

CENTER FOR HUMAN RIGHTS &
CONSTITUTIONAL LAW
Carlos R. Holguín (Cal. Bar No. 90754)
Sarah E. Kahn (Cal. Bar No. 341901)
256 South Occidental Boulevard
Los Angeles, CA 90057
Telephone: (213) 388-8693
Email: crholguin@centerforhumanrights.org

Attorneys for Plaintiffs

Additional counsel listed on following page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JENNY LISETTE FLORES, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, Attorney General of
the United States, *et al.*,

Defendants.

No. CV 85-4544-DMG-AGR_x

PLAINTIFFS' NOTICE OF MOTION AND
MOTION TO MODIFY 2022 CBP
SETTLEMENT

JUDGE: Hon. Dolly M. Gee

Hearing: January 24, 2024
Time: 9:30 a.m.

1 NATIONAL CENTER FOR YOUTH LAW

2 Mishan Wroe (Cal. Bar No. 299296)

3 Diane de Gramont (Cal. Bar No. 324360)

4 1212 Broadway, Suite 600

5 Oakland, CA 94612

6 Telephone: (510) 835-8098

7 Email: mwroe@youthlaw.org

8 NATIONAL CENTER FOR YOUTH LAW

9 Rebecca Wolozin (admitted *pro hac vice*)

10 818 Connecticut Ave. NW, Suite 425

11 Washington, DC 20006

12 Telephone: (202) 868-4792

13 Email: bwolozin@youthlaw.org

14 CHILDREN'S RIGHTS

15 Leecia Welch (Cal. Bar No. 208741)

16 2021 Fillmore Street

17 San Francisco, CA 94115

18 Telephone: (415) 602-5202

19 Email: lwelch@childrensrights.org

20 CHILDREN'S RIGHTS

21 Eleanor Roberts (admitted *pro hac vice*)

22 88 Pine Street, Suite 800

23 New York, NY 10005

24 Telephone: (212) 683-2210

25 Email: eroberts@childrensrights.org

26

27

28

1 To Defendants and their attorneys of record:

2 Please take notice that on January 24, 2024, at 9:30 a.m., or as soon
3 thereafter as counsel may be heard, Plaintiffs will and do hereby move under
4 Federal Rule of Civil Procedure 60(b) to modify and extend the CBP Settlement
5 approved by this Court on July 29, 2022, as described in the accompanying
6 memorandum of law.

7 This motion is based upon the memorandum of law and exhibits filed
8 concurrently herewith, and all other matters of record; it is brought following
9 meetings of counsel pursuant to Local Rule 7-3 and Sec. XIII of the Settlement on
10 November 8, 2024, and December 16, 2024, as well as extensive written
11 correspondence.

12
13 Dated: December 20, 2024

CENTER FOR HUMAN RIGHTS AND
CONSTITUTIONAL LAW

14 Carlos R. Holguín
15 Sarah Kahn

16 NATIONAL CENTER FOR YOUTH LAW

17 Mishan Wroe
18 Rebecca Wolozin
19 Diane de Gramont

20 CHILDREN'S RIGHTS

21 Leecia Welch
22 Eleanor Roberts

23 /s/ Mishan Wroe

24 Mishan Wroe

25 *One of the Attorneys for Plaintiffs*
26
27
28

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CONSTITUTIONAL LAW
Carlos R. Holguín (Cal. Bar No. 90754)
Sarah E. Kahn (Cal. Bar No. 341901)
256 South Occidental Boulevard
Los Angeles, CA 90057
Telephone: (213) 388-8693
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Table of Contents

I. INTRODUCTION.....1

II. BACKGROUND2

 A. Overview of 2022 CBP Settlement.....2

 B. CBP Continues to Hold Class Members for Extended Periods in RGV and El Paso Thereby Exacerbating Harms of Detention3

 C. Brief History of CBP Non-Compliance.....4

 1. *CBP’s failure to comply with key terms of the Settlement*.....4

 2. *The transition to internal monitoring remains incomplete*.....5

III. ARGUMENT6

 A. Legal Standard6

 B. CBP Has Failed to Substantially Comply with the Settlement.....8

 1. *CBP has never substantially complied with the family unity provisions of the Settlement*8

 a. *... CBP routinely separates class members from their family members in detention.*9

 b. *....CBP does not comply with family visitation requirements of the Settlement*..... 11

 2. *CBP has never substantially complied with the phone and legal counsel access provisions of the Settlement* 13

 3. *CBP has never substantially complied with requirements to provide sufficient clean or warm clothing*..... 14

 4. *CBP has never substantially complied with the child-friendly, trauma-informed approach required by the Settlement*..... 15

 5. *CBP has not implemented satisfactory self-monitoring policies and protocols*..... 19

 C. Extending the CBP Settlement is a Suitably Tailored Modification in the Public Interest20

IV. CONCLUSION23

Table of Authorities

CASES	Page(s)
<i>David C. v. Leavitt</i> , 242 F.3d 1206 (10th Cir. 2001).....	7, 21
<i>Dep’t of Fair Emp. and Hous. v. Law Sch. Admission Council</i> , 12-CV-01830-JCS, 2018 WL 1156605 (N.D. Cal. Mar. 5, 2018).....	21, 22
<i>Flores v. Barr</i> , 2020 WL 5491445 (C.D. Cal. Sept. 4, 2020).....	13
<i>Flores v. Barr</i> , 2020 WL 5666550 (C.D. Cal. Oct. 4, 2020).....	22
<i>Flores v. Lynch</i> , 828 F.3d 898 (9th Cir. 2016).....	6
<i>Flores v. Sessions</i> , 394 F.Supp.3d 1041 (9th Cir. 2017).....	13
<i>Jeff D. v. Otter</i> , 643 F.3d 278 (9th Cir. 2011).....	7, 11, 13, 14, 15, 19, 21
<i>Kelly v. Wengler</i> , 822 F.3d 1085 (9th Cir. 2016).....	6, 7, 20, 21, 22
<i>Kerr v. Brede</i> , 180 Cal. App. 2d 149 (1960).....	13
<i>Labor/Cnty. Strategy Ctr. v. Los Angeles Cnty. Metro. Transp. Auth.</i> , 564 F.3d 1115 (9th Cir. 2009).....	6, 7, 22
<i>Rouser v. White</i> , 825 F.3d 1076 (9th Cir. 2016).....	7, 11, 12, 21
<i>Rufo v. Inmates of Suffolk County Jail</i> , 502 U.S. 367 (1992).....	6
<i>Serpa v. Cal. Sur. Investigations, Inc.</i> , 215 Cal. App. 4th 695 (2013).....	14
<i>Thompson v. U.S. Dep’t of Hous. & Urb. Dev.</i> , 404 F.3d 821 (4th Cir. 2005).....	7

1 *United States v. California*,
2 No. 06-CV-2667, 2012 WL 12906030 (C.D. Cal. Sept. 25, 2012)..... 7

3 **FEDERAL REGULATIONS**

4 6 C.F.R. § 115.114 10

5 **STATUTES**

6 Prison Rape Elimination Act (PREA) 10

7 **OTHER AUTHORITIES**

8 Carlo Schuengel et al., *Children with Disrupted Attachment Histories:*
9 *Interventions and Psychophysiological Indices of Effects* CHILD & ADOLESCENT
10 PSYCHIATRY & MENTAL HEALTH 2 (2009)..... 9

11 U.S. CUST. AND BORDER PROT., NATIONAL STANDARDS ON TRANSPORT, ESCORT,
12 DETENTION, AND SEARCH (2015)..... 8

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I. INTRODUCTION

For years, U.S. Customs and Border Protection (“CBP”) detained children in deeply inhumane and unsafe conditions in violation of the *Flores* Settlement Agreement (“FSA”). In 2019, after multiple Court orders finding CBP in violation of the FSA, Plaintiffs requested a temporary restraining order to address emergency circumstances in CBP facilities in the El Paso and Rio Grande Valley (“RGV”) sectors. Specifically, children were unnecessarily separated from family and held for weeks without basic sanitation, nutrition, or the essential requirements for sleep. A dangerous flu was spreading and CBP was failing to provide necessary medical treatment. Mem. of P. & A. in Supp. of Pls.’ Ex Parte App. [Doc. No. 572-1] (“Pls.’ TRO App.”).

In 2022, after years of court-ordered mediation, the Court approved a settlement agreement clarifying CBP’s obligations under the FSA for children in the RGV and El Paso sectors. The 2022 CBP Settlement Agreement (“Settlement”), provides for a 2.5-year term and requires independent monitoring and the creation of self-monitoring protocols to ensure that children continue to be held in compliant conditions following the termination of the Settlement. [Doc. No. 1254-1].

Despite the Settlement’s clear instructions, CBP continues to hold children in an environment that disregards their fundamental needs and causes harm. CBP has never substantially complied with the Settlement, as reflected in the Juvenile Care Monitor (“JCM”)’s consistent reports of non-compliance. In violation of the Settlement, CBP routinely separates children from parents and trusted family members, denies access to legal counsel, denies clean and warm clothing, and provides limited or no child-friendly activities, recreation, or trauma-informed care. The harms caused by these violations are exacerbated by prolonged periods of detention—often a week or longer, even during periods of low census. Finally, despite some important new protocols, CBP is not yet capable of self-monitoring.

1 CBP's lack of substantial compliance is a significant changed circumstance
2 that justifies modifying the Settlement under Federal Rule of Civil Procedure
3 60(b). It is vitally important that the Court and JCM continue to oversee the CBP
4 Settlement. To ensure CBP achieves substantial compliance with the Settlement
5 and the FSA, Plaintiffs request the Court modify the Settlement's termination date
6 and extend the Settlement for an additional 2.5 years, or for however long the
7 Court deems appropriate.

8 **II. BACKGROUND**

9 **A. Overview of 2022 CBP Settlement**

10 On July 29, 2022, the Court approved a settlement agreement representing
11 the Parties' "understanding of the meaning of certain provisions" - Paragraphs 11
12 and 12A - "of the Flores Settlement Agreement ("FSA"), as they apply to
13 conditions of CBP detention" and specifically in the El Paso and RGV sectors.
14 CBP Settlement 1; *see also* Order Re Pls.' Ex Parte App. for TRO 1 [Doc. No.
15 576]; Pls.' TRO App. 1-2.

16 The Settlement requires access to sanitation, hygiene, and basic physical
17 accommodations (CBP Settlement § VII.4-7); a child-friendly, trauma-informed
18 environment (*Id.* at §§ VII.3.D.7, VII.7.7, VII.8.B.C.2); family unity while in CBP
19 custody and visitation with family members held apart from class members (*Id.* at
20 § VII.8.B); a caregiver program (*Id.* at § VII.9); access to phones and a list of legal
21 service providers (*Id.* at § XI, Exhibit 3); and medical protocols (*Id.* at § VII.3).

22 The Court appointed Dr. Paul Wise as JCM on August 3, 2022 for a 16-
23 month term. *Id.* at § IX; Order Appointing JCM [Doc. No. 1280]. The Court
24 appointed Andrea Ordin as Legal Advisor and then as JCM, with Dr. Wise serving
25 as Medical Expert and Dr. Nancy Ewen Wang serving as Medical Advisor. *See*
26 Order Granting Legal Advisor [Doc. No. 1320]; Order Approving Medical
27 Professionals [Doc. No. 1389]; Order Approving Extension of JCM Term 1-2,
28 May 23, 2024 [Doc. No. 1426] ("May 2024 JCM Extension"). The Monitors have

1 filed seven reports with the Court, each highlighting areas of continued
2 noncompliance. *See* JCM Report, January 30, 2023 [Doc No. 1326] (“Jan. 2023
3 JCM Rep.”); JCM Report, July 18, 2023 [Doc. No. 1352] (“July 2023 JCM Rep.”);
4 JCM Report, September 15, 2023 [Doc. No. 1360] (“Sept. 2023 JCM Rep.”); JCM
5 Report, November 13, 2023 [Doc. No. 1372] (“Nov. 2023 JCM Rep.”); JCM
6 Report, May 6, 2024 [Doc. No. 1412] (“Apr. 2024 JCM Rep.”); JCM Report,
7 September 10, 2024 [Doc. No. 1468] (“Aug. 2024 JCM Rep.”); JCM Report,
8 December 13, 2024 [Doc. No. 1522] (“Dec. 2024 JCM Rep.”).

9 The Settlement establishes a process for transitioning monitoring from the
10 JCMs to CBP. CBP Settlement § IX.12-13. CBP must develop internal protocols
11 that the JCM must approve. CBP Settlement § IX.12. The Settlement provides for
12 a transition period of 30 days during which the JCM will help “ensure an effective
13 transition of monitoring functions.” *Id.* at § IX.13.

14 The Court has extended the JCM’s term three times because of a need for
15 continued monitoring. *See* Order for Extension of JCM, December 14, 2023 [Doc.
16 No. 1381]; May 2024 JCM Extension; Order for Extension of JCM, September 11,
17 2024 [Doc. No. 1470] (“Sept. 2024 JCM Extension”). Most recently, the Court
18 extended the term until December 27, 2024, to allow the Monitors to “make a
19 judgment about whether the existing and new internal protocols are sufficiently
20 robust” to allow monitoring responsibilities to be transferred to CBP. Sept. 2024
21 JCM Extension 2. In her final report, the JCM did not affirmatively “provide final
22 approval of” CBP’s internal monitoring protocols, in part because some protocols
23 remain in the development stage. *Id.* at 6, 26.

24 The Settlement’s original termination clause provided for 2.5 years of
25 compliance. CBP Settlement § II.8. It is currently scheduled to terminate on
26 January 29, 2025. Sept. 2024 JCM Extension 6.

27 **B. CBP Continues to Hold Class Members for Extended Periods in RGV**
28 **and El Paso Thereby Exacerbating Harms of Detention**

1 Compliance with the Settlement is especially important because children –
2 particularly accompanied children – are commonly detained for prolonged periods
3 well-exceeding 72 hours. *See, e.g.*, Aug. 2024 JCM Rep. 5-6 (60 children held
4 from six to 14 days in RGV in June and 151 children held between five and 14
5 days in El Paso in May); Jan. 2023 JCM Rep. 14 (half of the accompanied children
6 in custody over 72 hours were under 7 years old). Most recently, despite no
7 overcrowding, some families “had been in custody as long as 15 to 20 days.” Dec.
8 2024 JCM Rep. 5; *see also* Sept. 2024 JCM Rep. 8, 10 (most children held for
9 prolonged periods are of tender age).

10 While the Settlement did not resolve Plaintiffs’ claims regarding prolonged
11 stays in CBP custody (CBP Settlement Preamble), prolonged detention compounds
12 the harm of Settlement violations. Separating children from family and holding
13 them in windowless pods with little or no recreation or activities is exponentially
14 more concerning when, each month, hundreds of accompanied children are
15 spending between four and 20 days in facilities intended for short-term use (72
16 hours or less). *See* Aug. 2024 JCM Rep. 6, 8; Dec. 2024 JCM Rep. 5; *see also* FSA
17 ¶ 12A; CBP Settlement § VIII.

18 **C. Brief History of CBP Non-Compliance**

19 **1. CBP’s failure to comply with key terms of the Settlement**

20 The JCM has filed seven reports, each identifying non-compliance with key
21 terms of the Settlement. The violations identified include: (1) routine separation of
22 children from their family members with no articulated reason; (2) lack of
23 visitation with family members; (3) insufficient warm clothing; (4) practices
24 inconsistent with a child-friendly, trauma-informed environment; and (5) failure to
25 properly implement the Settlement’s caregiver program. *See* Jan. 2023 JCM Rep.,
26 July 2023 JCM Rep., Sept. 2023 JCM Rep., Nov. 2023 JCM Rep., Apr. 2024 JCM
27 Rep., Aug. 2024 JCM Rep., Dec. 2024 JCM Rep.

1 In 2023 and 2024, Plaintiffs documented and raised with Defendants these
2 violations as well as CBP's failure to provide clean and warm clothing, legal
3 service provider lists, and access to telephones, particularly for accompanied
4 children. *See* Pls.' Resp. to JCM Report, September 22, 2023 [Doc. No. 1362]
5 ("Pls.' Sept. Resp."); Pls.' Resp. to JCM Report, November 17, 2023 [Doc. No.
6 1374] ("Pls.' Nov. Resp."); *see also* Ex. 1, Decl. of Sarah Kahn, December 12,
7 2024 ("Kahn Decl."); Kahn Decl. Ex. 1B, 1C; Ex. 2, Decl. of Rebecca Wolozin,
8 December 20, 2024 ("Wolozin Decl."); Wolozin Decl. Ex. 2A, 2C.

9 Although CBP has made progress with regard to medical care, the final JCM
10 report reveals serious concerns that require ongoing monitoring, including for
11 example (1) resistance from CBP agents to some medical transfers and a "system
12 for conveying medical information to CBP personnel [that is still] in transition;"
13 (2) use of small medical isolation rooms that "requires immediate reconsideration;"
14 (3) inadequate communication with hospitals regarding a child's medical
15 information, and "no process requiring notification [to] the parent of results of
16 medical examination or procedures;" (4) custodial policies that fail to protect the
17 privacy of minors during medical procedures; (5) incorrect medical information
18 provided to ORR; and (6) CBP having "no standard protocol" to "ensure
19 appropriate referral for . . . children at significantly elevated risk who require
20 specialized care soon after release." Dec. 2024 JCM Rep. 14-19.

21 **2. The transition to internal monitoring remains incomplete**

22 CBP has not yet finalized how it will monitor compliance with its newly
23 developed policies and protocols. Because of CBP's limited progress toward
24 creating adequate internal monitoring protocols, the JCM term has been extended
25 for a full year beyond the initial 16-month term. Sept. 2024 JCM Extension 1-2;
26 *see also* Aug. 2024 JCM Rep. 22; Apr. 2024 JCM Rep. 28; CBP Settlement §§
27 XIII, IX.10.
28

1 The final JCM report identifies some areas where CBP has developed
2 monitoring protocols and other areas where protocols are absent or under
3 development. Dec. 2024 JCM Rep. 19-28. The final report highlights the need for
4 continued monitoring of time in custody, general conditions and amenities,
5 caregivers, housing and visitation practices, and medical care. *Id.* at 19-28.
6 Importantly, the JCM has been unable to evaluate the implementation of CBP’s
7 monitoring protocols in critical areas, including caregivers, provision of urgent
8 medical care and medical surveillance of children at elevated medical risk. *Id.* at
9 24-28; *id.* at 28 (“[M]any of the *most important* components of the system are still
10 being implemented or have had only minimal operational experience in actual
11 facility settings.”) (emphasis added).

12 **III. ARGUMENT**

13 **A. Legal Standard**

14 The FSA and Settlement are consent decrees. *See Flores v. Lynch*, 828 F.3d
15 898, 905 (9th Cir. 2016). The Court has inherent power—codified at Federal Rule
16 of Civil Procedure 60(b)—to modify a consent decree in response to changed
17 circumstances, including by extending the termination date of the decree in whole.
18 *Kelly v. Wengler*, 822 F.3d 1085, 1097-98 (9th Cir. 2016).

19 Modification is warranted if the moving party establishes “that a significant
20 change in circumstances warrants revision of the decree” and the Court finds that
21 the “proposed modification is suitably tailored to the changed circumstance.” *Rufo*
22 *v. Inmates of Suffolk County Jail*, 502 U.S. 367, 383 (1992). Changed factual
23 circumstances justify modification if compliance with the original terms is “more
24 onerous, unworkable, or detrimental to the public interest.” *Labor/Cnty. Strategy*
25 *Ctr. v. Los Angeles Cnty. Metro. Transp. Auth.*, 564 F.3d 1115, 1120 (9th Cir.
26 2009) (internal quotation omitted).

27 “The failure of substantial compliance with the terms of a consent decree
28 can qualify as a significant change in circumstances that would justify the decree’s

1 temporal extension.” *Id.* at 1120-21; *see also Kelly*, 822 F.3d at 1098 (“Under well
2 established law, substantial violation of a court order constitutes a significant
3 change in factual circumstances.”); *Thompson v. U.S. Dep’t of Hous. & Urb. Dev.*,
4 404 F.3d 821, 834 (4th Cir. 2005); *David C. v. Leavitt*, 242 F.3d 1206, 1211-12
5 (10th Cir. 2001); *United States v. California*, No. 06-CV-2667, 2012 WL
6 12906030, at *1 n.1, 3 (C.D. Cal. Sept. 25, 2012). This type of change in
7 circumstances is an unanticipated one. *See Thompson*, 404 F.3d at 828-29
8 (“Plaintiffs would not have given up their claims in exchange for an agreement that
9 they anticipated would not be followed”).

10 “[D]istinct provisions of consent decrees are independent obligations, *each*
11 *of which* must be satisfied” to achieve substantial compliance. *Rouser v. White*, 825
12 F.3d 1076, 1081 (9th Cir. 2016) (emphasis added). Substantial compliance also
13 requires that “the larger purposes of the decrees have been served.” *Jeff D. v. Otter*,
14 643 F.3d 278, 288 (9th Cir. 2011). Even where a party has complied with some
15 terms of a settlement, “there can be no ‘substantial performance’ where the part
16 unperformed touches the fundamental purpose of the contract and defeats the
17 object of the parties.” *Id.* (internal citation omitted). “[M]erely taking significant
18 steps toward implementing the decree falls far short of ‘substantial compliance.’”
19 *Rouser*, 825 F.3d at 1082 (internal citations omitted).

20 “[A] modification of a court order is ‘suitably tailored to the changed
21 circumstance’ when it ‘would return both parties as nearly as possible to where
22 they would have been absent’ the changed circumstances.” *Kelly*, 822 F.3d at 1098
23 (citations omitted). Extending the termination date of a consent decree is a
24 common modification when a party has failed to substantially comply. *See, e.g.,*
25 *Kelly*, 822 F.3d at 1098; *Labor/Cnty. Strategy Ctr.*, 564 F.3d at 1120-21; *see also*
26 *Thompson*, 404 F.3d at 834; *David C.*, 242 F.3d at 1211-12. Extension of a
27 settlement can be a suitably tailored remedy to provide Plaintiffs with the original
28 bargained-for period of compliance. *Kelly*, 822 F.3d at 1097-98 (full extension

1 equal to the initial two-year term of the agreement justified where non-compliance
2 with one provision raised concerns about compliance in other respects of the
3 settlement).

4 Because CBP has never substantially complied with key terms of the
5 Settlement, changed circumstances justify an extension of the Settlement for an
6 additional 2.5 years and a six-month extension of the JCM term.

7 **B. CBP Has Failed to Substantially Comply with the Settlement**

8 **1. CBP has never substantially complied with the family unity**
9 **provisions of the Settlement**

10 The Settlement requires class members be held together with accompanying
11 family members, including non-parents or legal guardians, “absent an articulable
12 operational reason” that has been recorded for each individual family that has been
13 separated. CBP Settlement §§ VII.8.B.1-3. “Family member” includes relatives
14 like grandparents, aunts, and uncles. *Id.* at §§ VII.8.B.2-3.

15 “The essential context for these [family unity] Settlement provisions and
16 their legal assessment is the fundamental understanding that hold[ing] a child
17 separately while in custody is bad for children. Separating a child from a parent
18 can be profoundly traumatic for children and can have lasting, harmful effects.”
19 Sept. 2023 JCM Rep. 28. Conversely, “there is likely no greater contributor to the
20 well-being of children in custody than holding them together with a parent or
21 trusted adult.” Jan. 2023 JCM Rep. 49.

22 Family unity is also required by CBP’s National Standards on Transport,
23 Escort, Detention, and Search (“TEDS”). CBP Settlement § VIII.8.B.1. TEDS
24 provide that “CBP will maintain family unity to the greatest extent operationally
25 feasible, absent a legal requirement or an articulable safety or security concern that
26 requires separation,” and “family units with juveniles should not be separated,”
27 including holding unaccompanied children with siblings or non-parental adult
28

1 relatives. U.S. CUST. AND BORDER PROT., NATIONAL STANDARDS ON TRANSPORT,
2 ESCORT, DETENTION, AND SEARCH (2015) §§ 1.9, 4.3, 5.6.

3 Being forcibly separated from a close family member is an extremely
4 distressing experience for a child. *See, e.g.,* Carlo Schuengel et al., *Children with*
5 *Disrupted Attachment Histories: Interventions and Psychophysiological Indices of*
6 *Effects*, 26 CHILD & ADOLESCENT PSYCHIATRY & MENTAL HEALTH 2 (2009),
7 (separations may inhibit children’s regulatory processes including temperature
8 regulation, nutrition, and emotional regulation, in addition to causing the
9 perception of danger on a neurological level).

10 a. CBP routinely separates class members from their family
11 members in detention.

12 The JCMs have identified unjustified, routine separation of children and
13 their family members in every JCM report. *See* Jan. 2023 JCM Rep. 50 (young
14 children held in different pods than their caregiving adult relatives and, “CBP
15 personnel could not provide a particular reason for these separations while in
16 custody”); July 2023 JCM Rep. 27; Sept. 2023 JCM Rep. 6, 23 (documenting “the
17 regular practice of separating children from their parents while in custody” in the
18 RGV sector, including young children of the same gender as their parent); Nov.
19 2023 JCM Rep. 6; Apr. 2024 JCM Rep. 15-16; Aug. 2024 JCM Rep. 12-14 (“The
20 holding of children apart from a trusted adult . . . occurs in both JPFs”); Dec. 2024
21 JCM Rep. 5 (“CBP personnel were unclear about the protocol being used to
22 determine when to hold children separately from trusted adults”).

23 The practice of routinely separating minors from their parents, siblings, and
24 other family members remains especially pervasive in the RGV sector. *Flores*
25 counsel interviews in September 2024 revealed routine separation of families
26 based on age (older than 12) and regardless of gender. *See, e.g.* Ex. 3, Declaration
27 of C.N.T.F. ¶¶ 5-6, 8, September 18, 2024 (“C.N.T.F. Decl.”); Ex. 4, Declaration of
28 N.M.F.C. ¶ 4, September 18, 2024 (“N.M.F.C. Decl.”) (13-year-old-girl separated

1 from mother and younger sister); Ex. 5, Declaration of M.A.A. ¶ 4, September 18,
2 2024 (“M.A.A. Decl.”) (13-year-old girl separated from mother and younger
3 sister).

4 CBP’s insistence on separating children from their family members
5 undermines the broader purpose of the Settlement by causing class members to
6 experience “significant emotional distress related to separation.” Sept. 2023 JCM
7 Rep. 29-30; *see also* Dec. 2024 JCM Rep. 6; Ex. 6, Declaration of F.J.D.A. ¶ 4,
8 September 19, 2024 (“F.J.D.A. Decl.”) (“I felt terrible when they forced me to go
9 without [my mom]. I was scared but I had no choice.”); Ex. 7, Declaration of B.B.
10 ¶¶ 9-10, September 18, 2024 (“B.B. Decl.”); Ex. 8, Declaration of K.P.I.C. ¶¶ 8-9,
11 September 18, 2024 (“K.P.I.C. Decl.”); Ex. 9, Declaration of D.L.P. ¶ 4, September
12 19, 2024 (“D.L.P. Decl.”); Ex. 10, Declaration of B.M.M.C. ¶ 6, November 20,
13 2024 (“B.M.M.C. Decl.”); Ex. 11, Declaration of W.O.R.P. ¶ 13, November 20,
14 2024 (“W.O.R.P. Decl.”).

15 In violation of § VII.8.B.3 of the Settlement, CBP has not provided
16 documentation justifying “operational need[s]” for holding children apart from
17 family members.¹ *See, e.g.*, Aug. 2024 JCM Rep. 12-13; Jan. 2023 JCM Rep. 50;
18 Sept. 2023 JCM Rep. 30; Pls.’ Resp. to Sept. 2023 JCM Rep. 4; Pls.’ Resp. to Nov.
19 2023 JCM Rep. 3; *see also* Wolozin Decl. ¶ 6.B. No such operational necessity
20 appears to exist, given that CBP previously housed families together at the Donna
21 facility despite a high census. Sept. 2023 JCM Rep. 31.

22 In contrast to the routine separations at Donna, the El Paso sector’s juvenile
23 care facility appears to hold some families together. *See, e.g.*, Ex. 12, Declaration
24 _____

25
26 ¹ Contrary to Defendants’ assertion, the Prison Rape Elimination Act (PREA), 34
27 U.S.C. § 30301 *et seq.*, does not require CBP to separate children from their
28 families and does not provide an operational reason justifying separation of
children from their accompanying family members. *See* Defs.’ Resp. to Sept. 2023
JCM Rep. 2 [Doc. # 1361]; 6 C.F.R. § 115.114.

1 of M.L.R. ¶ 8, November 20, 2024 (“M.L.R. Decl.”); July 2023 JCM Rep. 13
2 (“Families were held with adult males and females (parents) in the same pods”). In
3 the Tucson soft-sided facility, operational concerns were also addressed while
4 largely preserving family unity.²

5 To be clear, the limited instances in which CBP preserves family unity do
6 not amount to substantial compliance with the family unity terms and the
7 agreement as a whole. *Rouser*, 825 F.3d at 1082. Rather, certain sectors’ ability to
8 hold families together in facilities similar or identical to Donna underscores the
9 lack of justification for CBP’s consistent non-compliance with this central
10 component of the Settlement. *Jeff D.*, 643 F.3d at 288.

11 b. CBP does not comply with family visitation requirements of
12 the Settlement.

13 The FSA requires class members have “contact with family members who
14 were arrested with the minor.” FSA ¶ 12.A. The Settlement similarly requires
15 children receive visits with separated family members detained in the same facility.
16 CBP Settlement § VII 8.B.3. The Settlement envisions separated children being
17 able to spend time with family “throughout the day” in “common area[s] with
18 benches for visiting,” by “sharing meals together,” and by “participating in
19 recreation time together.” *Id.* at § VII 8.B.5. Internal CBP guidance issued in
20 October 2023 requires three visitations for at least an hour each time, in each 24-
21 hour period of custody. *See* Apr. 2024 JCM Rep. 16-17.

22 Neither the El Paso nor RGV sectors have substantially complied with the
23 family visitation requirements of the Settlement. *See, e.g.*, July 2023 JCM Rep 27;
24 Sept. 2023 JCM Rep. 6, 30 (finding “minimal or no opportunities for phone
25

26
27 ² Class members in the Tucson sector are sometimes held in pods together with
28 their family members within soft-sided facilities like those used in RGV and El
Paso. *See, e.g.*, Ex. 13, Declaration of M.T. ¶¶ 12-17, May 17, 2024.

1 contact or direct interaction between parent and [separated] child” in the RGV
2 sector); Nov. 2023 JCM Rep. 21-22 (finding “children and parents were not
3 regularly provided with opportunities to interact while separated” at Donna); Dec.
4 2024 JCM Rep. 5-6 (noting some trusted adults transferred to a different facility,
5 preventing any contact or visitation). Despite the October 2023 CBP guidance,
6 monitors found that *neither* sector had complied with this directive, even when the
7 census was low. Apr. 2024 JCM Rep. 16.

8 Nor does CBP ensure children and their family members are aware that they
9 may visit. *See* May 2024 JCM Rep. 16; Aug. 2024 JCM Rep. 13 (in El Paso,
10 “children did not appear to know that they could request visits. Parents and
11 caregivers who did ask for visitation often emphasized that they were told to
12 wait.”).

13 Class members in the RGV sector who were separated from their family
14 members—including from their siblings and parents—report no contact with their
15 family members for days at a time. *See* N.M.F.C. Decl. ¶¶ 5-6; Ex. 15, Declaration
16 of Y.T.C.R. ¶¶ 5, 8, September 18, 2024 (“Y.T.C.R. Decl.”); D.L.P. Decl. ¶¶ 4-5.
17 Class members who request visits are told to wait until undetermined future times.
18 *See* Ex. 16, Declaration of A.N.H.S. ¶ 11, September 18, 2024 (“A.N.H.S. Decl.”);
19 F.J.D.A. Decl. ¶ 5; M.A.A. Decl. ¶ 5; K.P.I.C. Decl. ¶ 17.

20 Similarly, in El Paso, children separated from one or more family members
21 were unable to visit with those family members, causing them distress. *See, e.g.*
22 B.M.M.C. Decl. ¶¶ 4-6 (three-year-old had no visitation with separated father for
23 seven days); W.O.R.P. Decl. ¶¶ 5, 13 (no visits with aunt and uncle for nine days
24 despite repeated requests).

25 The lack of visitation compounds the profound trauma of being separated
26 from family, further undermining Defendants overall substantial compliance. *See*
27 *Rouser*, 825 F.3d at 1081. CBP has never shown consistent compliance with the
28 visitation requirements in the Settlement and therefore has not shown substantial

1 compliance with the Settlement as a whole. *See* CBP Settlement § VII 8.B.5; *Jeff*
2 *D.*, 643 F.3d at 288.

3 **2. CBP has never substantially complied with the phone and legal**
4 **counsel access provisions of the Settlement**

5 The Settlement requires CBP provide children with a list of free legal
6 services and an advisal of the right to make phone calls. CBP Settlement § XI,
7 Exhibit 3 (“You may use the telephone to call a lawyer or other legal
8 representative at any time . . .”). Section XI “goes hand-in-hand” with the Exhibit 3
9 advisal. *Flores v. Sessions*, 394 F.Supp.3d 1041, 1062 (9th Cir. 2017) (“Paragraph
10 24D(c) goes hand-in-hand with the Notice of Right of Judicial Review (Exhibit
11 6)”). The Settlement’s exhibits are enforceable parts of the contract. *Kerr v. Brede*,
12 180 Cal. App. 2d 149, 151 (1960).

13 Furthermore, the FSA “contemplates attorneys having near-unfettered access
14 to minors in custody.” *Flores v. Barr*, 2020 WL 5491445 at *10 (C.D. Cal. Sept. 4,
15 2020). The Court has found that one phone call a day without being informed of
16 the right to call a lawyer, or having to choose between calling a lawyer or family,
17 is “woefully inadequate.” *Id.* at *10, *7.

18 Children consistently report they have not received lists of legal service
19 providers while detained in the RGV and El Paso sectors. *See, e.g.*, Y.T.C.R. Decl.
20 ¶ 10; M.A.A. Decl. ¶ 13; C.N.T.F. Decl. ¶ 19; N.M.F.C. Decl. ¶ 6; Ex. 18,
21 Declaration of M.A.C.M. ¶ 9, November 20, 2024 (“M.A.C.M. Decl.”); Ex. 19,
22 Declaration of A.I.P.P. ¶ 14, November 20, 2024 (“A.I.P.P. Decl.”); B.M.M.C.
23 Decl. ¶ 13; Ex. 20, Declaration of P.O. ¶ 10, November 20, 2024 (“P.O. Decl.”).

24 In further violation of the Settlement, children often do not know they have
25 the right to make phone calls. Dec. 2024 JCM Rep. 10 (recommending
26 reevaluating phone access systems and noting “[o]n the posted *Flores* poster, the
27 section regarding rights to phone access was crossed out.”). CBP routinely denies
28 class members calls to counsel. *See, e.g.*, C.N.T.F. Decl. ¶¶ 19-20, 22; Ex. 17,

1 Declaration of G.N.P.C. ¶ 23, September 19, 2024 (“G.N.P.C. Decl.”); M.A.C.M.
2 ¶¶ 8-9; M.L.R. ¶ 14; W.O.R.P. Decl.¶¶ 10-11; Ex. 23, Declaration of W.O.C.M. ¶
3 15, (“W.O.C.M. Decl.”); P.O. ¶ 10. Repeated efforts to address these violations
4 with Defendants have been unsuccessful. Kahn Decl. ¶ 6; Wolozin Decl. ¶¶ 6, 12,
5 16; Ex. 2B.

6 Failing to provide children a legal service provider list and access to calls to
7 counsel impermissibly frustrates the purpose of the Settlement’s terms designed to
8 ensure access to counsel. *Jeff D.*, 643 F.3d at 288; *see also Serpa v. Cal. Sur.*
9 *Investigations, Inc.*, 215 Cal. App. 4th 695, 706 (2013).

10 **3. CBP has never substantially complied with requirements to**
11 **provide sufficient clean or warm clothing**

12 The Settlement requires CBP provide children “clean, dry clothing if their
13 clothing is wet or soiled.” CBP Settlement § VII.5.B.2. CBP must either launder
14 children’s own clothing or provide new, clean clothing, including “sweatpants, t-
15 shirts, socks, and underwear.” *Id.* at § VII.7.6. The Settlement further requires that
16 class members be provided additional blankets and warm clothing when needed.
17 *Id.* at §§ VII.5.B, VII.6.2.

18 CBP has not consistently complied with these requirements. Children in the
19 El Paso sector have been forced to remain in dirty clothes for over a week, even
20 after requests for clean clothes. *See* W.O.C.M. Decl. ¶ 8 (no clean shirt or sweater
21 in 16 days); M.A.C.M. Decl. ¶ 11 (no clean clothes for 15 days despite requests);
22 *see also* Ex. 24, Declaration of S.Y.A.R. ¶¶ 5, 11, November 20, 2024 (“S.Y.A.R.
23 Decl.”); B.M.M.C. Decl. ¶ 11; Ex. 25, Declaration of G.O.F.F. ¶ 14, November 20,
24 2024 (“G.O.F.F. Decl.”); W.O.R.P. Decl. ¶ 7; P.O. Decl. ¶ 7; A.I.P.P. Decl. ¶ 5;
25 M.L.R. Decl. ¶ 6. Not surprisingly, children’s clothes became smelly or itchy after
26 such continuous wear. *See* W.O.C.M. Decl. ¶ 8; W.O.R.P. Decl. ¶ 7. Class
27 members similarly reported a lack of clean clothing in El Paso in June 2023. *See*
28 Ex. 26, Declaration of Y.D.P.G. ¶ 10, June 27, 2023 (“Y.D.P.G. Decl.”); Ex. 27,

1 Declaration of N.A.D.P. ¶ 12, June 27, 2023 (“N.A.D.P. Decl.”); *see also* Kahn
2 Decl. Ex. 1C.

3 CBP also consistently failed to provide class members with blankets and
4 additional warm clothing as required by the Settlement. Aug. 2024 JCM Rep. 15;
5 Apr. 2024 JCM Rep. 18; Nov. 2023 JCM Rep. 32; Dec. 2024 JCM Rep. 7-8.
6 Children in the RGV sector regularly report being cold and having insufficient
7 clothing. *See, e.g.*, Ex. 21, Declaration of C.A.C.M. ¶¶ 10, 19, September 19, 2024
8 (“C.A.C.M. Decl.”); C.N.T.F. Decl. ¶ 14; M.A.A. Decl. ¶ 6; B.B. Decl. ¶¶ 14-15;
9 K.P.I.C. Decl. ¶ 13; G.N.P.C. Decl. ¶ 15. Children in El Paso similarly reported
10 insufficient warm clothing and blankets. *See, e.g.*, W.O.C.M. Decl. ¶ 9; A.I.P.P.
11 Decl. ¶ 7 (child very cold at night and experiencing respiratory issues).

12 CBP has not substantially complied with these Settlement terms or with the
13 larger purpose of ensuring a safe and sanitary environment for class members. *See*
14 *Jeff D.*, 643 F.3d at 284, 288.

15 **4. CBP has never substantially complied with the child-friendly,**
16 **trauma-informed approach required by the Settlement**

17 To treat children “with special concern for their particular vulnerability,” the
18 Settlement requires CBP to provide a “child-appropriate environment,” to take a
19 “trauma-informed approach to class members in custody,” and to “foster
20 reassurance, resilience, orientation, recreation, and distraction” for class members.
21 FSA ¶ 11; CBP Settlement §§ VII.3.D.7, VII.8. A “critical component” of meeting
22 the unique needs of minors in custody under the Settlement is the use of caregivers
23 to meet children’s needs and to support a child-friendly environment. *Id.* at §
24 VII.9.A.

25 Unfortunately, CBP has persistently separated children from trusted adults,
26 failed to ensure that caregivers understand and effectuate their responsibilities,
27 failed to provide children with required child-friendly activities and recreation, and
28

1 failed to offer children reassurance, information, and trauma-informed
2 communication.

- 3 a. CBP’s violation of family unity provisions prevent substantial
4 compliance with the requisite child-friendly, trauma-informed
5 approach.

6 As explained above, family unity is central to both a trauma-informed
7 approach to custody and to fostering resilience in class members. *See* Sept. 2023
8 JCM Rep. 10 (“[E]fforts to provide trauma-informed care and a child-friendly
9 environment have been rendered irrelevant for children who have been separated
10 from their parents while in custody.”). CBP’s persistent non-compliance with the
11 Settlement’s family unity provisions is incompatible with trauma-informed, child-
12 friendly approaches to custody. Part III.B.1, *supra*.

- 13 b. CBP fails to provide class members with regular recreation and
14 child-friendly activities.

15 The Settlement contemplates that CBP will provide toys and activities and
16 hire caregivers who will support “class members during recreational and exercise
17 activities.” CBP Settlement §§ VII.8.C.2, VII.9.D.2.c; *see also* §§ VII.9.D.3.a,
18 VII.3.D.7, Exhibit 4(d). When a child is in CBP custody for longer than 72 hours,
19 the Settlement requires CBP “provides opportunities for recreation and other child-
20 appropriate activities daily” and “make all reasonable efforts to provide class
21 members with outdoor recreation.” *Id.* at § VIII.7.

22 CBP has persistently failed to provide child-appropriate activities and
23 regular recreation or outdoor time to class members, especially as to accompanied
24 children. *See* Dec. 2024 JCM Rep. 9 (“The activities . . . for the accompanied
25 children were extremely limited, primarily including paper and crayons.”); Aug.
26 2024 JCM Rep. 17, 19 (“persistent failure” to provide child-friendly materials);
27 Apr. 2024 JCM Rep. 21-22. Many children spend most of the day in their pods
28

1 with limited recreational support. *See* Dec. 2024 JCM Rep. 9; Aug. 2024 JCM
2 Rep. 17, 19; Apr. 2024 JCM Rep. 21-22.

3 In violation of the Settlement, children detained over 72 hours in both
4 sectors do not consistently receive daily recreation, child-appropriate activities, or
5 regular outdoor recreation. *See* Dec. 2024 JCM Rep. 9-10 (“All forms of indoor
6 recreation are extremely limited” at both JPFs, and “[o]utdoor activities were not
7 observed at Donna during the month of September”); *see also* A.N.H.S. Decl. ¶¶
8 25-26 (“I don’t see the sun.”); G.N.P.C. Decl. ¶¶ 11, 17 (“[W]e cannot go outside,
9 we cannot see the sun, there is no fresh air.”); B.M.M.C. Decl. ¶ 12; B.B. Decl. ¶¶
10 5, 11-12 (five-year-old boy detained for 10 days with only coloring); G.O.F.F.
11 Decl. ¶¶ 12, 15 (four-year-old girl detained for ten days with only coloring);
12 S.Y.A.R. Decl. ¶ 7 (child experiencing emotional breakdowns from confinement
13 and lack of activity); W.O.R.P. Decl. ¶ 6; A.I.P.P. Decl. ¶¶ 9-10; W.O.C.M. ¶¶ 10-
14 11 (four-year-old detained for 16 days, request for toys denied); M.L.R. Decl. ¶ 11;
15 M.A.C.M. Decl. ¶ 12; Ex. 28, Declaration of T.K. ¶¶ 7, 9-10, November 20, 2024
16 (“T.K. Decl.”).

17 As a result, children in both sectors feel bored, lethargic, and unsupported by
18 adults. *See, e.g.* G.N.P.C. Decl. ¶ 17; C.A.C.M. Decl. ¶¶ 8, 11-12, 17; Ex. 30,
19 Declaration of H.J. ¶ 6, September 18, 2024 (“H.J. Decl.”); Ex. 22, Declaration of
20 K.A.C.M. ¶ 4, September 18, 2024 (“K.A.C.M. Decl.”); F.J.D.A. Decl. ¶ 6;
21 W.O.R.P. Decl. ¶ 6; Ex. 29, Declaration of Y.A.C.M. ¶¶ 14, 16, September 18,
22 2024 (“Y.A.C.M. Decl.”). Worse, staff actively prevent children from entertaining
23 themselves and playing. *See* B.B. Decl. ¶ 11; C.A.C.M. Decl. ¶ 12 (at Donna,
24 “staff yells at the kids, or goes to the parents and yell at them to ‘control your
25 kids.’”); B.M.M.C. Decl. ¶¶ 8, 12 (children are scolded for playing in El Paso);
26 W.O.C.M. ¶ 12 (same). The “persistent failure” to address the absence of “basic
27 child-friendly materials” in all JPFs “undermines the implementation of trauma-
28 informed elements of CBP custodial care.” Dec. 2024 JCM Rep. 11.

1 c. CBP's lack of communication with class members is inconsistent
2 with a trauma-informed approach.

3 The Settlement requires CBP to take a trauma-informed approach while
4 engaging with children to “foster reassurance, resilience, [and] orientation.” CBP
5 Settlement § VII.3.D.7. They must also provide children notice of their rights both
6 orally and by poster. CBP Settlement §§ VII.8.C.4, XI.

7 The JCM reports that CBP staff and caregivers have failed to inform,
8 reassure, or orient class members, leading children to consistently express anxiety
9 because of a lack of information. *See* Apr. 2024 JCM Rep. 22-24; Aug. 2024 JCM
10 18-19; Dec. 2024 JCM Rep. 10.

11 Children and parents in both sectors report that CBP staff respond to them
12 rudely or do not explain anything to them at all. *See, e.g.*, G.N.P.C. Decl. ¶ 18;
13 W.O.C.M. Decl. ¶¶ 6, 16; Ex. 14, Declaration of R.E.Z. ¶ 6, September 18, 2024
14 (“R.E.Z. Decl.”). This lack of information exacerbates children’s stress and fear,
15 often compounding extreme trauma they experienced on their journey to the
16 United States. *See, e.g.*, G.O.F.F. Decl. ¶¶ 4, 7-9, 11; P.O. Decl. ¶¶ 3, 5-6; Ex. 31,
17 Declaration of M.R.K. ¶¶ 4, 6-8, November 20, 2024 (“M.R.K. Decl.”); *see also*
18 CBP Settlement § VII.3.D.7.

19 d. CBP's limited implementation of the caregiver program does not
20 constitute substantial compliance.

21 CBP’s caregivers have a responsibility to “meet the unique needs and
22 vulnerabilities of class members in custody” and are required to “have sufficient
23 experience and training to provide general support to class members in custody.”
24 CBP Settlement § VII.9.A.1-2; *see also* Apr. 2024 JCM Rep. 24 (“Caregiver
25 training on communication . . . is critical to successfully implementing trauma-
26 informed custodial care.”).

27 Prior JCM reports have consistently found that caregivers are poorly trained,
28 fail to care for accompanied children, fail to provide sufficient information

1 regarding children’s rights in custody, and fail to facilitate children getting clean
2 and dry clothing, timely medical responses, and recreation. Dec. 2024 JCM Rep. 8-
3 10; Aug. 2024 JCM Rep. 15, 17-18; Apr. 2024 JCM Rep. 20-24. The written
4 protocol has not yet resulted in effective implementation of the program and the
5 JCM’s Final Report indicates that caregiver duties “have still not yet been
6 implemented in any uniform manner” and CBP acknowledges its need to improve
7 caregivers’ training but has not yet done so. Dec. 2024 JCM Rep. 9, 24-25.

8 For these reasons, CBP has not substantially complied with the Settlement’s
9 purpose to create a child-friendly and trauma-informed environment or its detailed
10 requirements. *Jeff D.*, 643 F.3d at 284, 288.

11 **5. CBP has not implemented satisfactory self-monitoring policies**
12 **and protocols**

13 Despite an additional year of support from the JCMs, CBP is still not ready
14 for “an effective transition of monitoring functions.” CBP Settlement § IX.13; Dec.
15 2024 JCM Rep. 14-28 (finding numerous policies and procedures that require
16 review, revision, and continued external monitoring). The Settlement provides the
17 JCM must approve Defendants’ final monitoring protocols and contemplated that
18 the Settlement would remain in effect for multiple months after CBP adopted and
19 implemented effective self-monitoring protocols. CBP Settlement §§ IX.12-13.

20 The JCMs are still unable to certify the efficacy of CBP’s self-monitoring
21 protocols. *See, e.g.*, Dec. 2024 JCM Rep. 14 (“The system for conveying medical
22 information to CBP personnel is in transition . . . the JCM was not able to assess its
23 use or impact on CBP procedures. Further monitoring is required . . .”). Essential
24 self-monitoring protocol development is still in progress. *See id.* at 26, 28
25 (“OCMO’s monitoring protocols are being developed,” and “the JCM cannot
26 provide an assessment of the ‘efficacy’ of the CBP medical monitoring system”).
27 Nor has CBP planned for robust monitoring by the Juvenile Coordinator Division
28 (“JCD”), which is tasked with monitoring after the JCM’s term. Dec. 2024 JCM

1 Rep. 24 (raising concerns about the JCD’s ability to self-monitor because of “the
2 relative infrequency” of visits, with a proposed 2025 schedule to conduct only
3 three visits, compared to the 23 visits conducted by JCMs over the course of a
4 year). Further, CBP has shown “little progress over the past year in optimizing
5 uniformity in caregiver contributions,” and JCMs “have noted considerable lag
6 times between the documentation of noncompliance and improvements in family
7 housing and visitation practices.” *Id.* at 25.

8 CBP is not yet able to effectively self-monitor. *See* Dec. 2024 JCM Rep. 24
9 (“Without a monitoring capability that can conduct regular visits or respond in a
10 timely manner to emerging concerns in a particular sector or facility, it remains
11 unclear how general conditions and amenities will be monitored appropriately.”).
12 Failings in CBP’s implementation of self-monitoring protocols highlight the
13 serious risks of premature termination of the Settlement. *See id.* at 22 (JCM
14 analysis of data provided about children’s time in custody has “raised questions”
15 about the data’s accuracy and “[t]he termination of the JCM role would effectively
16 eliminate [a central] mechanism for informing Plaintiffs [and the Court] of
17 overcrowded conditions and the impact of any CBP ameliorative response.”).

18 For these reasons, an additional six-month extension of the JCM term is
19 necessary and warranted, with the opportunity for additional extensions as needed,
20 to ensure effective implementation of CBP’s new and developing protocols. *See*
21 *Kelly*, 822 F.3d at 1098.

22 **C. Extending the CBP Settlement is a Suitably Tailored Modification in**
23 **the Public Interest**

24 Plaintiffs could not have anticipated CBP would fail to comply with the
25 Settlement consistently throughout its term. Under well-established Ninth Circuit
26 precedent, this lack of compliance is a significant changed circumstances that
27 justifies extension of the Settlement. *Kelly*, 822 F.3d at 1098. CBP’s partial
28

1 progress toward compliance does not amount to substantial compliance with the
2 Settlement as a whole. *Rouser*, 825 F.3d at 1081; *Jeff D.*, 643 F.3d at 284.

3 Over the past 2.5 years, CBP has failed to comply with the Settlement’s
4 provisions requiring family unity, consistent family visitation, lists of legal service
5 providers and phone access, clean and warm clothing, caregivers, and child-
6 friendly activities and recreation. CBP has not accomplished the broader goals of
7 the Settlement to provide safe and sanitary conditions and a child-friendly, trauma-
8 informed environment and to develop effective self-monitoring protocols to ensure
9 compliance after the Settlement’s termination. These violations throughout the full
10 term of the Settlement undermine the fundamental object the parties agreed to at
11 the outset, and therefore CBP has not substantially complied with the Settlement as
12 whole. *Rouser*, 825 F.3d at 1081-82; *Jeff D.*, 643 F.3d at 284.

13 Although CBP has made progress in implementing some portions of the
14 Settlement focused on medical care and meeting basic physical needs, “merely
15 taking significant steps toward implementing the decree falls far short of
16 substantial compliance.” *Rouser*, 825 F.3d at 1082 (internal citations omitted).

17 Extending the Settlement in its entirety for 2.5 years is suitably tailored to
18 address the varied interrelated and ongoing violations. A 2.5-year extension is
19 necessary to provide Plaintiffs with the promised-for compliance period in service
20 of the larger stated purposes of the agreement. *See Kelly*, 822 F.3d at 1098 (“[T]he
21 court’s extension of the settlement agreement [by the original two-year term]
22 returned Plaintiffs to the position they would have occupied had [Defendants] not
23 violated the agreement from its inception.”); *David C.*, 242 F.3d at 1211-12
24 (“[E]xtension of the term of the Agreement to allow Utah to fulfill the very
25 obligations it voluntarily undertook when it entered into the Agreement is not itself
26 an imposition of additional, material obligations on Utah.”); *Dep’t of Fair Emp.*
27 *and Hous. v. Law Sch. Admission Council*, 12-CV-01830-JCS, 2018 WL 1156605,
28

1 at *26 (N.D. Cal. Mar. 5, 2018) (extending decree by two years because “the most
2 significant violation . . . spanned approximately two years”).

3 A full extension of the Settlement is also suitably tailored because “[t]he
4 requirements of the Decree in large part support and depend on one another”
5 making severance neither “warranted [n]or useful.” *Dep’t of Fair Emp. and Hous.*,
6 2018 WL 1156605, at *26. The Ninth Circuit has held that the full extension of a
7 settlement can be justified even when Plaintiffs demonstrated only one primary
8 violation, where that violation led the district court to doubt compliance in other
9 areas. *Kelly*, 822 F.3d at 1098. Here, Plaintiffs have shown multiple persistent
10 violations of the Settlement in key areas essential to children’s well-being. These
11 violations, coupled with CBP’s lack of demonstrated effective self-monitoring
12 protocols, also creates reason to doubt CBP’s compliance with other requirements
13 of the Settlement, including accurate data provision. *Id.*; *see also* Dec. 2024 JCM
14 Rep. 23-24.

15 An extension of the JCM term is also necessary as a suitably tailored
16 modification. The JCMs have made clear that CBP is not currently prepared to
17 effectively self-monitor and ensure compliance with the requirements of the
18 Settlement. *See* Part III.B.5, *supra*. Premature termination of the JCM will almost
19 certainly lead to further noncompliance given the well-documented lack of
20 effective self-monitoring protocols. It is also in the public interest to extend the
21 Settlement so that CBP can achieve compliance and finally provide “safe and
22 sanitary” conditions of confinement to children in the RGV and El Paso sectors.
23 CBP Settlement § II.1. CBP’s continued failure to abide by its commitments has
24 harmed children’s psychological and physical wellbeing. Enforcing the original
25 termination date would be “detrimental to the public interest.” *Labor/Cnty.*
26 *Strategy Ctr.*, 564 F.3d at 1120 (internal quotation omitted); *see also Flores v.*
27 *Barr*, 2020 WL 5666550 at *3 (C.D. Cal. Oct. 4, 2020) (“The public has an interest
28 in protecting the welfare of children.”). The Settlement—and particularly its

enhanced monitoring provisions—has shown its value in improving some basic conditions for minors in CBP custody, and it should be extended to provide time for achieving substantial compliance with the Settlement as a whole.

IV. CONCLUSION

For the foregoing reasons, the Court should extend the 2022 CBP Settlement in its entirety for an additional 2.5 years, including an additional 6-month term of the JCM, with optional extensions to ensure compliance. In the alternative, Plaintiffs request the Court extend the Settlement and JCM term as it deems appropriate.

Dated: December 20, 2024 CENTER FOR HUMAN RIGHTS AND
CONSTITUTIONAL LAW
Carlos R. Holguín
Sarah Kahn

NATIONAL CENTER FOR YOUTH LAW
Mishan Wroe
Rebecca Wolozin
Diane de Gramont

CHILDREN'S RIGHTS
Leecia Welch
Eleanor Roberts

/s/ Mishan Wroe
Mishan Wroe
One of the Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE

I, the undersigned counsel of record for Plaintiffs, certify that this brief contains 6,988 words, which complies with the word limit of Local Rule 11-6.1.

Dated: December 20, 2024

/s/ Mishan Wroe
Mishan Wroe

CENTER FOR HUMAN RIGHTS &
CONSTITUTIONAL LAW
Carlos R. Holguín (Cal. Bar No. 90754)
Sarah E. Kahn (Cal. Bar No. 341901)
256 South Occidental Boulevard
Los Angeles, CA 90057
Telephone: (213) 388-8693
Email: crholguin@centerforhumanrights.org

Attorneys for Plaintiffs

Additional counsel listed on following page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JENNY LISETTE FLORES, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, Attorney General of
the United States, *et al.*,

Defendants.

No. CV 85-4544-DMG-AGR_x

[PROPOSED] ORDER MODIFYING 2022 CBP
SETTLEMENT

JUDGE: Hon. Dolly M. Gee

Hearing: January 24, 2024
Time: 9:30 a.m.

1 NATIONAL CENTER FOR YOUTH LAW

2 Mishan Wroe (Cal. Bar No. 299296)

3 Diane de Gramont (Cal. Bar No. 324360)

4 1212 Broadway, Suite 600

5 Oakland, CA 94612

6 Telephone: (510) 835-8098

7 Email: mwroe@youthlaw.org

8 NATIONAL CENTER FOR YOUTH LAW

9 Rebecca Wolozin (admitted *pro hac vice*)

10 818 Connecticut Ave. NW, Suite 425

11 Washington, DC 20006

12 Telephone: (202) 868-4792

13 Email: bwolozin@youthlaw.org

14 CHILDREN'S RIGHTS

15 Leecia Welch (Cal. Bar No. 208741)

16 2021 Fillmore Street

17 San Francisco, CA 94115

18 Telephone: (415) 602-5202

19 Email: lwelch@childrensrights.org

20 CHILDREN'S RIGHTS

21 Eleanor Roberts (admitted *pro hac vice*)

22 88 Pine Street, Suite 800

23 New York, NY 10005

24 Telephone: (212) 683-2210

25 Email: eroberts@childrensrights.org

1 On July 29, 2022, the Court approved the Parties' TRO Settlement
2 Agreement ("Settlement"). [Doc. ## 1254-1, 1278.] Plaintiffs' Motion to Modify
3 the Settlement, which seeks a modification to the Settlement's termination date and
4 the term of the Juvenile Care Monitor, came on regularly for a hearing on January
5 24, 2024.

6 The Court, having read and considered the parties' respective memoranda
7 and evidence in support of and in opposition to Plaintiffs' motion, and having
8 heard oral argument from counsel, now GRANTS Plaintiffs' motion.

9 IT IS HEREBY ORDERED as follows:

10 1. The termination provision of the 2022 CBP Settlement, Section II.8, is
11 MODIFIED to read "This Agreement shall terminate five years from its Effective
12 Date, or upon the termination of the *Flores* Settlement Agreement, whichever is
13 sooner." This modification extends the 2022 CBP Settlement for an additional two
14 years and six months—from January 29, 2025, until July 29, 2027—to provide
15 Plaintiffs with the compliance they were due under the original terms of the 2022
16 CBP Settlement.

17 2. The 2022 Settlement provides that the Court will appoint a Juvenile
18 Care Monitor ("JCM") to oversee compliance with the Agreement. On September
19 11, 2024, the Court extended the JCM term by an additional 6 months to "ensure
20 completion of CBP's internal monitoring protocols pursuant to the Agreement and
21 compliance with the Agreement" and ordered the JCM to assess "the efficacy of
22 CBP's internal monitoring protocols as required by the Order Appointing Juvenile
23 Care Monitor." [Doc. # 1470]. Because CBP is not in substantial compliance with
24 the Agreement and the JCM has not yet been able to assess the efficacy of CBP's
25 internal monitoring protocols [Doc. # 1522], the Court EXTENDS the JCM term
26 for a further six months, to July 27, 2025. An extension of the term of the JCM for
27 6 months will enable the JCM to make a judgment about CBP's compliance with
28 the terms of the Settlement and whether the existing and new internal protocols are

1 sufficiently robust so that the monitoring terms of the JCM, Medical Advisor, and
2 Medical Expert can be transferred to CBP by July 27, 2025. Further, Medical
3 Expert Dr. Wise and Medical Advisor Dr. Wang will continue to serve in their
4 respective roles until July 27, 2025, as advisors to the Juvenile Care Monitor.

5 3. The extension of the JCM term shall be on the same terms
6 specified in the Court's September 11, 2024, order [Doc. # 1470], with
7 modifications to the following sections:

8 **Term of Monitoring:** The Juvenile Care Monitor's term shall be extended
9 until July 27, 2025.

10 During this extension of the Juvenile Care Monitor's term, the Juvenile Care
11 Monitor's requests for any additional CBP protocols will be made within 30 days
12 of this Court order. If such a request is made, CBP will provide any remaining
13 protocols to the Juvenile Care Monitor within 14 days of that request. The Juvenile
14 Care Monitor will provide any additional recommendations to the protocols
15 already received within 30 days of this Court order. Additionally, the Juvenile Care
16 Monitor will provide any final recommendations to newly requested protocols in
17 writing to CBP within 30 days of receipt of the protocols. The Juvenile Care
18 Monitor will determine whether or not she will provide final approval of the
19 monitoring protocols the JCM has already received within 60 days of the Court's
20 order granting this extension. Moreover, the JCM will determine whether or not
21 she will provide final approval of newly requested monitoring protocols within 60
22 days of receipt.

23 The Juvenile Care Monitor's report shall be submitted no later than June 27,
24 2025. This report shall inform the Court and the Parties of the Juvenile Care
25 Monitor's assessment of the efficacy of CBP's internal monitoring protocols. [Doc.
26 # 1522.]. The Court will consider further extensions of the Juvenile Care Monitor
27 term as necessary to ensure CBP's compliance with the Agreement and the
28 efficacy of its internal monitoring protocols.

1 **Transfer of Monitoring to CBP:** At the completion of the Juvenile Care
2 Monitor's term, CBP shall assume responsibility for monitoring compliance with
3 the terms of the Agreement, including monitoring whether there is overcrowding,
4 as defined above. For a period of 30 days after the Juvenile Care Monitor's term
5 ends, the Juvenile Care Monitor will work with the CBP Juvenile Coordinator to
6 ensure an effective transition of monitoring functions, and will be compensated for
7 this work.

8 During the Juvenile Care Monitor's term, CBP shall provide the Juvenile
9 Care Monitor with all self-monitoring protocols. The Juvenile Care Monitor and
10 the Medical Advisor/Medical Expert may review those protocols and advise CBP
11 on any enhancements or further refinement. Prior to the effective transition of
12 monitoring functions, the Juvenile Care Monitor shall approve CBP's final
13 monitoring protocols. The JCO and the CBP Chief Medical Office shall rely on
14 such approved monitoring protocols, but retain discretion to update and amend
15 such monitoring protocols, as appropriate.

16
17 Dated: _____

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20 _____
21 DOLLY M. GEE
22 UNITED STATES DISTRICT JUDGE

23 Presented by:

24 /s/ Mishan Wroe
25 Mishan Wroe
26 *One of the Attorneys for Plaintiffs*
27
28

EXHIBIT 1

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

CENTER FOR HUMAN RIGHTS &
CONSTITUTIONAL LAW
Carlos R. Holguín (Cal. Bar No. 90754)
Sarah E. Kahn (Cal. Bar No. 341901)
256 South Occidental Boulevard
Los Angeles, CA 90057
Telephone: (213) 388-8693
Email: crholguin@centerforhumanrights.org

Attorneys for Plaintiffs

Additional counsel listed on following page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JENNY LISETTE FLORES, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, Attorney General of
the United States, *et al.*,

Defendants.

No. CV 85-4544-DMG-AGR_x

DECLARATION OF SARAH KAHN IN
SUPPORT OF PLAINTIFFS' MOTION TO
EXTEND THE 2022 CBP SETTLEMENT

JUDGE: Hon. Dolly M. Gee

Evidentiary Hearing: January 24, 2025
Time: 9:30 a.m.

1 NATIONAL CENTER FOR YOUTH LAW

2 Mishan Wroe (Cal. Bar No. 299296)

3 Diane de Gramont (Cal. Bar No. 324360)

4 1212 Broadway, Suite 600

5 Oakland, CA 94612

6 Telephone: (510) 835-8098

7 Email: mwroe@youthlaw.org

8 NATIONAL CENTER FOR YOUTH LAW

9 Rebecca Wlozin (admitted *pro hac vice*)

10 818 Connecticut Ave. NW, Suite 425

11 Washington, DC 20006

12 Telephone: (202) 868-4792

13 Email: bwlozin@youthlaw.org

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15 Leecia Welch (Cal. Bar No. 208741)

16 2021 Fillmore Street

17 San Francisco, CA 94115

18 Telephone: (415) 602-5202

19 Email: lwelch@childrensrights.org

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21 Eleanor Roberts (admitted *pro hac vice*)

22 88 Pine Street, Suite 800

23 New York, NY 10005

24 Telephone: (212) 683-2210

25 Email: eroberts@childrensrights.org

DECLARATION OF SARAH KAHN

I, Sarah Kahn, declare:

1. This declaration is based on my personal knowledge. If called to testify in this case, I would testify competently about these facts.

2. I am the Interim Director at the Center for Human Rights and Constitutional Law (“CHRCL”). In June, July, and August of 2023, I was an attorney working for CHRCL’s co-founder and President, Class Counsel for *Flores*, Peter Schey. I make this declaration in support of Plaintiffs’ Motion to Extend the 2022 CBP Settlement.

3. On June 21 and 22, 2023, CHRCL staff, along with volunteer attorneys and translators, conducted a site visit and attorney-client interviews at the McAllen Ursula Facility.

4. On June 26 and 27, 2023, CHRCL staff, along with volunteer attorneys and translators, conducted a site visit and attorney-client interviews at the El Paso Hardened Facility (EHF).

5. On August 2, 2023, Plaintiffs’ counsel sent an email to Defendants requesting to meet and confer regarding the 2022 CBP Settlement violations observed and documented during the above-mentioned site visits. A true and correct copy of this email is attached to this declaration as Exhibit A.

6. On August 7, 2023, Plaintiffs’ counsel notified Defendants by email communication of several violations of the 2022 CBP Settlement, alleging that:

- a. Class members/parents are routinely not given shown the Form I-770 Notice of Rights;
- b. Class members/parents are routinely not given or shown the Notice of Right to Judicial Review;
- c. Class members/parents in Texas are routinely not shown the Ex. 3 of the 2022 Settlement;
- d. Class members/parents are routinely not provided a list of free legal

1 services or provided access to telephones or office space to consult with
2 counsel;

3 e. Class members suffer sleep deprivation because of bright lights left on
4 all night;

5 f. The poster regarding Class Members rights under the 2022 Agreement
6 is often not posted or visible to Class Members or their Parents;

7 g. Overcrowding causes sleep deprivation and unsanitary conditions;

8 h. Cold temperatures cause sleep deprivation and minors have not been
9 provided jackets, clothing or adequate blankets to keep them warm;

10 i. Class members are unnecessarily separated from accompanying
11 parents and family; and

12 j. Class members/parents are often unable to make phone calls to
13 relatives or attorneys.

14 A true and correct copy of this email correspondence is attached to this declaration
15 as Exhibit B.

16 7. On August 7, 2023, Plaintiffs and Defendants met and conferred by video
17 call.

18 8. On August 11, 2023, Plaintiffs sent Defendants a list of the A numbers of
19 Class Members who had alleged each violation in a signed declaration (the letter
20 was dated July 20, 2023). A true and correct copy of this letter is attached to this
21 declaration as Exhibit C.

22 9. In the email sent August 7, 2023 and in the July 2023 letter sent on
23 August 11, 2023, pursuant to ¶ XIII(2), Class Counsel made their best efforts to
24 indicate the time, date, location, and the specific factual circumstances forming the
25 basis for the alleged breach, as well as the names and A numbers (or other
26 equivalent identifying information) of all class members whose claims serve as a
27 basis for the allegations.

28 10. Plaintiffs, Defendants, and the Juvenile Care Monitors thereafter met and

1 conferred about violations on three different occasions: (1) September 29, 2023;
2 (2) October 3, 2023; and (3) October 10, 2023. Plaintiffs notified Defendants of
3 their intention to file a motion to enforce, but Class Counsel Peter Schey began
4 experiencing symptoms of cancer in August and by October 2023 was unable to
5 work regularly.

6
7 I declare under penalty of perjury that the foregoing is true and correct. Executed
8 December 13, 2024 in Anaheim, California.

9
10 /s/ Sarah Kahn

11 Sarah Kahn
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EXHIBIT 1A



Sarah Kahn <sarah@centerforhumanrights.org>

Re: Flores Meet & confer

49 messages

Peter Schey <pschey@centerforhumanrights.org>

Wed, Aug 2, 2023 at 1:02 PM

To: "Batool, Fizza (CIV)" <Fizza.Batool2@usdoj.gov>

Cc: Sarah Kahn <sarah@centerforhumanrights.org>, "Fabian, Sarah B (CIV)" <Sarah.B.Fabian@usdoj.gov>

Hi Fizza,

For the meet and confer let's schedule it for Monday 8/07 at 1 PM ET.

Please circulate an invite.

Regarding the motion we plan to file dealing with CBP notice of the rights to be released or transferred, I suggest following briefing schedule:

On or before August 11, 2023 – Plaintiffs file Motion

September 6, 2023 – Defendants file Response

September 20, 2023 – Plaintiffs file Reply

Hearing – September 29, 2023

Is this agreeable?

Best regards,

Peter

Peter A. Schey

President

Center for Human Rights and Constitutional Law

256 S. Occidental Blvd.

Los Angeles, California 90057

(213) 388-8693 x.304 (v)

(323) 251-3223 (direct)

(213) 386.9484 (fax)

<http://www.centerforhumanrights.org/>

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On Wed, Aug 2, 2023 at 12:28 PM Batool, Fizza (CIV) <Fizza.Batool2@usdoj.gov> wrote:

Dear Peter,

Thank you. May I inquire about the specific topic(s) for the meet and confer? Please let me know in advance of the meeting.

I am available next week on the following dates:

- Monday, 8/07 – 1:00-3:00pm (ET)
- Tuesday, 8/08 – 12:00-2:30pm (ET)
- Wednesday, 8/09 – 2:00-3:00pm (ET)

EXHIBIT 1B



Sarah Kahn <sarah@centerforhumanrights.org>

Re: Flores Meet & confer

Peter Schey <pschey@centerforhumanrights.org>

Mon, Aug 7, 2023 at 5:30 AM

To: "Batool, Fizza (CIV)" <Fizza.Batool2@usdoj.gov>

Cc: Sarah Kahn <sarah@centerforhumanrights.org>, "Fabian, Sarah B (CIV)" <Sarah.B.Fabian@usdoj.gov>

Dear Fizza,

The proposed briefing schedules should work. If we are unable to file by Friday August 11, 2023, we will let you know and the parties can they likely agree to move the schedule forward a few days.

Regrading our meet and confer tomorrow at 1 PM ET, 10 AM PT, based on monitoring conducted in June and August in Texas, Arizona, and California, Plaintiffs offer the following:

1. Class members/parents are routinely not given shown the Form I-770 Notice of Rights. The 1997 Agreement paragraph 24D provides that "The [Government] shall promptly provide each minor not released with (a) INS Form 1-770." The 2022 Agreement (RGV Sector) Section XI, Notice to Class Members, provides "Class members age 14 or over and all accompanying adult family members of class members under the age of 14 shall also be ... provided an I-770 in English and Spanish." [Doc. # 1254-1]. Proposed remedies:

Provide all class members 14 years or older or accompanying adults of minors of any age an I-770 form in English and Spanish at initial processing and allow them to keep a copy while detained

If the class member or their accompanying adult cannot read the I-770, read it to them at initial processing and allow them to keep a copy while detained

If the class member or their accompanying adult does not speak English or Spanish, use a certified translator, a computer/phone translation service or app, to translate the form and allow them to keep a copy while detained

Require the Border Patrol agent to record that an I-770 was provided and how it was provided (whether it was read aloud, translated, or provided in paper form)

Add a column to the monthly data reports that Defendants provide Plaintiffs that shows when and how the Form I-770 was provided

2. Class members/parents are routinely not given or shown the NOTICE OF RIGHT TO JUDICIAL REVIEW. The 1997 Agreement paragraph 24A provides, "A minor in deportation proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case, unless the minor indicates that [they] refuse such a hearing." Paragraph 24D(b) requires that CBP "promptly provide each minor not released with... (b) an explanation of the right of judicial review as set out in Exhibit 6." On August 12, 2016, Plaintiffs filed a motion to enforce the 1997 Agreement, asserting that it "guarantee[s] children whom the Government refuses to release the right to a bond redetermination hearing . . . as a procedural check against wrongful detention." [Doc. # 239.] On January 20, 2017, the Court found that Defendants were in violation of paragraph 24A "by denying unaccompanied immigrant children the right to a bond hearing." [Doc. 318 at 8]. Proposed remedies: Provide all class members 14 years of age or older or accompanying adults of minors of any age with a copy of Exhibit 6 Notice of Right to Judicial Review in English and Spanish at initial processing and allow them to keep a copy while detained

If the class member or their accompanying adult cannot read the Exhibit 6 Notice of Right to Judicial Review, read it to them at initial processing and allow them to keep a copy while detained

If the class member or their accompanying adult does not speak English or Spanish, use a translator, a computer/phone translation service or app, to translate Ex. 6 in the minor's or adult's native language to translate the form and allow them to keep a copy while detained

Require the Border Patrol agent to record that an Exhibit 6 Notice of Right to Judicial Review was provided and how it was provided (whether it was read aloud, translated, or provided in paper form)

Add a column to the monthly data reports that Defendants provide Plaintiffs that shows whether such advisal was provided for each class member

3. Class members/parents in Texas are routinely not shown the Ex. 3 of the 2022 Settlement. Exhibit 3 shall be read and conveyed by video to all class members (or, if under the age of 14 or otherwise unable to understand the notice, their accompanying adult family member) in Spanish. If the class member or accompanying adult family member speak a language other than Spanish, this notice shall

be read to them in their native language. CBP personnel shall record that this notice was provided orally. Proposed remedies: Extend a modified Ex. 3 to Arizona and Texas to cover rights available to class members. detained in Arizona and Texas. Add a column to the monthly data reports that Defendants provide Plaintiffs that shows whether such advisal was provided for each class member

4. Class members/parents are routinely not provided a list of free legal services or provided access to telephones or office space to consult with counsel. The 1997 Agreement paragraph 24D reads: "the INS shall promptly provide each minor not released . . . the list of free legal services." The 2022 Settlement section XI reads: "CBP shall provide a copy of a list of free legal services to all class members. CBP shall provide Class Counsel any amended or updated list of free legal services within thirty (30) days after any amendment to the list. Class counsel may provide CBP, through Defendants' counsel, with additional available free legal service programs to be included in the list of free legal services." Proposed remedies:

Provide all class members 14 years of age older or accompanying adults of minors of any age a current list of local free legal services in English and Spanish at initial processing

If the class member or their accompanying adult cannot read the current list of free legal services read it to them at initial processing and allow them to keep a copy while detained

If the class member or their accompanying adult does not speak English or Spanish, use a translator, a computer/phone translation service or app, or an adult who speaks both English/Spanish and the class member's native language to translate the current list of free legal services and allow them to keep a copy while detained

Require the Border Patrol agent to record that a current list of free legal services was provided and how it was provided

Add a column to the quarterly data reports that Defendants provide Plaintiffs that shows whether such advisal was provided for each class member

Provide to Plaintiffs a copy of the current and updated list used in each CBP sector along the southern border and advise Class Counsel of any updated list of free legal services within thirty (30) days after any amendment to the list.

5. Class members suffer sleep deprivation because of bright lights left on all night. The 1997 Agreement paragraph 12A requires that minors be detained in "facilities that are safe and sanitary and that are consistent with [their] concern for the particular vulnerability of minors." The 2022 Settlement section VII(6)(3) provides "If there are no safety concerns and it is not physically impracticable to do so, CBP shall make reasonable efforts to dim the lights between 2200 and 0600."

Proposed remedies: Dim the lights between 2200 and 0600. Dimmable light bulbs or switches can be used.

Require BP agents to record whether they have dimmed the lights and if not, the reason for not doing so

6. The poster regarding Class Members rights under the 2022 Agreement is often not posted or visible to Class Members or their Parents. The 2022 Settlement section II(7) requires Defendant "to post the poster attached as Exhibit 1 in all CBP facilities in the RGV and El Paso sectors." Proposed remedies:

Post the exhibit 1 poster in all CBP facilities in the RGV and El Paso sectors in each cell/pod or wherever it can be seen by detainees.

Post a similar poster to be agreed upon in CBP facilities holding minors in Arizona and California.

Have the Juvenile Care Monitor and CBP Juvenile Monitor conduct visual checks of posters and report on their visibility in each facility

7. Overcrowding causes sleep deprivation and unsanitary conditions. The 2022 Settlement section XI(5) provides: "(iii)

During any periods of overcrowding, CBP shall make all efforts to continue to comply with all provisions of this Agreement." Proposed remedies: Expand sections IX(5), IX(7), XII(8), and XI(13) of the 2022 Settlement to include Arizona and California including the Juvenile Monitor's jurisdiction under. Provide Class Counsel with capacities used for each pod where Class Members are detained. Such information shall be confidential and not made public by Class Counsel. Record and alert the Juvenile Monitor and Class Counsel when capacity in any pod is exceeded by 10% for longer than 12 hours. Take reasonable steps to ameliorate overcrowding and advise Class counsel and the Juvenile Monitor of such steps. Ensure all class members have a mat to sleep on and are not forced to share mats because of overcrowding.

8. Cold temperatures cause sleep deprivation and minors have not been provided jackets, clothing or adequate blankets to keep them warm. The 1997 Agreement paragraph 12A provides: "...INS shall hold minors in facilities... adequate temperature control and ventilation." The 2022 Settlement section VII(5)(A)(1) provides "CBP shall maintain a temperature range inside facilities in RGV and El Paso Sector of no less than 69° Fahrenheit and no more than 83° Fahrenheit.

Although this is an acceptable range, the target temperature shall not be at either the high or the low end of the accepted range but instead a temperature that is considered generally comfortable." The 2022 Settlement section VII(5)(B)(1) provides: "External clothing for additional warmth may include garments such as sweatshirts, beanies, sweatshirts, jackets, or other types of garments that provide an extra layer of warmth that is age-appropriate... CBP shall provide cloth swaddling blankets for infants and children under age 2." The 2022 Settlement section VII(5)(B)(5) provides: "beanies shall be available in a variety of sizes to class members under five years of age." Proposed remedies: Extend relevant portions of the 2022 Settlement to Az and Ca. Provide all class members with warmer mylar or other blankets than currently made available. Ensure all class members have a mat to sleep on.

9. Class members are unnecessarily separated from accompanying parents and family. The 1997 Agreement paragraph 12A provides: "...INS shall hold minors in facilities... [and have] contact with family members who were arrested with the minor." The 2022 Settlement section VII(8)(B)(1) provides: "Absent an articulable operational reason, class members apprehended with adult family members (including non-parents or legal guardians) shall remain with that family member during their time in CBP custody, in accordance with TEDS, as well as the requirements of the TVPRA." Section VII(8)(B) (3) provides: "Agents shall inform class members of all ages that, if they are housed separately from a family member,

they can ask agents, guards, or caregivers to interact with that family member." Section VII(8)(B)(6) provides: "class members are able to ask for and shall, barring exceptional circumstances, have contact and interaction with family members housed in the same facility." Proposed remedies: Extend relevant portions of the 20922 Settlement to Az and Ca. Update instructions to CBP agents that they must make every reasonable effort to ensure family unity. Do not separate children from accompanying care givers unless the class member is a boy 16 or older and his accompanying caregiver is a woman. If the accompany caregiver is male and the class member is a boy, detain them together. Ensure that all BP agents understand that "family" both "parents/legal guardians and non-parents/legal guardian" as well as minor siblings and other caregivers that were traveling with the class member. Record reasons why a class member is separated from an accompanying adult.

10. Class members/parents are often unable to make phone calls to relatives or attorneys. The 1997 Agreement clearly contemplates the ability to call relatives and counsel. The 2022 Settlement section VII(8)(B)(8) provides: "CBP shall make all reasonable efforts to provide unaccompanied class members daily access to a phone in order to permit contact with family members" and exhibit 3 advises class members: "An Agent will be providing you with a list of legal organizations that may represent you for free or for a small fee. You may use the telephone to call a lawyer or other legal representative at any time prior to your departure from the facility at no cost." Proposed remedies: Extend relevant portions of the 20922 Settlement to Az and Ca. Update instructions to CBP agents. Class members should be allowed time to call both a trusted adult and legal counsel.

Class members/parents are routinely not advised of Class Members' rights under the 1997 Agreement to be transferred to a licensed facility or released to a relative and Defendants undertake no efforts aimed at the release or transfer of minors. This has been the subject of a previous meet and confer and will be the subject of Plaintiffs' first motion to compel to be filed August 11, 2023, unless before then CBP indicates a willingness to settle this issue. All other issues mentioned above will be the subject of a later second motion to compel to give the parties more time to explore whether a resolution is possible. Suggested remedies: Develop and publish internal policies for releasing or transferring accompanied children whose family chooses to exercise the right to an (a) adult sponsor designated by the child's accompanying parent or guardian, or (b) a licensed ORR facility within 72 hours. Make and record efforts aimed at the prompt release of accompanied minors whose families choose to exercise this right. Provide class members 14 or older or accompany parents or guardians notice of the class member's right to prompt release or transfer in English and Spanish at initial processing. If the class member or their accompanying adult cannot read the notice of the class member's right to prompt release read it to them in Eng or Spanish at initial processing.

If the class member or their accompanying adult does not speak English or Spanish, use a translator, a computer/phone translation service or app, to translate the notice. Allow class members and parents/guardians to keep copies of the notice while detained. Require the CBP to record that notice was provided and how it was provided (whether it was read, translated, or provided in paper form) and add a column to the monthly data reports that Defendants provide Plaintiffs that shows whether such advisal was provided.

We are still reviewing the declarations obtained during monitoring conducted last week and reserve the right to raise additional issues with Defendants should the declarations indicate it is necessary to do so. We understand that Defendants will want additional time to consider these issues and Plaintiffs' proposed remedies after our August 7 meet and confer.

Thank you.

Best,

Peter A. Schey
President
Center for Human Rights and Constitutional Law
256 S. Occidental Blvd.
Los Angeles, California 90057
(213) 388-8693 x.304 (v)
(323) 251-3223 (direct)
(213) 386.9484 (fax)
<http://www.centerforhumanrights.org/>

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[Quoted text hidden]

EXHIBIT 1C

CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW

256 S. OCCIDENTAL BOULEVARD
LOS ANGELES, CA 90057
Telephone: (213) 388-8693 Facsimile: (213) 386-9484
www.centerforhumanrights.org

July 20, 2023

Sarah B. Fabian, Senior Litigation. Counsel
Fizza Batool, Trial Attorney
US Department of Justice
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington DC 2004

Michael Johnson
Assistant United States Attorney
300 N. Los Angeles St., Rm. 7516
Los Angeles, CA 90012

Allen Hausman
Office of Immigration Litigation Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station Washington, DC 20044

Re: *Flores v. Garland* 85-4544-DMG

Dear Sarah, Fizza, et al.,

The 1997 *Flores* Agreement states:

37. This paragraph provides for the enforcement, in this District Court, of the provisions of this Agreement except for claims brought under Paragraph 24. The parties shall meet telephonically or in person to discuss a complete or partial repudiation of this Agreement or any alleged non-compliance with the terms of the Agreement, prior to bringing any individual or class action to enforce this Agreement. Notice of a claim that a party has violated the terms of this Agreement shall be served on plaintiffs addressed to: ...

Michael Johnson
Assistant United States Attorney
300 N. Los Angeles St., Rm. 7516 Los Angeles, CA 90012

Allen Hausman
Office of Immigration Litigation Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station Washington, DC 20044

Sarah B. Fabian
Fizza Batool
Page 2

The 2022 CBP Settlement says in relevant part:

XIII. Dispute Resolution

1. If Class Counsel believes that Defendant has breached this Agreement, Class Counsel shall, within thirty (30) days of learning of the event giving rise to the belief, provide CBP (through Defendant's counsel) with written notice of the specific facts that they believe constitute a breach of the Agreement. Class Counsel shall also provide a copy of the notice of breach to the Juvenile Care Monitor and the Special Master/Independent Monitor during the pendency of their terms

2. When presenting an allegation of breach to Defendant, Class Counsel shall make their best efforts to indicate the time, date, location, and the specific factual circumstances forming the basis for the alleged breach, , as well as the names and A- numbers (or other equivalent identifying information) of all class members whose claims serve as a basis for the allegations. Mere citations to the Agreement or generalized statements of harm will not be sufficient.

3. During the pendency of the terms of the Juvenile Care Monitor and the Special Master/Independent Monitor, Defendant will have fifteen (15) days to respond to the allegations, and shall provide their written response to Class Counsel, the Juvenile Care Monitor, and the Special Master/Independent Monitor. After Defendant provides a response, the Parties will meet and confer in an effort to resolve the allegations, with the participation of the Juvenile Care Monitor and the Special Master/Independent Monitor. If the Parties cannot resolve the allegations, Class Counsel may, in accordance with the Local Rules for the Central District of California and the Federal Rules of Civil Procedure, submit their allegation(s) of breach to the Court for resolution ...

5. If Plaintiffs have a good faith belief that one or more class members may suffer immediate irreparable harm if the alleged violation of this Agreement is addressed in the time frame set forth above, the Parties agree that Class Counsel may seek immediate relief from the Court, following a meet and confer as required by the Local Rules of the Central District of California.

Plaintiffs and Defendants have already met and conferred regarding Defendants' failure to provide Class Members or the parents of Class Members with notices of Class Members' rights. Plaintiffs have also previously provided correspondence with alleged violations of the 1997 Agreement in California and Arizona.

At this time Plaintiffs contemplate promptly bringing a motion enforce to require CBP to provide class members/parents with a notice of class members' rights to. prompt release or transfer to a licensed facility under Paragraphs 12A-C, 14, 18, 19, 24B, 12B of the 1997

Sarah B. Fabian
Fizza Batool
Page 3

Agreement. We do not believe there is any dispute that CBP does not currently provide such a notice or have procedures in place to implement if a parent wants their child released or transferred. The parties and the Court already dedicated substantial time to essentially the same issue with regards an ICE notice and procedures, but those efforts became moot when ICE agreed to end family detention. Plaintiffs believe CBP should provide a notice of rights along similar lines as the notice previously developed for ICE.

Plaintiffs may file a second motion to enforce dealing with CBP Sectors in Texas, California, and Arizona on the issues addressed in my previous correspondence which provided names of declarants in Arizona and California, "A" numbers as available, and the issues addressed in the declarations. Plaintiffs now provide additional information on the same issues shared by Class Members' and parents' when Plaintiffs monitored in June in McAllen and El Paso. To be clear, it appears (1) certain provisions of the 1997 Agreement are not being followed across all CBP Sectors on the southern border including ¶¶ 11, 12, 14, 18, 19, 24, and related parts in Exhibits 2, 5, 6, and (2) parts of the 2022 Agreement are not being adhered to in the RGV and El Paso Sectors including VII (3)(B) including (3) medical support, (5)(A) temperature, (5)(B) clothing, (6) sleep, (7) soap, paper towels, toothbrushes, laundry, etc., (8) family unity, (9) caregivers, VIII extended detention, IX overcrowding, XI notices to class members.

Plaintiffs have a good faith belief that one or more class members may suffer immediate irreparable harm if the alleged violations of the 2022 Agreement are addressed in the time frame set forth above, and therefore Class Counsel may seek immediate relief from the Court, following a meet and confer as required by the Local Rules of the Central District of California. Nevertheless, Plaintiffs are request that the parties conduct a meet and confer on a date and time set by Defendants on or before August 2. As promptly as reasonably possible, please advise of a date and time to further meet and confer.

Should Defendants fail to meet and confer in a timely manner, Plaintiffs may proceed with a motion to compel compliance and will advise the Court of their efforts to meet and confer prior to filing their motion.

Plaintiffs have provided "A" numbers to the extent available. If additional "A" numbers can be located, Plaintiffs will share them with Defendants. Nevertheless, given that Plaintiffs are providing the names of Class Members and parents who provided information, as well as the dates and locations of their interviews, Defendants can easily retrieve their agency files without Plaintiffs having Plaintiffs provide all "A" numbers.

Plaintiffs are providing information gathered to date from *Flores* monitors. Additional monitoring is scheduled to take place shortly. Plaintiffs may include additional information in any motion to enforce they may file if a meet and confer fails to resolve the issues identified below. Such information will not be substantially different from the information provided in this correspondence.

Sarah B. Fabian
Fizza Batool
Page 4

Clearly many of the alleged non-compliance issues and the notice of rights issue could be resolved if, like ICE, the CBP agreed to release families.

1. Some class members were not provided medical screening after arrest or upon entry to the facility where interviewed.

El Paso, TX (6/29/23)

D [REDACTED] P [REDACTED] G [REDACTED] (A# [REDACTED])
J [REDACTED] V [REDACTED] C [REDACTED] (no A-# provided)
P [REDACTED] B [REDACTED] R [REDACTED] D [REDACTED] (no A-# provided)

McAllen, TX (6/29/23)

A [REDACTED] D [REDACTED] G [REDACTED] L [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] E [REDACTED] C [REDACTED] (no A-# provided)
D [REDACTED] I [REDACTED] F [REDACTED] C [REDACTED] (no A-# provided)
S [REDACTED] L [REDACTED] M [REDACTED] S [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] A [REDACTED] B [REDACTED] (no A-# provided)
P [REDACTED] N [REDACTED] I [REDACTED] (A# [REDACTED])
A [REDACTED] J [REDACTED] D [REDACTED] F [REDACTED] (no A-# provided)
H [REDACTED] A [REDACTED] P [REDACTED] C [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] I [REDACTED] O [REDACTED] (no A-# provided)
S [REDACTED] I [REDACTED] C [REDACTED] C [REDACTED] (no A-# provided)
Y [REDACTED] A [REDACTED] M [REDACTED] B [REDACTED] (no A-# provided)

2. Class members/parents not shown the Form I-770 Notice of Rights.

El Paso, TX (6/28/23)

J [REDACTED] C [REDACTED] (no A-# provided)
J [REDACTED] G [REDACTED] M [REDACTED] (no A-# provided)
A [REDACTED] J [REDACTED] R [REDACTED] R [REDACTED] (no A-# provided)
C [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)
N [REDACTED] A [REDACTED] D [REDACTED] P [REDACTED] (no A-# provided)
J [REDACTED] V [REDACTED] C [REDACTED] (no A-# provided)
W [REDACTED] C [REDACTED] F [REDACTED] C [REDACTED] (A# [REDACTED])
A [REDACTED] V [REDACTED] I [REDACTED] (no A-# provided)
P [REDACTED] B [REDACTED] R [REDACTED] D [REDACTED] (no A-# provided)
M [REDACTED] A [REDACTED] B [REDACTED] G [REDACTED] (no A-# provided)
G [REDACTED] A [REDACTED] C [REDACTED] V [REDACTED] (no A-# provided)
M [REDACTED] A [REDACTED] V [REDACTED] A [REDACTED] (no A-# provided)
D [REDACTED] M [REDACTED] I [REDACTED] V [REDACTED] (no A-# provided)
H [REDACTED] A [REDACTED] G [REDACTED] V [REDACTED] F [REDACTED] (no A-# provided)
A [REDACTED] M [REDACTED] V [REDACTED] V [REDACTED] (no A-# provided)

Sarah B. Fabian

Fizza Batool

Page 5

A [REDACTED] J [REDACTED] M [REDACTED] R [REDACTED] (no A-# provided)
B [REDACTED] D [REDACTED] R [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] P [REDACTED] G [REDACTED] (no A-# provided)
S [REDACTED] M [REDACTED] M [REDACTED] (no A-# provided)

McAllen, TX (7-14-23)

Y [REDACTED] C [REDACTED] R [REDACTED] L [REDACTED] (no A-# provided)
R [REDACTED] J [REDACTED] C [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] E [REDACTED] C [REDACTED] (no A-# provided)
D [REDACTED] L [REDACTED] F [REDACTED] C [REDACTED] (no A-# provided)
C [REDACTED] J [REDACTED] M [REDACTED] M [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] O [REDACTED] C [REDACTED] (no A-# provided)
A [REDACTED] D [REDACTED] P [REDACTED] B [REDACTED] (no A-# provided)
A [REDACTED] D [REDACTED] G [REDACTED] L [REDACTED] (no A-# provided)
D [REDACTED] D [REDACTED] A [REDACTED] J [REDACTED] (A# [REDACTED])
E [REDACTED] M [REDACTED] S [REDACTED] I [REDACTED] (no A-# provided)
J [REDACTED] H [REDACTED] R [REDACTED] (A# [REDACTED])
M [REDACTED] C [REDACTED] Y [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)
S [REDACTED] L [REDACTED] M [REDACTED] S [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] A [REDACTED] B [REDACTED] (no A-# provided)
P [REDACTED] N [REDACTED] I [REDACTED] (A# [REDACTED])
H [REDACTED] A [REDACTED] P [REDACTED] C [REDACTED] (no A-# provided)
S [REDACTED] L [REDACTED] C [REDACTED] C [REDACTED] (no A-# provided)
B [REDACTED] C [REDACTED] A [REDACTED] (no A-# provided)
A [REDACTED] J [REDACTED] D [REDACTED] F [REDACTED] (no A-# provided)

3. Class members/parents not shown the NOTICE OF RIGHT TO JUDICIAL REVIEW

El Paso, TX (7-14-23)

J [REDACTED] V [REDACTED] C [REDACTED] (no A-# provided)
P [REDACTED] B [REDACTED] R [REDACTED] D [REDACTED] (no A-# provided)
G [REDACTED] A [REDACTED] C [REDACTED] V [REDACTED] (no A-# provided)
W [REDACTED] C [REDACTED] F [REDACTED] C [REDACTED] (A# [REDACTED])
M [REDACTED] A [REDACTED] V [REDACTED] A [REDACTED] (no A-# provided)
M [REDACTED] A [REDACTED] B [REDACTED] C [REDACTED] (no A-# provided)
H [REDACTED] A [REDACTED] G [REDACTED] V [REDACTED] F [REDACTED] (no A-# provided)
N [REDACTED] A [REDACTED] D [REDACTED] P [REDACTED] (no A-# provided)
J [REDACTED] C [REDACTED] (no A-# provided)
J [REDACTED] G [REDACTED] M [REDACTED] (no A-# provided)
A [REDACTED] J [REDACTED] R [REDACTED] R [REDACTED] (no A-# provided)
C [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)

Sarah B. Fabian

Fizza Batool

Page 6

D [REDACTED] M [REDACTED] L [REDACTED] V [REDACTED] (no A-# provided)
A [REDACTED] M [REDACTED] V [REDACTED] V [REDACTED] (no A-# provided)
D [REDACTED] R [REDACTED] (no A-# provided)
S [REDACTED] M [REDACTED] A [REDACTED] M [REDACTED] (no A-# provided)

McAllen, TX (7-14-23)

E [REDACTED] M [REDACTED] S [REDACTED] I [REDACTED] (no A-# provided)
J [REDACTED] H [REDACTED] R [REDACTED] (A# [REDACTED])
M [REDACTED] C [REDACTED] Y [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)
S [REDACTED] L [REDACTED] M [REDACTED] S [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)
Y [REDACTED] C [REDACTED] R [REDACTED] I [REDACTED] (no A-# provided)
R [REDACTED] J [REDACTED] C [REDACTED] (no A-# provided)
C [REDACTED] J [REDACTED] M [REDACTED] M [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] E [REDACTED] C [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] C [REDACTED] C [REDACTED] (no A-# provided)
A [REDACTED] D [REDACTED] F [REDACTED] E [REDACTED] (no A-# provided)
D [REDACTED] L [REDACTED] F [REDACTED] C [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] A [REDACTED] E [REDACTED] (no A-# provided)
P [REDACTED] N [REDACTED] L [REDACTED] (A# [REDACTED])
A [REDACTED] J [REDACTED] D [REDACTED] F [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] I [REDACTED] O [REDACTED] (no A-# provided)

4. Class members/parents not provided a list of free legal services or provided access to telephones or space to privately consult with counsel.

El Paso, TX (7-14-23)

J [REDACTED] C [REDACTED] (no A-# provided)
A [REDACTED] M [REDACTED] V [REDACTED] V [REDACTED] (no A-# provided)
J [REDACTED] G [REDACTED] M [REDACTED] (no A-# provided)
J [REDACTED] V [REDACTED] C [REDACTED] (no A-# provided)
P [REDACTED] B [REDACTED] R [REDACTED] D [REDACTED] (no A-# provided)
G [REDACTED] A [REDACTED] C [REDACTED] V [REDACTED] (no A-# provided)
R [REDACTED] C [REDACTED] T [REDACTED] L [REDACTED] (no A-# provided)
W [REDACTED] C [REDACTED] F [REDACTED] C [REDACTED] (A# [REDACTED])
M [REDACTED] A [REDACTED] V [REDACTED] A [REDACTED] (no A-# provided)
A [REDACTED] M [REDACTED] P [REDACTED] (no A-# provided)
L [REDACTED] V [REDACTED] L [REDACTED] (no A-# provided)
M [REDACTED] A [REDACTED] E [REDACTED] G [REDACTED] (no A-# provided)
A [REDACTED] L [REDACTED] R [REDACTED] R [REDACTED] (no A-# provided)
C [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)
N [REDACTED] A [REDACTED] D [REDACTED] P [REDACTED] (no A-# provided)
D [REDACTED] M [REDACTED] L [REDACTED] V [REDACTED] (no A-# provided)

Sarah B. Fabian
Fizza Batool
Page 7

H [REDACTED] A [REDACTED] G [REDACTED] V [REDACTED] F [REDACTED] (no A-# provided)
A [REDACTED] J [REDACTED] M [REDACTED] R [REDACTED] (no A-# provided)
B [REDACTED] D [REDACTED] R [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] F [REDACTED] G [REDACTED] (no A-# provided)
S [REDACTED] M [REDACTED] A [REDACTED] M [REDACTED] (no A-# provided)
D [REDACTED] P [REDACTED] G [REDACTED] (A # [REDACTED])

McAllen, TX (7-14-23)

D [REDACTED] D [REDACTED] A [REDACTED] L [REDACTED] (A# [REDACTED])
E [REDACTED] M [REDACTED] S [REDACTED] I [REDACTED] (no A-# provided)
J [REDACTED] H [REDACTED] R [REDACTED] (A# [REDACTED])
S [REDACTED] I [REDACTED] M [REDACTED] S [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] A [REDACTED] E [REDACTED] (no A-# provided)
Y [REDACTED] C [REDACTED] R [REDACTED] L [REDACTED] (no A-# provided)
R [REDACTED] J [REDACTED] C [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] E [REDACTED] C [REDACTED] (no A-# provided)
D [REDACTED] L [REDACTED] F [REDACTED] C [REDACTED] (no A-# provided)
C [REDACTED] J [REDACTED] M [REDACTED] M [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] O [REDACTED] C [REDACTED] (no A-# provided)
A [REDACTED] D [REDACTED] P [REDACTED] B [REDACTED] (no A-# provided)
A [REDACTED] D [REDACTED] G [REDACTED] I [REDACTED] (no A-# provided)
P [REDACTED] N [REDACTED] I [REDACTED] (A# [REDACTED])
A [REDACTED] J [REDACTED] D [REDACTED] F [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] I [REDACTED] O [REDACTED] (no A-# provided)
L [REDACTED] M [REDACTED] C [REDACTED] (no A-# provided)
S [REDACTED] I [REDACTED] C [REDACTED] C [REDACTED] (no A-# provided)
Y [REDACTED] A [REDACTED] M [REDACTED] B [REDACTED] (no A-# provided)
M [REDACTED] V [REDACTED] P [REDACTED] R [REDACTED] (no A-# provided)
B [REDACTED] C [REDACTED] A [REDACTED] (no A-# provided)

5. **Class members/parents not advised of Class Members' rights under the 1997 Agreement to be transferred to a licensed facility or released to a relative and Defendants undertake no efforts aimed at the release or transfer of minors.**

El Paso, TX (7-14-23)

J [REDACTED] C [REDACTED] (no A-# provided)
J [REDACTED] V [REDACTED] C [REDACTED] (no A-# provided)
G [REDACTED] A [REDACTED] C [REDACTED] V [REDACTED] (no A-# provided)
M [REDACTED] A [REDACTED] V [REDACTED] A [REDACTED] (no A-# provided)
M [REDACTED] A [REDACTED] B [REDACTED] G [REDACTED] (no A-# provided)
P [REDACTED] B [REDACTED] R [REDACTED] D [REDACTED] (no A-# provided)

Sarah B. Fabian
Fizza Batool
Page 8

L [REDACTED] V [REDACTED] L [REDACTED] (no A-# provided)
E [REDACTED] I [REDACTED] (no A-# provided)
W [REDACTED] C [REDACTED] P [REDACTED] C [REDACTED] (A# [REDACTED])
A [REDACTED] M [REDACTED] P [REDACTED] (no A-# provided)
R [REDACTED] C [REDACTED] T [REDACTED] I [REDACTED] L [REDACTED] (no A-# provided)
J [REDACTED] G [REDACTED] M [REDACTED] (no A-# provided)
A [REDACTED] I [REDACTED] R [REDACTED] R [REDACTED] (no A-# provided)
C [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)
N [REDACTED] A [REDACTED] D [REDACTED] P [REDACTED] (no A-# provided)
S [REDACTED] M [REDACTED] A [REDACTED] M [REDACTED] (no A-# provided)
D [REDACTED] M [REDACTED] I [REDACTED] V [REDACTED] (no A-# provided)
H [REDACTED] A [REDACTED] G [REDACTED] V [REDACTED] F [REDACTED] (no A-# provided)
A [REDACTED] M [REDACTED] V [REDACTED] V [REDACTED] (no A-# provided)
A [REDACTED] J [REDACTED] M [REDACTED] R [REDACTED] (no A-# provided)
E [REDACTED] D [REDACTED] R [REDACTED] (no A-# provided)

McAllen, TX (7-14-23)

D [REDACTED] D [REDACTED] A [REDACTED] L [REDACTED] (A# [REDACTED])
E [REDACTED] M [REDACTED] S [REDACTED] I [REDACTED] (no A-# provided)
J [REDACTED] H [REDACTED] R [REDACTED] (A# [REDACTED])
M [REDACTED] C [REDACTED] Y [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)
S [REDACTED] I [REDACTED] M [REDACTED] S [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] A [REDACTED] E [REDACTED] (no A-# provided)
A [REDACTED] D [REDACTED] P [REDACTED] B [REDACTED] (no A-# provided)
R [REDACTED] J [REDACTED] C [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] E [REDACTED] C [REDACTED] (no A-# provided)
A [REDACTED] D [REDACTED] G [REDACTED] I [REDACTED] (no A-# provided)
C [REDACTED] J [REDACTED] M [REDACTED] M [REDACTED] (no A-# provided)
D [REDACTED] I [REDACTED] P [REDACTED] C [REDACTED] (no A-# provided)
P [REDACTED] N [REDACTED] I [REDACTED] (A# [REDACTED])
A [REDACTED] J [REDACTED] D [REDACTED] F [REDACTED] (no A-# provided)
H [REDACTED] A [REDACTED] P [REDACTED] C [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] I [REDACTED] C [REDACTED] (no A-# provided)
L [REDACTED] M [REDACTED] C [REDACTED] (no A-# provided)

6. Class members experience sleep deprivation because of bright lights left on all night.

El Paso, TX (7-14-23)

A [REDACTED] I [REDACTED] R [REDACTED] R [REDACTED] (no A-# provided)
C [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)
J [REDACTED] V [REDACTED] C [REDACTED] (no A-# provided)
W [REDACTED] C [REDACTED] P [REDACTED] C [REDACTED] (A# [REDACTED])

Sarah B. Fabian

Fizza Batool

Page 9

L [REDACTED] V [REDACTED] L [REDACTED] (no A-# provided)
 M [REDACTED] A [REDACTED] V [REDACTED] A [REDACTED] (no A-# provided)
 P [REDACTED] E [REDACTED] R [REDACTED] D [REDACTED] (no A-# provided)
 N [REDACTED] A [REDACTED] D [REDACTED] P [REDACTED] (no A-# provided)
 H [REDACTED] A [REDACTED] G [REDACTED] V [REDACTED] F [REDACTED] (no A-# provided)
 E [REDACTED] D [REDACTED] R [REDACTED] (no A-# provided)

McAllen, TX (7-14-23)

A [REDACTED] D [REDACTED] P [REDACTED] B [REDACTED] (no A-# provided)
 R [REDACTED] J [REDACTED] C [REDACTED] (no A-# provided)
 D [REDACTED] I [REDACTED] F [REDACTED] C [REDACTED] (no A-# provided)
 M [REDACTED] M [REDACTED] E [REDACTED] C [REDACTED] (no A-# provided)
 P [REDACTED] N [REDACTED] I [REDACTED] (A# [REDACTED])
 A [REDACTED] J [REDACTED] D [REDACTED] F [REDACTED] (no A-# provided)
 H [REDACTED] A [REDACTED] P [REDACTED] O [REDACTED] (no A-# provided)

7. Class members are not provided a sufficient cots, mattresses, or blankets.El Paso, TX (7-41-23)

S [REDACTED] M [REDACTED] M [REDACTED] (no A-# provided)
 M [REDACTED] A [REDACTED] B [REDACTED] G [REDACTED] (no A-# provided)

McAllen, TX (7-14-23)

K [REDACTED] A [REDACTED] A [REDACTED] B [REDACTED] (no A-# provided)
 S [REDACTED] L [REDACTED] M [REDACTED] S [REDACTED] (no A-# provided)
 A [REDACTED] D [REDACTED] G [REDACTED] L [REDACTED] (no A-# provided)
 R [REDACTED] J [REDACTED] C [REDACTED] (no A-# provided)
 M [REDACTED] M [REDACTED] E [REDACTED] C [REDACTED] (no A-# provided)
 K [REDACTED] A [REDACTED] A [REDACTED] B [REDACTED] (no A-# provided)
 H [REDACTED] A [REDACTED] P [REDACTED] O [REDACTED] (no A-# provided)
 K [REDACTED] A [REDACTED] I [REDACTED] O [REDACTED] (no A-# provided)
 L [REDACTED] M [REDACTED] C [REDACTED] (no A-# provided)

8. Class members experience detention in overcrowded cells causing sleep deprivation and unsanitary conditionsEl Paso, TX (7-14-23)

A [REDACTED] J [REDACTED] R [REDACTED] R [REDACTED] (no A-# provided)
 P [REDACTED] E [REDACTED] R [REDACTED] D [REDACTED] (no A-# provided)
 M [REDACTED] A [REDACTED] V [REDACTED] A [REDACTED] (no A-# provided)
 Y [REDACTED] D [REDACTED] P [REDACTED] G [REDACTED] (no A-# provided)
 S [REDACTED] M [REDACTED] A [REDACTED] M [REDACTED] (no A-# provided)
 D [REDACTED] P [REDACTED] G [REDACTED] (A # [REDACTED])

Sarah B. Fabian
Fizza Batool
Page 10

McAllen, TX (7-14-23)

S [REDACTED] L [REDACTED] M [REDACTED] S [REDACTED] (no A-# provided)
M [REDACTED] M [REDACTED] E [REDACTED] C [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)
P [REDACTED] N [REDACTED] I [REDACTED] (A# [REDACTED])
A [REDACTED] J [REDACTED] D [REDACTED] F [REDACTED] (no A-# provided)
H [REDACTED] A [REDACTED] P [REDACTED] O [REDACTED] (no A-# provided)
K [REDACTED] A [REDACTED] I [REDACTED] O [REDACTED] (no A-# provided)
M [REDACTED] V [REDACTED] P [REDACTED] R [REDACTED] (no A-# provided)

9. **Class members do not routinely have access to showers and/or soap and paper towels to wash.**

El Paso, TX (7-14-23)

B [REDACTED] C [REDACTED] A [REDACTED] (no A-# provided)

10. **Class members are not provided with access to clean clothing.**

El Paso, TX (7-14-23)

Y [REDACTED] D [REDACTED] P [REDACTED] G [REDACTED] (no A-# provided)
N [REDACTED] A [REDACTED] D [REDACTED] F [REDACTED] (no A-# provided)

McAllen, TX (7-14-23)

D [REDACTED] D [REDACTED] A [REDACTED] L [REDACTED] (A# [REDACTED])
E [REDACTED] M [REDACTED] S [REDACTED] I [REDACTED] (no A-# provided)
Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)
H [REDACTED] A [REDACTED] P [REDACTED] O [REDACTED] (no A-# provided)

11. **Cold temperatures cause sleep deprivation and minors have not been provided jackets, clothing or adequate blankets to keep them warm.**

El Paso, TX (7-14-23)

J [REDACTED] C [REDACTED] (no A-# provided)
J [REDACTED] V [REDACTED] C [REDACTED] (no A-# provided)
S [REDACTED] M [REDACTED] M [REDACTED] (no A-# provided)
W [REDACTED] C [REDACTED] F [REDACTED] C [REDACTED] (A# [REDACTED])

McAllen, TX (7-14-23)

S [REDACTED] L [REDACTED] M [REDACTED] S [REDACTED] (no A-# provided)
A [REDACTED] D [REDACTED] P [REDACTED] E [REDACTED] (no A-# provided)
R [REDACTED] J [REDACTED] C [REDACTED] (no A-# provided)

Sarah B. Fabian

Fizza Batool

Page 11

D [REDACTED] F [REDACTED] C [REDACTED] (no A-# provided)

Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)

12. Class members unnecessarily separated from accompanying parents and family.El Paso, TX (7-14-23)

C [REDACTED] M [REDACTED] G [REDACTED] (no A-# provided)

S [REDACTED] M [REDACTED] M [REDACTED] (no A-# provided)

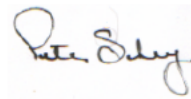
McAllen, TX (7-14-23)

Y [REDACTED] D [REDACTED] T [REDACTED] (no A-# provided)

D [REDACTED] I [REDACTED] F [REDACTED] C [REDACTED] (no A-# provided)

S [REDACTED] I [REDACTED] C [REDACTED] C [REDACTED] (no A-# provided)

J [REDACTED] H [REDACTED] R [REDACTED] (A# [REDACTED])



Peter A. Schey
Counsel for Plaintiffsccs: Plaintiffs' Co-Counsel
Andrea Sheridan Ordin
Dr. Paul Weiss

///

EXHIBIT 2

CENTER FOR HUMAN RIGHTS &
CONSTITUTIONAL LAW
Carlos R. Holguín (Cal. Bar No. 90754)
Sarah E. Kahn (Cal. Bar No. 341901)
256 South Occidental Boulevard
Los Angeles, CA 90057
Telephone: (213) 388-8693
Email: crholguin@centerforhumanrights.org

Attorneys for Plaintiffs

Additional counsel listed on following page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JENNY LISETTE FLORES, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, Attorney General of
the United States, *et al.*,

Defendants.

No. CV 85-4544-DMG-AGR_x

DECLARATION OF REBECCA WOLOZIN IN
SUPPORT OF PLAINTIFFS' MOTION TO
MODIFY THE 2022 CBP SETTLEMENT

JUDGE: Hon. Dolly M. Gee

Evidentiary Hearing: January 24, 2025
Time: 9:30 a.m.

1 NATIONAL CENTER FOR YOUTH LAW

2 Mishan Wroe (Cal. Bar No. 299296)

3 Diane de Gramont (Cal. Bar No. 324360)

4 1212 Broadway, Suite 600

5 Oakland, CA 94612

6 Telephone: (510) 835-8098

7 Email: mwroe@youthlaw.org

8 NATIONAL CENTER FOR YOUTH LAW

9 Rebecca Wolozin (admitted *pro hac vice*)

10 818 Connecticut Ave. NW, Suite 425

11 Washington, DC 20006

12 Telephone: (202) 868-4792

13 Email: bwolozin@youthlaw.org

14 CHILDREN'S RIGHTS

15 Leecia Welch (Cal. Bar No. 208741)

16 2021 Fillmore Street

17 San Francisco, CA 94115

18 Telephone: (415) 602-5202

19 Email: lwelch@childrensrights.org

20 CHILDREN'S RIGHTS

21 Eleanor Roberts (admitted *pro hac vice*)

22 88 Pine Street, Suite 800

23 New York, NY 10005

24 Telephone: (212) 683-2210

25 Email: eroberts@childrensrights.org

DECLARATION OF REBECCA WOLOZIN

I, Rebecca Wolozin, declare:

1. This declaration is based on my personal knowledge. If called to testify in this case, I would testify competently about these facts.

2. I am a Senior Attorney at the National Center for Youth Law (NCYL) and counsel of record in the above-captioned case. I make this declaration in support of Plaintiffs' Motion to Modify the 2022 CBP Settlement.

3. On May 16-17, 2024, Flores counsel conducted a site visit and attorney-client interviews at the Tucson Soft-Sided Facility.

4. On September 18-19, 2024, Flores counsel, along with volunteer attorneys and translators, conducted a site visit and attorney-client interviews at the Donna Juvenile Priority Facility.

5. On November 20, 2024, Flores counsel, along with volunteer attorneys and translators, conducted a site visit and attorney-client interviews at the El Paso Hardened Facility (EHF).

6. On October 16, 2024, following the September site visit, Plaintiffs' counsel notified Defendants by email communication of several violations of the 2022 CBP Settlement in the RGV Sector that were observed and recorded during the September site visit, alleging that:

- a. A majority of accompanied class members are held for extended periods of time in CBP custody, exacerbating the following violations;
- b. Class members/parents are routinely separated from parents and family members based on age and regardless of gender, without justification or operational need;
- c. Class members are given inconsistent or no visitation with separated family members;
- d. Class members are not provided with adequate notice of rights;
- e. Class members are not provided with legal service provider lists

- f. Class members are denied access to telephones to call counsel or family members;
- g. Class members are provided food that is cold or still frozen;
- h. Sleeping conditions for class members are inadequate due to light remaining on all night and interruptions for cleaning or hygiene activities between the hours of 10 p.m. and 6 a.m.;
- i. Class members are not provided with sufficient warm clothing or covering;
- j. Class members are held in an inappropriate environment that is neither child-friendly nor trauma-informed
- k. Class members are not provided information about their cases or the process of CBP custody and release.

In addition, Plaintiffs requested a meet and confer regarding Plaintiffs' position that an extension of the Settlement may be necessary to allow for CBP's substantial compliance. A true and correct copy of this correspondence is attached to this declaration as Exhibit A.

7. On October 23, 2024, Plaintiffs sent Defendants the A numbers of Class Members who had alleged each violation via G-28s.

8. In Plaintiffs' communications on October 16 and 23, 2024, pursuant to CBP Settlement ¶ XIII (2), Class Counsel made their best efforts to indicate the time, date, location, and the specific factual circumstances forming the basis for the alleged breach, as well as the names and A numbers of all class members whose claims serve as a basis for the allegations.

9. On November 7, 2024, Defendants provided a written response to specific allegations of breach by each class member.

10. Plaintiffs, Defendants, and the Juvenile Care Monitors thereafter met and conferred about violations in the RGV sector on November 20, 2024. At the meeting, Plaintiffs clarified their position that an extension of the Settlement was

1 necessary, and that a motion would be based on a lack of substantial compliance
2 establishing changed circumstances that warrant extension under *Kelly v. Wengler*.
3 Plaintiffs further stated that they were amenable to working toward an agreement
4 with the government as to scope and duration of an extension. Plaintiffs requested
5 Defendants' position on such an extension.

6 11. On November 25, 2024, upon request from Defendants, Plaintiffs provided
7 their written position regarding provision of legal service provider lists and access
8 to phones to call counsel and family. A true and correct copy of this position is
9 attached to this declaration as Exhibit B. As of the date of this declaration,
10 Defendants have not responded to this position or notified Plaintiffs of any changes
11 made in response thereto.

12 12. On November 25, 2024, Plaintiffs' counsel notified Defendants by email
13 communication of several violations of the 2022 CBP Settlement in the El Paso
14 Sector that Plaintiffs' counsel observed during the November 20, 2024 site visit,
15 alleging that:

- 16 a. A majority of accompanied class members are held for extended
17 periods of time in CBP custody, exacerbating the following violations;
- 18 b. Class members are held in unsanitary conditions because they are not
19 provided with clean clothing, even when requested;
- 20 c. Class members are not provided with adequate notice of rights;
- 21 d. Class members are not provided with legal service provider lists
- 22 e. Class members are denied regular access to telephones to call counsel
23 or family members;
- 24 f. Class members are held in an inappropriate environment that is
25 neither child-friendly nor trauma-informed, and are not provided age-
26 appropriate toys, activities, recreation, or time outdoors;
- 27 g. Class members are not provided information about their cases or the
28 process of CBP custody and release.

- h. Class members/parents are sometimes separated from parents and family members;
- i. Class members are given inconsistent or no visitation with separated family members;
- j. Class members are provided with age-appropriate food or are given food that is cold or still frozen;
- k. Sleeping conditions for class members are inadequate due to light remaining on all night and very cold temperatures;
- l. Class members are not provided with sufficient warm clothing or covering.

Plaintiffs reiterated the need to determine whether an extension of the Settlement would be necessary in light of Defendants' ability or inability to address violations. A true and correct copy of this correspondence is attached to this declaration as Exhibit C.

13. On December 9, 2024, I emailed Defendants' counsel to request an update regarding Defendants' willingness to negotiate an extension of the 2022 CBP Settlement or to narrow the issues before Plaintiffs filed a motion. On December 10, 2024, in response to a request from Defendants, I further clarified Plaintiffs' intention to file a Motion to Modify the Settlement under Rule 60(b) by extending the termination date of the full Settlement by an additional 2.5 years, in light of Defendants' lack of substantial compliance.

14. On December 13, 2024, Defendants provided a written response to specific allegations of breach by each class member. Despite Plaintiffs' reiterated requests, Defendants did not provide their position regarding an extension of the CBP Settlement.

15. On December 16, 2024, Plaintiffs and Defendants met and conferred about violations in the El Paso Sector and Plaintiffs' proposed Motion to Modify. In addition, Plaintiffs communicated that we planned to file on December 20, 2024,

1 given the briefing schedule dictated by the Settlement's current termination date of
2 January 29, 2025. Plaintiffs offered to agree to a one-month extension of the
3 Settlement termination date to allow the parties to attempt to resolve the disputes at
4 issue and avoid briefing during the holidays. Plaintiffs requested a response by
5 close of business Pacific Time on December 18, 2024. Defendants have not
6 responded as of the date of this declaration.

7 16. Despite repeated meet and confer efforts, the Parties were not able to
8 resolve the disputes at issue.

9
10 I declare under penalty of perjury that the foregoing is true and correct. Executed
11 December 20, 2024 in Washington, District of Columbia.

12
13 /s/ Rebecca Wolozin.

14 Rebecca Wolozin
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EXHIBIT 2A

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Joshua McCroskey

Trial Attorney

Office of Immigration Litigation

Joshua.C.McCroskey@usdoj.gov

Via email

October 16, 2024

Dear Joshua,

We write to meet and confer regarding violations of the *Flores* Settlement Agreement (“Settlement Agreement” or “FSA”), including the 2022 CBP Settlement in *Flores*, occurring in CBP’s Laredo and Rio Grande Valley (RGV) Sectors.

Flores counsel recently interviewed class members at Laredo CPC in the Laredo Sector and at the Donna CPC in the RGV Sector. Class members and their families, at both facilities, reported concerning violations of the Settlement Agreement, which are outlined below. These violations were particularly concerning given the low census at both facilities.

To avoid motion practice, Plaintiffs request a meet and confer call to discuss what steps Defendants will take to remedy these violations and ensure future compliance with the FSA and CBP Settlement in both sectors.

I. Prolonged Detention of Minors in CBP facilities

Under the Settlement Agreement, CBP “shall expeditiously process [] minor[s].” FSA ¶ 12A. Concerningly, minors had been held in both facilities for prolonged periods of time. In addition to being a violation itself, lengthy detention in CBP custody exponentially compounds the harms of the detention and of the other violations identified throughout this letter. CBP facilities are not designed to hold class members for more than 72 hours. *Flores* counsel is deeply concerned that class members experience unnecessarily prolonged stays in unsafe detention conditions.

At the Laredo CPC, *Flores* counsel met with at least 15 children who had been detained by CBP for five days or more. *See, e.g.*, J.O.Z.V. Decl. ¶ 7 (six days); J.M.A. Decl. ¶ 4 (seven days); A.Y.M.M. Decl. ¶ 11 (five days); M.K.R.J. Decl. ¶ 5 (seven days). Many of these children had been detained well beyond a week. *See, e.g.*, B.E.C.D. Decl. ¶ 7 (eleven days); J.B.V. Decl. ¶ 5 (nine days); T.A. Decl. ¶ 5 (twelve days); E.A.O. Decl. ¶ 6 (eleven days).

At the Donna CPC, *Flores* counsel met with at least 15 children who had been detained for more than 4 days, including six children who had been detained by CBP for six days or more. *See* C.T.F. Decl. ¶ 4 (four days); N.D.H. Decl. ¶ 14 (eleven days); B.B. Decl. ¶ 5 (ten days); R.E.Z. Decl. ¶ 3 (ten days); Y.T.C.R. Decl. ¶ (four days); K.A.C.M. Decl. ¶ 6 (four days); G.N.P.C. ¶ 3 (six days); F.J.D.A. Decl. ¶ 5 (five to six days). We also became aware of children who had spent over two weeks in the facility. *See* A.N.H.S. Decl. ¶ 17 (held with children detained for at least 15 and 17 days).

II. Routine Family Separation and Insufficient Family Visitation (FSA ¶¶ 11, 12A)

In addition to requiring that children be held in “safe and sanitary” conditions, the Settlement Agreement requires CBP to treat “minors in its custody with dignity, respect, and special concern for their particular vulnerability as minors.” FSA ¶¶ 11, 12A.

Furthermore, the 2022 CBP Settlement Agreement requires that class members remain with accompanying family members including non-parents or legal guardians “absent an articulable operational reason” that has been recorded for each individual family that has been separated. CBP Settlement at 14, § VII(8)(B)(1)-(3). Note that, contrary to the position previously taken by DOJ, the Prison Rape Elimination Act (PREA) does not require children to be separated from their families and does not provide an operational reason justifying separation of children from their accompanying family members. *See* 34 U.S.C. § 30301 et seq.; 6 C.F.R. § 115.114.

The Settlement Agreement further requires CBP to provide children with “contact with family members who were arrested with the minor.” FSA ¶ 12A. The CBP Settlement Agreement also requires that class members be able to ask for and receive visits with separated family members in the same facility. CBP Settlement at 14, § VII (8)(B)(3).

a. Donna CPC

In violation of the FSA and the 2022 CBP Settlement, most class members and their families that *Flores* counsel interviewed reported being separated from family members. Children and their families understood the facility’s rule to be that children twelve and older would be separated from accompanying adults. *See* N.M.F.C. Decl. ¶ 4; M.A.A. Decl. ¶ 4. This appeared to apply regardless of the adult or child’s gender. *See, e.g.*, C.T.F. Decl. ¶ 8 (16-year-old-girl separated from mother); N.M.F.C. Decl. ¶ 4 (13-year-old-girl separated from mother and younger sister); M.A.A. Decl. ¶ 4 (13-year-old girl separated from mother and younger sister).

Border Patrol did not explain or articulate to families why they were being separated aside from their ages in limited cases. *See, e.g.* Y.A.C.M. Decl. ¶ 10; D.L.P. Decl. ¶ 4. When children reported asking to see their family members, they frequently said their requests were denied. *See, e.g.*, F.J.D.A. Decl. ¶ 5; M.A.A. Decl. ¶ 5; A.N.H.S. Decl. ¶ 11.

Flores counsel interviewed several children who were separated from their family members—including from their siblings and parents—and provided no in-person or telephonic contact for days at a time. *See* F.J.D.A. Decl. ¶¶ 4-5; C.T.F. Decl. ¶ 8; M.A.A. Decl. ¶ 5; B.B. Decl. ¶¶ 4, 21; R.E.Z. Decl. ¶¶ 3, 5; A.N.H.S. Decl. ¶ 11; N.M.F.C. Decl. ¶ 6; Y.T.C.R. Decl. ¶¶ 5, 8; D.L.P. Decl. ¶¶ 4-5. They also reported that they were not permitted to visit with their families when they asked to do so and were told to wait until undetermined future scheduled times. *See* A.N.H.S. Decl. ¶ 11; F.J.D.A. Decl. ¶ 5; M.A.A. Decl. ¶ 5; K.I.C. Decl. ¶ 17. The lack of visitation and unpredictable visitation compounds the profound trauma of being separated from family members. *Flores* counsel are deeply concerned by CBP’s blatant violation of its family visitation obligations.

b. Laredo CPC

Most class members and their families that *Flores* counsel interviewed reported being separated from family members. Children and their families understood the facility's blanket rule to be that children aged 13-years-old or older would be separated from accompanying adults. *See* M.K.R.J. Decl. ¶ 4; B.E.C.D. Decl. ¶ 8. This appeared to be regardless of the adult or child's gender. *See, e.g.*, B.E.C.D. Decl. ¶¶ 2, 7, 8 (16-year-old girl separated from mother); E.B.A. Decl. ¶¶ 6, 10 (14-year-old girl separated from mother); J.M.A. Decl. ¶¶ 2, 7 (14-year-old girl separated from mother); A.Y.M.M. Decl. ¶¶ 4-5 (13-year-old girl separated from mother, father, and minor sisters).

Border Patrol did not explain to families why they were being separated. *See, e.g.*, J.O.Z.V. Decl. ¶ 8; J.A.V.Z. Decl. ¶ 9; B.E.C.D. Decl. ¶ 8; E.B.A. Decl. ¶ 10; Z.S.M. Decl. ¶¶ 4, 9.

Additionally, *Flores* counsel interviewed numerous children who felt they were not given enough time to visit with their family members. Although visits generally appeared to be provided daily, they varied in length and timing. *See* A.Y.M.M. ¶ 10; J.A.V.Z. ¶ 10 (30 min. visits daily); A.F.R.M. ¶ 6.

III. Insufficient Hygiene Provisions (FSA ¶ 12A; CBP Settlement § VII (5)(B), (7))

CBP is required to hold minors "in facilities that are safe and sanitary and that are consistent with [CBP's] concern for the particular vulnerability of minors." FSA ¶ 12A. Adequate access to hygiene items, including "soap, towels, showers, dry clothing, [and] toothbrushes" fall within the Settlement Agreement's requirement of "safe and sanitary" conditions. *Flores v. Sessions*, 394 F. Supp. 3d 1041, 1057 (C.D. Cal. 2017). The CBP Settlement explicitly requires that CBP provide toothbrushes and toothpaste daily. CBP Settlement at 13, § VII (7)(3). All class members must have access to soap and water and/or hand sanitizer. CBP Settlement at 14, § VII (8). The settlement further requires that class members must be given clean clothing if their clothing is wet or soiled. CBP Settlement at 12, § VII (5)(B)(2).

Class members in the Laredo CPC routinely described unsafe and unsanitary conditions arising from a lack of access to basic hygiene services and items.

Numerous children we interviewed in Laredo CPC, including children who had been detained for well over three days, reported that they are only able to shower, brush their teeth, and receive limited clean clothing once every three days. *See, e.g.*, J.A.V.Z. Decl. ¶¶ 14-15; B.E.C.D. Decl. ¶ 13; E.A.O. Decl. ¶ 7; J.B.V. Decl. ¶ 12; A.Y.M.M. Decl. ¶ 11. Children are not able to change their underwear or any of their clothing between their designated shower times. *See* B.E.C.D. Decl. ¶ 13; E.A.O. Decl. ¶ 7; A.Y.M.M. Decl. ¶ 11. Children reported not being able to change their pants throughout their entire stay, even when they were given a clean shirt. B.E.C.D. Decl. ¶ 13; J.M.A. Decl. ¶ 12. This lack of access to basic hygiene causes extreme discomfort and distress and is a blatant violation of the FSA's requirements.

One unaccompanied child we interviewed in Laredo CPC reported that there was no toilet paper or soap in the bathroom. C.E.T.A. Decl. ¶ 8.

Additionally, in the RGV sector, one young unaccompanied child reported having spent approximately one night and one day in the Brownsville Border Station before being transferred to Donna CPC. G.A.R.R. Decl. ¶¶ 21-22. He reported while at the Brownsville Border Station he did not receive a shower, a toothbrush, or soap and water. *Id.* at ¶ 13. He also reported that he was not given clean clothing until reaching Donna CPC, despite being in Brownsville for a night and a day. *Id.* at ¶ 12.

IV. Lack of Access to Telephones, Counsel, and Insufficient Notice of Rights (FSA ¶ 12A; FSA ¶ 24.D, Ex. 6; CBP Settlement § XI; Ex. 3)

The FSA explicitly requires Defendants to promptly provide class members a list of free legal services available in the district and the notice of rights set out in Exhibit 6. FSA ¶ 24.D. Exhibit 6 includes notice of the child's right to call a lawyer, including from the list of free legal services. FSA Ex. 6.

The CBP Settlement requires CBP to provide "a list of free legal services to all class members." *See* CBP Settlement at 20, § XI. Exhibit 3 to the CBP Settlement includes notice of the child's right to use the telephone to call a lawyer "at any time prior to your departure from the facility." CBP Settlement Exh. 3. This notice and the notice in Exhibit 6 of the FSA are meaningless without actual access to telephones. Children require access to phones to contact legal service providers, particularly as they are held in CBP custody for prolonged amounts of time.

Plaintiffs' understanding of Defendants' position is that Defendants contend that the FSA does not require CBP to provide the legal services list prior to release into the United States or to provide a child a phone call to a lawyer. Plaintiffs' position is that FSA Paragraph 24.D's mandate to "promptly provide each minor not released" the legal services list means CBP must promptly provide each child in CBP custody the list and an opportunity to call a lawyer. The CBP Settlement lays this out even more explicitly in Exhibit 3. Provision of a list of free legal services combined with actual access to telephones becomes even more important when CBP holds children in custody for prolonged periods of time during which high stakes legal decisions occur.

CBP also has a responsibility to treat children "with special concern for their particular vulnerability as minors," FSA ¶ 12A, even when a certain condition is not explicitly enumerated in the Settlement Agreement. *Flores v. Sessions*, 394 F. Supp. 3d at 1060 (finding that adequate sleeping conditions were required by the Settlement as part of concern for the particular vulnerability of minors); *Flores v. Barr*, 934 F.3d 910, 915 (9th Cir. 2019) (same).

Access to a telephone call is an essential factor of accounting for the "particular vulnerability of minors," especially unaccompanied minors.¹ One of the most important components to a child's sense of safety and security is connection and access to a trusted adult.² For children in CBP custody, phone access may be the only way a child can talk to a caregiving adult they trust. Furthermore, while children may have traveled with a trusted adult, they may also need to talk to another trusted adult who is a parent or primary caregiver who may only be available to them by phone. For these reasons, telephone access is central to providing conditions that are consistent with a "concern for the particular vulnerability of children."

At the Laredo and Donna CPCs, CBP is not providing children the list of free legal services providers or the opportunity to call a lawyer, including children who are detained for several days or weeks awaiting information about their immigration case. *See, e.g.*, B.E.C.D. Decl. ¶ 22; Z.S.M. Decl. ¶ 7; J.B.V. Decl. ¶ 6 (Laredo); *see also, e.g.*, D.L.P. Decl. ¶ 13; C.T.F. Decl. ¶¶ 19-20; M.A.A. Decl. ¶ 13; N.D.H. Decl. ¶ 11; G.N.P.C. Decl. ¶ 23 (Donna). The few individuals who were offered the opportunity to call a lawyer

¹ The agency's own TEDS Standards recognize this responsibility and *require* CBP to offer telephone calls to unaccompanied children. *See* U.S. Customs and Border Protection, National Standards on Transport, Escort, Detention, and Search, *Section 4.9 Telephones*, October 2015, <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>.

² Center on the Developing Child at Harvard University, "Three Principles to Improve Outcomes for Children and Families," 2021 Update, at 3-4, https://harvardcenter.wpenginpowered.com/wp-content/uploads/2017/10/3Principles_Update2021v2.pdf (describing how responsive relationships with caregivers promote healthy brain development in children and help children deal with stress and regulate emotions).

were permitted to do so only on one Sunday, *see* J.M.A. Decl. ¶¶ 20, 22 (Laredo), or were told that obtaining a lawyer would result in extended time in custody, *see* N.M.F.C. Decl. ¶ 6.

Most of the accompanied children that *Flores* counsel interviewed had not been provided with or had been affirmatively denied a phone call by CBP either to a trusted adult or family member outside of the facility or to legal providers at either facility. *See, e.g.* Y.A.C.M. Decl. ¶ 17; K.A.C.M. Decl. ¶ 12; Y.T.C.R. Decl. ¶ 7; J.O.Z.V. ¶ 18; B.E.C.D. Decl. ¶ 9 (Laredo); S.T.O Decl. ¶ 7; Z.S.M. Decl. ¶ 7 (Donna).

CBP's failure to provide each child the legal services list and an opportunity to call a lawyer is a particularly egregious violation of the FSA and CBP settlements given the prolonged detention of children for several days or weeks without any meaningful access to counsel.

V. Insufficient edible food

The 2022 CBP Settlement requires that minors be provided at least two hot meals per day. CBP Settlement at 11, § VII (4)(A)(4).

At Donna CPC, numerous class members and their families reported that food was provided to them that was cold, frozen, or uncooked, rather than hot meals. *See, e.g.*, D.L.P. Decl. ¶ 10; F.J.D.A. Decl. ¶ 11 (“Every single meal, the food is cold”). One unaccompanied minor reported that while held in Brownsville, the food he was given was very cold. G.A.R.R. ¶ 14.

At Laredo CPC, numerous class members also reported receiving food that was extremely cold or made them sick. *See* D.L.P. Decl. ¶ 10; J.O.Z.V. Decl. ¶ 14; J.A.V.Z. Decl. ¶ 12; M.K.R.J. Decl. ¶ 6; Z.F.B. Decl. ¶ 15; A.Y.M.M. Decl. ¶ 8.

VI. Inadequate Sleeping Conditions

CBP must provide children adequate sleeping conditions as part of its obligation to provide “safe and sanitary” conditions and act consistently with “concern for the particular vulnerability of minors.” *Flores v. Sessions*, 394 F. Supp. 3d 1041, 1060 (C.D. Cal. 2017) (citing FSA ¶ 12A). The CBP settlement additionally requires CBP to make reasonable efforts to dim the lights and to minimize disruptions of sleep between 10:00 pm and 6:00 am. CBP Settlement at 13, § VII (6)(3)-(4).

The conditions at the Laredo CPC and Donna CPC impede children's ability to sleep in violation of the FSA and the CBP Settlement. Numerous class members and their parents reported that lights remain on all night in their pods. *See, e.g.*, Z.F.B. Decl. ¶ 13; M.K.R.J. Decl. ¶ 9; Z.S.M. Decl. ¶ 11; C.E.T.A. Decl. ¶ 7 (Laredo); *see also, e.g.*, D.L.P. Decl. ¶ 11; C.T.F. Decl. ¶ 10; N.M.F.C. Decl. ¶ 12; F.J.D.A. Decl. ¶ 10 (Donna).

Additionally, at the Donna CPC, staff disrupt children's sleep by requiring them to vacate rooms in the middle of the night in order to clean or to shower. *See* C.T.F. Decl. ¶ 9 (“At 12am someone comes every night to clean, and we all have to get up and get out of their way. They yell and clap at us if we don't wake up right away.”); N.M.F.C. Decl. ¶ 12 (“But they wake us up at 11 pm to bathe...”); *see also* C.A.C.M. Decl. ¶ 18; G.N.P.C. Decl. ¶ 16.

VII. Inadequate Temperature Control (FSA ¶ 12A)

Maintaining facilities at a consistently cold temperature is a violation the Settlement Agreement, which requires adequate temperature control in facilities holding children. FSA ¶ 12A; *Flores v. Sessions*, 394 F. Supp. at 1059. *See also*, CBP Settlement at 12, § VII (5)(1).

However, many children reported being very cold or freezing throughout their time in both CBP facilities. *See, e.g.*, B.E.C.D. ¶ 19; J.O.Z.V. Decl. ¶ 13; J.A.V.Z. Decl. ¶ 14; E.B.A. Decl. ¶¶ 8, 9, 13; J.M.A Decl. ¶ 9; E.A.O. Decl. ¶ 12; M.S.B.C. Decl. ¶ 8; Z.S.M. Decl. ¶ 10; M.K.R.J. Decl. ¶ 7 (Laredo); *see also, e.g.*, A.N.H.S. Decl. ¶ 23; C.A.M.C. Decl. ¶¶ 10, 19; C.T.F. Decl. ¶ 14; M.A.A. Decl. ¶ 6; N.M.F.C. Decl. ¶ 10; B.B. Decl. ¶¶ 14-15; K.I.C. Decl. ¶ 13; G.N.P.C. Decl. ¶ 15; F.J.D.A. Decl. ¶ 9; D.L.P. Decl. ¶ 8 (Donna).

Class members in both facilities also reported that CBP only permits a shirt and a sweatshirt, and no additional layers of clothing for children to keep warm. *See, e.g.*, E.B.A. Decl. ¶ 8; Z.S.M. Decl. ¶¶ 5, 10 (Laredo); *see also, e.g.*, G.N.P.C. Decl. ¶ 15; M.A.A. Decl. ¶ 6; K.I.C. Decl. ¶ 13 (Donna). An unaccompanied child who had been held in Brownsville reported being extremely cold while held at the station. G.A.R.R. Decl. ¶ 14 (“I was so cold at that immigration center. I had to sleep in a corner”).

VIII. Lack of a child-friendly environment and lack of information provision (FSA ¶ 12A)

CBP has an obligation to treat children “with special concern for their particular vulnerability as minors” requires providing a “child-appropriate environment”. FSA ¶12A; CBP Settlement at 14-14, § VII (8). *See also*, CBP Settlement at 10, § VII (3)(D)(7) (requiring a “trauma-informed approach to class members in custody” and efforts to “foster reassurance, resilience, orientation, recreation, and distraction”).

Under the CBP Settlement, special considerations further include the availability of age-appropriate toys and activities and recreation time. *See* CBP Settlement at 14-15, § VII (8)(B)(5), (C)(3)-(4). Additionally, the CBP Settlement requires CBP to provide UCs with “at least one daily message . . . orienting them to date, time, location, and “general process/disposition expectations.” CBP Settlement at 15, § VII (8)(C)(4).

Finally, when a child is in custody for longer than 72 hours, the CBP Settlement requires that CBP make all reasonable efforts to provide recreation, child-appropriate activities, and outdoor recreation for children held in Juvenile Priority Facilities like Donna CPC. *Id.* at 17, § VIII (7).

Counsel interviewed class members and their families at both facilities who reported an environment unfit for children. There are insufficient recreation options or activities, including a complete lack of options in some instances, and no access to the outdoors. *See, e.g.*, E.B.A. Decl. ¶ 17-19; E.A.O. Decl. ¶¶ 6, 13; M.K.R.J. Decl. ¶12; J.B.V. Decl. ¶ 8; A.N.H.S. Decl. ¶¶ 25-26 (“I don’t see the sun”); C.A.C.M. Decl. ¶¶ 8, 11; B.B. Decl. ¶¶ 11-12; K.A.C.M. Decl. ¶¶ 4, 9; Y.A.C.M. ¶ 14; F.J.D.A. Decl. ¶ 6; G.N.P.C. Decl. ¶ 17.

Children are highly surveilled and not allowed to play with each other or their family members inside of the rooms where they were being held for prolonged periods of time. *See, e.g.*, J.B.V. Decl. ¶ 9 (“The kids cannot play in the room because the agents will scold the children and us, the mothers”); O.A.M.P. Decl. ¶¶ 9, 13 (describing guards yelling at a parent for letting his son climb on him, yelling at young children to stop running); A.Y.M.M. Decl. ¶ 6 (describing a guard slamming the television against the glass wall when children asked to change the film; caretakers slamming doors and screaming in the mornings); B.E.C.D. ¶ 17 (a child describing a guard yelling at her not to touch the glass wall of the room where she

was being held); C.A.C.M. Decl. ¶ 12 (describing staff yelling at children and telling parents to “control your kids”); B.B. Decl. ¶ 12 (describing being told children cannot walk, jump, or run).

In addition, nearly every child or parent *Flores* counsel interviewed in the Laredo and Donna CPCs reported that CBP had provided little or no information about the general process or disposition expectations. *See, e.g.*, J.O.Z.V. Decl. ¶ 19; J.A.V.Z. Decl. ¶ 17; B.E.C.D. ¶ 12; E.B.A. Decl. ¶ 11; E.A.O Decl. ¶ 5; J.B.V. Decl. ¶¶ 5-6 (Laredo); *see also, e.g.*, A.N.H.S. Decl. ¶¶ 9-10, 13-14; F.J.D.A. Decl. ¶ 7; C.N.T.F. Decl. ¶ 21; N.S.D.H. Decl. ¶ 16; R.E.Z. Decl. ¶ 6 (Donna).

Plaintiffs are hopeful that we can work with Defendants to remedy these various Settlement violations and to determine whether an extension of the 2022 CBP Settlement is necessary to allow for CBP’s substantial compliance with the settlement. *Kelly v. Wengler*, 822 F.3d 1085, 1098 (9th Cir. 2016). We request that you provide Defendants’ availability for a meet and confer regarding these issues as soon as possible and no later than November 1, 2024.

Thank you,



Rebecca Wolozin
One of the attorneys for Plaintiffs

Cc: Andrea Sheridan Ordin, aordin@strumwooch.com; Dr. Paul H. Wise, pwise@stanford.edu; Dr. Nancy Ewen Wang, ewen@stanford.edu.

EXHIBIT 2B

CONFIDENTIAL

2:85-cv-04544-DMG-AGR

Jenny L Flores v. Edwin Meese

Plaintiff's Position on Phone Access and Timing of Providing Legal Service Provider Lists

The FSA requires Defendants to promptly provide class members a list of free legal services and the notice of rights set out in Exhibit 6. FSA ¶ 24.D. Exhibit 6 includes notice of the child's right to call a lawyer, including from the list of free legal services. FSA Ex. 6.

If a child is not processed for immediate transfer to ORR custody or release or parole into the United States or at the conclusion of intake into a DHS facility, the child is "not released" under the FSA. At that time, the right to access counsel and phones as described in the FSA is immediately triggered.

Plaintiffs' position is that FSA Paragraph 24.D's mandate to "promptly provide each minor not released" the legal services list means CBP must provide each child in CBP custody the list of legal service providers at the conclusion of CBP intake if the child will not be immediately released from CBP custody (either to ORR custody or into the United States). CBP must then promptly provide an opportunity to call a lawyer.

A physical list of legal providers that serve CBP detention centers (e.g. via hotlines) should be provided to all class members during CBP facility intake, unless the class member is being immediately processed for release or parole into the United States. The list must be provided physically to the individual at this point in addition to being posted in phone booths. *See* FSA ¶ 24.D (requiring Defendants to provide a list of free legal services to "each minor"). This will both communicate the right to a phone call and allow children and their families to make a plan for accessing counsel.

Defendants acknowledge that they must (and do) provide written notice in CBP facilities of an individual's right to request a phone call. However, such notice is meaningless and therefore violative if the right only attaches to an empty promise. Children who are not released must be provided access to a phone in a timely manner following initial intake such that they have the opportunity to get legal advice prior to the closing of the window of opportunity to seek relief from removal and/or at a meaningful time if they have been treated improperly while in government custody.

Finally, because currently UCs appear to be promptly transferred to ORR custody where they will have the opportunity for legal consultation, Plaintiffs are willing to accept provision of the LSP list and legal consult to UCs during transfer and arrival to ORR as a compromise for practical expediency. If CBP detains an unaccompanied child for more than 72 hours, that child must receive the list of legal service providers and the opportunity to call a lawyer as mandated by paragraph 24D.

EXHIBIT 2C

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Joshua McCroskey

Trial Attorney

Office of Immigration Litigation

Joshua.C.McCroskey@usdoj.gov

Via email

November 25, 2024

Dear Joshua,

We write to meet and confer regarding violations of the *Flores* Settlement Agreement (“Settlement Agreement” or “FSA”), including the 2022 CBP Settlement in *Flores*, occurring in CBP’s El Paso Sector.

On November 20, 2024, *Flores* counsel interviewed class members at the El Paso Hardened Facility in the El Paso Sector. Class members and their families reported concerning violations of the FSA and the CBP Settlement, as outlined below.

To avoid motion practice, Plaintiffs request a meet and confer call to discuss what steps Defendants will take to remedy these violations and ensure future compliance with the FSA and CBP Settlement in the El Paso Sector.

I. Prolonged Detention of Minors in CBP Facilities (FSA ¶ 12A)

Under the Settlement Agreement, CBP “shall expeditiously process [] minor[s].” FSA ¶ 12A. Concerningly, minors we spoke with had been held in the El Paso Hardened Facility for prolonged periods of time. In addition to being a violation itself, lengthy detention in CBP custody exponentially compounds the harms of the detention and of the other violations identified throughout this letter. CBP facilities are not designed to hold class members for more than 72 hours. *Flores* counsel is deeply concerned that class members are experiencing unnecessarily prolonged stays in unsafe and unsanitary detention conditions.

Flores counsel met with children who had been detained by CBP for more than a week. Some children had been held in CBP custody for over two weeks. *See, e.g.*, W.O.C.M. Decl. ¶¶ 3, 6 (16 days); M.A.C.M. Decl. ¶ 5 (15 days); W.O.R.P. Decl. ¶ 4 (9 days); S.Y.A.R. Decl. ¶ 5 (over a week); B.M.M.C. Decl. ¶ 5 (7 days); P.O. Decl. ¶ 4 (child detained 7 days); M.R.K. Decl. ¶ 4 (one week) (father of T.K.); A.I.P.P. Decl. ¶ 3 (7 days); M.L.R. Decl. ¶ 3 (7 days). Notably, 4-year-old class member L.A.C.A. was detained for over two weeks despite his father consenting to deportation nearly a week earlier. W.O.C.M. Decl. ¶¶ 2-3, 6.

Lengthy detention in CBP custody exacerbates the harms of each of the following violations below and generally makes detention in CBP custody unsafe for class members of all ages.

II. Unsanitary Conditions Due to Failure to Provide Clean Clothing (FSA ¶ 12A; CBP Settlement §§ VII (5)(B), (7))

CBP is required to hold minors “in facilities that are safe and sanitary and that are consistent with [CBP’s] concern for the particular vulnerability of minors.” FSA ¶ 12A. Adequate access to hygiene items, including “soap, towels, showers, dry clothing, [and] toothbrushes” fall within the Settlement Agreement’s requirement of “safe and sanitary” conditions. *Flores v. Sessions*, 394 F. Supp. 3d 1041, 1057 (C.D. Cal. 2017). The CBP Settlement further requires that class members must be given clean clothing if their clothing is wet or soiled. CBP Settlement at 12-13, § VII (5)(B)(2); *see also id.* § VII (7)(6)-(7) (“[C]lean clothing shall be available to replace soiled clothing, to include cloth swaddling blankets, sweatpants, t-shirts, socks, and underwear.”). This obligation continues in instances of prolonged custody. CBP Settlement at 17, § VIII (5).

Class members in the El Paso Hardened Facility routinely described unsafe and unsanitary conditions because CBP forced children to wear the same dirty clothes for days or weeks at a time, even when children or their family members requested clean clothing. *See* W.O.C.M. Decl. ¶ 8 (no clean shirt or sweater in 16 days); M.A.C.M. Decl. ¶ 11 (no clean clothes for 15 days despite requests); S.Y.A.R. Decl. ¶¶ 5, 11 (no ability to wash clothes or access clean clothes in over a week); B.M.M.C. Decl. ¶ 11 (no clean clothing in seven days); G.O.F.F. Decl. ¶ 14 (one change of clothes provided after seven days and multiple requests); W.O.R.P. Decl. ¶ 7 (no clean clothing in nine days and clothes starting to itch); P.O. Decl. ¶ 7 (one change of clothes provided after six days); A.I.P.P. Decl. ¶ 5 (no clean clothing for six days, then only a clean sweater, clean pants refused when requested); M.L.R. Decl. ¶ 6 (no clean clothes in eight days, refused when requested). Class members were distressed by having to wear dirty clothing for so long. This is especially concerning given the long length of custody.

III. Lack of Access to Counsel, Insufficient Notice of Rights, and Inconsistent of Access to Telephones, (FSA ¶ 12A; FSA ¶ 24.D, Ex. 6; CBP Settlement § XI, Ex. 3)

The FSA explicitly requires Defendants to promptly provide class members a list of free legal services available in the district and the notice of rights set out in Exhibit 6. FSA ¶ 24.D. Exhibit 6 includes notice of the child’s right to call a lawyer, including from the list of free legal services. FSA Ex. 6.

The CBP Settlement requires CBP to provide “a list of free legal services to all class members.” *See* CBP Settlement at 20, § XI. Exhibit 3 to the CBP Settlement includes notice of the child’s right to use the telephone to call a lawyer “at any time prior to your departure from the facility.” CBP Settlement Ex. 3. This notice and the notice in Exhibit 6 of the FSA are meaningless without actual access to telephones. Children require access to phones to contact legal service providers, particularly when they are held in CBP custody for prolonged amounts of time.

Plaintiffs’ position is that FSA Paragraph 24.D requires CBP to promptly provide each child in CBP custody the free legal services list at the conclusion of CBP intake, unless the child will be immediately released or transferred out of CBP custody. The conclusion of intake is the point at which CBP makes a decision not to release the child, and therefore that also triggers the right to use a phone to call a lawyer. The CBP Settlement lays this out even more explicitly in Exhibit 3.

Provision of a list of free legal services combined with actual access to telephones becomes even more important when CBP holds children in custody for prolonged periods of time during which high stakes

legal decisions occur. Plaintiffs have provided their position on this issue in greater detail in response to previous meet and confer discussions.

At the El Paso Hardened Facility, CBP is not providing children the list of free legal services providers or the opportunity to call a lawyer, including children who are detained for several days or weeks. *See, e.g.*, A.I.P.P. Decl. ¶ 14; B.M.M.C. Decl. ¶ 13; G.O.F.F. Decl. ¶ 16; W.O.R.P. Decl. ¶ 11; P.O. Decl. ¶ 10; W.O.C.M. ¶ 15; M.L.R. Decl. ¶ 14; M.A.C.M. Decl. ¶ 9; S.Y.A.R. ¶ 14.

CBP also has a responsibility to treat children “with special concern for their particular vulnerability as minors,” FSA ¶ 12A, even when a certain condition is not explicitly enumerated in the Settlement Agreement. *Flores v. Sessions*, 394 F. Supp. 3d at 1060 (finding that adequate sleeping conditions were required by the Settlement as part of concern for the particular vulnerability of minors); *Flores v. Barr*, 934 F.3d 910, 915 (9th Cir. 2019) (same).

Access to a telephone call is an essential factor of accounting for the “particular vulnerability of minors.” One of the most important components to a child’s sense of safety and security is connection and access to a trusted adult.¹ For children in CBP custody, phone access may be the only way a child can talk to a caregiving adult they trust. Furthermore, while children may have traveled with a trusted adult, they may also need to talk to another trusted adult who is a parent or primary caregiver and who may only be available to them by phone. For these reasons, telephone access is central to providing conditions that are consistent with a “special concern for their particular vulnerability of minors.” FSA ¶ 11.

Accompanied children that *Flores* counsel interviewed had been provided phone calls only intermittently or not at all. *See, e.g.*, W.O.R.P. Decl. ¶ 10 (child unable to call mom); W.O.C.M. ¶ 14 (“It is very difficult for my son not to be able to speak to his mom, who is in the United States”).

CBP’s failure to provide each child the legal services list and an opportunity to call a lawyer is a particularly egregious violation of the FSA and CBP Settlement given the prolonged detention of children without any meaningful access to counsel.

IV. Lack of a Child-Appropriate Environment and Lack of Trauma-Informed Information Provision (FSA ¶ 12A; CBP Settlement §§ VII (3), (8))

CBP has an obligation to treat children “with special concern for their particular vulnerability as minors,” which requires providing a “child-appropriate environment.” FSA ¶ 12A; CBP Settlement at 14, § VII (8); *see also* CBP Settlement at 10, § VII (3)(D)(7) (requiring a “trauma-informed approach to class members in custody” and efforts to “foster reassurance, resilience, orientation, recreation, and distraction”).

Under the CBP Settlement, special considerations further include the availability of age-appropriate toys, activities, and recreation time. *See* CBP Settlement at 15, § VII (8)(B)(C)(2). A “critical component” of meeting the unique needs of minors in custody under the CBP Settlement is the effective employment of caregivers to facilitate class members and their families’ ability to make requests to meet children’s needs and to support a child-friendly environment. *Id.* at 15-16, § VII (9). Finally, when a child is in custody for longer than 72 hours, the CBP Settlement requires that CBP “provides opportunities for recreation and

¹ Center on the Developing Child at Harvard University, “Three Principles to Improve Outcomes for Children and Families,” 2021 Update, at 3-4, https://harvardcenter.wpenginpowered.com/wp-content/uploads/2017/10/3Principles_Update2021v2.pdf (describing how responsive relationships with caregivers promote healthy brain development in children and help children deal with stress and regulate emotions).

other child-appropriate activities daily” and “make all reasonable efforts to provide class members with outdoor recreation.” *Id.* at 17, § VIII (7).

A. Lack of Age-Appropriate Toys, Activities, and Recreation Time

Counsel interviewed class members and their families who reported an environment unfit for children. Accompanied children—including very young children—did not have access to daily recreation and were often given no activities except watching television or drawing. *See, e.g.*, B.M.M.C. ¶ 12 (no toys or games, three-year-old permitted to go outside two times in seven days); G.O.F.F. Decl. ¶¶ 12, 15 (four-year-old permitted outside only once; CBP agent threw away a child’s sweater and plush toys provided by a nurse during a medical visit); S.Y.A.R. Decl. ¶ 7 (son experiencing emotional breakdowns from confinement and lack of activities); W.O.R.P. Decl. ¶ 6 (only activity provided was coloring sheets for nine-year-old class member, permitted to go outside three times in nine days); A.I.P.P. Decl. ¶¶ 9-10 (no games for seven-year-old and no outdoor time in previous four days); W.O.C.M. ¶ 10-11 (only activity was coloring for four-year-old, request for toys denied, class member had not been outside in four days); *see also* M.L.R. Decl. ¶ 11; M.A.C.M. Decl. ¶ 12; T.K. Decl. ¶¶ 7, 9-10.

Officials stationed by class members pods are intolerant and harsh with the children they surveil, leading to distress. *See, e.g.*, A.I.P.P. Decl. ¶ 8; B.M.M.C. ¶¶ 8, 12; S.Y.A.R. Decl. ¶ 8. Children are not allowed to play with each other or their family members inside of the rooms where they are held for prolonged periods of time. *See, e.g.*, B.M.M.C. Decl. ¶¶ 8, 12 (children are scolded for playing or running); G.O.F.F. Decl. ¶ 12 (“They don’t let the children play here. They just want them to be sitting on the mattresses all day.”); W.O.C.M. ¶ 12 (“[The officers] scold the children when they try to play and they tell them to sit down. They also scolded us when we made a paper ball to play with.”)

B. Lack of Information and Lack of Trauma-Informed Approach

Class members experienced extreme distress because CBP provided little to no information about their continued detention and their cases, or what would happen to them next. *See, e.g.*, A.I.P.P. Decl. ¶ 4; P.O. Decl. ¶¶ 5-6, 10; M.L.R. Decl. ¶ 15; M.A.C.M. Decl. ¶ 13; S.Y.A.R. Decl. ¶¶ 7, 9-10, 13; T.K. Decl. ¶¶ 7, 9-10; M.R.K. Decl. ¶¶ 6-8; W.O.C.M. ¶¶ 6, 16; W.O.R.P. Decl. ¶ 5. Rather than offer “reassurance, resilience, orientation, recreation, and distraction” to traumatized children, CBP officials have spoken harshly to families trying to get information. *See, e.g.*, G.O.F.F. Decl. ¶ 9; W.O.C.M. Decl. ¶¶ 6, 16.

Multiple class members were kidnapped on their journey to the United States and prolonged CBP detention in inappropriate conditions and lack of information about their cases have compounded this trauma. *See* G.O.F.F. Decl. ¶¶ 4, 7-9, 11; P.O. Decl. ¶¶ 3, 5-6; T.K. Decl. ¶¶ 4, 10; M.R.K. Decl. ¶¶ 4, 6-7; *see also* CBP Settlement at 10, § VII (3)(D)(7). Other class members escaped attempted kidnapping and also experienced distress from extended detention without information. W.O.R.P. Decl. ¶¶ 2, 5.

V. Family Separation and Lack of Visitation (FSA ¶¶ 11, 12A; CBP Settlement § VII (8))

The Settlement Agreement requires CBP to treat “minors in its custody with dignity, respect, and special concern for their particular vulnerability as minors.” FSA ¶¶ 11, 12A. The Settlement Agreement additionally requires CBP to provide children with “contact with family members who were arrested with the minor.” FSA ¶ 12A.

Furthermore, the 2022 CBP Settlement Agreement requires that class members remain with accompanying family members “absent an articulable operational reason” that has been recorded for each individual family that has been separated. CBP Settlement at 14, § VII (8)(B)(1)-(3). Family members include relatives beyond the nuclear family, like grandparents, aunts, and uncles. *Id.* The CBP Settlement

Agreement also requires that class members be able to ask for (and receive) visits with separated family members in the same facility. *Id.*

Plaintiffs' counsel were encouraged to hear from some class members that they were housed together with their siblings and/or parents, including teenage boys housed with their mothers. *See, e.g.,* M.L.P. Decl. ¶¶ 2, 8; M.A.C.M. Decl. ¶ 10. This was a significant positive difference from the Donna facility in the RGV Sector.

However, other class members experienced family separation and inconsistent visitation. *See, e.g.,* B.M.M.C. Decl. ¶¶ 4, 6; M.R.K. Decl. ¶¶ 5, 8. Plaintiffs' counsel spoke to another family who had arrived with relatives and been separated from them without being permitted any visits. W.O.R.P. Decl. ¶ 13 (no visits with aunt and uncle for nine days). These separations caused distress to the accompanied children in the families. B.M.M.C. Decl. ¶ 6; M.R.K. Decl. ¶¶ 5, 8.

VI. Lack of Appropriate Food (FSA ¶ 12A, CBP Settlement § VII (4))

The 2022 CBP Settlement requires that minors be provided age-appropriate meals and at least two hot meals per day. CBP Settlement at 10-11, § VII (4)(A)(1), (4)-(5).

At the El Paso Hardened Facility, some families reported that young children were given the same food as the adults or inappropriate food. G.O.F.F. Decl. ¶ 13; W.O.C.M. Decl. ¶ 13 (dinner was Cheerios cereal without milk); S.Y.A.R. Decl. ¶ 6 (dinner for son was dry cornflakes). Some families reported that their food was still frozen, very cold, or that the food was too hard to eat. A.I.P.P. Decl. ¶ 12; W.O.C.M. Decl. ¶ 13; M.A.C.M. Decl. ¶ 7.

VII. Inadequate Sleeping Conditions (FSA 12A; CBP Settlement § VII (6))

CBP must provide children adequate sleeping conditions as part of its obligation to provide "safe and sanitary" conditions and act consistently with "concern for the particular vulnerability of minors." *Flores v. Sessions*, 394 F. Supp. 3d at 1060 (citing FSA ¶ 12A). The CBP Settlement additionally requires CBP to make reasonable efforts to dim the lights and to minimize disruptions of sleep between 10:00 pm and 6:00 am. CBP Settlement at 13, § VII (6).

The conditions at the El Paso Hardened Facility impede children's ability to sleep in violation of the FSA and the CBP Settlement. Numerous class members and their parents reported that lights remain on all night in their pods, and that they were cold at night. *See, e.g.,* B.M.M.C. Decl. ¶ 9; A.I.P.P. Decl. ¶ 7; W.O.C.M. ¶ 9; M.L.R. Decl. ¶ 9; M.A.C.M. Decl. ¶ 6. Some parents expressed concern that the cold temperature was causing health issues for their children. A.I.P.P. Decl. ¶ 7; W.O.R.P. Decl. ¶ 9.

One family also reported being woken throughout the night for medical checkups. W.O.C.M. ¶ 7.

Plaintiffs are hopeful that we can work with Defendants to remedy these various Settlement violations and to determine whether an extension of the 2022 CBP Settlement is necessary to allow for CBP's substantial compliance with the settlement. *Kelly v. Wengler*, 822 F.3d 1085, 1098 (9th Cir. 2016).

We request that you provide Defendants' availability for a meet and confer regarding these issues as soon as possible. Because the Juvenile Care Monitor term was extended and is still active, Defendants have 15 days to provide a written response to the violations Plaintiffs' counsel identified under the CBP Settlement. CBP Settlement at 21, § XIII (3); *see also* Order for Extension of Juvenile Care Monitor Term [Doc. # 1470]. In light of the Thanksgiving holiday, Plaintiffs can extend Defendants' response deadline

to Friday, December 13. Due to the fast-approaching deadline to file a Motion to Extend the 2022 CBP Settlement, Plaintiffs request a meet and confer no later than December 17, 2024.

Best regards,



Diane de Gramont
National Center for Youth Law
ddegramont@youthlaw.org

Cc: Andrea Sheridan Ordin, aordin@strumwooch.com; Dr. Paul H. Wise, pwise@stanford.edu; Dr. Nancy Ewen Wang, ewen@stanford.edu.

EXHIBIT 3

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2
3 a. This testimony is based on my personal knowledge and the following facts are true
4 to the best of my understanding and recollection.

5 b. I am 16 years old. I am from Guatemala.

6 1. I speak Spanish.

7 2. We came across the river in a raft. There were men that looked like soldiers on a
8 hill above us and spotted us right away.

9 3. They stopped us and brought us by car to a station where they took our belongings
10 and shoes and asked us a few questions about who we are and where we are from. They
11 took us in a bus to a station. We were there an hour before Border Patrol came and drove
12 us here to Donna.

13 4. They took our photos and fingerprints and asked about our names and nationality.
14 We told them we wanted asylum. They took our wet shoes but they left us in the same
15 clothes we crossed the river in. They didn't let us shower. We arrived very early in the
16 morning four days ago on Saturday, around 6am.

17 5. They brought us to a large room together. There were seven other mothers with
18 their children in the room. There was space for all of us in the room and there were more
19 than enough mats for each of us to sleep on. A few minutes later an immigration official
20 came and took me out of the room.

21 6. They took me to another room with two other girls and separated me from my
22 mother. Only the mothers were left behind in the room with my mom.

23 7. There were only three of us in the room but it is very big, as big as the room where
24 my mother is staying. Since Saturday a few girls have come and gone. There are four of
25 us now.

26 8. We have only seen each other one time since Saturday. I have missed my mom, I
27 have never been separated from her. It is stressful here and I want my mom with me. This
28 is the first time that I've seen my mom since Monday, two days ago.

1 9. The officers do not speak to us except to give us instructions, to go somewhere or
2 do something. At 12am someone comes every night to clean and we all have to get up
3 and get out of their way. They yell and clap at us if we don't wake up right away.

4 10. The lights are on all night. They are very bright.

5 11. There are thin blankets of foil and mats to sleep on. There is a restroom we can use
6 any time and there is soap and water to wash our hands.

7 12. We have been able to shower every day. We are able to brush our teeth when we
8 shower.

9 13. They give us warm food in the morning, but the dinner is always cold, they give us
10 food like chicken and lettuce.

11 14. It is very cold in the room. I have a sweatshirt, but it's still a bit cold. I wrap
12 myself in two of the aluminum blankets to stay warm in the room.

13 15. I have seen a doctor twice. When I arrived here they checked me, took my
14 temperature, and my blood pressure. I went to the doctor on Monday because I was
15 feeling sick and they gave me medicine to take for my symptoms. I went to the doctor
16 today for a checkup.

17 16. They told me that my throat was hurting because the air is so dry and cold. They
18 said to drink bottled water to feel better.

19 17. We are able to leave our room to go to an area next-door where there are pencils
20 and paper to draw. There is a broken TV in the room.

21 18. I am allowed to use the phone to call people in the United States. My uncle is here
22 and I have spoken to her on the phone. We can use the phone when we want to during the
23 day.

24 19. No one has told me that I can call a lawyer or given me a list of free lawyers.

25 20. No one told my mom she could call a lawyer.

26 21. No one has told us anything about what will happen to us.

27 22. My mom and I had a three-hour interview with an asylum officer on the phone. We
28 were taken to a small phonebooth room for the interview, and we saw that there was a

1 sign on the wall with the phone numbers for lawyers but it was too late for us to call, we
2 had to start the interview. No one told us we could have a lawyer on the phone during the
3 interview.

4 23. They asked us many questions about our country, our case, why we came, and
5 what happened to us. They didn't tell us anything about how the interview went or
6 whether they had determined that we have credible fear. The asylum officer told us we
7 would have an answer by the end of the night, but we didn't ever receive any more
8 information about our case. We are very worried, because we saw many others being
9 deported the next day and we don't know what will happen to us.


10 24. One of my friends was deported yesterday. A Border Patrol officer came to our
11 room and read a list of names. Those girls had to leave with them. We didn't know what
12 happened to our friends and we asked the Border Patrol officers. They told us that the
13 other girls were deported.

14 25. There are some workers whose uniforms say they are social workers. They watch
15 if we eat and if we are ok, if we need to see a doctor, they help to communicate our needs
16 to the Border Patrol officers if we need anything. They sometimes spend time with us
17 when we are playing or drawing, but some of them do not like to talk or play with us.

18 26. The worst thing here is the food, they give us a burrito for every meal, sometimes a
19 tortilla with an egg and rice, sometimes a tortilla with rice and chicken or lettuce and
20 chicken, and often it is cold.

21 27. I want to get out so I can study and become a doctor or a nurse.
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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 18 day
4 of Sept. 2024, at DONNA.

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7 [Name of Class Member]
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CERTIFICATE OF TRANSLATION

My name is KAITLYN VELAZQUEZ and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 09/18/2024

Kaitlyn Velazquez

[Kaitlyn Velazquez]

EXHIBIT 4

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:
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3 a. This testimony is based on my personal knowledge and the following facts are true
4 to the best of my understanding and recollection.

5 b. I am 13 years old and I am from Guatemala.

6 1. I speak Spanish.

7 2. I crossed the border on Sunday with my sister who is [REDACTED]
8 [REDACTED], who is five. That was three days ago. The officers found us and took us in a three
9 different cars to two places. They took our shoes in that first place, because they were
10 wet. All our clothes were wet, but we wore them until we got to the McAllen site the next
11 day. They also took our phones, rings, and everything there. They also looked at our ID
12 documents. We saw a doctor who looked over and made sure we were healthy.

13 3. Then they took us to this place in Donna, Texas, where they took my mom's finger
14 prints.

15 4. They separated me from my mom and my sister because I am 13 years old. They
16 said that the rules said that when girls came who were 12 and older could not stay with
17 our moms.

18 5. We have been detained here for three days. We can brush teeth and shower each
19 day. I really do not want to be here.

20 6. I do not get any visit with my family here. I did not see my family until my mom
21 had a credible fear interview yesterday. During that interview, the person on the phone
22 asked her if she wanted a lawyer. She said yes. She wanted a list of free attorneys, but no
23 one gave me a list of free legal services. Halfway through the call, someone from the
24 facility came in and said that if she got a lawyer it would mean we would be detained
25 here a long time. So, we said no and she continued the interview. At the end, the person
26 on the phone said great, and the man here said we would hear in 5 hours if it had gone well.
27 But we didn't hear anything.
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1 7. I don't want to go back to my room. I do not like it there. There are only three girls
2 there. They took some girls out of other rooms to deport them at 7 today, but not from my
3 room.

4 8. My sister says that she can draw in the hallway, during cleaning times. They give
5 her two pieces of paper each day to do during that time, but she cannot draw in the room.

6 9. There are two women who caretake for us. One is good but the other is not. We
7 asked her if we could shower and she gave us attitude and said now? And that if we don't
8 want to shower then we'll stay dirty.

9 10. It is cold in our room. We use the metal blankets here to get warm. I put three on at
10 night. You need that many to stay warm.

11 11. During the day I draw and eat. When I feel bored, I get up and chat with others.

12 12. We are so tired, we just sleep all night each night. But they wake us up at 11 pm to
13 bathe. The lights are on all night in both my room and in my mom and sister's room.

14 13. There are three toilets with doors and toilet paper.

15 14. Someone told me I would be here for 5 days or maybe two weeks. It was a person
16 who was wearing black pants and he said it depended in the case. The idea of being here
17 for two weeks makes me feel very sad.

18 15. I was able to make a call here to my dad.

19 16. I don't really try the meals. I had a sandwich, but I don't like the other food. I will
20 eat the snacks, but not the meals. My sister says she doesn't like the food here, so she
21 also only eats a little. She only eats apples and cookies, but there's not soft food for her.

22 17. I want to be a soldier when I grow up.
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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 18 day
4 of September 2024, at McAllen, Tx.

5 [REDACTED]
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CERTIFICATE OF TRANSLATION

My name is Eleanor Roberts and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated:

9/18/2024



Eleanor Roberts

EXHIBIT 5

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

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3 a. This testimony is based on my personal knowledge and the following facts are true
4 to the best of my understanding and recollection.

5 b. I am 13 years old. I am from Mexico.

6 1. I speak Spanish.

7 2. I was apprehended by Border Patrol agents on September 15 in Texas. We crossed
8 over in between the walls, there was a small road on the side of the wall, and that is here
9 the Border Patrol agents found us. I was with my mom, and my sister [REDACTED] who is 8
10 years old. After they found me, border patrol directed me to wait 30 minutes for a van to
11 get us. During that time the officers asked why we are here. My mom told them we were
12 scared of going home.

13 3. Then they took us to a place kind of like this one, though they told us we could not
14 stay there. They gave us new shoes. We were all wet, and dirty with mud from the
15 journey. They checked for lice, and checked if we were sick. They took all of our papers,
16 to look at them, and asked for the phone numbers of our family members. They did not
17 ask us any questions. My mom did not get a chance to explain that we are scared to go
18 home and did not get any interview. There was no food, water, or bathroom there.

19 4. Then they took us to this facility in Donna, Texas. When we got here they took my
20 mom's finger prints, and my sister and I got new clothes. This was the first place we
21 could drink water and wash up. After showering, they took me to another room and said
22 they were separating me because I am 13 years old. My sister could stay with my mom
23 because she is only 8.

24 5. I have been detained at for 3 days. I haven't been able to see my mom or sister
25 since getting here. I asked to see them, but the officials said no. This interview is the first
26 time I've been able to see them. It makes me sad to think about the fact that I have to be
27 apart from them, because we always sleep together at home.
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1 6. I am in a room with one other girl. I feel really cold there. There is a cover there
2 that I can use that is aluminum. It helps. But my mom says asked for another sweater for
3 my sister, but they said the one she had was the only one she could get.

4 7. There is a caretaker there but she doesn't really talk to us that much, sometimes
5 she gives us clothes when we shower and also gives us coloring book.

6 8. We take showers each day and can brush teeth and there is soap during that time.

7 9. The lights are on all night until 12:30 pm, and we have to stay up because they
8 clean the units at 12.

9 10. There are three toilets with doors.

10 11. No one told me why I am here or how long I will be here. I do not know what will
11 happen next or if I will be deported.

12 12. I want to call my uncle who is here. But I do not know his number, it is in the cell
13 phone my mom brought that they have. She asked to make a call but they said no because
14 she cannot get her cell phone to get the number.

15 13. No one gave me a list of free legal services.

16 14. I really want to study here and become a teacher.
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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 18 day
4 of September 2024, at McAllen, Tx.

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CERTIFICATE OF TRANSLATION

My name is Eleanor Roberts and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 9/18/2024



Eleanor Roberts

EXHIBIT 6

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

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3 1. This testimony is based on my personal knowledge and the following facts are true
4 to the best of my understanding and recollection.

5 2. I am 15 years old. I am from Mexico.

6 3. I speak Spanish.

7 4. I was apprehended by Border Patrol agents on or around Sunday, September 15,
8 2024, near Reynosa. My mom and I crossed the river and walked for about 10 to 15
9 minutes until we saw two patrol cars and two immigration agents in uniform. They didn't
10 explain anything to us, but they put us in the patrol car, and they took us to a station.
11 After about thirty minutes, they put us on a bus with other people and brought us here to
12 this facility. When we arrived here, we gave some officials our information and then they
13 separated me from my mom. I felt terrible when they forced me to go without her. I was
14 scared but I had no choice.

15 5. I have been detained at the Donna facility for about 6 days and in that time, I have
16 not been allowed to see my mom even once. I asked the security guards, and they told me
17 I would see her in three days, but more than four days went by and still nothing. The first
18 time I saw her was when I came here for this interview to speak with you, on Thursday
19 afternoon, and now again this morning. It's really good to see her again.

20 6. When I first arrived until yesterday, Thursday, there was six other boys in my
21 room. But as of this morning, there's now about 12. There's nothing to do except tv and
22 sometimes there's a deck of cards. I talk to the other boys in the room for company.

23 7. Nobody has told me why I'm here or what will happen next. I heard from one of
24 my roommates that I am going to have an interview about my fear of going back to my
25 country.

26 8. We can take a shower every day and brush our teeth every day.

27 9. It is very cold in the room, and I use the mylar blanket to try to stay warm.
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1 10. I can sleep, but the lights are on all day and all night. One time they turned them
2 off, about three days ago, but they've been on ever since.

3 11. It's hard to eat the food here but I have no choice. Often the rice is not cooked but I
4 make myself eat it. Every single meal, the food is cold and either not cooked or barely
5 cooked, especially dinner.

6 12. In my room, they let the boys use the phone room pretty frequently, but I have
7 never asked because I didn't have any of the phone numbers for my family members.

8 13. When I get to leave here, I'd like to study more and work to help my mom.
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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 19 day
4 of September 2024, at Douma, TX.

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CERTIFICATE OF TRANSLATION

My name is Daisy Davila and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: Sept. 19, 2024


[Name]

EXHIBIT 7

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

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2 I, ■■■■ ■■■■, declare and state the following:

- 3
- 4 1. This statement is based on my personal knowledge. The facts I describe are true to
- 5 the best of my knowledge.
- 6 2. I am 27 years old. I'm from Ecuador.
- 7 3. I speak Spanish.
- 8 4. I came to the states with my partner and our two children. Our daughter, ■■■■,
- 9 is six months old. Tomorrow, our son ■■■■, will be six years old.
- 10 5. We arrived in the United States about 10 days ago.
- 11 6. We encountered the Border Patrol and they told us to sit on a street near the port of
- 12 entry bridge during the time they took to get information from all the people in the
- 13 group.
- 14 7. Afterwards, they took us to a place like where we are now, but smaller. We spent
- 15 about an hour there. Afterwards, they took us here. We took a bus for an hour and
- 16 a half, and a second bus for an hour before arriving here.
- 17 8. We encountered the border patrol at about seven o'clock in the evening, and we
- 18 arrived here in Donna at about three in the morning.
- 19 9. After arriving here, they offered snacks to the children and juice as well. We
- 20 showered and they gave us clothes. They separated us to go to the rooms. ■■■■
- 21 went with me.
- 22 10. The separation affected ■■■■ a lot. He asks all the time about his mother and his
- 23 little sister. He has been very restless. Sometimes he cries.
- 24 11. They also do not allow children to play. They just allow them to color. If a child
- 25 walks or jumps, officers call the parent's attention and say that it is not allowed.
- 26 They say they don't run, or they say watch your child, that kids can't do that here.
- 27 It's almost impossible for a five-year-old to sit around coloring all day. It affects
- 28 ■■■■ a lot.

1 12. There are no other adults to help or do activities with the children. Only guards to
2 ask for paper to color or to ask for snacks. The coloring things are in the hallway.

3 13. In our room there are about six adults with their children.

4 14. In the room there is always air conditioning on. It's very cold, and we only have
5 plastic blankets.

6 15. All the kids here, you can see that they get sick. They should give the blankets to
7 the young children as well. Or something warmer to cover them and protect them
8 from the cold.

9 16. Last night, [REDACTED] vomited. I think I was for the lettuce he ate or something. He is
10 not used to it. In the morning, he was checked by the doctor.

11 17. They have food for children five years old and younger. It's the sandwiches. Like
12 with peanuts, for example. Almost all children do not like them.

13 18. To sleep, they turn off the lights a little, but there is plenty of light. [REDACTED] confuses
14 the time, with the lights always on. He doesn't sleep well because of it.

15 19. We sleep on a mattress on the floor. When all the mattresses are on the floor there
16 is almost no room to move.

17 20. [REDACTED] doesn't sleep. He is moving the whole night, and it's very cold.

18 21. We get visits with my partner and daughter sometimes. We have had three since
19 arriving here almost ten days ago. It depends - some days they have them and some
20 days they don't.

21 22. If [REDACTED] wants to see his mother, he is not allowed. He can see his mom only when
22 officers notify us that we're going to have a visit.
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1 I declare under my duty to tell the truth and penalty of perjury that all the
2 information I have here given is correct and complete and I understand the legal
3 consequences of testifying falsely to the authorities.
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5 Executed on this 18th day of September of the year 2024, at Donna, TX.

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CERTIFICATE OF TRANSLATION

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from Spanish to English to the best of my abilities.

Dated: 09/18/2024

Rebecca Wolozin
Rebecca Wolozin

Yo, ■■■■ ■■■■, declare y digo lo siguiente:

a. Esta declaración está basada en mi conocimiento personal. Los hechos que describo son verdaderos a mi mejor conocimiento.

b. Tengo 27 años de edad. Soy de Ecuador.

c. Hablo español.

d. Vine en los estados con mi pareja y nuestros dos hijos. Nuestra hija, ■■■■, tiene seis meses. Mañana, nuestro hijo, ■■■■, cumplirá seis años.

e. Llegamos en los estados unidos hace como 10 días.

f. Encontramos a la Patrulla Fronteriza y ellos nos dijeron de sentarnos en una calle cerca del puente de entrada el tiempo que ellos tomaban para tomar las informaciones de todas las personas en el grupo.

g. Después, nos llevaron a un lugar como el lugar donde estamos ahora, pero más pequeña. Pasemos aproximadamente una hora allá. Después, ellos nos llevaron aquí. Tomamos un bus de una hora y media, y un segundo bus de una hora más antes de llegar aquí.

h. Encontramos la patrulla fronteriza como a las siete de la tarde, y llegamos aquí en Donna como a las tres de la mañana.

i. Después de llegar aquí, ellos ofrecerán meriendas a los niños y jugo también. Nos bañaron y nos dieron ropa. Nos separado para ir a los cuartos. ■■■■ se fue conmigo.

j. La separación afectaba mucho a ■■■■. La pregunta todo el tiempo por su mama y por su hermanita. El estuve muy inquieto. A veces llora.

k. También ellos no permiten a los niños de jugar. Solo permítelos a colorar. Si un niño camine o salta, los oficiales llaman la atención y dice que no se puede. Ellos dicen de no corren, di mirar tu niño, que no se puede hacer así. Es casi imposible para un niño de cinco años de quedarse sentado colorando todo el día. Le afecta mucho a ■■■■.

- 1 l. No hay otros adultos para ayudar o hacer actividades con los niños. Solo
2 guardadores a quien pedir papel para colorear o para pedir meriendas. Las cosas para
3 colorear son en el pasillo.
- 4 m. En nuestro cuarto hay como seis adultos con sus niños.
- 5 n. En el cuarto siempre hay el aire. Hay mucho frio y solo tenemos mantas de
6 plástico.
- 7 o. Todos los niños aquí, puede ver que se enferma. Ellos tienen que dar las
8 mantas a los niños pequeños también. O algo más caliente para cobrarlos y
9 protegerlos del frio.
- 10 p. Ayer en la noche, [REDACTED] vomito. Creo que estuve por la lechuga que él
11 comió o algo. Él no está acostumbrado. En la mañana, él fue checheado por el
12 médico.
- 13 q. Ellos tienen comida para los niños de cinco años o menos. Son los
14 sándwiches. Como con cacahuates, por ejemplo. Casi todos los niños no le gustan.
- 15 r. Para dormir, ellos apagan las luces un poco, pero hay mucha luz toda vía.
16 [REDACTED] se confunde con el horario, con las luces siempre encendidas. Él no duerma
17 bien por eso.
- 18 s. Dormimos en un cochón sobre el piso. Cuando todos los cochones están en el piso
19 casi no hay espacio de mover.
- 20 t. [REDACTED] no duerma. Él está en movimiento toda la noche, y hay mucho frio.
- 21 u. Hay visitas con mi pareja y mi hija a veces. Teníamos tres después de llegar
22 aquí hace casi diez días. Depende. Algunos días ellos los tienen y algunos no. Si
23 [REDACTED] quiere ver a su mama, él no está permitido. Él puede ver a su mama solo
24 cuando los oficiales nos notifican que vamos a tener una vista.
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1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.
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5 Hecho el día 18 de Septiembre del año 2024, en Donna, TX.
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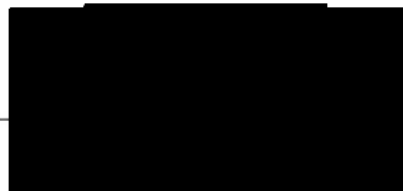


EXHIBIT 8

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare and say the following:

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 - 3 1. This statement is based on my personal knowledge. The facts I describe are true to
 - 4 the best of my knowledge.
 - 5 2. I am 24 years old. I'm from Ecuador.
 - 6 3. I speak Spanish.
 - 7 4. I arrived in this country together with my partner, our baby, [REDACTED], and my son,
 - 8 [REDACTED], who is five years old. Tomorrow he will turn six.
 - 9 5. In the first place they took us, the children did not receive water or food either.
 - 10 6. When we arrived, the children were both wet. At the first place where they took us, I
 - 11 asked for dry clothes, but they never brought any to me before they transferred us
 - 12 here.
 - 13 7. So, all of us, including my two children, traveled on two Border Patrol buses, one
 - 14 after the other, for more than two and a half hours, wet and very cold. It was worse
 - 15 because we were wet.
 - 16 8. In this place where we are now, we were separated. My partner went with my son,
 - 17 and I stayed with my daughter.
 - 18 9. After being separated from my partner and son, my baby cried a lot. It affected her a
 - 19 lot, even though she is only six months old. When we see her father, she tries to go
 - 20 in his arms.
 - 21 10. In my room right now, we have five other children with their parents.
 - 22 11. The guardians take out 15 people at a time to color in the hallway. When a child
 - 23 goes out to color, they have 20 minutes and then they have to go back to the room.
 - 24 Your mom or dad has to accompany you to color.
 - 25 12. No one tells us how long we're going to be here. They told us that we are going to be
 - 26 deported to our country. But we don't know when. We did not receive any contact
 - 27 lists for legal services.
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- 1 13. It's very cold in the room. And they have not given my baby a sweatshirt, only the
2 plastic blanket. She's very cold. I try to hug her to keep her warm. I also give her my
3 aluminum cover, or we are together covered with the two aluminum blankets.
- 4 14. Also, they force mothers to bathe their children, even if the children are sick. This
5 makes them sicker, but the caregivers force us.
- 6 15. I don't give [REDACTED] food. Only I give her breast milk. They tell us to cover ourselves
7 to breastfeed. We can't do it without a cover. I use my blouse, sometimes my
8 sweatshirt, or sometimes the aluminum blanket.
- 9 16. My baby can't sleep because they don't turn off the lights completely. She does not
10 sleep. She moves all night.
- 11 17. We have family visits, but not every day. We cannot have family visits if we ask for
12 them. They don't allow us. We have had three visits with my partner and son since
13 we got here.
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1 I declare under my duty to tell the truth and penalty of perjury that all the
2 information I have here given is correct and complete and I understand the legal
3 consequences of testifying falsely to the authorities.
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5 Executed on this 18th day of September of the year 2024, at Donna, TX.

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7 [Signature]
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CERTIFICATE OF TRANSLATION

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from Spanish to English to the best of my abilities.

Dated: 09/18/2024

Rebecca Wolozin
Rebecca Wolozin

1 Yo, [REDACTED], declare y digo lo siguiente:

2
3 a. Esta declaración está basada en mi conocimiento personal. Los hechos que
4 describo son verdaderos a mi mejor conocimiento.

5 b. Tengo 24 años de edad. Soy de Ecuador.

6 c. Hablo español.

7 d. Llegó en este país juntos con mi pareja, nuestro bebe, [REDACTED], y mi hijo, [REDACTED], de
8 cinco años. Mañana cumplirá seis años.

9 e. En el primer lugar donde ellos nos llevaron, los niños no recibieron agua ni comida
10 tampoco.

11 f. Cuando llegamos, los niños estuve mojados los dos. En el primer lugar donde ellos
12 nos llevaron, yo pidió ropa seca pero nunca me los llevaron a mí antes de que nos
13 trasladaron aquí. Entonces mis dos hijos y nosotros estuvimos en viaje de dos buses, de la
14 Patrulla Fronteriza uno después del otro para más que dos horas y media, mojados, y con
15 muchísimas frio. Era peor por que estuvimos mojados.

16 g. En este lugar donde estamos ahora, estuvimos separados. Mi pareja fui con mi hijo,
17 y yo quedé con mi hija.

18 h. Después de estar separada de mi pareja y mi hijo, mi bebe lloraba mucho. Le
19 afectaba mucho, aunque ella tiene seis meses. Cuando nos vemos a su papa ella intenta de
20 ir en sus brazos.

21 i. En mi cuarto ahorita, tenemos cinco otros niños con sus padres.

22 j. Las guardianas sacan a 15 personas a la vez para colorar en el pasillo. Cuando un
23 niño salga para colorar, ellos tienen 20 minutos y después tienen que regresar en el
24 cuarto. Su mama o papa tiene que acompañarle para colorar.

25 k. Nadie nos dice por cuanto tiempo vamos a estar aquí. Les dijeron a nosotros que
26 vamos a estar deportado a nuestro país. Pero no sabemos cuándo. No recibimos ninguna
27 lista de contactos de servicios legales.
28

1 l. Hay mucho frio en el cuarto. Y ellos no han dado un chándal a mi bebe, solo la
2 manta de plástico, Ella tiene mucho frio. Trato de abrazarla para mantenerla calientita.
3 También le da a ella mi cubierta de aluminio, o nosotros estamos juntos cubiertas de los
4 dos mantas de aluminio.

5 m. También, ellos obligan a las mamás de bañar a sus niños, aunque ellos están
6 enfermos. Así lo hace que ellos enferman más, pero los guadianas nos obligan.

7 n. Yo no doy la comida a [REDACTED]. Solo yo le da leche de pecho. Ellos nos dicen de
8 cubrirnos para dar el pecho. No podemos hacerlo sin cubierta. Uso la blusa miyo, a veces
9 el chándal, o a veces la manta de aluminio.

10 o. Mi bebe no puede dormir porque ellos no apagan las luces completamente. Ella no
11 duerma. Ella se mueve toda la noche.

12 p. Tenemos visitas en familia, pero no cada día. No podemos tener visitas familiares
13 si nos pídelos. Ellos no nos permiten. Teníamos tres visitas con mi pareja y mi hijo
14 después de llegar aquí.

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1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.
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5 Hecho el día 18 de Septiembre del año 2024, en Donna, TX.
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EXHIBIT 9

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:
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3 1. This testimony is based on my personal knowledge and the following facts are true
4 to the best of my understanding and recollection.

5 2. I am 16 years old. I am from Honduras.

6 3. I speak Spanish.

7 4. I was apprehended by Border Patrol agents on Sunday around 3 am. I was with my
8 mom at the time. We presented ourselves to a patrol car after we crossed and then they
9 brought us here, took down our information, and then immediately took me away from
10 my mom. Nobody told me why I was being taken away from her, it was really difficult,
11 and I was afraid. I could see my mother was visibly very upset.

12 5. I have been detained at this facility for 7 days. The first time I saw my mom since
13 we were brought here was yesterday. A guard took me and some others to a different
14 room and we were able to spend 30 minutes together.

15 6. There are about 16 other boys in my room, all teenagers. It's been the same group
16 of boys since I first got here. Yesterday, during our reunion, my mom told me that before
17 she came to see me, they asked her about our family in the United States. I didn't know I
18 was going to see her, it was a great surprise.

19 7. I have not been given any information about why I'm here and what will happen
20 next.

21 8. It's very cold all the time, I always have my sweater on. They took the clothes I
22 came in. I use the nylon blankets but it really doesn't do much.

23 9. I can take a shower every day and brush my teeth.

24 10. I eat most of the meals, but the dinner is served practically frozen, typically an
25 actual frozen burrito and I force myself to eat it anyway.

26 11. I try and sleep a lot because there's nothing to do other than watch tv. They keep
27 the lights on all night, but my mom told me they turn hers off at night.
28

1 12. In my room, you can use the phone located outside the pod by asking the guards,
2 but I haven't tried asked them yet. My mom told me yesterday that she asked to use a
3 phone and was not allowed to so that makes me nervous.

4 13. I have not been given any information about lawyers; I didn't know that was
5 something available to me in here.

I declare under my duty to tell the truth and penalty of perjury that to the best of my knowledge, all the information I have here given is correct and complete and I understand the legal consequences of testifying falsely to the authorities. Executed on this 19 day of September 2024, at Donna, Texas.

[Redacted Signature]

[Name of Class Member]

CERTIFICATE OF TRANSLATION

My name is Daisy Davila and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: Sept. 19, 2024

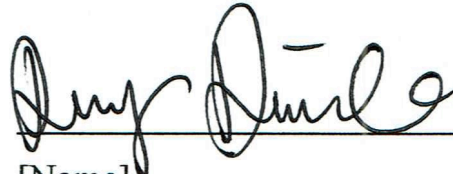

[Name]

EXHIBIT 10

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 to the best of my understanding and recollection.

4 2. I am 26 years old and my son, [REDACTED], is 3 years old. We are from Honduras.

5 3. I speak Spanish.

6 4. Our experience crossing the border was horrible. They brought us in a trailer and
7 the man in the trailer wanted to abuse me. It is not something I want to talk about. We
8 then crossed the wall, and border patrol took us by motorcycle to a car. The car then
9 brought us to a bus where there were other people. The bus transported us to this place.
10 While we were on the bus, we were separated from my son's father.

11 5. We have been detained at this facility for 7 days. I have only been able to
12 communicate with my family members two times for two minutes.

13 6. Since arriving here, I have seen my husband just one time in passing. My son has
14 not been able to have visitation with his Dad the entire time we have been here. My son
15 keeps asking me for his Dad, and I have to just tell him we are going to see him soon.

16 7. We are staying in a small, enclosed area with about nine mothers and children.
17 There are thin mats for sleeping, a bench, a bathroom and a TV.

18 8. There are no toys or games for the children. The kids mainly lie on the mats all
19 day because the agents don't want them playing or running around. They scold them for
20 playing.

21 9. At night, we can't really go to sleep. They don't turn out the lights and it's very
22 cold. Sometimes [REDACTED] doesn't fall asleep until 11 or midnight.

23 10. Sometimes [REDACTED] doesn't like the food, but they do give him enough.

24 11. [REDACTED] is wearing the same clothes since we arrived a week ago. They have not
25 washed his clothes. He wears diapers, and if we ask for a new one they will give it to us.

26 12. [REDACTED] is getting very stressed out being in this environment for such a long time.
27 He is not able to play much, and he is acting differently than he did before coming here.
28 He gets tired of not being able to play, and he starts hitting. Since coming here, he has

1 only been allowed to go outside two times, today and last Friday. The other children in
2 our area are also struggling. They want to run around and play, but the agents tell the
3 kids: "No, you can't."

4 13. [REDACTED] has not been provided with a list of free legal counsel.

5 14. We have not had the opportunity to express our fear of returning to Honduras.
6 They don't tell anyone anything. We left our country because we had a family business,
7 and gangs were threatening us. I don't want to go back to my country, especially to
8 protect my son's life. That's who I care about, and I can't go back.

1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 20th day
4 of November 2024, at El Paso, Texas.

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CERTIFICATE OF TRANSLATION

My name is Michelle Ramirez and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 11/20/24



Michelle Ramirez

EXHIBIT 11

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED] declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 to the best of my understanding and recollection.

4 2. I am 30 years old and my daughter, [REDACTED] is 9 years old. We are from Guatemala
5 and speak Spanish. We traveled from there with my siblings who are both in their
6 twenties. We left Guatemala in June. We spent four months in Mexico City on our
7 journey to the US. We were waiting for an application through CBP. Nothing was
8 happening so we tried to cross the border on our own. We walked from Mexico City to
9 Juarez. When were in Juarez, a family member came to pick us up in an open area off
10 the highway. Around the same time we were getting picked up, a bunch of cars showed
11 up with armed mafia men. They shot at the driver of one of the trailer trucks that was
12 transporting people and began forcing people into cars. My family was able to escape
13 along with some other people who were running away, but around 40 people were
14 kidnapped, including children. My daughter was terrified when this was happening.

15 3. After this incident, we were driven to the border. We crossed a wall and then just
16 waited for border patrol. The patrol picked us up and then dropped off someplace else
17 where there were busses waiting. We were on the bus for about 25 minutes and then
18 brought here. They told me this is a detention center to process people.

19 4. I have been detained at this facility for nine days. I am in a space with other Dads
20 and kids. Currently, there are three other families in the space with us – all fathers with
21 their children.

22 5. In the nine days we've been here, they have not told us anything. My daughter is
23 sometimes feeling sad because she doesn't know what is going to happen. I feel bad
24 because this is no place for kids. But I want to provide her with a better education. I also
25 feel bad because she hasn't been able to sleep well. We have to sleep separately, and she
26 has always slept with her mom. We sleep separately on thin mattresses and have metal
27 foil for a blanket. She has a hard time sleeping because she is coughing a lot.
28

1 6. During the day, the kids are given coloring sheets, but there are no other games.
2 We have only been able to go outside 3 times for about an hour in the nine days we have
3 been here. Otherwise, we have stayed in our area.

4 7. My daughter has been wearing the same clothes for the past nine days and does not
5 have a change of clothes. It is starting to itch her, and I would like for her to have clean
6 clothes.

7 8. My daughter is not really eating the food here. She will have some of a burrito and
8 rice, but she isn't eating much of the other food. The food is cold and she does not like
9 the taste.

10 9. I have had to take my daughter to the doctor five times because her throat is always
11 sore. She has had a fever and headaches. Maybe it is related to the air and cold. They
12 have just given her Ibuprofen and a cough drop for her throat. They have done medical
13 exams and said she doesn't have anything, but when we went again today they said she
14 might have some type of virus.

15 10. My daughter has not been able to use a phone. I would want her to be able to call
16 her mother in Guatemala to tell her that she's okay.


17 11. My daughter has not been given a list of available free legal counsel. No one has
18 mentioned this to us. I have also not been given a chance to share my fears about
19 returning to Guatemala, where I have been harmed and victimized in the past.

20 12. We have family here in the U.S. I have a sister, an uncle and nieces and nephews.
21 They live in the Atlanta area. We have not been able to contact any of them since we
22 arrived.

23 13. I have repeatedly asked for my daughter to be able to see her aunt and uncle who
24 are also here, and for us to have access to her things so that we could access a phone
25 number for our family members, but the agents have not allowed this. They have only
26 said we will see what we can do.

1 14. I am hoping to provide my daughter with a brighter future. She is very smart and
2 always wins awards in school because she is at the top of her class. I would like to be
3 able to give her an education and a future here and even have a small house for us.
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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 20th day
4 of November 2024, at El Paso, Texas.



CERTIFICATE OF TRANSLATION

My name is Michelle Ramirez and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 11/20/24



Michelle Ramirez

EXHIBIT 12

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, Laura Alvarez, declare and say as follows:

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3 1. I speak and understand English and Spanish.

4 2. The following is a true and correct translation of the annexed Declaration of [REDACTED]

5 [REDACTED].

6 *****

7 DECLARATION OF [REDACTED] [REDACTED] [REDACTED]

8
9 I, [REDACTED] [REDACTED] [REDACTED], declare as follows:

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11 1. This testimony is based on my personal knowledge and the following facts are true
12 to the best of my understanding and recollection.

13 2. I am 17 years old. I am from Guatemala. I speak Spanish and Popti. I travel to the
14 United States with my mother and my brother, [REDACTED], who is 15 years old.

15 3. We arrived in the United States on November 13th, a week ago. We encountered
16 Border Patrol and they took us to a station for a few minutes and then here to this
17 detention place in El Paso.

18 4. We have been detained in El Paso for 8 days.

19 5. When we arrived, there was a medical exam. My brother had a fever and they gave
20 him a pill. His fever settled down. We had another medical exam the day before
21 yesterday.

22 6. They gave us clean clothes when we arrived but they have not given us new
23 clothes nor washed our clothes in the last 8 days. We have requested clean clothes but the
24 officers have told us no. They have not told us when we can ask for clean clothes. We can
25 change our underwear every day but not the other clothes.

26 7. There is enough food here. Sometimes the food is a bit frozen but other times it is
27 hot. There is enough water.

28

1 8. I am in a room with my mother, my brother, and 4 other families. There are 5 more
2 children, including boys and girls. The other families have been here for 8 days, 6 days,
3 and 5 days. We get along with the other children. There are mattresses and sheets. The
4 temperature is sometimes cold and sometimes warm.

5 9. They don't turn down the lights during the night and it is difficult to sleep with the
6 light. It is also difficult to sleep because there is noise from the other children.

7 10. We can shower every day and we can brush our teeth once a day, at the same time
8 of the showers.

9 11. We only watch movies or sleep during the day. There are no other things to do. We
10 have been able to go outside to play soccer and basketball three times in the last 8 days. It
11 is difficult to not be able to go outside more frequently.

12 12. The agents treat us well. There are agents that help us with showers and they tell us
13 we can ask for more water or food.

14 13. We have been able to use the telephone twice for only 5 minutes each time.

15 14. We have not been able to call a lawyer. We have not received a list of immigration
16 lawyers.

17 15. It is stressful being here because they do not give us information regarding how
18 much time we will be here or what will happen.

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1 I declare under my duty to tell the truth and penalty of perjury that all the
2 information I have here given is correct and complete and I understand the legal
3 consequences of testifying falsely to the authorities.
4

5 Done this day 20th of November 2024, at El Paso, TX.
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11 I declare under penalty of perjury that the foregoing is true and correct.
12 Executed this 20th of November, 2024, at Oakland, California.
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14 Laura Alvarez
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Yo, [REDACTED], declare y digo lo siguiente:

16. Esta declaración está basada en mi conocimiento personal. Los hechos que describo son verdaderos a mi mejor conocimiento.

17. Tengo 17 años de edad. Soy de Guatemala. Hablo Español y Popti. Viajo a los Estados Unidos con mi madre y con mi hermano [REDACTED], que tiene 15 años.

18. Llegamos a los Estado Unidos el 13 de noviembre, hace una semana. Encontramos a la Patrulla Fronteriza y nos trajeron a una estación por algunos minutos y después aquí en el lugar de detención de El Paso.

19. Hemos estado detenido en El Paso por 8 días.

20. Cuando llegamos, había un chequeo medico. Mi hermano tenia fiebre y le dieron una pastilla. Su fiebre disminuyo. Teníamos otro chequeo medico anteayer.

21. Nos han dado ropa limpia cuando llegamos pero en los últimos 8 días no nos han dado nueva ropa y no han lavado nuestra ropa. Pedíamos ropa limpia pero los oficiales nos dicen no. No nos han dicho cuando podemos tener ropa limpia. Podemos cambiar la ropa interior todos los días pero no la otra ropa.

22. Hay suficiente comida aquí. A veces la comida es un poco congelada pero otras veces es caliente. Hay suficiente agua.

23. Estoy en un cuarto con mi mama, mi hermano, y 4 otras familias. Hay 5 otros niños, incluso niños y niñas. Las otras familias han estado aquí por 8 días, 6 días, y 5 días. Nos llevan bien con los otros niños. Hay colchones y mantas. La temperatura es a veces frío y a veces caliente.

24. Durante la noche no bajan la luz y es difícil dormir con la luz. También es difícil dormir porque hay ruido de los otros niños.

25. Podemos ducharnos todos los días y podemos cepillar los dientes una vez por día, al mismo tiempo que la ducha.

1 26. Durante el día solo miramos películas y dormimos. No hay otras cosas a hacer.
2 Hemos podido salir afuera tres veces en los ultimo 8 dias para jugar al futbol y basketbol.
3 Es dificil no poder salir afuera con mas frecuencia.

4 27. Los agentes nos tratamos bien. Hay oficiales que nos ayudan con las duchas y nos
5 dijeron que podemos pedir mas agua o comida.

6 28. Hemos podido utilizar el teléfono solo 2 veces por cinco minutos cada vez.

7 29. No hemos podido llamar a un abogado. No hemos recibido una lista de abogados
8 de inmigración.

9 30. Es estresante estar aquí porque no nos han dado información sobre cuanto tiempo
10 vamos a estar aquí o que va a pasar.

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1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.
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5 Hecho el día 20 de noviembre del año 2024 en El Paso, TX.
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EXHIBIT 13

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

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3 1. This declaration is based on my personal knowledge, what I have seen and
4 experienced. If I were asked to tell a judge or jury about these experiences in court, I
5 would be able to speak about these facts based on what I personally know and remember.

6 2. I am 37 years old. I am from Mexico.

7 3. I speak Spanish.

8 4. I came with my three children. My son [REDACTED] is three years old, and my son [REDACTED]
9 is 14 years old. My daughter [REDACTED] is nine years old. [REDACTED] just loves playing and
10 running. [REDACTED] likes playing with her cousins and friends, playing soccer, and going to
11 school. [REDACTED] also likes playing soccer and studying in school.

12 5. When we crossed the border, there was a long line. Border Patrol agents gave us
13 instructions to follow. They told us where to go. They had us line up, take off our
14 shoelaces, throw out our trash, and other things.

15 6. We walked until we got to a tent so we could rest. It was like this but it was on the
16 border, in Sonora I think. We arrived at the tent about an hour or two after encountering
17 the Border Patrol agents who instructed us to come here. We arrived there around one in
18 the morning – in the middle of the night. We stayed in the tent until the following
19 afternoon.

20 7. There were no beds there. Border Patrol agents did not give us any food. They
21 gave us a little packet of water. The tent was full of plastic pallets.

22 8. We had come very prepared, with blankets, food, and water. But most people did
23 not have supplies. Border Patrol did not give us any blankets. I did not see them give
24 blankets to anyone, including people who were not prepared like us.

25 9. Even with our blankets there was a bone-chilling cold. It was horrible. [REDACTED] was
26 really cold, and the dust was bothering her. It was very hard to sleep there.

27 10. They didn't have electricity. There were lights. They would turn them off for only
28 short periods of time, like five minutes, and then on again.

1 11. We arrived this morning around dawn. We are extremely tired from the trip.

2 12. We traveled together with my spouse – the children’s father – together as a family.
3 We also came with my sister and her family. They are here too, in the same area as us for
4 sleeping. She is with her husband and son. Other people that we came with are here too in
5 the same area.

6 13. It is very important for our family to be together. It is a really tense moment for us
7 as a family, so being separated would be traumatizing. To be apart is painful.

8 14. When we arrived, Border Patrol agents separated men from women, and separated
9 teenagers also, including my oldest son. I was with my two younger children.

10 15. The children were upset the whole time we were apart from their father. When we
11 were separated we were in a room with a lot of people. [REDACTED] was crying and wanted to
12 leave. He wanted to be with his father. He was asking for his dad the whole time we were
13 in there.


14 16. [REDACTED] also was upset and she wanted to leave that room because it was small and
15 crowded.

16 17. Now we are all back together again. We are in the same room, all five of us. It is
17 much better. Before, [REDACTED] was getting angry and upset very easily, and crying. Now
18 that we are back together, he is crying less, and he has more energy. He is acting more
19 like himself.

20 18. The hope I have now is to all leave together. It makes me cry a little to think of my
21 hopes because we have so much still to do. But we are finally here. It is a relief to be
22 here.

1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa, consciente de las
3 consecuencias legales de declarar con falsedad ante la autoridad.
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5 Hecho el día 17 de Mayo del año 2024, en Tucson, AZ.
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CERTIFICATE OF TRANSLATION

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from Spanish to English to the best of my abilities.

Dated: 5/17/2024

Rebecca Wolozin
Rebecca Wolozin

EXHIBIT 14

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 and correct to the best of my understanding and recollection.

4 2. I am 16 years old. I am from Honduras. I speak Spanish.

5 3. I came to the United States with my mom. After we crossed, Border Patrol brought
6 us to this station, Donna, where I have been for the last 10 days.

7 4. The first day at Donna, the agents separated me and my mom. I felt lonely because
8 I was so used to being together with her. The agents said that they had to separate us
9 because of my age and that only little kids can go in the area she is staying in. The agents
10 told me I would be able to visit her.

11 5. I did not get a visit with my mom until the third day after we got here. We can only
12 see each other every other day for a half hour each time. I would like to have more visits
13 with her.

14 6. No one has explained to me why I have been here for 10 days or anything about
15 what is happening with my immigration case.

16 7. I haven't been given a list of lawyers.

17 8. I'm in a room with other 15- to 17-year-old boys. Some of the other boys have
18 been separated from their families, too.

19 9. The room that I'm in is fine, there are snacks for you when you want it. The agents
20 here have been treating me fine. I can leave the room to go to the small area where we
21 play together. We can draw and watch television.

22 10. Sometimes they don't turn off the lights at night, but I usually am able to sleep.

23 11. I'm able to shower and brush my teeth every day. There's a clean bathroom to use.

24 12. I made two calls to my aunt in the United States. There are phones outside the
25 room that the agents said we can use when we want to, but they're not working all the
26 time. I have wanted to make more phone calls.

27 13. I've had three medical check-ups here, but I haven't been sick.
28

1 14. I'm bored from being here for so long, but I can't do anything about it.

2 15. I would like to study and graduate after I leave here.

1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 18th day
4 of September 2024, at Donna, Texas.



CERTIFICATE OF INTERPRETATION

My name is Rachel Smith and I swear that I am fluent in both the English and Spanish languages and I interpreted the foregoing declaration from English to Spanish to the declarant to the best of my abilities.

Dated:

Sept. 18, 2024



Rachel Smith

EXHIBIT 15

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

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3 1. This testimony is based on my personal knowledge and the following facts are true
4 to the best of my understanding and recollection.

5 2. I am 52 years old. I am from Venezuela.

6 3. I speak Spanish.

7 4. I was apprehended by Border Patrol agents on or around Saturday, September 14,
8 left the river and walked on a dirt road for 20 minutes until they encountered two patrol
9 cars and agents and turned ourselves in. When Border Patrol agents found me, I was with
10 my husband, and my two sons.

11 5. I have been detained at Donna facility since Saturday. I stay in a room with my
12 youngest son, who was sick when we arrived, and they took me and him to the infirmary
13 right away.

14 6. The food here has bothered my youngest son and me. The two of us eat the snacks,
15 apples for me, and chips and apples and juice for my son.

16 7. We don't have daily phone access, but I asked a guard to use the phone to call my
17 son that lives in Alabama. I asked the guard outside my pod if I could use the phone and
18 he said no, I have to ask another official in green, but I don't see them around so I still
19 have not spoken to my son that lives here in the U.S.

20 8. My husband and older son and I have been separated since we arrived, and we
21 haven't had time together as a family of four since Sunday, just a few hours after we
22 checked in here. It was for just 30 minutes, and it's been really painful to be separated
23 from the rest of my family, especially my older son.

24 9. When we arrived, my room had ten people in it, now they are more like four
25 people, with kids, one is nine and one is 2. The nine-year-old and my son like to spend
26 time together.

27 10. We were not given any information about our legal rights, or why we are here, or
28 how to get a lawyer. I have never been given a list of legal providers. Just today, when I

1 was called to come to this room to speak with you, a guard in green told me not to worry,
2 that I would have a fear interview tomorrow to have an opportunity to apply for asylum.

3 11. I am nervous about tomorrow because I have not met anyone who is preparing for
4 an interview, only people who already have deportations signed, and I don't have a
5 lawyer.

6 12. My oldest son lives in the U.S., and he doesn't know that we are here and I would
7 like to call him to get his address so that I can give it to the official during my asylum
8 interview.

1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 18 day
4 of September 2024, at Donna, Texas.

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CERTIFICATE OF TRANSLATION

My name is Daisy Davila and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: Sept. 18, 2024


[Name]

EXHIBIT 16

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare and say the following:

2
3 1. This declaration is based on my personal knowledge. The facts I describe are true
4 to the best of my knowledge.

5 2. I am 12 years old. I'm from Honduras.

6 3. I speak Spanish.

7 4. I like to study. My favorite subject is natural sciences because I want to be a
8 doctor. I want to save people's lives as a surgeon. I like to help around the house, and also
9 to do my homework.

10 5. I came here to the United States with my mom.

11 6. I encountered the Border Patrol about three days ago. When they stopped us, they
12 took our phones, asked for our identification information, and took us here directly. We
13 have been here for three days.

14 7. I was surprised by how very, very big this place was.

15 8. After arriving here, they took our clothes, our shoes, then they took us to the
16 doctors, then to take a bath, then they gave us clean clothes. Our clothes were wet, and
17 they have given us these warm clothes. Then they took us to the rooms.

18 9. After we bathed, they separated us. I didn't know that they were going to separate
19 my mom from me.

20 10. There was a line for boys, a line for girls, and a line for mothers and fathers. When
21 they told me to go in the children's line, I didn't feel anything, because I didn't know
22 where they were going to take me. But I calmed down when we arrived in the rooms, and
23 I saw where we were going.

24 11. I went to the officer to ask for a visit with my mother. The officer told me that the
25 visits are in the mornings and to wait. Until today, I didn't have a visit with my mom. I
26 saw her earlier today during our visit with the consular, and again in this interview. But
27 for three days, I had no family visits although we asked the officers for them.
28

1 12. I wanted to see my mom a lot. I missed her a lot. But I didn't cry because there
2 were a lot of other boys with me in my room. On the one hand, I didn't want to cry in
3 front of them. On the other hand, they are kind, and it comforts me a little. I also have a
4 lot of faith in God.

5 13. When I saw my mom, I felt very happy. Because when I saw her, I knew she was
6 still here, and she had not left here. I was afraid that she left this place and left me here. I
7 had not known if she was still here or not. I was very happy to know that she was here the
8 whole time and wouldn't leave me here.

9 14. They have not told me how long we are going to be detained here. They haven't
10 told me why I'm being detained here either.

11 15. I have not had any calls to my family who are in the United States, like my
12 grandmother.

13 16. I met two kids who were here for a long time – 15 days and 17 days. They told me
14 they wanted to leave. It's very boring here. Today or yesterday they both left.

15 17. In my room there have been approximately 16 children in total – some arrive, some
16 leave.

17 18. There are no activities. We start watching television. There is also a game called
18 Uno, which we can play. There is paper and colors for drawing.

19 19. I feel better the more children there are. It's less boring.

20 20. Yesterday, they turned off the lights to sleep. Before, they did not. Another kid in
21 my area told me that sometimes they turn them down and sometimes they don't.

22 21. Outside the doors are people like social workers. They wear black shirts. They are
23 outside and we can go ask for something or talk to them if we need to.

24 22. I sleep on a mat on the floor. We don't have a blanket, just the aluminum sheet – it
25 comes in a bag.

26 23. If I could change something, I would change the air conditioning. To be honest, it's
27 very cold. I would lower it to be warmer. We can't hear much because of the air
28 conditioning as well. The air conditioning makes a lot of noise.

1 24. I would also make it possible to see all the rooms and walk freely between the
2 rooms.

3 25. I sleep night and day, because I don't see the sun. There's a clock, and it says AM
4 or PM. That is how I know if it's the morning or the afternoon. Also, in the room there is
5 a small space in our area that says the date. It's the only way to know the weather or how
6 many days we were here.

7 26. I miss the sun, really. There are only the lights in our room. Sometimes when I am
8 waking up I think it's the sun, but no.

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1 I declare under my duty to tell the truth and penalty of perjury that all the
2 information I have here given is correct and complete and I understand the legal
3 consequences of testifying falsely to the authorities.
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5 Executed on this 18th day of September of the year 2024, at Donna, TX.

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7 [Signature]
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CERTIFICATE OF TRANSLATION

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from Spanish to English to the best of my abilities.

Dated: 09/18/2024

Rebecca Wolozin
Rebecca Wolozin

1 Yo, [REDACTED], declare y digo lo siguiente:

2
3 a. Esta declaración está basada en mi conocimiento personal. Los hechos que
4 describo son verdaderos a mi mejor conocimiento.

5 b. Tengo 12 años de edad. Soy de Honduras.

6 c. Hablo español.

7 d. Me gusta estudiar. Mi material preferido es ciencias naturales porque quiero ser
8 doctor. Quiero salvar las vidas de personas como cirujano. Me gusta ayudar en la casa, y
9 también cumplir con mis tareas.

10 1. Vine aquí en los estados unidos con mi mama.

11 e. Encontré a la Patrulla Fronteriza hace como tres días. Cuando ellos nos detuvieron,
12 ellos nos quitaron nuestros teléfonos, preguntaban nuestras informaciones de
13 identificación, y nos llevaron aquí directamente. Estamos aquí hace tres días.

14 f. Me sorprendí de que este lugar era muy muy grande.

15 g. Después de llegar aquí, los quitaron la ropa, los zapatos, luego nos llevaron a los
16 médicos, luego, a bañarnos, luego nos dan ropa. Nuestra ropa era mojada, y ellos nos han
17 dado esta ropa calentita. Luego nos llevaran a las habitaciones.

18 h. Después de bañarnos, ellos nos separaron. No sabía que ellos van a separarme a mi
19 mama.

20 i. Había una fila para los niños, una fila para las niñas, y una fila para las madres y
21 padres. Cuando ellos me dijeron de ir en la fila de niños, no sentí nada, porque no sabía
22 dónde ellos van me llevar. Pero me tranquilase cuando llegamos en las habitaciones y yo
23 veo donde vamos.

24 j. Yo fui al oficial para pedir una visita con mi mama. El oficial me decía que las
25 visitas son en las mañanas y de esperar. Hasta hoy, no tenía visita con mi mama. La ve
26 más temprano hoy durante nuestra visita con el consular, y otra vez en esta entrevista.
27 Pero durante tres días no tenía visitas de familias, aunque nosotros les pidieron a los
28 oficiales.

1 k. Quería ver mucho a mi mama. Ella me faltaba mucho. Pero yo no lloro porque
2 había muchos niños conmigo en mi cuarto. De un parte, no quería llora en frente de ellos.
3 De otro parte, ellos son amables y me conforta un poco. También tengo mucha fe en dios.

4 l. Cuando yo veo a mi mama, yo sentí muy feliz. Porque cuando yo la veo, yo sabía
5 que ella estaba aquí toda vía, y no se fue. Tenía miedo de que ella se fue y me dejara
6 aquí. No sabía si ella estaba aquí toda vía o no. Estuve muy alegre de saber que ella
7 estuve aquí todo eso tiempo y no me dejaba aquí.

8 m. No me han dicho cuanto tiempo vamos a estar detenido aquí. No me han
9 dicho tampoco porque soy detenido aquí.

10 n. No tenía ninguna llamada a mi familia quien está en los estados unidos,
11 como mi abuela.

12 o. Conocí dos niños quien era aquí por mucho tiempo – 15 días y 17 días. Ellos me
13 dijeron que ellos quieren ir. Es muy aburrido aquí. Hoy o ayer los dos se fue.

14 p. En mi cuarto había aproximadamente 16 niños en total – algunos llegan, otros
15 salgan.

16 q. No hay actividades. Nos ponemos a ver la televisión. También hay un juego que se
17 llama Uno, que podemos jugar. Hay papel y colores para pintar.

18 r. Me siento mejor cuanto hay más niños. Es menos aburrido.

19 s. Ayer, ellos apagaron las luces para dormir. Antes no. Un compañero en mi área me
20 cuenteaba que alguna vez ellos los bajaban y algunas veces no.

21 2. A fuera de las puertas hay personas como trabajadores sociales. Ellas pongan
22 camisas negras. Ellas están a fueras y podemos ir pedir algo o hablar con ellas si
23 necesitamos.

24 t. Duermo en una colchoneta sobre el piso. No tenemos manta, solo la sabana
25 aluminio – viene en una bolsa.

26 u. Si podía cambiar algo, yo cambiare el aire. La verdad, hace mucho frio. Yo le
27 bajare para tener más calor. No podemos escuchar mucho por el aire también. Haga
28 mucho ruido el aire.

1 v. Nos permitan ver todas las habitaciones y caminar libremente entre las
2 habitaciones.

3 w. Duermo la noche y al día, porque no ve el sol. Hay un reloj, y dice AM o PM. Es
4 como yo sé si es la mañana o la tarde. También en el cuarto hay un pequeñita hueco in
5 nuestra área que dice la fecha. Es la única manera de saber el tiempo o cuantos días
6 estuvimos aquí.

7 x. Me falta el sol, de verdad. Solo hay la luz en nuestro cuarto. A veces cuando yo me
8 despierto pienso que es el sol, pero no.

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1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.
4


5 Hecho el día 18 de Septiembre del año 2024, en Donna, TX.
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EXHIBIT 17

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 and correct to the best of my understanding and recollection.

4 2. I am 21 years old. I am from Honduras. I speak Spanish.

5 a. I came to the United States with my son [REDACTED], who is 15 months old.

6 3. We have been at this station, Donna, for six days.

7 4. None of the agents or guards have explained to me why we have been here for 6
8 days or what is going to happen to me and [REDACTED].

9 5. I am really worried about [REDACTED]. He's not eating enough because they don't have
10 food for babies here. [REDACTED] usually eats things like eggs, beans, avocados. Here, they're
11 giving him food that he can't eat, like a hamburger. Too salty and too much pepper.

12 6. They give him only rice, sometimes rice with spicy meat. He cannot eat it because
13 he is too young, it hurts his stomach. When I can, I try to take out some of the soft, plain
14 things from the meal, like eggs or rice.

15 7. I told the nurse that the formula here hurts him and the doctor said it shouldn't be
16 a problem because he's too old for formula anyway. I asked the nurse if they could give
17 [REDACTED] the formula he can have, and the doctor said he's too old to have formula and that
18 they don't make exceptions for anyone. There is some milk formula on a table near our
19 room, but I told the nurse that [REDACTED] is lactose intolerant and has a medical need for
20 special formula. He vomits or gags when he drinks the formula but I don't know what to
21 give him. He is hungry.

22 8. The nurse told me that it was normal for the kids here to not like the food and to
23 become sick or vomit when they eat it, but they don't give anyone special treatment.

24 9. They told me not to give him milk and juice because it would rot his teeth. But
25 there is nothing else that he can eat. They told me to just give him more water and the
26 food they serve.

27 10. I brought his formula when we traveled here but they took it and they won't give it
28 to me for him.

1 11. I am worried about going to a nurse again because we have all noticed that when
2 someone tells an official or a medical staff that they are sick, they end up staying here for
3 longer. It seems that we are not allowed to leave until we feel better, but how can anyone
4 heal here when we cannot go outside, we cannot see the sun, there is no fresh air.

5 12. When someone in the room asks for medical attention, sometimes we don't get it.
6 There was a woman in our room who was pregnant. She told the officers she was in pain,
7 but they would not help her until she started crying in pain.

8 13. They took her to the infirmary and didn't give her anything. They took her back to
9 the room until she started crying in pain. Then they finally took her to the hospital. The
10 woman also had a one-year-old, and they separated her and brought her with the
11 unaccompanied kids. I don't know where this family is now.

12 14. The kids here get sick because we have to shower so early in the morning and their
13 hair is wet, it is so cold in the room they become sick.

14 15. It is freezing in the room. We have thin sweaters, but the blankets are just foil and
15 it is hard to stay warm. [REDACTED] has a sweater that we brought with us, but he is still cold. I
16 asked if he can wear a second sweater, but they told us when we arrived that we could
17 only keep one sweater and they have not given us another sweater for him.

18 16. At night they turn off a couple lights, but the other lines of lights are still on at
19 night. Sometimes, they don't turn off the lights until very late at night, or we can't sleep
20 because they come to clean and must clear out the rooms late, like at 11pm. They turn
21 them on extremely early, at 6am. It feels like a prison here.

22 17. There is nothing for [REDACTED] to do. There are no games in the family rooms. He is
23 bored and he has so much energy he has nothing to do. He can keep down the juice and it
24 has a lot of sugar, so he has so much energy but he's trapped. It is so hard for me to care
25 for him and keep him calm.

26 18. When you ask the guards for something, they don't respond. They do not talk with
27 us or help with the kids.
28

1 19. The guards do not give me enough time to bathe my son. I am only given 10 or 15
2 minutes for both of us to bathe, and it is not easy to bathe yourself and a baby in that
3 time.

4 20. My son wears diapers, and late the night before last, he wet his diaper and got the
5 top of his pants dirty. The guard took me to bathe him, but the water wouldn't heat up.
6 She said I had to bathe him with cold water. I didn't want to but I had to. Then, he got
7 sick and has a runny nose. He wasn't sick before, so I believe he got sick from the cold
8 water.

9 21. We haven't gotten a phone call since we arrived. I have been feeling desperate to
10 call my family and tell them we are okay.

11 22. We are not allowed to use the phone. I am not allowed to help my son use the
12 phone. We have been here six days.

13 23. My son and I have not been given a list of free legal services or told we can speak
14 to a lawyer.

15 24. Yesterday, I told an officer wearing green that I am afraid to go back to my country
16 because I will be killed.

17 25. I have not had an interview. I have not been told anything about an interview or
18 about asylum.

19 26. Yesterday they deported many of the women in our room. They never got an
20 interview, officials just came and took them and deported them without any warning.

21 27. The women they took had been here between 9 to 20 days.

22 28. Not one person I have met in this facility has gotten asylum. I am terrified that my
23 son and I will be deported and we will be killed. Only God is with us here.
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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 19 day
4 of Sept 2024, at Donna.

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CERTIFICATE OF TRANSLATION

My name is KAITLYN VELAZQUEZ and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 09/19/2024

Kaitlyn Velazquez

[Kaitlyn Velazquez]

EXHIBIT 18

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 to the best of my understanding and recollection.

4 2. I am 15 years old. I am from Guatemala.

5 3. I speak Spanish.

6 4. I was apprehended by Border Patrol agents about 15 days ago. I crossed the border
7 with my mom and then we approached a patrol car to explain that we were afraid and
8 needed help.

9 5. I have been detained here in El Paso for about 15 days. I was brought here with my
10 mom right after we turned ourselves in. It's very difficult to be here.

11 6. I have a lot of trouble sleeping. There are a lot of smaller kids in the room with me
12 and the guards are always bringing people in and taking people out in the middle of the
13 night. They leave the lights on so it's never dark enough to sleep well.

14 7. Every single dinner is served ice cold and I cannot eat it, it's been hurting my
15 stomach and I've gone to the medical official to get help several times.

16 8. I have never used the phone myself but I have my brother's phone number
17 memorized and I help my mom to dial it so she can speak with him. He lives here in the
18 United States. They only let us use the phone for two minutes and then they rush us off.

19 9. We were told that a lawyer cannot help us in here.

20 10. I have been given no information about why I am here, but at least I can stay in the
21 same room as my mom.

22 11. I have been wearing the same clothes for fifteen days – I have tried to ask for a
23 change of clothes but I am usually ignored or the guards say no, they say that I am
24 required to stay in the same clothes for the entire time I'm here.

25 12. Mentally it is hard to be here – I cannot go outside every day, not even for a few
26 minutes, I'm just in this one room with the lights on day after day after day.

27 13. I have tried to tell multiple guards on many different occasions that me and my
28 mom are afraid to go back to Guatemala and that we need to apply for asylum. I have told

1 this to many different guards, including the ones that wear green. Sometimes they tell me
2 that they cannot help me, or that I have to be patient. One time a guard told me they
3 would be right back and then they never returned to my room. I still have not seen them
4 again. This lack of information makes me confused and discouraged because I've asked
5 so many people to help us. I overheard my mom tell the guards when we first arrived here
6 to this facility that we need to apply for asylum and that we cannot go back to Guatemala,
7 but they just ignored her and we've just been sitting here for the past fifteen days with no
8 updates. I just want to get out of here.

1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 20 day
4 of November 2024, at El Paso, TX.

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8 CERTIFICATE OF TRANSLATION
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10 My name is Crystal A. Sandoval and I swear that I am fluent in both the English and
11 Spanish languages and I translated the foregoing declaration from English to Spanish to
12 the best of my abilities.

13
14 Dated: 11/20/2024

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EXHIBIT 19

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, Laura Alvarez, declare and say as follows:

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3 1. I speak and understand English and Spanish.

4 2. The following is a true and correct translation of the annexed Declaration of [REDACTED]

5 [REDACTED].

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8 DECLARATION OF [REDACTED]

9
10 I, [REDACTED], declare as follows:

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12 1. This testimony is based on my personal knowledge and the following facts are true
13 to the best of my understanding and recollection.

14 2. I am 31 years old and my daughter [REDACTED] is 7 years old. I am from Guatemala. I
15 speak Spanish. I travel to the United States with my daughter.

16 3. I arrived in the United States on Wednesday, November 13th. We encountered
17 Border Patrol and they brought us here to the El Paso station.

18 4. We have been detained in El Paso for one week. No one has told us why we are
19 detained or how long we will be here. We do not have any information.

20 5. When we got here there was a medical exam for my daughter and they gave us
21 food. They took the clothes we arrived with and gave us new clothes. After a week our
22 clothes are dirty. They gave my daughter a new sweater yesterday but nothing else. When
23 I requested clean pants for her, the officer told me that we needed to wait more time. She
24 has not changed her shirt in eight days. There are other children that have spent a lot of
25 time here without clean clothes. People help us with showers, they have given us
26 underwear but have not told us that we can ask for more clothes.

1 6. There are about 4 other families in the place where we sleep, including six
2 children. There are boys and girls in our room, including boys older than 13 years old.
3 There is enough room and we have mattresses and aluminum sheets.

4 7. The temperature during the day is fine but at night it is very cold. My daughter is
5 cold and had respiratory issues caused by the cold. The doctor came to check her. The
6 doctor has not given me documentation of the visit.

7 8. There are officers outside the room that are there to help us with showers and other
8 things we need. They do not enter the room and do not play with the children. Sometimes
9 they are angry and speak harshly to the children. My daughter asked for more water and
10 the officer spoke to her harshly and my daughter began to cry. Sometimes the officers do
11 not have patience with the children.

12 9. In the beginning they allowed the children to go out to the field everyday but for
13 the past four days they have not gone out to the field and cannot go outside. Now the
14 children feel locked up.

15 10. There are no games where we sleep. They give materials to paint but nothing else.

16 11. There are private toilets. There is soap. They give us a toothbrush and toothpaste
17 when we go to the showers. We can shower once a day.

18 12. The food is good, they give us vegetables and we can ask for more. Sometimes the
19 food is hot but the burritos are sometimes a bit frozen. My daughter could not eat the
20 pancakes because they were way too hard.

21 13. We can only use the telephone once every 48 hours to call our family, but they
22 have not let me check my phone to find my relatives' phone numbers.

23 14. I am afraid to return to my country and I told that to an officer when we arrived but
24 they have not listened to us. I have not received a list of immigration lawyers and I have
25 not been able to call a lawyer.

26 15. My daughter feels sad to be here for so long.

27 16. When we leave here, my daughter wants to study art and be a teacher or doctor, or
28 both.

1 I declare under my duty to tell the truth and penalty of perjury that all the
2 information I have here given is correct and complete and I understand the legal
3 consequences of testifying falsely to the authorities.
4

5 Done this day 20th of November 2024, at El Paso, TX.
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11 I declare under penalty of perjury that the foregoing is true and correct.
12 Executed this 20th of November, 2024, at Oakland, California.
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14 Laura Alvarez
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Yo, [REDACTED], declare y digo lo siguiente:

1. Esta declaración está basada en mi conocimiento personal. Los hechos que describo son verdaderos a mi mejor conocimiento.

2. Tengo 31 años de edad y mi hija [REDACTED] tiene 7 años. Soy de Guatemala. Hablo español. Viajo a los Estados Unidos con mi hija.

3. Llegamos a los Estados Unidos el miércoles 13 de noviembre. Encontramos a la Patrulla Fronteriza y nos trajeron aquí a la estación de El Paso.

4. Hemos estado detenidos en El Paso por una semana. Nadie nos han dicho porque estamos detenidos o cuando tiempo vamos a estar aquí. No tenemos ningún información.

5. Cuando llegamos había un chequeo medico para mi hija y nos dieron comida. Nos quitaron la ropa con que venimos y nos han dado nueva ropa. Después de una semana nuestra ropa está sucia. Daron un nuevo suéter a mi hija ayer pero nada más. Cuando yo pedí pantalones limpias para ella, el oficial me dijo que tenemos que esperar más tiempo. Ella no ha cambiado de blusa en ocho días. Hay otros niños que han pasado mucho tiempo aquí sin ropa limpia. La gente que nos ayuda con las duchas nos han dado ropa interior pero no nos han dicho que podemos pedir más ropa.

6. Hay alrededor de 4 otras familias en el lugar donde dormimos, incluso seis niños. Hay niños y niñas en nuestro cuarto, incluso niños de mas de 13 anos. Hay suficiente espacio y tenemos colchones y mantas de aluminio.

7. La temperatura durante el día esta bien pero en la noche hace mucho frio. Mi hija tiene frio y tenía problemas con la respiración a causa del frio. El doctor vino para chequearla. El doctor no me ha dado documentación de la visita.

8. Hay oficiales afuera del cuarto que están allá para ayudarnos con las duchas y otras cosas que necesitamos. No entran en el cuarto y no juegan con los niños. A veces están enojados y hablan fuerte con los niños. Mi hija pidió mas agua y la oficial le habla fuertemente y mi hija comenzó a llorar. A veces los oficiales no tienen paciencia con los niños.

1 9. Al principio permiten los niños salir afuera a la cancha todos los días pero en los
2 últimos cuatro días no han salido a la cancha y no pueden salir afuera. Ahora los niños se
3 sienten encerrados.

4 10. No hay juegos en el lugar donde dormimos. Dan cosas para pintar pero nada más.

5 11. Hay inodoros privados. Hay jabón. Nos da cepilla y pasta para los dientes cuando
6 vamos a las duchas. Podemos bañarnos una vez por día.

7 12. La comida es buena, nos dan verduras y podemos pedir más. A veces la comida es
8 caliente pero los burritos a veces son un poco congelados. Mi hija no podía comer los
9 panqueques porque eran demasiado duros.

10 13. Solo podemos utilizar el teléfono una vez cada 48 horas para llamar a nuestra
11 familia, pero no me han permitido consultar mi teléfono para encontrar el numero de
12 teléfono de mis familiares.

13 14. Tengo miedo de regresar a mi país y dijo eso a un oficial cuando llegamos pero no
14 nos han escuchado. No he recibido una lista de abogados de inmigración y no he podido
15 llamar a un abogado.

16 15. Mi hija se siente triste de estar aquí por tanto tiempo.

17 16. Cuando salimos de aquí, mi hija quiere estudiar arte y ser profesora o doctora, o los
18 dos.

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1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.
4

5 Hecho el día 20 de noviembre del año 2024 en El Paso, TX.



EXHIBIT 20

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 to the best of my understanding and recollection.

4 2. I am from Turkey and traveled with my 15 year old daughter. I speak English,
5 Turkish, and Farsi.

6 3. My daughter and I were kidnapped and assaulted in Mexico. I escaped the
7 kidnappers and was in hiding but my daughter was brought to the border by the
8 kidnappers and left there after three weeks. The police called me and helped me go to the
9 bridge.

10 4. My daughter has been detained here in the El Paso Border Patrol facility for 7
11 days. I have been here 5 days. I crossed the border to try to find my daughter but I was
12 interrogated for many hours before they allowed me to see my daughter.

13 5. It is very hard to be detained for such a long time and my daughter and I are both
14 not okay. Being detained reminds us of being locked up when we were kidnapped. It is
15 very difficult emotionally and it is very difficult not to know when we will be able to
16 leave. When I ask why we are here so long, the officials say many people are here and we
17 just have to wait because we are safe here. We are afraid of returning to Turkey and I
18 expressed this fear to Border Patrol officers but they did not do anything.

19 6. There was a health check and they asked us how we are doing. When I shared how
20 difficult it is for us here, they just said we have to be strong. My daughter and I both cry
21 every day. Physically and emotionally we are not fine and the only thing that will help
22 would be to leave detention.

23 7. When I arrived, they put what I had in a trash and said they would not keep it.
24 They gave us these clothes when we arrived. Yesterday we got new clothes.

25 8. We can take showers here but they just give one very small shampoo. We cannot
26 eat the food because it is not good and is heated frozen food. We just live on crackers and
27 water.
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1 9. We get phone calls every 3 days. This is not enough because I need to speak to my
2 family more often because they are very worried about us.

3 10. We have not been given a list of immigration lawyers and we have not been able to
4 call an immigration lawyer. We have not had an asylum interview.

5 11. We are sleeping in a room with 17 or 18 other people. It is all moms and their kids,
6 small kids like 4, 5, 10 years old.

7 12. The staff treat us okay, not very good and not very bad.

8 13. My daughter really wants to continue her education and go back to school.
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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities.
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5 Executed on this 20 day of novembre 2024, at El Paso, TX.
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CERTIFICATE OF TRANSLATION

My name is Zohre Mohamadi and I swear that I am fluent in both the English and Farsi languages and I translated the foregoing declaration from English to Farsi to the best of my abilities.

Dated: 12/04/2024

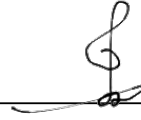
A handwritten signature in black ink, appearing to be 'Zohre', is written over a horizontal line.

EXHIBIT 21

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

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3 a. This testimony is based on my personal knowledge and the following facts are true
4 to the best of my understanding and recollection.

5 b. I am 9 years old. I am from El Salvador.

6 1. I speak Spanish.

7 2. I came with my mom and dad and my little brother [REDACTED], who is four years old.

8 3. When we crossed the border, Border Patrol were there and immediately
9 approached us. They did not take us in the car, they drove and made us walk until we
10 reached a road. Another car picked us from there.

11 4. They drove us to the border wall to take our belongings and our shoes, ask us our
12 names, and then take us in a bus to this facility, Donna. We arrived Tuesday, two days
13 ago.

14 5. When we arrived, they asked us some questions and they took my temperature and
15 blood pressure my brother's. They swiped my parents mouths but I don't know why.

16 6. We were able to shower and then they separated us, my brother with my dad and
17 me with my mom. We can shower in the afternoon and that is the only time we can brush
18 our teeth.

19 7. There are restrooms and soap and water to wash our hands by the room.

20 8. There is nothing to do in the room, there are no games for us or toys. Sometimes
21 we can go to a room beside the room where we sleep and twice a day and we are allowed
22 three crayons to draw.

23 9. We have not seen my dad and my brother except when we have an interview, like
24 this interview or when we saw the consulate.

25 10. The light is on all day and all night. They only turn a few lights off around 1am. It
26 is so cold in the room. We wrap ourselves in the aluminum blanket to stay warm.

27 11. The only way we can distract ourselves is to drink half of our water bottles and
28 throw them, flipping them to see if they can land upright.

1 12. Sometimes other kids play with paper airplanes, but the staff yells at the kids, or
2 goes to the parents and yell at them to “control your kids.”

3 13. I don’t eat very much because the food is bad. I have just been eating the apples
4 and drinking juice. The first meal I ate was today.

5 14. My parents say that today they asked how old my brother is, and then they gave
6 him some different food because he is four, but he wasn’t eating before.

7 15. There are eight mothers with their young kids in our room, maybe 22 people total.
8 The kids are under 9, some are as young as one year old.

9 16. My family and I have never been able to use the phone. No one else has been able
10 to use the phone.

11 17. The staff mostly give us instructions, they don’t talk to us or spend time with us.
12 Some of the staff are nicer and some are unkind, for example some let us watch TV while
13 some will turn it off if we try to watch it.

14 18. They wake us every night at 11pm and make us get out of bed so they can clean.
15 Sometimes they wake us up at night just to scan our bracelets, which they give us at
16 intake with a barcode.

17 19. The air in some places is so cold and blows very hard from the fans. Where we
18 sleep the air is especially strong and it is very cold, especially when we are trying to
19 sleep.

20 20. My brother asked, “when are we going to leave this prison?” He is only 4 years
21 old.

1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 19 day
4 of Sept 2024, at Donna.

5 [REDACTED]
6 [REDACTED]
7 [Name of Class Member]
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CERTIFICATE OF TRANSLATION

My name is KAITLYN VELAZQUEZ and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 09/18/2024

Kaitlyn Velazquez

[Kaitlyn Velazquez]

EXHIBIT 22

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare and say the following:

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 - 3 1. This statement is based on my personal knowledge. The facts I describe are true to
 - 4 the best of my knowledge.
 - 5 2. I am 11 years old. I am from Colombia.
 - 6 3. I speak Spanish.
 - 7 4. I like to play with toys, and I also like to play on my phone. But I don't have my
 - 8 phone now because I took it away, and they don't have toys here either. There is no
 - 9 one to do.
 - 10 5. I want to be a marine biologist when I am an adult.
 - 11 6. I came here in the United States with my mom and older brother. We came here
 - 12 about 4 days ago.
 - 13 7. We encountered the Border Patrol and they asked us things and they took us together
 - 14 to a place where they took medical data and information. They gave us food and
 - 15 water. Then they transferred us here.
 - 16 8. After registering us and everything, they took me to my room with my mom. My
 - 17 brother had to go to another room. I don't understand why my brother couldn't stay
 - 18 with us.
 - 19 9. When we had about half an hour to visit with my brother that same day we arrived,
 - 20 we went into a room with other families visiting. In that room, he found a table and
 - 21 behind the table were toys. But we were more focused on being together as a family
 - 22 so I didn't ask if I could play with the toys.
 - 23 10. After the first visitation with my brother, they did not call us again to go see my
 - 24 brother. My mom was very worried because she didn't know why they didn't call us.
 - 25 The second visitation time when they did not call us, my mother asked what
 - 26 happened to my brother. We learned that he was in the medical area. Today we
 - 27 could see him here in this interview for the first time after the first visit we had when
 - 28 we came here about four days ago.
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1 11. I don't like the food very much. It's a lot of burritos and I don't like that. I eat more
2 snacks than the food they give us.

3 12. I want to call my dad. I miss a lot. He is already in the United States. But when we
4 ask the officials to call our dad, they won't let us call.

5 13. When I get out of here, I want to study. It's the thing I want to do most of all.
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1 I declare under my duty to tell the truth and penalty of perjury that all the
2 information I have here given is correct and complete and I understand the legal
3 consequences of testifying falsely to the authorities.
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5 Executed on this 18th day of September of the year 2024, at Donna, TX.

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7 [Signature]
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CERTIFICATE OF TRANSLATION

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from Spanish to English to the best of my abilities.

Dated: 09/18/2024

Rebecca Wolozin
Rebecca Wolozin

Yo, [REDACTED], declare y digo lo siguiente:

a. Esta declaración está basada en mi conocimiento personal. Los hechos que describo son verdaderos a mi mejor conocimiento

b. Tengo 11 años de edad. Soy de Colombia

c. Hablo español.

d. Me gusta jugar con juguetes y también me gusta jugar con mi teléfono. Pero no tengo mi teléfono ahora por que lo quitara, y no tienen juguetes aquí tampoco. No hay nadie hacer.

e. Quiero ser bióloga marina cuando soy adulto.

f. Vine aquí en los estados unidos con mi mama y mi hermano mayor. Vinimos aquí hace como 4 días.

g. Encontramos a la Patrulla Fronteriza y ellos nos preguntaban cosas y nos llevaron juntos a un lugar donde nos tomaban datos e informaciones médicos. Nos dieron comida y agua. Después nos trasladaron hasta aquí.

h. Después de registrarnos y todos, ellos me llevo a mi cuarto con mi mama. Mi hermano tenía que ir a otro cuarto. Yo no entiendo por qué mi hermano no podía quedar con nosotros.

i. Cuando teníamos una media hora para visitar con mi hermano ese mismo día de llegar, fuimos en una sala con otras familias haciendo visitas. En esta sala, encontré una mesa y detrás de la mesa había juguetes. Pero estuvimos más enfocarnos en estar juntos con familia entonces yo no preguntaba si yo podía jugar con los juguetes.

j. Después de la primera visitación con mi hermano, ellos no nos llamaron otra vez para ir ver a mi hermano. Mi mama era muy preocupada porque no sabía por qué ellos no nos llamaron. La segunda visita en donde ellos no nos llamaron, mi mama preguntaba que paso con mi hermano. Aprendimos que el estuve en el área médico. Hoy podíamos verlo aquí en esta entrevista por la primera vez después de la primera visita que teníamos cuando nos llegaron aquí hace como cuatro días.

1 k. No me gusta mucho la comida. Son muchos burritos y no me gusta eso. Yo como
2 más las meriendas que la comida ellos nos dan.

3 l. Quiero llamar a mi papa. El me falta mucho. Él está ya en los estados unidos. Pero
4 cuando preguntamos a los oficiales de llamar a nuestro papa, ellos no nos permiten de
5 llamar.

6 m. Cuando salga de aquí, quiero estudiar. Es la cosa que quiero hacer lo más que todo.
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1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.
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5 Hecho el día 18 de Septiembre del año 2024, en Donna, TX.
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EXHIBIT 23

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, Laura Alvarez, declare and say as follows:

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3 1. I speak and understand English and Spanish.

4 2. The following is a true and correct translation of the annexed Declaration of [REDACTED]

5 [REDACTED].

6 *****

7 DECLARATION OF [REDACTED]

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9 I, [REDACTED], declare as follows:

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11 1. This testimony is based on my personal knowledge and the following facts are true
12 to the best of my understanding and recollection.

13 2. I am 26 years old. I arrived in the United States with my son [REDACTED] who is
14 4 years old. We are from Honduras. We speak Spanish.

15 3. We arrived Monday, November 4th in the United States. We have been locked up
16 here in El Paso for more than two weeks.

17 4. When we arrived in the United States, we encountered armed U.S. Army soldiers
18 who intimidated us and tried to force us to return to Mexico. We sat on the ground and I
19 told them we could not cross. Finally they called Border Patrol agents and Border Patrol
20 arrived.

21 5. Border Patrol took us to a building for about three hours. In this building they take
22 away our belongings and they lock us in a cell. The cell was made of cement and we did
23 not have anything. The toilet was in the room and the officers could see us when we used
24 the toilet. The officers can see us through the door and through the cameras as well. My
25 son had to use the toilet and did not have privacy.

26 6. Afterwards they brought us here to this Border Patrol place in El Paso. We have
27 been detained here for 16 days. It's a lot of time, especially for my son. Six days ago I
28 signed deportation papers because we have to leave here, but they have not deported me.

1 They have not told me why I am still here. One time I asked how long we will be here
2 and the officer told me I should have thought about that before leaving my country. Other
3 officers say they do not know.

4 7. When we arrived, there was a quick medical exam, they only asked me if my son
5 was okay. We have since seen the doctor twice, one time because my son's eyes were
6 swollen and the other time because he was dehydrated and had a stomachache. I think he
7 had a stomachache because the food is extremely cold. The doctor gave us eye drops and
8 told me my son needs to drink more water. The doctor has not given me a written
9 explanation on what is going on with my son or what I need to do with the eye drops.
10 Yesterday my son had another medical checkup but the checkup was at midnight. We had
11 just fallen asleep and they woke us up for the checkup. Afterwards they woke us up again
12 at 3 in the morning because they doctor wanted to check something else. We did not
13 really sleep last night.

14 8. They gave us clothes when we arrived but we still have the same clothes after 16
15 days. We have only changed our underwear. My son has on the same shirt since we
16 crossed the border and the same sweater they gave us on day 1. They don't wash his
17 clothes. They washed his pants one time, but only because they were wet. No one has
18 told me I can ask for more clothes for him. The clothes have a bad odor and it's difficult
19 for us to be in dirty clothes for a long time.

20 9. We sleep in a room with another family. They other family is a father and a 10-
21 year-old boy. The temperature is extremely low. It is cold during the night. It is less cold
22 during the day than during the night. There is enough room. There are mattresses and
23 aluminum sheets. We are only allowed one sheet per person.

24 10. There are no toys for the children, only coloring. I have seen that the children
25 without parents have toys and I have requested toys for my son, but the officer told me
26 no.
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1 11. Sometimes they take the children outside to play, but for the past four days my son
2 has not been able to go outside. When we go outside it's for about 40 minutes and the
3 children can play soccer.

4 12. It is very difficult for my son to be locked in the room all day. There are officers
5 that are near the room, but they are angry. They scold the children when they try to play
6 and they tell them to sit down. They also scolded us when we made a paper ball to play
7 with. My son felt sad. They put on movies but there are only four movies and we have
8 seen each one many times.

9 13. The food here is extremely cold and it is the same thing every day. There are three
10 variations and that's it. They give my son special food but most of the time it is not
11 healthy. For example, for dinner last night they gave Cheerios cereal without milk and
12 without anything else. The other food is way too spicy for him. They do not give us
13 enough time to eat, sometimes after like 8 minutes they tell us it is time to shower and we
14 have to throw away the food.

15 14. I have not been able to make a call in three days. When we are allowed to make a
16 call, it's only for two minutes. It is very difficult for my son not to be able to speak to his
17 mom, who is in the United States.

18 15. We have not received a list of immigration lawyers. I had a hearing to request
19 asylum and they never spoke to me about a free lawyer, they only told me I can have a
20 lawyer but I have to pay. I was not able to call a lawyer prior to the asylum interview.
21 The interview was via telephone and with an interpreter.

22 16. We have not had information about when we will be deported and it gives us a lot
23 of anguish. It would be very helpful if we could have more information. The officers
24 always tell us they do not know and sometimes they speak harshly.

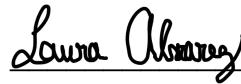
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1 I declare under my duty to tell the truth and penalty of perjury that all the
2 information I have here given is correct and complete and I understand the legal
3 consequences of testifying falsely to the authorities.
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5 Done this day 20th of November 2024, at El Paso, TX.
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11 I declare under penalty of perjury that the foregoing is true and correct.
12 Executed this 17th of December, 2024, at Dover, New Jersey.
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Yo, [REDACTED], declare y digo lo siguiente:

1. Esta declaración está basada en mi conocimiento personal. Los hechos que describo son verdaderos a mi mejor conocimiento.

2. Tengo 26 años de edad. Llego a los Estados Unidos con mi hijo [REDACTED] que tiene 4 años. Somos de Honduras. Hablamos español.

3. Llegamos el lunes 4 de noviembre a los Estados Unidos. Hace más de dos semanas que estamos encerrados aquí en El Paso.

4. Cuando llegamos a los Estados Unidos, encontramos soldados armados del US Army que nos intimidó y trató de forzarnos a regresar a México. Nos sentamos en el suelo y le dije que no podemos cruzar. Finalmente llamaron a los agentes de la migra y la Patrulla Fronteriza llegaron.

5. La Patrulla Fronteriza nos lleva a un edificio por como tres horas. En este edificio nos quita las pertenencias y nos encerraron en una celda. La celda era de cemento y no teníamos nada. El baño estaba en el cuarto y los oficiales pueden vernos cuando utilizamos el baño. Los oficiales pueden vernos por la puerta y también por las cámaras. Mi hijo tenía que utilizar el baño y no tenía privacidad.

6. Después nos trajeron aquí al lugar de la Patrulla Fronteriza de El Paso. Hemos estado detenido aquí por 16 días. Es demasiado tiempo, especialmente por mi hijo. Hace 6 días yo firmé la deportación porque teníamos que salir de aquí, pero no me han deportado. No me han dicho porque todavía estoy aquí. Una vez pregunto cuanto tiempo vamos a estar aquí y el oficial me dijo que hubiera debido pensar a eso antes de salir de mi país. Otros oficiales dicen que no saben.

7. Cuando llegamos, había un chequeo médico muy rápido, solo preguntaron si mi hijo está bien. Hemos visto al doctor dos veces después, una vez porque mi hijo tenía inflamación de los ojos y otra vez porque él estaba deshidratado y tenía dolor de estómago. Pienso que tenía dolor de estómago porque la comida es demasiado fría. El doctor nos da gotas para los ojos y me dijo que el niño tiene que beber más agua. El

1 doctor no me ha dada una explicación escrita de que pasa con mi niño o que debo hacer
2 con las gotas. Ayer mi hijo tenía otro chequeo medico pero el chequeo fue a las doce de
3 la noche. Nosotros acabamos de dormirnos y nos despertaron para el chequeo. Después
4 nos despertaron otra vez a las 3 de la mañana porque la doctora quería chequear otra
5 cosa. Casi no dormimos anoche.

6 8. Nos dan ropa cuando llegamos pero después de 16 días todavía tenemos la misma
7 ropa. Solo nos cambian la ropa interior. Mi hijo lleva la misma camisa que cuando
8 cruzamos la frontera y el mismo sueter que nos han dado cuando llegamos el día 1. No
9 lavan su ropa. Lavaron sus pantalones una vez, pero solo porque estaban mojadas. Nadie
10 me dijo que puedo pedir más ropa para el. La ropa tiene mal olor y es difícil para
11 nosotros estar en ropa sucia por tanto tiempo.

12 9. Dormimos en un cuarto con otra familia. La otra familia es un padre y un niño de
13 10 años. La temperatura es bastante baja. Hace frio durante la noche. Durante el día es
14 frio pero menos que durante la noche. Hay suficiente espacio. Hay colchones y mantas de
15 aluminio. Solo podemos tener una manta por persona.

16 10. No hay juegos para los niños, solo pueden colorear. He visto que los niños sin
17 padres tienen juegos y he pedido juegos para mi hijo, pero el oficial me dijo no.

18 11. A veces llegan a los niños afuera para jugar, pero hace cuatro días que mi hijo no
19 ha podido salir afuera. Cuando salimos afuera es para como cuarenta minutos y los niños
20 pueden jugar al futbol.

21 12. Es muy difícil para mi hijo estar encerrado todo el día en el cuarto. Hay oficiales
22 que están cerca del cuarto, pero están enojados. Reganan a los niños cuando tratan de
23 jugar y les dice de sentirse. También nos regano cuando hacemos un balón de papel para
24 jugar. Mi hijo se siente triste. Ponen películas pero solo hay cuatro películas y lo hemos
25 vista cada una muchas veces.

26 13. La comida aquí es demasiado frio y es lo mismo todos los días. Hay tres
27 variaciones, nada más. Le da una comida especial a mi hijo pero muchas veces no es
28 saludable. Por ejemplo, anoche para la cena le dan un cereal de Cheerios sin leche y sin

1 nada mas. La otra comida es demasiado picante para él. No nos dan suficiente tiempo
2 para comer, a veces después de como 8 minutos dicen que es tiempo de ducharse y
3 tenemos que tirar la comida.

4 14. Hace tres días que no hemos podido hacer una llamada. Cuando nos permiten
5 hacer llamados, es solo por dos minutos. Es muy difícil para mi hijo no poder hablar más
6 con su mama, que esta en los Estados Unidos.

7 15. No hemos recibido una lista de abogados de inmigración. Tuve una audiencia para
8 solicitar asilo y nunca me habla de un abogado gratuito, solo me dicen que puedo llevar
9 un abogado pero tengo que pagar. No he podido llamar a un abogado antes de la
10 entrevista de asilo. La entrevista fue por telefono y con un interprete.

11 16. No hemos tenido información sobre cuando vamos a ser deportados y nos da
12 mucha angustia. Ayudaría mucho si podemos tener mas información. Los oficiales
13 siempre dicen que no saben y a veces hablan con dureza.

1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.
4

5 Hecho el día 20 de noviembre del año 2024, en El Paso, TX.

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EXHIBIT 24

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 to the best of my understanding and recollection.

4 2. I am 22 years old. I am from Honduras.

5 3. I speak Spanish.

6 4. I was apprehended by Border Patrol officers near El Paso, Texas. My son and I
7 approached the border wall and approached an officer near by. They asked me my name
8 and asked me for my documents as well as our information. After a couple of hours with
9 the officer we were brought to this facility, where we are currently at. Within the first 24
10 hours, I was taken to a room to sign a document. However, I was not informed about the
11 nature of the document or what it contained. The document was written in English. When
12 Border Patrol agents found us, I was with my son, [REDACTED]. They also
13 required my son and I to take DNA samples.

14 5. I have been detained at the El Paso Facility for over a week. Sleeping at night is
15 challenging because there is constant activity, with people coming and going throughout
16 the night, and some lights remain on, preventing complete darkness. [REDACTED] sleeps most
17 of the time, but the ongoing noise during the night keeps us awake, sometimes until
18 morning.

19 6. For the most part, my son can eat the food provided, except at dinner. In the
20 evening, he is only given dry cornflakes, while I receive bread or a flour tortilla with
21 meat or ham. However, the meals are the same every day, which becomes repetitive and
22 exhausting for both of us. Sometimes, my son refuses to eat his meal, and I often end up
23 sharing my meal with him. During the day, we are given apples.

24 7. [REDACTED] sometimes plays with the other children who rotate in and out of our room,
25 but no one has stayed as long as we have. At any given time, there are typically about 12
26 people in the room—6 to 8 mothers and the rest children—though at times, it has been
27 just one other mother and her child with us. We are allowed to leave the room and go
28 outside once a day at a set time determined by the facility staff, but this time is often cut

1 short because it overlaps with the window for using the phone, which I use to call my
2 family. The limited outdoor time has been particularly hard on my son, who is struggling
3 with the extended detention. He often cries and becomes upset about being confined to
4 one room for long stretches, day after day, telling me he just wants to go home. There are
5 no toys provided, only paper, crayons, and a TV, leaving him with very little to occupy
6 his time. He frequently becomes bored and impatient, leading to emotional breakdowns
7 from the confinement, lack of sleep, and limited activities.

8 8. When he cries to go home or asks me, 'When are we getting out of here?' or 'Why
9 are we here?' I have no answers for him, and this uncertainty weighs heavily on him.
10 Some guards reprimand both of us, telling me to control my son and demanding that he
11 stay quiet. Occasionally, there is a kind guard who tries to help calm him down, but the
12 others are less understanding. When they lose patience, they call a supervising guard in
13 green, who arrives and speaks to us angrily and loudly, making the situation even more
14 stressful for both of us.

15 9. I have no idea why I'm being kept here. I told the officers in green that I am afraid
16 to return to Honduras, but no one has given me any information. I explained to one
17 officer that I cannot go back because I fear for my life and my son's safety. When I asked
18 what steps I need to take to get an interview, they just told me to wait and be patient,
19 without offering any further details.

20 10. I've asked other staff in the room what I should do to get an interview, but no one
21 has a clear answer. I've noticed, along with the others, that when someone is taken from
22 the room, they never come back. This makes me even more afraid that the longer I stay
23 here, the more likely it is that I will be deported.

24 11. My son and I are not allowed to wash our clothes. We are told that the clothing
25 provided is meant to last for the duration of our stay. While we receive clean underwear
26 daily, we are not permitted to clean our own clothes. However, we are allowed to shower
27 and brush our teeth daily. We can also request additional sheets and hygiene products,
28 and I am permitted to call a family member once a day for a brief three-minute period.

1 12. My son and I had a general medical check-up soon after we arrived. I was told that
2 this happens every five days. I had to request a medical appointment once because
3 [REDACTED] stomach was hurting, and they gave him medicine for it.

4 13. [REDACTED] does not feel safe. He cries, expresses a desire to go home, and struggles
5 with the uncertainty and confinement. The lack of answers to my questions about why we
6 are here or when we might be able to leave, combined with the stress of being in a
7 restrictive environment, makes both me and my son feel anxious and unsafe. Because I
8 am not able to talk to anyone regarding what's happening or when can I talk about my
9 case it is very difficult to feel calm and stop thinking about being deported back to
10 Honduras.

11 14. No list of legal providers has been provided to us, and no additional information
12 has been shared at any point during the time we have been here. We are either ignored or
13 are told to be patient.

1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 20 day
4 of November 2024, at El Paso, TX.

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8 CERTIFICATE OF TRANSLATION
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10 My name is Crystal A. Sardani and I swear that I am fluent in both the English and
11 Spanish languages and I translated the foregoing declaration from English to Spanish to
12 the best of my abilities.

13
14 Dated: 11/29/2024

15 
[Name]

EXHIBIT 25

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 to the best of my understanding and recollection.

4 2. I am 29 years old and my daughter, [REDACTED], is 4 years old. We are from
5 Guatemala.

6 3. I speak Spanish and a little English.

7 4. We began our journey about 6 weeks ago. We crossed through Juarez. It was
8 complicated and horrible because they kidnapped me and my daughter. When my
9 daughter and I were in a house before getting ready to cross the border, the smugglers
10 started asking for more money than we had agreed to. I begged them to let me go and
11 asked them to call Mexican officials. Finally, we agreed on an amount but when were
12 about to cross the border, the smugglers suddenly snatched away my daughter. In that
13 moment, I saw some U.S. border patrol and asked them for help. The border patrol said I
14 should ask for help from Mexico, since I was the one who wanted to cross. I then had to
15 cross on my own without my daughter because the smugglers took off and there was
16 nothing else I could do.

17 5. I was brought to this facility from the border. My feet were very cold because I
18 had been walking in the desert in Mexico and at times it was even snowing. At one point,
19 I fell to the ground, and the agent started dragging me. He said "Get up! I don't have
20 time for this." I was later put on a motorcycle, and then we picked up another woman.
21 We were brought to a border patrol truck, and then took a bus to this detention site.

22 6. Once I was at this facility, I started pleading with them for help to get my daughter
23 back. It took them a couple of days, but they eventually agreed to help me. The
24 smugglers had been sending videos of my daughter to my family. The people here were
25 able to track her location from those photos and videos. The people here who
26 investigated were able to get in touch with the smugglers. The smugglers were asking for
27 \$13,000. The smugglers said my daughter was in El Paso, but it turns out she was
28 actually in Juarez. I don't understand the details, but through some agreement, the

1 smugglers gave my daughter to another couple who later crossed the border. They
2 passed the first immigration check and nothing happened, but on a second stop by border
3 patrol an agent was able to identify my daughter. They eventually returned her to me.

4 7. [REDACTED] arrived on a Friday night after being abducted. As far as I know, they
5 did not do any sort of medical exam to check on her physical or mental health. I have
6 requested that they check on her mental health because she gets very panicked now.
7 She said that something was hurting her on Sunday. We told them on Monday that she
8 was not feeling well, and we went to the hospital on Tuesday. I think she was dehydrated
9 because she had not been drinking enough when she was with the smugglers.

10 8. I have been here for 16 days. It has been incredibly stressful especially with
11 everything we have been through. Last Tuesday I was in the hospital because I felt so
12 bad. An official told me that he was in the process of trying to help me stay in the US.
13 The smugglers are asking my family for a lot of money, and I can't go back. No one else
14 has told me what is going to happen, and I am afraid. I know that some families are
15 getting deported without having an opportunity to express their fears. One family in my
16 module had been sent to the plane for deportation, but there was not space – so they were
17 returned to the facility. They left the next day, and we haven't seen them again.

18 9. In the module where I am staying with my daughter, there are currently 14 people.
19 The people in our group are all other mothers with their children. We have asked the
20 agents what is going to happen, but they haven't told us anything. Some of the guards
21 are nice; some of them are rude and mean.

22 10. In our module, we have thin mattresses only. There is a small bench to sit on but
23 nothing to do.

24 11. Sleeping is difficult for [REDACTED]. It is very uncomfortable. There are a lot of
25 families. At night, kids are crying so it's very loud. They only dim the lights; they do
26 not turn them off all the way. Sometimes she has nightmares about the men who
27 abducted her. I have asked for therapy for her, but they have said not until she leaves.

12. They don't let the children play here. They just want them to be sitting on the mattresses all day. The only thing that they give the kids are coloring sheets and crayons. They have only let us go out to a patio one time for one hour, and that's not enough.

13. The food is always the same thing over and over again. Burritos for breakfast and dinner and some sandwiches. [REDACTED] mainly gets the same food as the adults. I have not seen children being offered different food.

14. They gave my daughter a change of clothes on her 7th day here after I asked them a couple of times. She has now been wearing those clothes for three days. I have been wearing the same clothes for 9 days.

15. When we went to the doctor, the nurse gave us a hand-crocheted sweater and two plush toys. But when we returned to the area, the agent had thrown them away. When my daughter saw the agent, she recognized him and said, "You're bad. You threw away my toys."

16. I was initially able to use my cell phone, but I have not been able to use it for a week. They have not given my daughter a list of available free legal counsel.

17. Sometimes it feels like [REDACTED] is very stressed to be here. It makes sense; it's stressful for adults to be here. She has told me that she wants to leave and that it is very boring in here.

18. I have a cousin in Miami that I am hoping we can go to. [REDACTED] would like to go to the beach or a pool to play. She likes swimming and diving into pools. I am hoping to find a job so I can take care of [REDACTED] and my other daughter.

1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 20th day
4 of November 2024, at El Paso, Texas.



CERTIFICATE OF TRANSLATION

My name is Michelle Ramirez and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 11/20/24



Michelle Ramirez

EXHIBIT 26

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

Declaration of [REDACTED], mother of [REDACTED] and [REDACTED]

I, [REDACTED], mother of [REDACTED] and [REDACTED] declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. My son [REDACTED] was born in Huehuetenango, Guatemala on [REDACTED].
2. My son [REDACTED] was born in Huehuetenango, Guatemala on [REDACTED].
3. I traveled with them from Guatemala on a weeklong overland journey to Ciudad Juarez, Mexico and entered the United States on June 23, 2023.
4. We entered into the United States through a gate in the wall by the river. Border Patrol agents brought us to this facility in a van.
5. Upon arrival we were given a medical exam by a nurse that included taking the temperature of the children and listening to their hearts and lungs.
6. They took basic information from us when we were admitted. They did not ask me if I was afraid to return to Guatemala. I am afraid to go back because there is a lot of crime and violence.
7. We have been here for four days..
8. We were not provided any information regarding our rights. No Form I-770 or Exhibit 6 was given to us. We were not informed of free legal services nor is there a list of contacts posted on the wall. A poster detailing what can be request is on the wall in the pod.
9. We are housed in a family pod with many other families. It is somewhat crowded with about 20 or more persons. We can only go outside for about a half an hour per day.
10. We were given clean clothes when we arrived and have had access to showers in our time here. I have asked for a change of clothing for [REDACTED], but I have not received it.
11. I have only been able to use the telephone to contact a family member in Tennessee who will receive us when we are released.

Certificate of Translation

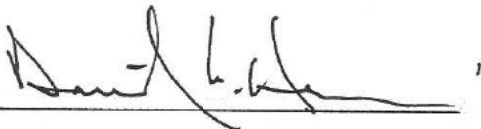
I, the undersigned, depose and say:

I am fluent in English and Spanish. I have translated the attached declaration and this certificate of translation to the declarant signing below who confirmed the declaration's accuracy before signing below.


I declare under penalty of perjury that the foregoing is true and correct.

Dated 6-27-23

Name DAVID HENNER

Signature 

Name of Declarant:


mother of  and 

Date 6-27-23

Signature







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EXHIBIT 27

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

Declaration of [REDACTED]

I, [REDACTED], declare under penalty of perjury that the following is true and correct to the best of my knowledge.

1. I was born in [REDACTED], Mexico, on [REDACTED]. I traveled to the United States from Mexico with my daughter, [REDACTED], (A# [REDACTED]), who was born in [REDACTED], Mexico, on [REDACTED] (age five).
2. We were arrested by the Border Patrol at about 1:00 am on June 22, 2023, in Arizona.
3. When we were first arrested, we were taken to a border patrol station for about 2 days. We were fingerprinted and asked why our family crossed into the United States. At that location, to the best of my recollection, neither [REDACTED] nor I were given any notice of [REDACTED] legal rights.
4. We were then transported on June 24, 2023, to the El Paso Hardened Facility (EHF-El Paso). To the best of my recollection, neither [REDACTED] nor I were given any notice of legal rights.
5. I do not believe that [REDACTED] or I have been given a form I-770.
6. The Flores Monitor interviewing me has shown me a copy of the Flores Exhibit 6 Notice of Right to Judicial Review. I do not believe that [REDACTED] or I have been told about or shown or given a copy of Exhibit 6, Notice of Right to Judicial Review, by the border patrol.
7. I do not believe that [REDACTED] or I have been told about or shown or given a list of free legal services that we may call for legal help. I have not seen a list posted anywhere.
8. The Flores monitor interviewing me has shown me and translated for me the Flores Exhibit 3 notice that is supposed to be read and conveyed by video to all minors or if they are under 14 to their parent about how minors may receive extra clothing, a blanket, a mat, snacks, juice, milk, use a telephone to call a lawyer without cost, etc. To the best of my recollection, I do not believe that [REDACTED] or I have been told about or shown a video about the rights described in Exhibit 3.
9. At no time since I have been detained has anyone told me or my children that the children have a right to be released to a relative in the United States or transferred to a

licensed group home.

10. While at this facility and at the facility in Arizona, bright lights have been kept on all night.
11. [REDACTED] and I showered at the EHF-El Paso when we arrived on Saturday, June 24. As of Tuesday, June 27, we have not showered again as of the time I talked to the Flores monitor interviewing me.
12. We were given new clothes when we arrived at the EHF-El Paso facility on Saturday, June 24. Since that time, we have worn the same clothes and we have not been able to have them washed.

///

Certificate of Translation

I, the undersigned, depose and say:

I am fluent in English and Spanish. I have translated the attached declaration and this certificate of translation to the declarant signing below who confirmed the declaration's accuracy before signing below.

I declare under penalty of perjury that the foregoing is true and correct.

Dated 06/27/23


Name Anna Jacob

Signature 

Name of Declarant:



Date 06/27/23

Signature 

///

EXHIBIT 28

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 to the best of my understanding and recollection.

4 2. I am 13 years old. I am from Bangladesh.

5 3. I speak Bengali.

6 4. I was apprehended by Border Patrol agents along with my mom and dad about ten
7 days ago here in El Paso, Texas. We fled across the border after escaping our kidnappers
8 in Mexico. Immediately after we turned ourselves in to border officials, they brought us
9 here to this place.

10 5. I have been detained here in El Paso. I stay in a room with my mom and about six
11 other people. We can't speak to anyone because nobody here speaks our language,
12 Bengali, and there is no translation or interpretation service. I have seen my mom and dad
13 both unable to communicate. I don't say anything because nobody will understand me
14 even if I do.

15 6. For example, I have been living and sleeping in the same sweater and pants since
16 we were brought here – they have never been washed and I don't know how to even ask
17 for new ones since nobody can understand me. They only let me change my underwear.

18 7. Since being here, I feel sad, I have trouble sleeping, my skin is dry and itchy, and I
19 get headaches. I just want to get out and stop being stuck in one room all the time, every
20 day, day after day.

21 8. It's difficult for me to eat here because I am not familiar with any of the food but I
22 try my best to eat the snacks so that I am not hungry. Even so, I feel weak all the time.
23 I'm used to eating rice every day and without it my body feels like it has no energy at all.

24 9. I have a lot of trouble sleeping because the guards take people out of the rooms in
25 the middle of the night and bring new people in in the middle of the night. The situation
26 makes me feel anxious. I try to draw during the day or watch tv but there are no books
27 and I don't feel good here. They also leave some lights on at night and that makes it
28 difficult to rest too.

10. I miss my friends and going to school. It's very uncomfortable here, there is no
privacy. When I think about the fact that I have been a prisoner for more than two
months, first in Mexico, and now here, I feel trapped. I can't go outside, I can't walk
freely, I am so uncomfortable.

I declare under my duty to tell the truth and penalty of perjury that to the best of my knowledge, all the information I have here given is correct and complete and I understand the legal consequences of testifying falsely to the authorities. Executed on this 20 day of November 2024, at El Paso, TX.

CERTIFICATE OF TRANSLATION

My name is Crystal A Sandoval and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 11/20/2024


[Name]

I, Crystal Sandoval, called the Language Line of the State Bar of Texas and witnessed the interpreter, Shoumya Choudhury, speak in Bengali and English to translate verbally the foregoing declaration. His interpreter agent number is 361502.

11/20/2024



EXHIBIT 29

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare and say the following:

- 2
 - 3 1. This declaration is based on my personal knowledge. The facts I describe are true to
 - 4 the best of my knowledge.
 - 5 2. I am 15 years old. I am from Colombia.
 - 6 3. I speak Spanish.
 - 7 4. I like to draw a lot – I did it frequently in Colombia. I also like to play basketball
 - 8 with my friends.
 - 9 5. I am still not sure what I want to be when I'm an adult, but right now I am thinking
 - 10 about studying psychology.
 - 11 6. I came here to the United States with my mom and my little sister. We crossed the
 - 12 border last Saturday – recently. We went to another place for a few hours before
 - 13 coming here.
 - 14 7. When the Border Patrol agents found me, they asked us questions and then they
 - 15 took us all together in a van. In the first place where they took us, they took
 - 16 fingerprints, scanned our eyes, and medical information like temperature and blood
 - 17 pressure. They gave us food and water. I was with my family all this time. Then
 - 18 they transferred me here with my family.
 - 19 8. It is hard to tell the day or the time, but we were here for about four days.
 - 20 9. When they arrived, they gave us clothes. They registered us and gave us
 - 21 identification bracelets. We went to the doctor, and they let us take shower.
 - 22 10. After registration and everything, they told the boys like me to stand in line. They
 - 23 did not explain why to us. But they took us to a room where we were going to stay.
 - 24 11. That same day, they gave us about half an hour to see our families. Those who had
 - 25 relatives here lined up to visit them. Those of us who have families were all
 - 26 together in a room with several benches. There is nothing else in the visiting room. I
 - 27 haven't seen any activities or anything.
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1 12. During the visit, I assured my mom that the place where I was fine, and told her not
2 to worry.

3 13. That night, I needed medical attention. It had a lot of mosquito bites from when we
4 were at the border. I had difficulty sleeping because they were itching a lot, and I
5 was scratching them. One of my roommates suggested that I say something to the
6 guard. The guard noted me down me to go to the doctor, and at the doctor they gave
7 me a cream. Then I spent eight hours in a small room alone. During that time, I did
8 not have any visits with my family until today.

9 14. Since there is nothing to do here, I sleep a lot during the day. Then I have a hard
10 time sleeping at night. In the rooms, there is not much to do. Outside there's a pack
11 of Uno cards. We can ask the guardians to get it and we can play that.

12 15. In my room area, there are guards in their uniforms who guard us and tell us where
13 we need to go, for example. Then there are others who are in a very high cubical
14 where they can see into every room so they can watch us. They are there with their
15 computer that has access to all the cameras. They have a phone too. They stay there
16 checking everything and talking on the phone. I don't think there are caregivers
17 specifically in charge of caring for young people.

18 16. We can leave the room freely to go in the common area if we want to play Uno with
19 other young people or to get snacks. There are no adults who do activities with
20 young people.

21 17. I want to call my dad. He is already in the United States. But when we ask the
22 officials to call our dad, they won't let us call. My dad does not know that we are
23 here, that we arrived. We need to talk to him.

24 18. When I get out of here, I want to go back to school. I want to go to a stable place
25 with my family.
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1 I declare under my duty to tell the truth and penalty of perjury that all the
2 information I have here given is correct and complete and I understand the legal
3 consequences of testifying falsely to the authorities.
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5 Executed on this 18th day of September of the year 2024, at Donna, TX.

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7 [Signature]
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CERTIFICATE OF TRANSLATION

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from Spanish to English to the best of my abilities.

Dated: 09/18/2024

Rebecca Wolozin
Rebecca Wolozin

Yo, [REDACTED], declare y digo lo siguiente:

- a. Esta declaración está basada en mi conocimiento personal. Los hechos que describo son verdaderos a mi mejor conocimiento.
- b. Tengo 15 años de edad. Soy de Colombia.
- c. Hablo español.
- d. Me gusta dibujar mucho – le hacía frecuentemente en Colombia. También me gusta jugar al básquetbol con mis amigos.
- e. Todavía no soy seguro que quiero ser cuando soy adulto, pero en este momento pienso a estudiar psicología.
- f. Vine aquí en los estados unidos con mi mama y mi hermanita. Cruzamos la frontera el sábado pasado-recientemente. Nosotros pasamos por otro lugar para algunas horas antes de venir aquí.
- g. Cuando los agentes de la Patrulla Fronteriza me encontraron, ellos nos preguntaron preguntas y después ellos llevaron a nosotros todos juntos en una camioneta. En el primer lugar donde ellos nos llevaron, nos tomaba datos digitales, escaño de nuestros ojos, e informaciones médicas como temperatura y presión. Nos dieran comida y agua. Estuvimos con mi familia todo este tiempo. Después ellos me traslado hasta aquí con mi familia.
- h. Es difícil saber el día o la hora, pero estuvimos aquí como cuatro días.
- i. Cuando llegaron nos dieran ropa. Nos hicieron registración y nos dieran bracetes de identificación. Fuimos al médico, y nos dejaron bañarnos.
- j. Después de la registración y todo, ellos dijeron a los chicos como yo de hacer una fila. No nos explicamos por qué. Pero ellos nos llevaron a un cuarto donde vamos a quedarnos.
- k. Ese mismo día, nos dejaron como una media hora de ver a nuestras familias. Los quien tenía familiares aquí hicieron una fila para ir a visitarlos. Los que tenemos familia

1 estuvimos todos juntos en una sala con varias bancas. No hay nada más en la sala a
2 visitación. Yo no hay visto ningunes actividades o nada.

3 l. Durante la visita, yo aseguro a mi mama que el lugar en donde estuve era bien, y le
4 dice de no se preocupe.

5 m. Esta noche, yo necesitaba atención médica. Tenía muchísimas picaduras de los
6 mosquitos de cuando estuvimos en la frontera. Tenía dificultad a dormir porque me
7 picaban mucho y me los rascaba. Unos de mis compañeros de cuarto me sugieran de
8 decir algo al guardia. La guardia me notaba para ir al médico, y al médico me han dado
9 una crema. Después pase ocho horas en un cuartito solito. Durante este tiempo, no tenía
10 visitas con mi familia, hasta hoy.

11 n. Como hay nada hacer aquí, duermo mucho durante el día. Después me cuesta a
12 dormir en la noche. En los cuartos, no hay mucho hacer. A fuera hay un paquete de carta
13 de Uno. Podemos preguntar a las guardianas de llevarlo y podemos jugar a eso.

14 o. En el área de mi cuarto, hay guardianas en sus uniformas quien nos guardan y nos
15 dicen a donde necesitamos ir, por ejemplo. Después, hay otros quien están en una gran
16 cubico muy alto donde ellos pueden ver en todos los cuartos para mirarnos. Ellos están
17 allá con su computadora que tiene acceso a todas las cameras. Ellos tienen un teléfono
18 también. Ellos quedan allá checando todo y hablando por teléfono. No creo que hay
19 cuidadores específicamente cargada para cuidar a jóvenes.

20 p. Podemos salir del cuarto libremente para ir en el área común si queremos jugar a
21 Uno con otros jóvenes o para buscar meriendas. No hay adultos quien hacen actividades
22 con jóvenes.

23 q. Quiero llamar a mi papa. Él está ya en los estados unidos. Pero cuando
24 preguntamos a los oficiales de llamar a nuestro papa, ellos no nos permiten de llamar. Mi
25 papa no sabe qué estamos aquí, que llegamos. Necesitamos hablar con él.

26 r. Cuando salga de aquí, quiero regresar a la escuela. Quiero ir a un lugar estable con
27 mi familia.

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1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.
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5 Hecho el día 18 de Septiembre del año 2024, en Donna, TX.
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EXHIBIT 30

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2
3 1. This testimony is based on my personal knowledge and the following facts are true
4 to the best of my understanding and recollection.

5 2. I am from Venezuela.

6 3. I speak Spanish.

7 4. I was apprehended by Border Patrol agents on Saturday along with my wife and
8 two minor sons. We had just crossed the river and walked down a dirt road until we saw a
9 patrol car and two immigration agents. They drove us for about an hour until we arrived
10 at this facility.

11 5. I have been detained here since Saturday around 1:00 a.m. with my family but I
12 haven't seen them since we got here, except until now during this interview on our fourth
13 day. They separated us at Donna immediately after they took down our information
14 without explaining anything about why I was being taken from my family.

15 6. There have been around 12-13 people in my pod since we got here Saturday. The
16 lights are on all the time, but I have been able to sleep. We have been able to watch tv
17 and talk to the guards about what to watch, but that's all there is.

18 7. The food here is difficult to eat and served cold at night. I really don't eat much. I
19 don't know if my sons are eating.

20 8. I have not been given any explanation of my rights, why I'm here, and if I can talk
21 to a lawyer. I just found out we are going to have an asylum interview tomorrow from my
22 wife because you asked us here to be in this room together. Everyone I have met already
23 signed their deportations, but one man, Cuban, in my room, asked for an appeal and they
24 denied him so he's waiting to be removed. I have not met or talked to anyone who was
25 waiting for an interview or who was successful.

1 I declare under my duty to tell the truth and penalty of perjury that to the best of my
2 knowledge, all the information I have here given is correct and complete and I understand
3 the legal consequences of testifying falsely to the authorities. Executed on this 18 day
4 of September 2024, at Donna, Texas.



CERTIFICATE OF TRANSLATION

My name is Daisy Davila and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: Sept. 18, 2024


[Name]

EXHIBIT 31

**REDACTED VERSION OF DOCUMENT
PROPOSED TO BE FILED UNDER SEAL**

1 I, [REDACTED], declare as follows:

2 1. This testimony is based on my personal knowledge and the following facts are true
3 to the best of my understanding and recollection.

4 2. I am 42 years old. I am from Bangladesh

5 3. I speak Bengali.

6 4. I was apprehended by Border Patrol agents on or about November 14, 2024 in El
7 Paso, Texas. My wife and my thirteen year old daughter were with me. We had just
8 escaped a two-month long kidnapping and fled across the border into the U.S. as soon as
9 we could out of fear for our lives. After we crossed, we approached an immigration patrol
10 car and expressed fear.

11 5. I, my wife, and our daughter, [REDACTED], have been detained at the El Paso facility.
12 My daughter is in a room with my wife and I am in a separate room, however thankfully I
13 can see them through the window and know that they are still there.

14 6. Since being at this facility, we have not been provided an interpreter or any
15 translation in our language, Bengali. My daughter has nobody that she can speak to
16 because of this language barrier and she appears anxious, shut-down, and melancholy.
17 She feels weak and discouraged.

18 7. We have not been given any information about why we are still being held here.
19 We had an asylum interview at least five days ago and even then we were not given a live
20 interpreter in our language. We were not told the results of the interview and when we
21 ask the guards here, they tell me to be patient or that I have to wait, without any further
22 information. When I informed my daughter of this, she just repeated that she wants to get
23 out. She is nervous, just like I am, that the asylum officer did not understand what has
24 happened to us in Bangladesh and in Mexico. My daughter witnessed a gun being held to
25 my head and my arm being burned by the men that kidnapped us in Mexico and this
26 facility is not equipped to handle her mental health needs or mine.

27 8. We do not feel safe here, especially without any information or language services
28 to help us communicate. We have been given no legal information and the guards do not

1 let us see each other every day or use the phone every day. This separation is very
2 difficult.

I declare under my duty to tell the truth and penalty of perjury that to the best of my knowledge, all the information I have here given is correct and complete and I understand the legal consequences of testifying falsely to the authorities. Executed on this 20 day of November 2024, at El Paso, TX.

CERTIFICATE OF TRANSLATION

My name is Crystal A. Sandaval and I swear that I am fluent in both the ~~English and Spanish~~ languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 11/20/2024

[Name]

I, Crystal A. Sandaval, called the language line of the state Bar of Texas & witnessed the interpreter Shoumya Choudhury, and translate for Speak in Bengali and English to translate verbally the foregoing declaration. His interpreter agent number is 361502

11/20/2024

[Signature]