Issued a Bona Fide Determination Employment Authorization Document

Once an officer has determined that a petitioner will not receive a BFD EAD, the officer reviews the complete filing and identifies any deficiencies or concerns that need to be addressed for waiting list adjudication. The officer then issues an RFE or Notice of Intent to Deny (NOID), which includes:[28]

- A notice explaining that USCIS will not be issuing a BFD EAD; and
- An RFE to address any deficiencies or concerns associated with waiting list adjudication.

If USCIS determines that a petitioner will not receive a BFD EAD, but can be placed on the waiting list, that decision generally does not affect the timeline in which the petition for U nonimmigrant status is adjudicated for final determination of U nonimmigrant status. If USCIS determines that a petitioner will not receive a BFD EAD and cannot be placed on the waiting list, USCIS will deny the petition.

6. Request to Renew Bona Fide Determination Employment Authorization Document and Deferred Action

Generally, USCIS does not charge a fee for the filing of certain victim-based and humanitarian benefit requests, including Form I-918 and Form I-918, Supplement A.[29] Consequently, petitioners who receive BFD EADs do not need to submit a filing fee for the initial Form I-765 associated with the BFD EAD. Petitioners who choose to renew their BFD EADs may do so under existing procedures without a fee.[30] Once a BFD EAD is renewed, the accompanying grant of deferred action is also renewed.

TVPRA 2008 requires USCIS to permit petitioners for U nonimmigrant status to apply for fee waivers for "any fees associated with filing an application for relief through final adjudication of the adjustment of status."[31] USCIS has interpreted this to mean that, in addition to the main benefit request, applicants and petitioners

must have the opportunity to request a fee waiver for any form associated with the main benefit, including applications for waivers of inadmissibility or employment authorization. Principal petitioners and qualifying family members who are seeking to renew a BFD EAD must either submit a filing fee or submit a Request for Fee Waiver (Form I-912).

An initial BFD EAD grant does not guarantee future renewals. Principal petitioners and qualifying family members are evaluated independently for each EAD and deferred action renewal to ensure that the BFD EAD and grant of deferred action are still warranted as a matter of discretion.

>Additionally, USCIS may identify principal petitioners and qualifying family members who pose a risk to national security and public safety during the validity period of the BFD EAD and deferred action, until final adjudication of U nonimmigrant status.

At any point during the validity period, USCIS has the right to revoke employment authorization or terminate deferred action if USCIS determines a national security or public safety concern is present, if USCIS determines the BFD EAD and deferred action is no longer warranted, the Form I-918 Supplement B law enforcement certification is withdrawn, or USCIS determines the prior BFD EAD was issued in error.[32]

If USCIS determines that adverse information may impact a principal petitioner's ability to maintain a BFD EAD and deferred action, USCIS will initiate a waiting list review for the principal petition. Similarly, if USCIS determines that adverse information may impact a qualifying family member's ability to maintain a BFD EAD and deferred action, USCIS will conduct a full adjudication of the qualifying family member's petition as described above to determine whether the qualifying family member can maintain a BFD EAD and deferred action.

An initial grant or renewal of a BFD EAD and deferred action does not guarantee that USCIS will approve the principal petitioner or his or her qualifying family members for U nonimmigrant status. Generally, USCIS adjudicates petitions for U nonimmigrant status in the order in which they are received, subject to limited exceptions. When the principal petitioner's filing is next in line for final adjudication, an officer assesses eligibility requirements for U nonimmigrant status. This adjudication does not include consideration of prior grants or renewals of BFD EAD or deferred action.

7. Petitioners Residing Outside of the United States

USCIS only issues BFD EADs and deferred action to petitioners living in the United States as it cannot provide deferred action or employment authorization to petitioners outside the United States. Deferred action, as an exercise of prosecutorial discretion to make an alien a lower priority for removal from the United States, is only applicable to aliens in the United States. Additionally, INA 274A gives the Secretary of Homeland Security, and USCIS as his or her designee, authority over alien employment authorization in the United States.

Because the BFD EAD is only for petitioners living in the United States, principal petitioners (and their qualifying family members) who live outside of the United States proceed directly to waiting list adjudication.

Generally, USCIS adjudicates cases in the order in which they were received to determine waiting list placement. If USCIS determines a principal petitioner residing outside the United States is eligible for waiting list placement, the principal petitioner and his or her qualifying family members should submit a Form I-765 upon admission to the United States to receive an EAD.

Footnotes

[^ 1] See INA 214(p)(6) ("The Secretary may grant work authorization to any alien who has a pending, bona fide application for nonimmigrant status under section 101(a)(15)(U).").

[^ 2] See Appendix: Bona Fide Determination Process Flowchart [3 USCIS-PM C.5, Appendices Tab].

[^ 3] See Black's Law Dictionary (11th ed. 2019).

[^ 4] Submission of biometrics is a requirement for principal petitioners as well as derivatives. See 8 CFR 214.14(c)(3) and 8 CFR 214.14(f)(5).

[^ 5] See Pub. L. 110-457 (PDF) (December 23, 2008). See INA 214(p)(6) ("The Secretary may grant work authorization to any alien who has a pending, bona fide application for nonimmigrant status under section 101(a)(15)(U).").

[^ 6] See INA 274A. See 8 CFR 274a.12(a), (b), (c) (referring to employment in the United States).

[^ 7] See 8 CFR 214.14(c)(2).

[^ 8] One of the main purposes for issuing employment authorization to those with pending, bona fide petitions is to provide EADs to good faith petitioners who are vulnerable due to lengthy wait times. Requiring and adjudicating Form I-192 for purposes of the EAD would delay the EAD adjudication and undermine efficiency. Instead of adjudicating the Form I-192 at this stage, USCIS relies on criminal history checks.

[^ 9] See instructions for the Petition for U Nonimmigrant Status (Form I-918).

[^ 10] The principal petitioner enables access to the benefits associated with U nonimmigrant status for the qualifying family member. Therefore, USCIS does not consider a qualifying family member for a BFD unless the principal petitioner receives a BFD.

[^ 11] Under INA 214(p)(4), USCIS considers any credible evidence relevant to the petition.

[^ 12] See instructions for Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A).

[^ 13] See INA 212(a)(3).

[^ 14] See Section C, Adjudicative Process, Subsection 1, Criminal History Check for BFD EADs [3 USCIS-PM C.5(C)(1)].

[^ 15] See INA 214(p)(6) ("The Secretary *may* grant work authorization to any alien who has a pending, bona fide application for nonimmigrant status under section 101(a)(15)(U).") (emphasis added).

[^ 16] See INA 212(a).

[^ 17] As listed in INA 212(a)(3).

[^ 18] Such as those defined in INA 101(a)(43)(C) and (E).

[^ 19] As defined in INA 101(a)(43)(K)(iii).

[^ 20] This includes acts defined in INA 101(a)(43)(B).

[^ 21] See *Matter of Arreguin*, 21 I&N Dec. 38, 42 (BIA 1995) (considering but hesitating to give "substantial weight" to an uncorroborated arrest report). See *Garces v. U.S. Att'y Gen.*, 611 F.3d 1337, 1350 (11th Cir. 2010) ("Absent corroboration, the arrest reports by themselves do not offer reasonable, substantial, and probative evidence that there is reason to believe Garces engaged in drug trafficking.").

[^ 22] See *Henry v. I.N.S.*, 74 F.3d 1, 6 (1st Cir. 1996) (noting "while an arrest, without more, is simply an unproven charge, the fact of the arrest, and its attendant circumstances, often have probative value in immigration proceedings.").

[^ 23] See Section A, Principal Petitioners [3 USCIS-PM C.5(A)] and Section B, Qualifying Family Members [3 USCIS-PM C.5(B)].

[^ 24] Appeals are not available to applicants who have been denied employment authorization under 8 CFR 274a.13(c). Therefore, even if the BFD EAD issuance was considered a final agency action, the lack of an appeals process for BFD EADs aligns with regulatory practice pertaining to employment authorization generally.

[^ 25] See INA 101(a)(15)(U)(ii).

[^ 26] See 8 CFR 274a.14(b).

[^ 27] See ICE's Revision of Stay of Removal Request Reviews for U Visa Petitioners webpage.

[^ 28] See Chapter 6, Waiting List [3 USCIS-PM C.6].

[^ 29] See Fee Schedule (Form G-1055).

[^ 30] See 8 CFR 274a.13(d). See Instructions for Form I-765. See Fee Schedule (Form G-1055).

[^ 31] See INA 245(l)(7).

[^ 32] See 8 CFR 274a.14(b).

Current as of September 26, 2025

EXHIBIT W

U.S. Citizenship and Immigration Services

MENU

Chapter 6 - Bona Fide Determinations

A. Bona Fide Determination Process

Federal statutes provide certain benefits to individuals with a bona fide application for T nonimmigrant status.[1] Consequently, USCIS implemented the Bona Fide Determination (BFD) process.[2] Through the BFD process, USCIS may exercise discretion to grant deferred action[3] and a BFD Employment Authorization Document (BFD EAD) to aliens with pending, bona fide applications for T nonimmigrant status. This process promotes victim stability and continued cooperation with law enforcement.

The BFD process contains two steps. In the first step, USCIS determines whether an application is bona fide. This involves determining whether the pending application is complete, and whether the results of initial background checks are complete, have been reviewed, and do not present national security concerns. In the second step, USCIS considers whether to grant deferred action and employment authorization as part of the discretionary determination, considering all relevant factors.[4]

If USCIS grants the applicant deferred action as a result of the BFD process, USCIS then also exercises its discretion to grant that applicant a BFD EAD for the duration of the deferred action period. If the annual cap[5] on available visas has been met, USCIS places all applications that have been issued a BFD on the waiting list. Once an application is on the waiting list, the next step is final adjudication when a visa becomes available.

Only applicants living in the United States may receive deferred action, since those outside the United States have no potential removal to be deferred. Likewise, USCIS may only issue BFD EADs to applicants in the United States since those outside the United States cannot as a practical matter work in the United States.[6]

B. Bona Fide Determination

Bona fide generally means "made in good faith; without fraud or deceit."[7] Accordingly, when interpreting the statutory term within the context of T nonimmigrant status, USCIS determines whether an application is bona fide based on the applicant's compliance with initial evidence requirements and successful completion of background checks.

1. Principal Applicants

USCIS determines a principal application is bona fide if:

- The principal applicant properly filed a complete Application for T Nonimmigrant Status (Form I-914); and
- USCIS received and reviewed the results of the principal applicant's initial background checks and determined that the applicant does not present national security concerns.[8]

2. Eligible Family Members

An eligible family member is not guaranteed a BFD solely because the principal applicant receives a BFD.[9] The record must independently demonstrate the Application for Derivative T Nonimmigrant Status (Form I-914, Supplement A) is bona fide.

USCIS determines an eligible family member's application is bona fide when:

- USCIS determined the principal applicant's Form I-914 is bona fide;
- The derivative applicant properly filed a complete Application for Derivative T Nonimmigrant Status (Form I-914, Supplement A);
- The application is supported by credible evidence that the derivative applicant qualifies as an eligible family member; and
- USCIS received and reviewed the results of the derivative applicant's initial background checks and determined that the applicant does not present national security concerns.[10]

C. Exercise of Discretion

Once USCIS determines an application is bona fide, USCIS then considers whether the applicant poses a risk to public safety or national security. USCIS makes this determination based on background and security checks results from biometrics, any additional background check information, and review of any other relevant discretionary factors. For individuals who are required to provide biometrics, USCIS does not make this discretionary determination until it has received the results of the biometrics-based background and security checks.

USCIS uses the results of the background checks and other information in the record to make the discretionary determination of whether deferred action is warranted. During secondary review,[11] USCIS also uses such information to determine whether an applicant is admissible for the purposes of receiving a grant of T nonimmigrant status or merits a favorable exercise of discretion to waive any grounds of inadmissibility.

USCIS may choose not to exercise its discretion to grant deferred action and a BFD EAD where an applicant appears to pose a risk to national security or public safety or presents other negative discretionary factors.

1. National Security and Public Safety Concerns

Where a principal applicant or eligible family member has been convicted of or arrested for certain acts, USCIS may not issue deferred action and a BFD EAD and instead may proceed to secondary review, which involves a

full adjudication of T nonimmigrant eligibility for the principal applicant and any family members.

The following concerns generally overlap with inadmissibility grounds[12] and may include:

- National security concerns;[13] and
- Public safety concerns, which include but are not limited to:
  - Murder, rape, or sexual abuse;
  - Offenses involving firearms, explosive materials, or destructive devices;[14]
  - Offenses relating to peonage, slavery, involuntary servitude, and trafficking in persons;[15]
  - Aggravated assault;
  - An offense relating to child pornography; and
  - Manufacturing, distributing, or selling of drugs or narcotics.[16]

USCIS may determine that other adverse factors beyond those listed above weigh against a favorable exercise of discretion.

However, USCIS may also exercise discretion favorably notwithstanding the above concerns if warranted based on the totality of the circumstances.

2. Comprehensive Review of Adverse Factors During Secondary Review

Recognizing that many factors may influence whether criminal activity is prosecuted and results in a conviction, an arrest for a serious crime may be relevant to whether USCIS should exercise its discretion favorably. Therefore, a determination about whether to favorably exercise discretion when there are any adverse concerns requires a comprehensive review of the available evidence. For example, officers may need to request additional evidence or information in certain cases where security checks indicate that an applicant has an arrest record.

USCIS does not conduct this in-depth, discretionary review during the BFD process. Instead, if USCIS determines that an applicant's case presents relevant adverse factors that would require further review, USCIS proceeds to secondary review, which is a full T nonimmigrant status eligibility adjudication. During the full adjudication of the Form I-914, applicants have the opportunity to provide USCIS with potentially mitigating information or other evidence pertaining to arrests or convictions.

D. Adjudicative Process

1. Bona Fide Determination

When USCIS determines a principal applicant and any eligible family members have a bona fide application and warrant a favorable exercise of discretion, USCIS may grant deferred action and issues a BFD EAD.

2. Prima Facie Case for Approval

Where USCIS determines that an application is bona fide, the applicant is also considered to have established a prima facie case for approval for purposes of an administrative stay of removal.[17] The term "prima facie" refers to an application appearing sufficient on its face.

The steps taken to determine whether an application is bona fide and whether an applicant may receive deferred action through the BFD process rely on the initial evidence submitted with an application for T nonimmigrant status, as well as the results of background checks. The determination of whether an applicant is eligible for T nonimmigrant status is a more complex evaluation.

Impact of Past Grants on Future Determinations

An initial grant or renewal of deferred action and issuance of a BFD EAD does not guarantee that USCIS will approve the principal applicant or their eligible family members for T nonimmigrant status.

When the application is under final adjudication, an officer assesses eligibility requirements for T nonimmigrant status. This adjudication does not include consideration of prior grants of deferred action or BFD EAD.

3. Secondary Review

A determination that an applicant will not receive deferred action and a BFD EAD is not a denial of Form I-914 or the Application for Employment Authorization (Form I-765). USCIS does not accept or process motions to reopen or reconsider, appeals,[18] or requests to re-apply for deferred action and a BFD EAD.

When USCIS determines an application does not initially appear to be bona fide or does not merit a favorable exercise of discretion, USCIS proceeds to secondary review of the application, which consists of a full adjudication of T nonimmigrant status eligibility.[19]

4. BFD EAD Issuance

Previously Filed Applications for Employment Authorization

USCIS uses the pending Form I-765 filed by a principal or derivative applicant under the T visa employment authorization category[20] to issue a BFD EAD. Using the pending application limits the burden on applicants to file additional paperwork.

Once USCIS has determined that an applicant present in the United States has a bona fide application for T nonimmigrant status and merits a favorable exercise of discretion, and therefore may receive deferred action and a BFD EAD, USCIS issues a notice to inform the applicant of the decision.[21]

Applicants who have already filed a Form I-765 receive a grant of deferred action and an EAD valid for 4 years from the date of approval of the Form I-765.

Application for Employment Authorization Needed

Where an applicant has filed a bona fide application for T nonimmigrant status but has not filed an accompanying Form I-765 under the relevant category, USCIS issues a notice indicating that the applicant has received a BFD and may receive a BFD EAD. To obtain an EAD, the applicant must file a Form I-765 after receiving this notice.

Applicants who file a new Form I-765 after receiving the BFD notice from USCIS may receive deferred action and employment authorization valid for 4 years from the date of approval of the Form I-765.

Applicants who do not file a Form I-765 in conjunction with their application for T nonimmigrant status will likely experience delays in receiving any deferred action and BFD EAD. As such, USCIS strongly encourages all applicants to file their Form I-765 at the same time as their application for T nonimmigrant status to ensure efficient processing.

5. Eligible Family Members Residing Outside of the United States

USCIS only issues deferred action and BFD EADs to eligible family members living in the United States. As deferred action is an exercise of prosecutorial discretion to make an alien a lower priority for removal from the United States, it is only applicable to aliens in the United States. Additionally, USCIS only has authority over alien employment authorization in the United States.[22]

Because the BFD EAD is only for applicants living in the United States, eligible family members who live outside of the United States proceed to full adjudication when the principal's application has been fully adjudicated.

E. Post Adjudicative Actions

1. Requests to Renew Deferred Action and BFD EAD

An applicant who requires a renewal of the grant of the BFD EAD and deferred action while their application for T nonimmigrant status remains pending may submit a request to renew the EAD under existing procedures. USCIS reviews the application for the BFD EAD and considers whether deferred action and employment authorization are still warranted as a matter of discretion.

An initial BFD EAD grant does not guarantee future renewals. Principal applicants and eligible family members are evaluated independently for each deferred action and EAD renewal to ensure that the grant of deferred action and BFD EAD are still warranted as a matter of discretion.

2. Background and Security Checks

USCIS updates and reviews background and security checks at regular intervals during the validity period of a principal applicant or eligible family member's deferred action. Additionally, USCIS retains discretion to update background and security checks at any time when case-specific circumstances warrant.

During those reviews, USCIS evaluates whether the applicant and eligible family members who have been granted deferred action and BFD EADs continue to merit a favorable exercise of discretion while their applications for T nonimmigrant status are pending with USCIS.

If USCIS determines that adverse information may impact a principal applicant's or eligible family member's ability to maintain deferred action and a BFD EAD, USCIS places the application in line for a full adjudication.

3. Termination and Revocation

USCIS may terminate the grant of deferred action and revoke the BFD EAD[23] at any time if it determines the favorable exercise of discretion or BFD EAD are no longer warranted, or the prior deferred action and BFD EAD were granted in error. For example, USCIS may terminate deferred action and revoke the BFD EAD if USCIS identifies any adverse information, such as new information pertaining to the risks the applicant poses to national security or public safety, or any other relevant adverse discretionary factor.

Footnotes

[^ 1] See 22 U.S.C. 7105(b)(1)(E)(i)(II)(aa). See INA 237(d)(1) (authorizing the Secretary of Homeland Security to grant an administrative stay of removal to an individual whose application for T nonimmigrant status sets forth a "prima facie case for approval," until the application is approved or there is a final administrative denial after exhaustion of administrative appeals; "prima facie" is encompassed by the bona fide determination described at 8 CFR 214.205).

[^ 2] See 8 CFR 214.205. USCIS implemented the bona fide determination (BFD) process on August 28, 2024, the effective date of the Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status Final Rule. See 89 FR 34864 (Apr. 30, 2024). USCIS applies the BFD process to all applications for T nonimmigrant status filed on or after August 28, 2024. However, if an application was pending as of that date, and additional evidence is required to establish eligibility for principal T nonimmigrant status, USCIS conducts a bona fide review. In such cases, USCIS issues a Request for Evidence informing the applicant that they may be eligible for deferred action and an EAD and may file an Application for Employment Authorization (Form I-765).

[^ 3] INA 103(a) grants the Secretary of Homeland Security the authority to administer and enforce the immigration laws and 6 U.S.C. 202(5) provides authority to set national immigration enforcement policies and priorities. Decisions made to either initiate or terminate enforcement proceedings are under the purview of the executive branch, and therefore fall within DHS's authority. See *Heckler v. Chaney*, 470 U.S. 821, 831 (1985). The executive branch has exercised its discretion to grant deferred action, and the federal courts have consistently recognized the existence of this authority, since the mid-1970s. See, for example, *Soon Bok Yoon v. INS*, 538 F.2d 1211, 1213 (5th Cir. 1976); *Vergel v. INS*, 536 F.2d 755, 757-58 (8th Cir. 1976); and *Nicholas v. INS*, 590 F.2d 802, 806-08 (9th Cir. 1979), superseded by rule on other grounds, as stated in *Romeiro de Silva v. Smith*, 773 F.2d 1021, 1024 (9th Cir. 1985).

[^ 4] In exercising its discretion, USCIS may consider the results of background checks resulting from biometrics submission, which is required for principal applicants under 8 CFR 214.204(k) as well as eligible family members under 8 CFR 214.211(c)(1).

[^ 5] See Chapter 8, Annual Cap and Waiting List [3 USCIS-PM B.8].

[^ 6] See INA 274A. See 8 CFR 274a.12(a)-(c) (referring to employment in the United States).

[^ 7] See Black's Law Dictionary (12th ed. 2024).

[^ 8] See 8 CFR 214.205.

[^ 9] Generally, USCIS will not consider an eligible family member for deferred action and employment authorization until the principal applicant has received deferred action and employment authorization, unless there is an operational reason to process a derivative after the principal receives a BFD but before they receive deferred action and employment authorization, such as resource management.

[^ 10] See INA 212(a)(3).

[^ 11] Secondary review occurs when an application does not initially appear bona fide, and consists of a full adjudication.

[^ 12] See INA 212(a).

[^ 13] As listed in INA 212(a)(3).

[^ 14] Such as those defined in INA 101(a)(43)(C) and INA 101(a)(43)(E).

[^ 15] As defined in INA 101(a)(43)(K)(iii).

[^ 16] This includes acts defined in INA 101(a)(43)(B).

[^ 17] INA 237(d)(1).

[^ 18] Because deferred action is by its nature an exercise of prosecutorial discretion and not an immigration benefit as defined in 8 CFR 1.2, the agency does not have a process to file an administrative appeal or a motion to reopen or to reconsider. The decision not to exercise favorable prosecutorial discretion is appropriately an action within USCIS' sole and unreviewable discretion. In addition, appeals are not available to applicants who have been denied employment authorization under 8 CFR 274a.13(c). The lack of an appeals process for BFD EADs aligns with regulatory practice pertaining to employment authorization generally.

[^ 19] See Chapter 7, Adjudication [3 USCIS-PM B.7].

[^ 20] See 8 CFR 274a.12(a)(16) and 8 CFR 274a.12(c)(25).

[^ 21] For applicants for T nonimmigrant status whose applications have been deemed bona fide, BFD EADs are issued under 8 CFR 274a.12(c)(40).

[^ 22] See INA 274A.

[^ 23] See 8 CFR 274a.14(b).

Current as of October 20, 2025

EXHIBIT X

U.S. Citizenship and Immigration Services

MENU

Chapter 5 - Adjudication

A. Prima Facie Review

After receipting a self-petition, USCIS first determines whether the evidence submitted establishes a prima facie ("at first look") case.[1] Self-petitioning spouses and children and any listed derivative beneficiaries may be considered "qualified aliens" eligible for certain public benefits if they can establish a prima facie case for immigrant classification or have an approved self-petition.[2]

USCIS does not make a prima facie determination for self-petitions filed from outside the United States. Self-petitioners who are outside the United States are not eligible for U.S. public benefits. Note that although USCIS issues prima facie determinations for self-petitioning parents of U.S. citizens, they are not included in the definition of "qualified aliens" in statute and are, therefore, ineligible for public benefits as "qualified aliens."[3]

1. Establishing a Prima Facie Case

To establish a prima facie case, the self-petitioner must submit a completed Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) and evidence to support each of the eligibility requirements for the self-petition.[4] The self-petitioner must merely address each of the eligibility requirements but need not prove eligibility in order to establish a prima facie case.[5]

If USCIS determines that a self-petitioner has demonstrated prima facie eligibility, USCIS issues a Notice of Prima Facie Case (NPFC) to the self-petitioner.[6] The decision to issue an NPFC rests solely with USCIS.[7]

If USCIS determines that the self-petitioner did not establish a prima facie case upon initial review, officers may, in their discretion, issue a Request For Evidence (RFE) seeking additional evidence. If additional evidence is submitted and the self-petitioner establishes a prima facie case upon second review, USCIS issues an NPFC.

Regardless of whether a self-petitioner establishes a prima facie case and receives [illegible]y discover additional deficiencies while adjudicating the self-petition. For such case

and will consider RFE responses solely to adjudicate the self-petition.[8]

Note that the NPFC does not confer immigration status or a benefit, and a self-petitioner may not apply solely for an NPFC. USCIS' decision to issue or not issue an NPFC is not a consideration in the adjudication of the underlying self-petition, and a prima facie determination, whether favorable or adverse, is not a final adjudication of the self-petition.

A favorable NPFC does not mean the self-petitioner has established eligibility for the underlying self-petition, and additional evidence may be required to establish such eligibility after a favorable NPFC has been issued.[9]

2. Validity Period and Renewals

Self-petitioners may use the NPFC as evidence to establish their eligibility for certain public benefits and are eligible to renew their NPFC, as needed, until USCIS completes adjudication of the self-petition.[10] NPFCs are initially valid for 1 year. If USCIS has not made a decision on the self-petition by the time the NPFC expires, USCIS automatically sends a renewed NPFC within 60 days of the expiration date.

The NPFC is renewed for 180 days and continues to be renewed for 180-day periods until USCIS adjudicates the self-petition. If the Form I-360 is denied, USCIS does not re-issue or extend the NPFC. Filing an appeal of Form I-360 does not extend the validity of an existing NPFC.

B. Review of Evidence

1. Standard of Proof

The standard of proof refers to the quality and weight of the evidence required to prove a fact. The standard of proof to establish eligibility for a self-petition is preponderance of the evidence.[11] Establishing eligibility by a preponderance of the evidence means that it is more likely than not that the self-petitioner qualifies for the benefit. This is a lower standard of proof than both the "clear and convincing" and "beyond a reasonable doubt" standards of proof. The burden is on self-petitioners to demonstrate their eligibility for the self-petition by a preponderance of the evidence.[12]

2. Any Credible Evidence Provision

Generally, petitioners are required to submit primary or secondary evidence with a family-based immigrant visa petition.[13] Although Violence Against Women Act (VAWA) self-petitioners are encouraged to submit primary or secondary evidence whenever possible, an officer must consider any credible evidence a self-petitioner submits to establish eligibility.[14] The determination of what evidence is credible and the weight to be given to the evidence is within the sole discretion of USCIS.[15]

For VAWA self-petitioners, the abusive family member may control access to or destroy necessary documents in furtherance of the abuse, which may prevent the applicant from being able to submit specific documentation. Other self-petitioners may have fled the abusive situation without taking important documents with them.

Congress created the "any credible evidence" standard for VAWA filings in recognition of these evidentiary challenges. Officers should be aware of and consider these issues when evaluating the evidence.

Weighing and Determining the Credibility of Evidence

A self-petition may not be denied for failure to submit a particular piece of evidence.[16] An officer may only deny a self-petition on evidentiary grounds if the evidence that was submitted is not credible or otherwise fails to establish eligibility. Officers may not require that the self-petitioner demonstrate the unavailability of primary evidence or a specific document. An explanation from the self-petitioner, however, regarding the unavailability of such documents may assist officers in adjudicating the case.

Officers determine what evidence is credible on a case-by-case basis. Often, evidence that is credible in one setting will not be so in another. Officers should consider whether the evidence may be credible or not on either an internal or external basis.

For example, evidence that is inconsistent with the other elements of the self-petition is likely not internally credible; and evidence that does not conform to external facts, such as information contained in USCIS electronic databases, is likely not credible on an external basis. Officers should carefully review evidence in both these regards before making a credibility determination. The determination of what is credible will often also be a function of other elements in the case.

For example, if USCIS finds a self-petitioner's testimony in an affidavit to be inconsistent internally or inconsistent with other evidence, officers could determine in their discretion that the evidentiary value of that affidavit may be diminished. However, officers could determine in their discretion that minor inconsistencies regarding information that is not material to the self-petitioner's eligibility would not likely diminish the evidentiary value of the self-petitioner's affidavit.

Some general principles are applicable in making a credibility determination. Officers generally should give more weight to primary evidence and evidence provided in court documents, medical reports, police reports, and other official documents.[17] Self-petitioners who submit affidavits are encouraged, but not required, to provide affidavits from more than one person. Any form of documentary evidence may be submitted, and the absence of a particular form or piece of evidence is not grounds for denial of the self-petition.

USCIS may issue an RFE or a Notice of Intent to Deny to notify self-petitioners of deficiencies in the self-petition and to allow them an opportunity to respond before issuing a final decision.[18]

C. Decision

1. Discretion

The decision to approve or deny a self-petition is not discretionary.[19] If USCIS determines that the alien meets all the eligibility requirements for the self-petition, USCIS approves the self-petition. If derogatory information unrelated to eligibility for the self-petition is discovered, the officer may forward the information to an investigation unit for appropriate action. Unless the derogatory information relates to eligibility for the self-petition, however, such information cannot serve as the basis for a denial.

2. Approvals

If USCIS determines that the facts and information provided with the Form I-360 demonstrate eligibility by a preponderance of the evidence, USCIS approves the self-petition.

Self-petitioning spouses, children, and parents of abusive U.S. citizens are considered immediate relatives and make seek adjustment of status or an immigrant visa immediately after approval of the self-petition, as a visa is immediately available for this category of family-based immigrants.[20] Immediate relatives in the United States also have the option to file an application for adjustment of status concurrently with the self-petition, as the visa is immediately available after the petition is approved.[21]

Self-petitioning spouses and children of abusive LPRs receive a visa number from a family-based preference category when the self-petition is approved and may file an application for adjustment of status or seek an immigrant visa when a visa is available.[22] If a self-petitioner seeks an immigrant visa from outside the United States, USCIS forwards the self-petition to the National Visa Center.[23]

Note that an approved self-petition does not confer immigration status to self-petitioners and their derivative beneficiaries. An approved self-petition provides immigrant classification so that the self-petitioner and any derivative beneficiaries have a basis upon which they may be eligible to apply for lawful permanent resident status.

Employment Authorization

Approved self-petitioners and their derivative beneficiaries are eligible for employment authorization.[24] USCIS may issue an Employment Authorization Document (EAD) to principal self-petitioners upon approval if they requested an EAD on Form I-360.[25]

Derivative beneficiaries may apply for an EAD by submitting an Application for Employment Authorization (Form I-765) and supporting documentation of the principal's approved self-petition and of the qualifying derivative relationship. Persons eligible for employment authorization based on an approved self-petition receive an EAD with a (c)(31) employment authorization code.

Approved principal self-petitioners and derivative beneficiaries must file Form I-765 when renewing their VAWA-based employment authorization.[26] Principal self-petitioners and derivatives who are living outside of the United States are not eligible to receive an EAD.

Deferred Action

Approved self-petitioners and their derivative beneficiaries may be considered for deferred action on a case-by-case basis.[27] Derivative beneficiaries requesting deferred action must include a copy of the self-petitioner's approval notice and evidence of the qualifying derivative relationship with the request.

3. Denials

If USCIS finds that the facts and information provided with the Form I-360 do not demonstrate eligibility by a preponderance of the evidence, then USCIS denies the self-petition. USCIS notifies the self-petitioner of the denial in writing and provides the reason(s) for the denial and the right to appeal the decision.[28] A denial of a self-petition does not prevent the self-petitioner from filing another self-petition.

D. Special Considerations for Self-Petitions Filed Subsequent to Family-Based Immigrant Petition and Adjustment Application

Self-petitioners may have previously been the beneficiary of a Petition for Alien Relative (Form I-130) and filed an Application to Register Permanent Residence or Adjust Status (Form I-485) before filing the self-petition. If the Form I-485 is pending, self-petitioners may notify USCIS either verbally in person or in writing by mail to the local USCIS field office that they filed a self-petition, and request that USCIS hold adjudication of the Form I-485 until the Form I-360 is adjudicated and change the underlying basis of the pending Form I-485 to the self-petition.

If a person intends to file a self-petition, they may notify USCIS either verbally in person or in writing by mail to the local USCIS field office of their intention to file the Form I-360 and request that USCIS hold the adjudication of the Form I-485. The written notification should contain the person's name and A-Number, and a safe address where USCIS can contact them. The person has 30 days from the day USCIS receives notification of the request to file the Form I-360. If the self-petitioner does not file a self-petition within 30 days of the request, USCIS continues adjudication of the Form I-485 based on the Form I-130. Officers may check USCIS electronic systems to confirm that a self-petition was filed.

When a person notifies USCIS that they intend to file a self-petition or have already filed a self-petition, DHS considers the confidentiality protections at 8 U.S.C. 1367(a)(1) to apply to the self-petitioner.[29] However, if the person does not file a self-petition, USCIS concludes they do not want be treated as a VAWA self-petitioner and the protections of 8 U.S.C. 1367 will not apply to the adjudication of any forms.[30]

Footnotes

[^ 1] See 8 CFR 204.2(e)(6).

[^ 2] See the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193 (PDF), 110 Stat. 2105 (August 22, 1996) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208 (PDF), 110 Stat. 3009 (September 30, 1996), which restricted eligibility for public assistance to "qualified aliens."

[^ 3] See Pub. L. 104-193 (PDF), 110 Stat. 2105 (August 22, 1996).

[^ 4] See 8 CFR 204.2(c)(6)(ii). See 8 CFR 204.2(e)(6)(ii). For more information, see Chapter 2, Eligibility Requirements and Evidence [3 USCIS-PM D.2].

[^ 5] See 8 CFR 204.2(c)(6)(ii). See 8 CFR 204.2(e)(6)(ii).

[^ 6] See 8 CFR 204.2(c)(6)(iii). See 8 CFR 204.2(e)(6)(iii).

[^ 7] See 62 FR 60769, 60770 (PDF) (November 13, 1997).

[^ 8] See 8 CFR 103.2(b)(8).

[^ 9] See 8 CFR 204.2(c)(6)(ii). See 8 CFR 204.2(e)(6)(ii).

[^ 10] See 8 CFR 204.2(c)(6)(iii). See 8 CFR 204.2(e)(6)(iii).

[^ 11] See *Matter of Chawathe* (PDF), 25 I&N Dec. 369 (AAO 2010); *Matter of Martinez* (PDF), 21 I&N Dec. 1035, 1036 (BIA 1997); and *Matter of Soo Hoo* (PDF), 11 I&N Dec 151 (BIA 1965). Note that in certain circumstances, the self-petitioner may be required to satisfy a higher standard of proof. See Chapter 3, Effect of Certain Life Events, Section B, Self-Petitioner's Marriage or Remarriage [3 USCIS-PM D.3(B)].

[^ 12] See INA 291. See *Matter of Brantigan* (PDF), 11 I&N Dec. 493 (BIA 1966).

[^ 13] See 8 CFR 204.1(f).

[^ 14] See INA 204(a)(1)(J). See 8 CFR 204.2(c)(2)(i). See 8 CFR 204.2(e)(2)(i). See 61 FR 13061 (PDF) (March 26, 1996).

[^ 15] See INA 204(a)(1)(J). See 8 CFR 204.2(c)(2)(i). See 8 CFR 103.2(b)(2)(iii). See 8 CFR 204.2(e)(2)(i). See 61 FR 13061 (PDF) (March 26, 1996).

[^ 16] See INA 204(a)(1)(J). See 8 CFR 204.2(c)(2)(i). See 8 CFR 204.2(e)(2)(i). See 61 FR 13061 (PDF) (March 26, 1996).

[^ 17] See 61 FR 13061, 13068 (PDF) (March 26, 1996).

[^ 18] See 8 CFR 103.2(b)(8).

[^ 19] See INA 204(b).

[^ 20] See INA 201(b). See INA 245(a). See 8 CFR 245.2(a)(2)(i). See 8 CFR 245.1(g).

[^ 21] See 8 CFR 245.2(a)(2)(i)(B) and (C).

[^ 22] See INA 203(a). See INA 245(a). See 8 CFR 245.2(a)(2)(i). See 8 CFR 245.1(g). Visa availability depends on several factors, including the self-petitioner's immigrant classification. Information on visa availability and priority dates is available at the Adjustment of Status Filing Charts from the Visa Bulletin web page. For more information, see Volume 7, Adjustment of Status, Part A, Adjustment of Status Policies and Procedures, Chapter 3, Filing Instructions, Section B, Definition of Properly Filed, Subsection 4, Visa Availability Requirement [7 USCIS-PM A.3(B)(4)] and Chapter 6, Adjudicative Review, Section C, Verify Visa Availability [7 USCIS-PM A.6(C)].

[^ 23] See 8 CFR 204.2(c)(3)(i). See 8 CFR 204.2(e)(3)(i).

[^ 24] See INA 204(a)(1)(K). See INA 204(a)(1)(D)(i)(II). See INA 204(a)(1)(D)(i)(IV).

[^ 25] See INA 204(a)(1)(K). See the Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360).

[^ 26] For additional information on VAWA-based employment authorization, see Instructions for Form I-360 and the Application for Employment Authorization (Form I-765).

[^ 27] See INA 103(a). See INA 204(a)(1)(D)(i)(II). See INA 204(a)(1)(D)(i)(IV). See *Heckler v. Chaney*, 470 U.S. 821, 831 (1985). Note that deferred action does not permit a person to re-enter the United States lawfully without prior approval if the person were to depart the country.

[^ 28] See 8 CFR 204.2(c)(3)(ii). See 8 CFR 204.2(e)(3)(ii). See 8 CFR 103.3(a).

[^ 29] See 8 U.S.C. 1367. See Implementation of Section 1367 Information Provisions (PDF), DHS Instruction 002-02-001, Revision 00.1, issued November 7, 2013. For more information, see Volume 1, General Policies and Procedures, Part A, Public Services, Chapter 7, Privacy and Confidentiality, Section E, VAWA, T, and U Cases [1 USCIS-PM A.7(E)].

[^ 30] See 8 U.S.C. 1367(a)(1).

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CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF REBECCA BROWN IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL

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** Pro Hac Vice Application Forthcoming*

DECLARATION OF REBECCA BROWN IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL

1. I, Rebecca Brown, of full age, do hereby declare as follows:

2. I am an attorney licensed to practice law in the State of California and duly admitted to appear before the United States District Court for the Central District of California. I have personal knowledge of the matters set forth in this Declaration.

3. I, along with my colleague Kathleen Rivas (collectively, the "Public Counsel Team"), represent Plaintiffs and the proposed classes in this matter. I respectfully submit this Declaration in support of Plaintiffs' Motion for Class Certification and Appointment of Class Counsel for the purpose of setting forth the Public Counsel Team's qualifications in the areas of immigration law, complex litigation, and class action litigation.

4. I work as a strategic litigation and policy Supervising Attorney in the Immigrants' Rights Project ("IRP") at Public Counsel, located at 610 S. Ardmore Avenue, Los Angeles, CA 90005. I oversee impact litigation on behalf of immigrant children and families.

5. Public Counsel, based in Los Angeles, is a non-profit public interest law firm dedicated to advancing civil rights and racial and economic justice, amplifying the power of its clients through comprehensive legal advocacy. Founded in 1970 and strengthened by a pro bono legal service model, Public Counsel's staff and volunteers seek justice through direct legal services, promote healthy and resilient communities through education and outreach, and support community-led efforts to transform unjust systems in and beyond Los Angeles. Public Counsel's IRP provides pro bono placement, support, and direct representation to immigrants, including unaccompanied minors, asylum seekers,

detained immigrants, and survivors of serious crime and human trafficking, and currently represents hundreds of individuals seeking humanitarian immigration relief. We also engage in appellate representation before the Board of Immigration Appeals ("BIA") and the U.S. Court of Appeals for the Ninth Circuit ("Ninth Circuit"). Public Counsel regularly engages in immigration litigation in federal courts related to the Administrative Procedure Act, and constitutional law violations. *See, e.g.*, *Flores v. Sessions*, CV 85-4544-DMG (challenging the federal government's family separation policy on constitutional grounds), *J.L. v. Cuccinnelli*, CV 18-4914 (challenging the federal government's policy which resulted in denials of Special Immigrant Juvenile Status ("SIJS") to petitioners in California); *Franco v. Holder*, CV 10-02211 DMG (a class action lawsuit on behalf of hundreds of immigration detainees in California, Arizona, and Washington who suffer from severe mental disabilities); and *Regents of the University of California v. DHS*, 18-15068 (challenging DHS's decision to end the Deferred Action for Childhood Arrivals program). In fact, Public Counsel has been at the forefront of past and current federal immigration class action litigation.

6. The Plaintiffs and class members in this case lack sufficient resources to pursue litigation on an individual basis as most are from indigent backgrounds. Plaintiffs and class members are noncitizen survivors of serious crime and trafficking and subjected to immigrant arrest and detention. Plaintiffs' counsel has no conflict of interest with the class members in this litigation. Plaintiffs' counsel routinely represents Plaintiffs like the ones represented in this case.

7. I have worked in immigration law for fifteen years. I am a 2011 graduate of Franklin University Switzerland with a BA in International Relations. I am a 2022 graduate of Loyola Law School, Los Angeles where I served on Loyola of Los Angeles Law Review. My article on "sanctuary" laws, immigration law, and recommendations for comprehensive reform was published and I received

a degree concentration in Immigrant Advocacy. Prior to law school, I served at Central American Legal Assistance from 2012-2019 in Brooklyn, New York and was a Department of Justice Accredited Representative. As a DOJ Accredited Representative, I represented hundreds of indigent noncitizens seeking humanitarian relief— including numerous survivor applicants— before the immigration courts and USCIS.

8. Since 2022, my work has focused on , and building capacity among other representatives of, noncitizens in immigration matters, with particular emphasis on humanitarian relief. In 2022, I was selected as the Loyola Law Public Interest Fellow within IRP. From 2022 to 2023, my fellowship focused specifically on providing representation to children eligible for humanitarian relief and expanding access to counsel for immigrant communities. In 2023, I transitioned to Interim Supervising Staff Attorney of the Unaccompanied Children's Team, where I supervised a team of 12 attorneys, social workers, and paralegals serving approximately 200 unaccompanied children seeking asylum and other humanitarian relief. In 2024, I became responsible for constructing and enacting strategic litigation and policy for IRP. I have authored and co-authored numerous amicus briefs on immigration law, coordinated with state and federal lawmakers to draft legislation to benefit immigrant communities, and been asked to speak publicly on issues affecting immigrants. I have also served as a guest lecturer at the University of California, Los Angeles.

9. During my time at Public Counsel, I have litigated cases on behalf of immigrants before immigration judges, the BIA, federal district courts, the Ninth Circuit, and the California state courts. I am a member of the Bar of the State of California, and admitted to practice before several federal courts, including the Northern District of California, the Central District of California, and the United States Court of Appeals for the Ninth Circuit.

10. I serve as co-counsel in complex federal civil rights actions, including class actions, on behalf of noncitizens, including *Vasquez Perdomo v. Noem*, 2:25-cv-05605 (C.D. Cal. filed July 2, 2025) (class action), *A.C.R. v. Noem*, No. 1:25-cv-03962 (E.D.N.Y. filed July 17, 2025) (class action), and *J.P. et al. v. USA*, No. 2:2022cv00683 (D. Ariz. 2023). Recently, I was awarded the Daily Journal's California Lawyer Attorney of the Year Award, in recognition of my work on *J.P. et al v. USA*.

11. Throughout these cases, I have distinctive knowledge and specialized skill in the area of immigrants' rights litigation in federal courts, class action litigation on behalf of low-income clients, and complex civil rights litigation, as well as the intersection between immigration, civil rights, and impact litigation.

12. Kathleen Rivas is a Supervising Attorney with the Immigrants' Rights Project at Public Counsel. Ms. Rivas leads IRP's Survivor Team, which is responsible for assisting indigent U, T, and VAWA applicants. Ms. Rivas has over seven years of experience in immigration law, advocating for underserved immigrants in their humanitarian immigration matters, and engaging in policy advocacy and strategic litigation to advance and protect the rights of immigrant communities.

13. Ms. Rivas has also been recognized for her litigation and advocacy efforts engaged in strategic litigation on behalf of immigrants. She represented a domestic violence survivor in a federal lawsuit, *Ruiz Pozuelos v. Mayorkas*, challenging an adverse decision under the Administrative Procedure Act – a case that earned her the Daily Journal's California Lawyer Attorney of the Year Award in 2024.

14. Prior to joining Public Counsel in 2020, Ms. Rivas spent two years as a clinical law student in the Loyola Immigrant Justice Clinic, working with underserved immigrants in their humanitarian immigration matters. During her

years at Loyola Law School, Ms. Rivas interned with the Survivor Justice Center, Kids in Need of Defense and the Pro Bono Dilley Project, gaining additional experience in serving underserved immigrants in their humanitarian immigration matters.

15. Public Counsel has several other attorneys with substantial experience in class action and complex federal litigation with whom we regularly consult. Although we are not seeking appointment of these individuals as class counsel, their continued consultation will provide valuable assistance in this matter and further the interests of Plaintiffs and members of the class.

16. I have distinctive knowledge and specialized skill in the area of immigration-related litigation in the federal courts and survivor-based benefits in particular and will adequately and fairly represent the interests of the class.

17. Public Counsel has not received nor will it receive reimbursement from the individual Plaintiffs or class members in this case. Public Counsel has committed to representing Plaintiffs and members of the proposed class on a pro bono basis, to deploy required resources in support of this litigation, and to litigate this case to resolution.

18. Pursuant to 28 U.S.C. § 1746, I affirm under penalty of perjury that the above statements are true and correct.

October 16, 2025 s/ Rebecca Brown

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IMMIGRATION CENTER FOR WOMEN AND CHILDREN, *et al.*,

Plaintiffs,

v.

KRISTI NOEM, SECRETARY OF HOMELAND SECURITY, IN HER OFFICIAL CAPACITY, *et al.,*

Defendants.

Case No.: 2:25-cv-09848

DECLARATION OF JORDAN WEINER ON BEHALF OF LA RAZA CENTRO LEGAL

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* *Pro Hac Vice Application Forthcoming*

DECLARATION OF JORDAN WEINER

I, Jordan Weiner, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. I am the Legal Director of the Immigration Removal Defense Program at La Raza Centro Legal ("LRCL"). LRCL seeks to serve as class counsel for a class of individuals with pending U visa, T visa, and VAWA applications who are at risk of deportation because of the government's new crime victim policies.

3. I have significant experience in federal immigration litigation, specifically litigating habeas petitions on behalf of immigrant detainees. While a staff attorney at American Friends Service Committee from 2019 to 2022, I was counsel of record in at least ten habeas cases, including the following:

   (a) *Martin R.V. v. Tsoukaris*, No. 20-5225 (CCC), 2020 U.S. Dist. LEXIS 212380, (D.N.J. November 13, 2020).

   (b) *Romeo S.K. v. Tsoukaris*, No. 2:20-cv-05512-jmv, 2020 U.S. Dist. LEXIS 87661 (D.N.J. May 18, 2020).

   (c) *Jose C.G. v. Anderson*, No. 20-7313 (CCC), 2021 U.S. Dist. LEXIS 2373, (D.N.J. January 6, 2021).

   (d) *Wilmer R.R. v. Cirillo*, No. 21-5436 (MCA), 2021 U.S. Dist. LEXIS 130160, (D.N.J. July 13, 2021).

4. Most recently, LRCL has begun filing habeas petitions for immigrants arrested while attending their hearings at San Francisco Immigration Court. Since July 2025, LRCL has filed 11 habeas petitions on behalf of 35 individuals. Those cases are:

   (a) *Valera Chuquillanqui v. Kaiser*, No. 25-cv-06320-TLT, ECF 26 (N.D. Cal. Oct. 2, 2025) (order granting preliminary injunction).

   (b) *Mendez v. Kaiser*, No. 3:25-cv-06537 (N.D. Cal Aug. 3, 2025) (voluntarily dismissed for improper venue and refiled as part of multi-petitioner habeas action

Espinoza v. Kaiser, No. 1:25-CV-01101 JLT SKO, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025) (order granting preliminary injunction)).

(c) *Jimenez Garcia v. Kaiser*, No. 25-cv-06916-TSH (EKL), ECF 22 (N.D. Cal. Aug. 22, 2025) (order granting preliminary injunction).

(d) *Pineda Campos v. Kaiser*, No. 25-CV-06920-(EKL), 2025 WL 2454050 (N.D. Cal. Aug. 16, 2025) (hearing on the motion for preliminary injunction was held on September 22, 2025, and a decision is forthcoming).

(e) *Hernandez Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025) (order granting preliminary injunction).

(f) *Salcedo Aceros v. Kaiser*, No. 3:25-cv-06924-EMC, 2025 U.S. Dist. LEXIS 179594 (N.D. Cal. Sept. 12, 2025) (order granting preliminary injunction).

(g) *Jaraba Oliveros v. Kaiser*, No. 5:25-cv-07117-BLF, 2025 U.S. Dist. LEXIS 183943 (N.D. Cal. Sept. 18, 2025) (order granting preliminary injunction).

(h) *Cordero Pelico, et al. v. Kaiser*, No. 25-CV-07286-EMC, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025) (order granting preliminary injunction in multi-petitioner habeas action on behalf of five individuals).

(i) *Caicedo Hinestroza, et al. v. Kaiser*, No. 25-cv-07559-JD (N.D. Cal. Sept. 9, 2025) (multi-petitioner habeas action on behalf of three individuals) (hearing on the motion for preliminary injunction was held on September 22, 2025, and a decision is forthcoming).

(j) *Acosta Roa, et al. v. Albarran*, No. 3:25-cv-07802-RS, 2025 U.S. Dist. LEXIS 189485 (N.D. Cal. Sept. 25, 2025) (multi-petitioner habeas action on behalf of eight individuals) (order granting preliminary injunction).

(k) *Cardenas Castellanos, et al. v. Kaiser*, 5:25-cv-07962-NW, 2025 U.S. Dist. LEXIS 183957 (N.D. Cal. Oct. 14, 2025) (multi-petitioner habeas action on behalf of five individuals) (order granting preliminary injunction).

(l) *Serrano v. Albarran, et al. v. Albarran*, No. 5:25-cv-08408-EKL, 2025 U.S. Dist. LEXIS 195917 (N.D. Cal. Oct. 2, 2025) (multi-petitioner habeas action on behalf of five individuals) (decision on motion for preliminary injunction forthcoming).

5. LRCL was also an organizational plaintiff and served as class counsel in *Casa Libre v. Mayorkas*, No. 2:22-cv-01510-ODW (JPRx), 2023 U.S. Dist. LEXIS 91941 (C.D. Cal. May 25, 2023) (class action challenging delays in the adjudication of Special Immigrant Juvenile petitions).

6. LRCL has sufficient resources to litigate this matter to completion. We are providing, and will continue to provide, our services pro bono to the class.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing statements are true and correct.

Executed this sixteenth day of October in San Francisco, California.

October 16, 2025

Jordan Weiner
Legal Director
Immigration Removal Defense Program
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Immigration Center for Women and Children, et. al.,

Plaintiffs,

v.

Kristi Noem, et. al.,

Defendants.

Case No.: 2:25-cv-09848-AB-AS

DECLARATION OF CARL BERGQUIST IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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COALITION FOR HUMANE IMMIGRANT RIGHTS
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* *Pro Hac Vice Application Forthcoming*

DECLARATION OF CARL BERGQUIST

I, Carl Bergquist, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. I am the General Counsel with the Coalition for Humane for Immigrant Rights ("CHIRLA").

3. CHIRLA seeks to serve as class counsel for the following classes:

(a) Pending Petition Class: All individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement;

(b) Deferred Action Class: All individuals to whom USCIS has granted deferred action based on a pending U or T visa petition and who, during the authorized period of deferred action, ICE detains, seeks to detain, or removed without providing notice and an opportunity to be heard regarding potential revocation of their deferred action status; and

(c) Stay of Removal Class: All individuals with a pending U or T visa petition who, since January 30, 2025, have been, are, or will be detained by ICE and who request or requested a stay of a final removal order prior to enforcement of that removal order.

4. Collectively, CHIRLA attorneys have relevant experience in complex litigation of numerous varieties, including class action litigation, immigration law and constitutional law. For instance:

(a) I have served as co-counsel in the following case, *Casa Libre Freedom House v. Alejandro Mayorkas,* No. 22-cv-01510, (C.D. Cal. 2022) (certified class action);

(b) I am currently serving as co-counsel in the following cases: *Coalition for Humane Immigrant Rights v. Noem,* No. 25-cv-00872, (D. DC 2025); *Vasquez Perdomo v. Noem,* No. 25-cv-05605 (C.D. Cal. 2025) (putative class action);

(c) Adam Reese is a CHIRLA Loyola Law School Litigation Fellow who recently passed the California Bar Exam and has been assisting me with some of the aforementioned cases as well as others in which CHIRLA serves as co-plaintiff.

5. CHIRLA has sufficient resources to litigate this matter to completion. We are providing, and will continue to provide, our services pro bono to these classes.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing statements are true and correct.

Executed this 17th day of October, 2025, in Ottawa Hills, Ohio.

/s/ Carl Bergquist
Carl Bergquist

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Attorneys for Plaintiffs

Additional counsel listed on following page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IMMIGRATION CENTER FOR WOMEN AND CHILDREN, *et. al.*,

Plaintiffs,

v.

KRISTI NOEM, *et al.,*

Defendants.

No. CV 2:25-cv-09848-AB-AS

DECLARATION OF BETHANY TERESE HOFFMAN IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Additional Counsel for Plaintiffs:
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**Pro Hac Vice Application Forthcoming*

DECLARATION OF BETHANY TERESE HOFFMANN

I, Bethany Terese Hoffmann, declare and state as follows:

BACKGROUND

1. My name is Bethany Terese Hoffmann.

2. I am an attorney licensed to practice law by the Supreme Court of Illinois. I have been practicing law focused solely on federal immigration and naturalization for over 17 years.

3. I am the at Principal Attorney of Hoffmann Immigration Law LLC, which is located at 401 E State St, Fl 2, Rockford, Illinois 61104. I have been working as a principal attorney for this firm for 14 years.

4. In my professional capacity, I have also served on the Executive Board for the Chicago Chapter of the American Immigration Lawyers' Association from 2019 to 2025. From 2023 to 2024, I also served as a member of the national Board of Governors for the American Immigration Lawyers' Association, which has over 17,000 member attorneys.

5. Approximately 40 percent of my practice is focused on Petitions for U Nonimmigrant Status for victims of criminal activity and Violence Against Women Act ("VAWA") Self-Petitions before U.S. Citizenship and Immigration Services. I currently serve on the VAWA/U/T Visa Committee for AILA National, whose purpose is to liaise with U.S. Citizenship and Immigration Services ("USCIS") regarding the processing questions related to these petitions and provide updated practice advisories and technical assistance to AILA member attorneys. I also served on the policy team, which co-authored and advocated for the passage of the Illinois Voices of Immigrant Communities Empowering Survivors ("VOICES") Act, which requires Illinois law enforcement agencies to sign Form I-918 Supplement B U Visa certifications for victims of qualifying criminal activities.

CLIENTELE

U-VISA

6. Our firm has represented over 750 individuals in petitioning for U visas, including over 350 clients with currently pending U visa petitions.

7. As a result of our legal services, since 2011 our firm has helped secure approved U-Visas for approximately 400 of our clients.

VAWA

8. Our firm has represented approximately 60 individuals in VAWA self-petitions, including 9 clients with currently pending VAWA self-petitions.

9. Nearly all of our U Visa and VAWA clients have established significant roots in their respective communities within the United States, including but not limited to: (a) starting families, (b) attending school, (c) buying houses, (d) leasing apartments, (e) getting married, (f) enrolling their children in school, (g) volunteering, (h) running businesses, and (i) and working with at risk youth.

THE IMMIGRANT SURVIVOR BENEFITS

10. It cannot be overstated how important survivor benefits are to immigrant victims of domestic violence, human trafficking, and other serious criminal activity. When counseling clients regarding either reporting a crime or cooperating with an ongoing criminal investigation or prosecution, protections afforded to U visa petitioners and their qualifying family members are a significant part of this discussion and are almost always considered by my clients when making decisions about assisting law enforcement in the detection or investigation of the crimes in which they were victimized.

11. Survivor benefits for U visa, T visa, and VAWA petitioners, including employment authorization, permit them to leave abusers, take their children out of dangerous environments, and attain financial stability.

12. Due to our clients' cooperation with law enforcement, there have been successful prosecutions for murder, arson, sexual assault, child sexual abuse, domestic violence, and other serious crimes.

TRUMP POLICY IS ARBITRARY

13. The current Trump administration's immigration enforcement policies enacted and carried-out according to Executive Order 14159, "Protecting the American People Against Invasion" (January 20, 2025), arbitrarily prioritizes the enforcement and removal statutes of the Immigration and Nationality Act of 1965 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, without taking into account the impact these enforcement policies have on the protections created by Congress for immigrant survivors found in the Violence Against Women Act of 1994 and its reauthorizations, and the Trafficking Victims Protection Act (TVPA) of 2000 and its reauthorizations.

14. Citing Executive Order 14159, on or about January 31, 2025, U.S. Immigration and Customs Enforcement ("ICE") issued Policy Number 11005.4, "Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits" ("Interim Guidance"), removing long-standing protections for immigrant survivors when "taking civil immigration enforcement actions against known beneficiaries of victim-based immigration benefits, or primary and derivative applicants or petitioners for such benefits."

15. The 2025 ICE Interim Guidance immediately canceled protections for immigrant victims or witnesses of crimes, some well over a decade old, including ending: (a) long-standing policy, absent special circumstances, that ICE should not initiate removal proceedings against an immediate victim or witness of a crime; (b) policy against removing or deporting applicants for victim-based benefits, absent special circumstances or aggravating factors; (c) the policy encouraging the exercise of prosecutorial discretion in detention and enforcement operations as applied to victims or witnesses of crimes; (d) the screening of encountered non-citizens for indications that they are the victim of criminal activity, and taking any victimization into account when determining whether to take civil enforcement action; and (e) requesting expedited adjudication requests by ICE to U.S. Citizenship and Immigration Services ("USCIS") for victim based benefits.[1]

16. In stripping immigrant survivors of long-standing protections afforded to U visa, T visa, VAWA self-petitioners and their derivative family members, the 2025 ICE Interim Guidance solely cites Executive Order 14159; and does not set forth any concrete reasons as to why protections for immigrant survivors, who are seeking benefits established by Congress, should be ended. The directive in the guidance instructing ICE officers and agents to "consult with the Office of the Principal Legal Advisor (OPLA) through their Field Office Directors or Special Agents in Charge prior to conducting a civil enforcement action" against known immigrant survivors is an insufficient safeguard to protect survivors, especially as it does not differentiate between survivors who have pending applications and survivors who have been granted deferred action through approved VAWA Self-Petitions, U or T visa Bona Fide Determinations, or U visa waitlist determinations.

HOW HAS THE NEW TRUMP POLICY CHANGED THINGS

17. Since February 2025, with the news of the ending of protections for immigrant survivors becoming reported to the public, our clients have:
    a. Expressed fear in reporting criminal activity to law enforcement.
    b. Expressed fear in attending local court proceedings due to reporting of ICE enforcement activity at the local courthouses.
    c. Expressed fear in filing for immigrant survivor benefits with USCIS.
    d. Expressed fear and despair in being able to take care of their children, many of whom are U.S. Citizens, and also direct victims of criminal activity. This fear extends to daily activities, such as driving children to school, attending student-teacher conferences, grocery shopping, and taking their children to medical appointments.
    e. One client who has a removal order and is the survivor of sexual assault as well as a single mother, expressed extreme fear of attending her ICE Intensive Supervision Appearance Program (ISAP) check-in. This client assisted law

[1] See ICE Policy Statement 10076.1, "Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs" (June 17, 2011), and ICE Directive 11005.3, "Using a Victim-Centered Approach with Noncitizen Crime Victims (December 2, 2021).

enforcement in the prosecution of her attacker, who was sentenced to a term of imprisonment for his crime against her.

THE IMPACTS AGAINST U-VISA APPLICANTS/RECIPIENTS SINCE FEBRUARY 2025

f. Since February 2025, one of our clients, with a pending U visa derivative petition, was detained by ICE at his scheduled biometrics appointment related to his pending survivor benefit request. This client was deported, despite having a pending U visa petition with USCIS.

g. Since February 2025, one of our clients with approved U Nonimmigrant Status has his administratively closed removal proceedings reopened before the Immigration Court.

h. Since February 2025, three of our other clients granted deferred action by USCIS based on their pending U Nonimmigrant Status Applications had OPLA file motions to recalendar their administratively closed removal proceedings before the Immigration Court.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

Signed this 8th day of October 2025.

Bethany T. Hoffmann

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IMMIGRATION CENTER FOR WOMEN AND CHILDREN, *et. al.*,

Plaintiffs,

v.

KRISTI NOEM, *et al.,*
Defendants.

No. CV 2:25-cv-09848-AB-AS

DECLARATION OF LUCY EGBERG IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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**Pro Hac Vice Application Forthcoming*

Declaration of Lucy Egberg

I, Lucy Egberg, hereby truthfully testify that:

1. My name is Lucy Egberg. I submit this declaration to shed light on how the 2025 Vitello Memo has impacted my clients.
2. I am a founding partner at Davis and Egberg, PPLC, located in Minneapolis, Minnesota. The office was established in February 2018.
3. Since opening, our office has represented numerous individuals in U Visa Petitions, T visa Applications, and VAWA Petitions. These petitions provide crucial protection for vulnerable immigrants who have suffered trafficking, serious criminal activity, and domestic violence. A critical goal of these programs is to encourage victims of crimes to report criminal offenses and cooperate with the investigation of the crime--through the prosecution.
4. Our clients are individuals who are deserving of discretion. Most of our clients boast strong ties in their communities in the United States. Most are dedicated parents, they volunteer in their church and community, and they contribute to the economy. Many of our clients have lived in the United States since they were teenagers or minor children.
5. Unfortunately, due to their lack of status, many of our clients are at greater risk for victimization and at higher risk for abuse. The protections offered by U and T visas allow these individuals to report these abuses without the threat of deportation. Moreover, despite risk to safety, these brave clients are consistently willing to cooperate in any ongoing investigation or prosecution.
6. Previously these clients could have comfort in ICE policies that aimed to strengthen trust in the immigration and criminal justice system as well as protect the victims as they navigate the system. However, the recent recission of prior ICE directives (ICE Directive 11005.4) on enforcement against immigrant survivors of crime, trafficking, or abuse, weakens the strength of the U and T visa programs and the benefits that the programs provide to the criminal justice system.
7. The new directive fails to provide a meaningful explanation or data as for why the prior policies were inappropriate and why they required an abrupt recission. It also fails to justify the value of increased ICE enforcement against victims which will unquestionably

create a disincentive for reporting criminal activity and cooperating in criminal investigations and prosecutions.

8. Our office has communicated with multiple individuals who have endured swift removals from the United States despite having pending U visa applications and deferred action grants. We have also witnessed denial of important protections from removal for similarly suited individuals.
9. In light of these changes, we have discovered that individuals are far more fearful to attend immigration hearings, ICE check-ins, and simply participate in their day-to-day lives. We have also noticed an increased fear in cooperating as victims in pending criminal matters, particularly when the prosecutor is requesting that the victim appear in court.
10. The sentiments of these individuals underscore the importance of clear and measurable protections to these vulnerable immigrants. When the victims and witness are afraid to testify, our law enforcement agencies lose access to critical evidence and witnesses. The result of this fear directly undercuts the important statutory purpose of T, U and VAWA petitions.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

NAME

10/09/2025
Date

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IMMIGRATION CENTER FOR WOMEN AND CHILDREN, *et. al.*,

Plaintiffs,

v.

KRISTI NOEM, *et al.,*

Defendants.

No. CV 2:25-cv-09848-AB-AS

DECLARATION OF EMMA DEMPSTER-GREENBAUM IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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**Pro Hac Vice Application Forthcoming*

DECLARATION OF EMMA DEMPSTER-GREENBAUM

I, Emma Dempster-Greenbaum, declare and state as follows:

BACKGROUND

1. My name is Emma Dempster-Greenbaum, and I submit this declaration in support of the Center for Human Rights and Constitutional Law's lawsuit challenging the detention of noncitizen survivors of crime, trafficking, and domestic violence.
2. I am a Law Clerk at Mills & Born, LLC, a law firm located at 33 Chelsea Street, Everett, Massachusetts. I have been working here for seven months, and I have several years of previous experience working with immigration legal service providers.
3. Mills & Born is a small law firm that strives to provide low-cost, high-quality legal services to immigrants, with a focus on humanitarian and family-based immigration law.

CLIENTLE

4. Mills & Born has represented several hundred individuals in U visa petitions and dozens of individuals in VAWA self-petitions in the last ten years.
5. The vast majority of our survivor clients have established significant roots in their respective communities within the United States, including but not limited to: (a) starting families, (b) attending school, (c) buying houses, (d) leasing apartments, (e) getting married, (f) enrolling their children in school, (g) volunteering.

THE IMMIGRANT SURVIVOR BENEFITS

6. Our clients rely on the protections offered by U visas when they decide to report crime. We have worked with clients who disclosed being victimized to us, and would regularly advise that reporting what happened to them and cooperating with law enforcement could offer them immigration protections. Many clients arrive in the United States with experiences of ineffective, biased, or corrupt law enforcement in their home country, and as a result may be reluctant to report crimes or assist in police investigations, especially when they fear that contact with law enforcement puts them at risk of immigration enforcement actions.
7. Our clients also rely on the protections offered by U visas and by VAWA relief in domestic violence situations. Abusers often use the threat of immigration enforcement as an abuse tactic, and ensuring that clients are aware of the protections they can avail themselves of in these situations is an important tool in empowering them to leave abusive situations and to cooperate with law enforcement to seek justice against perpetrators of abuse and violence.

THE IMPACTS AGAINST U-VISA APPLICANTS/RECIPIENTS SINCE FEBRUARY 2025

8. Since February 2025,
    a. One of our clients with a pending U Visa application who has received deferred action was detained in September 2025 following a traffic stop. Because he is subject to mandatory detention under the new BIA interpretation of INA 235(b) and DHS refused to set bond, our office had to file a habeas corpus petition in

federal court to request our client's release. Our petition remains pending and our client is still detained, separated from his wife and United States citizen children. Our client's U visa petition was based on his assistance with the law enforcement investigation of the sexual assault of his young daughter. Our client now has an individual hearing for his removal proceedings scheduled for November, by which his U application is unlikely to be approved.

THE IMPACTS AGAINST VAWA APPLICANTS/RECIPIENTS SINCE FEBRUARY 2025

1. Since February 2025,
    a. At least one of our clients with pending VAWA status and a prima facie determination of VAWA eligibility has also been detained, alongside his teenage son, a derivative of his VAWA petition. We attempted to contact the VAWA hotline to request expedited processing of his petition, as only USCIS can process these petitions, but received no response, leaving him without available relief before the court.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

Date: 10/21/2025

Emma Dempster-Greenbaum

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Defendants.

No. CV 2:25-cv-09848-AB-AS

DECLARATION OF CLAIRE FAWCETT IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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**Pro Hac Vice Application Forthcoming*

DECLARATION OF CLAIRE FAWCETT

I, Claire Fawcett, declare and state as follows:

BACKGROUND

1. My name is Claire Fawcett, and I submit this declaration in support *Immigration Center for Women and Children v. Noem,* Case No. 2:25-cv-009848.
2. I am the Director of Attorneys at Vanderwall Immigration, which is located at 8625 SW Cascade Ave, Ste 450, Beaverton, OR 97008. We also have a location in Salem at 943 Liberty St SE, Salem, Oregon, 97302. I have been working at Vanderwall for 4 years.
3. At Vanderwall Immigration, our mission is to provide personalized, compassionate advocacy to unite families through immigration.

CLIENTLE

U-VISA

4. Vanderwall Immigration has represented hundreds of individuals in U visa petitions. We currently represent 134 clients and their derivative family members in pending U-visa petitions.
5. As a result of our legal services, since 2024, Vanderwall has helped secure approved U-Visas for five of our clients and their family members who were included in the case.
6. Vanderwall currently represents approximately 30 clients with approved U-Visas who are seeking residency.

T-VISA

7. Vanderwall has just begun to represent individuals in T visa petitions, including 25 clients (not including their derivatives) with currently pending T-Visa applications. In the past two years, Vanderwall has had one T-visa approved.

VAWA

8. Vanderwall has represented hundreds of individuals in VAWA self-petitions. We currently represent 23 clients and their derivative family members in pending VAWA petitions.
9. As a result of our legal services, since 2024, Vanderwall has helped secure approved VAWA petitions or VAWA Adjustments for seven of our clients.

10. The vast majority of our clients have established significant roots in their respective communities within the United States, including but not limited to: (a) starting families, (b) attending school, (c) buying houses, (d) leasing apartments, (e) getting married, (f) enrolling their children in school, (g) volunteering, and (d) participating in church services here.

THE IMMIGRANT SURVIVOR BENEFITS

11. Our clients trusted law enforcement and relied upon the protection of the T-visa and U-visas when deciding to report the crimes, trafficking, and abuse to which they were

subjected. Our firm has often encouraged clients to report crimes and trafficking because of the protections offered by the T-visa, U-visa, and VAWA.

12. As a direct result of the work authorization and security our clients have gained from these forms of relief, they have been able to separate or remain separated from abusive partners or traffickers and to provide for their families.
13. Because our clients cooperated with law enforcement, local prosecutors have been successfully able to convict perpetrators of domestic violence, sexual abuse, and other violent crimes.

TRUMP POLICY IS ARBITRARY

14. The Trump policies to arrest and detain anyone who entered the U.S. unlawfully or overstayed, regardless of their specific situation, criminal record, or what applications they have submitted to USCIS, is in direct contradiction of the purpose of the Trafficking Victims Protection Reauthorization Act, which was created by Congress to encourage undocumented immigrants to come forward to cooperate with law enforcement to identify and stop crimes, such as domestic violence, trafficking, and sexual abuse.
15. Because of Trump's policies, T-visa, U-visa, and VAWA applicants live in daily fear of being separated from their families because of having bravely come forward to report crimes, trafficking, and abuse. Additionally, potential future applicants for these forms of relief are now fearful of reporting crimes to law enforcement and more fearful of submitting petitions for which they legally qualify, as they know that if their U-visa, T-visa, or VAWA petition is denied, they will be placed in proceedings and they are not fully protected from immigration enforcement, even with petitions pending.

HOW HAS THE NEW TRUMP POLICY CHANGED THINGS

16. Since February 2025,
    a. Our clients are now fearful of reporting crimes to the police, going to their ICE check-in appointments, and attending immigration court or state court proceedings because they believe law enforcement will arrest and detain them.
    b. Our clients call our office daily, afraid that ICE will arrest and detain them, suddenly separating them from their families. Many of our T-visa, U-visa, and VAWA clients are single mothers who are separated from abusive partners and have no one to care for their children if they are arrested and detained by ICE.
    c. Our clients are fearful not only of situations involving law enforcement but also are fearful of performing daily activities such as going to work, picking their children up from school, attending church, and buying groceries.
    d. In addition to our current clients, we have had numerous consultations with clients who qualify for the T-visa, the U-visa, and VAWA but are too fearful to move forward because of the current ICE enforcement practices and the policy of referring denied cases to immigration court.

THE IMPACTS AGAINST U-VISA APPLICANTS/RECIPIENTS SINCE FEBRUARY 2025

17. Since February 2025,

a. Two of our clients, with pending U-Visa applications, both of whom have received a U-visa bonafide determination and deferred action, have been arrested and detained by ICE.
b. One of our clients was arrested while he and his son were leaving their home and got in their car to drive to work together. While driving in their neighborhood, they were stopped by an unmarked car with police lights. ICE agents swarmed the car and commanded our client to roll down his windows. The agents did not ask our client for an ID nor did they identify themselves before arresting him and taking him into custody. Our client remains in an ICE detention facility to this day and he is represented by a different attorney who is helping him with a Habeas petition. ICE told him he would be immediately deported because of a prior removal order and ICE placed him on a bus, but his Habeas counsel was able to file an emergency stay of removal to prevent his deportation. His Habeas attorney has filed Habeas petition for him in federal court and is currently attempting to obtain his release from custody. Our other client was swept up in an ICE raid last week in Hillsboro, Oregon. He attempted to explain to ICE officials that he has a work permit and deferred action as the direct result of submitting a U-visa case, but ICE arrested him anyway and handcuffed and shackled him. He was not allowed to make any phone calls to counsel or his relatives at the time of arrest. His family only heard about his arrest because he was able to pass his phone number to a bystander. When his family called our office, I immediately called the local ICE office and was told that he was not being held there. We could not locate him using the online system (the "detainee locator.") It was only through his consulate that we were able to confirm that he had been transferred to the ICE detention facility. I have reached out directly to the DHS Duty Attorney in Tacoma regarding his case, but I have not received a response. He has health issues, including a pacemaker, but has not yet been released. He is currently attempting to obtain counsel to represent him in his bond hearing or in a Habeas petition.
c. One of our clients, with a pending U-Visa application and a bonafide determination and deferred action has had removal proceedings reopened against him at ICE's request. He has had a U-visa pending since 2018, and his case was administratively closed since 2013.

THE IMPACTS AGAINST T-VISA APPLICANTS/RECIPIENTS SINCE FEBRUARY 2025

18. Since February 2025,
    a. Two of our clients with pending T-visa applications remain in proceedings, one of whom has a bonafide determination and deferred action. DHS opposed the termination of our client's court case because we did not submit an FBI background for her 11-year-old daughter, and the court denied termination. We have just renewed that motion with the FBI background check results for her daughter, and we are waiting to receive opposition or the court order regarding the renewed motion. The other client asked to continue his individual hearing so

that his T-visa could be adjudicated and ICE opposed our motion saying that the application was "speculative." We are currently drafting a response to their opposition.

THE IMPACTS AGAINST VAWA APPLICANTS/RECIPIENTS SINCE FEBRUARY 2025

b. We do not have any VAWA clients that are currently in removal proceedings. However, we do have a VAWA client with a submitted I-360 and a Bonafide Determination with an outstanding removal order. She obtained her conditional residency through her abuser, but he withheld information from her about how to remove the conditions of her residency, she was subsequently placed in removal proceedings, and she was removed in absentia without her knowledge. She is now a single mother to her two U.S. Citizen children and is terrified that ICE will reinstate her removal order any day and her children will have no one to care for them.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

Date 10/22/2025

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IMMIGRATION CENTER FOR WOMEN AND CHILDREN, *et. al.*,

Plaintiffs,

v.

KRISTI NOEM, *et al.,*
Defendants.

No. CV 2:25-cv-09848-AB-AS

DECLARATION OF JASMINE MCGEE IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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**Pro Hac Vice Application Forthcoming*

DECLARATION OF NEW MEXICO IMMIGRANT LAW CENTER

I, Jasmine McGee, declare and state as follows:

BACKGROUND

1. My name is Jasmine McGee, and I submit this declaration in support of the ongoing litigation.
2. I am a Managing Attorney at the New Mexico Immigrant Law Center (NMILC) which is in Albuquerque, New Mexico with offices in Santa Fe and Las Cruces. I have been working at NMILC since 2017, for over eight years.
3. NMILC's mission is to advance justice and equity by empowering low-income immigrant communities through collaborative legal services, advocacy, and education. NMILC is one of the nonprofit legal providers of free legal services for detained individuals in the state of New Mexico. The organization provides free legal services to immigrant survivors of crime, human trafficking and domestic violence. In addition, we have other specialized teams providing legal services to unaccompanied minors, detained and non-detained asylum seekers, and assisting with residency and citizenship applications.

CLIENTLE

U-VISA

4. Since NMILC's creation in 2012, it has represented individuals in U visa petitions, including 275 clients with currently pending U-Visa applications.
5. As a result of our legal services, since 2012, NMILC has helped secure hundreds of U-Visas for our clients
6. NMILC continues representing clients with approved U-Visas who are pursuing residency and then citizenship.

T-VISA

7. NMILC has represented hundreds of individuals in T visa petitions, including 30 clients with currently pending T-Visa applications.
8. NMILC continues to represent individuals with approved T visas as they navigate benefits, reunite with family, and continue to rebuild their lives.

VAWA

9. NMILC has represented hundreds of individuals in VAWA self-petitions, including 46 clients with currently pending VAWA self-petitions.

10. Most of our VAWA, T and U clients have established significant roots in their respective communities within the United States, including but not limited to: (a) starting families, (b) attending school, (c) buying houses, (d) leasing apartments, (e) getting married, (f)

enrolling their children in school, (g) volunteering. Several have gone on to become victim advocates with other non-profits, the District Courts and various District Attorney's offices, helping others access the protections in the State of New Mexico.

THE IMMIGRANT SURVIVOR BENEFITS

11. Many of our clients cooperate with law enforcement because they trust local law enforcement and trust that by cooperating with law enforcement, they are obtaining safety for themselves and/or children. Many of our clients, in addition to reporting crime, will obtain orders of protection, initiate divorce and custody proceedings, because they believe they are safe in accessing the local courts. The order of protection can be imperative to prevent ongoing harassment, or harm, while a District Attorney decides whether to prosecute a crime.
12. Many of our clients are connected to other various organizations to help get stability, develop safety plans, receive counseling services, and receive other ongoing services.
13. Many of our clients believe that once they have filed for relief, such as a U or T visa or VAWA relief, and have cooperated with law enforcement in reporting and/or prosecution that they are safe while they are waiting for the adjudication of that benefit. In some instances, like trafficking victims, they are told by the FBI or DHS's Homeland Security Investigations (HSI) that they are safe and not to worry.
14. However, one individual we encountered in detention at a New Mexico detention center had been granted a Bona Fide Determination on his pending U visa in March 2025. He has resided in the U.S. since he was six years old, for over twenty years. He has a U.S. Citizen daughter and is engaged to a U.S. Citizen. He does not have any criminal record, apart from traffic offenses. He was a victim of a drive by shooting. Someone shot into his home several times while he was sleeping. He reported the incident to police and cooperated in their investigation. He filed for the U visa in 2023 and he finally obtained a response in early March 2025. However, a few months later, ICE was waiting outside his home and stopped him as he drove out of his driveway on his way to work. They did not have a warrant, but only his photo. Our client was not in removal proceedings and did not have a final order of removal. He was detained in late June 2025 and transferred to El Paso and then a New Mexico detention center. He was not placed in removal proceedings until September 2025, and he didn't get to see an immigration judge until ninety days after his detention. ICE ERO was informed by our office about his Bona Fide Determination on his pending U visa. They did not make any initial custody determination and state they will wait until his immigration proceedings are concluded. Based on recent BIA decisions, the immigration judge cannot issue a bond in his case. He remains detained and fights against removal despite gaining the Bona Fide Determination and the right to deferred action and work authorization.

TRUMP POLICY IS ARBITRARY

15. The recent Trump Policies rescinding ICE Memos that protected sensitive locations from ICE enforcement such as churches, courthouses, domestic violence shelters etc. and rescinding the Morton Victim Memo have had a profound impact on our client's safety and willingness to engage with law enforcement. For example, it has been difficult to find a safe reporting agency for trafficking victims, because Homeland Security Investigations (HSI) can no longer accept reports without reporting to ICE ERO. Clients are afraid of filing orders of protection and going to their order of protection hearings, because abusers and their attorneys have called ICE and ICE has shown up at hearings. ICE has been waiting at child custody exchanges, because the abuser calls them. Clients are afraid of appearing as witnesses in criminal cases, because ICE may be waiting for them outside the courthouse. Clients are cancelling appointments with immigration attorneys and social workers in Southern New Mexico because they are afraid of leaving their homes and being detained by ICE or CBP because it is within 100 miles of the border. Individuals are overall scared to submit applications for relief based on victimization, because they fear giving the government any information or going to biometrics appointments and being detained.

HOW HAS THE NEW TRUMP POLICY CHANGED THINGS

16. Since February 2025, our clients have:
    a. There were reports that ICE was showing up in the Las Cruces New Mexico Family Court and detaining victims of domestic violence. Legal representatives had to start requesting video representation, but pro se petitioners were being denied the right to appear virtually.
    b. Many clients have contemplated no longer appearing in ongoing immigration court cases because of the threat of ICE dismissing their case and detaining them and attempting to deport them.
    c. Clients have missed ICE/ISAP check ins because of threats they will be deported, despite having pending U visa petitions filed. In one case, a Venezuelan woman received a call to appear for an ISAP check in, because a ticket had been booked for her deportation. However, she had a pending U Visa. An NMILC Attorney accompanied her to this check in and this "threat" of removal was retracted.
    d. During this time, law enforcement's support has been in question. It has become more difficult in certain areas to obtain a U Visa Certification. One District Attorney referred a case to our office, only to state that he no longer believed in the U visa. Other police departments have uttered similar responses.
    e. Another NMILC VAWA client was recently detained by ICE, when she went to exchange her daughter with her abusive ex USC spouse. ICE refused to exercise discretion and detained her and she remains detained, even with knowledge that she is a victim of domestic violence. There have been reports that this abusive

spouse has bragged to others in the small Asian immigrant community about calling ICE, and he immediately filed for sole custody of his daughter.

f. Some clients still report crime to police in certain areas of New Mexico, like Albuquerque, but a lot of domestic violence cases are being dismissed by the District Attorney because the victims are scared to appear in court as a witness. This has been a result of fear that ICE will be present, or follow them home, etc.

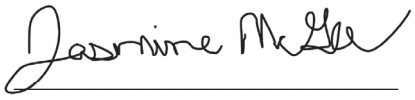
g. There is fear that if they file for relief, they will be exposing themselves to detention, or someone in their family. So there is an increased hesitancy to file for U or T relief if the Petitioner has certain criminal grounds of inadmissibility or a prior removal order. They have heard reports that ICE will be at biometrics appointments. Others don't want to file for adjustment of status based on VAWA, because they will have to appear for an interview and have heard they could be detained.

h. Most clients will not file for any form of public benefit, fearing the repercussions or providing this type of information to the state agencies.

i. Many individuals with pending U, VAWA and T relief will elect to be deported rather than remain in detention, because of the horrible conditions in the detention centers in New Mexico.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

Date 10/23/2025



Jasmine McGee