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RE: Ongoing Due Process Violations and Human Rights Abuses at the Torrance County Detention Facility

To Whom It May Concern,

The undersigned submit this complaint on behalf of noncitizens held in Immigration and Customs Enforcement (ICE) custody at the Torrance County Detention Facility (TCDF) in Estancia, New Mexico. This complaint extensively details systemic due process violations, ongoing human rights abuses and mistreatment, and retaliatory behavior against noncitizens and their legal advocates.

This complaint provides a summary of dozens of violations committed by the Department of Homeland Security (DHS) and its contractor, CoreCivic, at TCDF since the facility was repopulated in 2019, and repeated failures of DHS to meaningfully address ongoing problems at the facility. Rather than address those problems reported by people in ICE custody, advocates, and the DHS Office of the Inspector General, DHS repurposed TCDF in January 2023 to conduct rapid Credible Fear Interviews (CFIs) and swiftly transfer noncitizens in and out of the facility. In so doing, DHS has regularly blocked migrants' access to counsel, engaged in due process and privacy violations during the CFIs, and mistreated noncitizens in its custody. As detailed herein, the Executive Office for Immigration Review (EOIR) has also engaged in systematically denying access to the asylum system by summarily affirming erroneous CFI determinations from TCDF.

Noncitizens and advocates have escalated significant concerns about TCDF since it reopened in 2019. It is abundantly clear that TCDF is ill-equipped to ensure the safety and wellbeing of

noncitizens in its custody and that DHS and EOIR are unable to afford due process to people seeking asylum there.

The undersigned organizations call on DHS to terminate its contract at TCDF, to cease further transfer of detained individuals to TCDF, to release individuals currently detained at TCDF with Notices to Appear in immigration court or pending appeals, and to investigate the systemic and specific violations and harms cited in this complaint.

HISTORY OF VIOLATIONS AT THE TORRANCE COUNTY DETENTION FACILITY

On May 15, 2019, ICE entered into an Intergovernmental Service Agreement (IGSA) with Torrance County, New Mexico to detain noncitizens at TCDF, a facility run by private detention contractor CoreCivic.¹ Torrance County also entered into a Management Agreement with CoreCivic, the private company that owns TCDF, under which CoreCivic agreed to house individuals in federal custody in compliance with the IGSA.² The facility, which had been unoccupied since 2017, was soon repopulated. Problems with TCDF's management quickly emerged.

On May 11, 2020, men detained at TCDF commenced a hunger strike after weeks of raising concerns about TCDF's inadequate response to the COVID crisis. Three days later, CoreCivic guards equipped with shields and gas masks entered one of the dormitories, an enclosed space with no outside ventilation. They deployed canisters and grenades of oleoresin capsicum (OC) chemical agent against the hunger strikers, leaving them trapped, in great pain, and gasping for breath, for nearly twenty minutes. Two victims of the attack attempted to commit suicide in the days that followed. Nine victims of the attack later filed a lawsuit against CoreCivic in New Mexico court.³ The lawsuit was recently resolved.⁴

On December 21, 2020, ICE contract auditors found that facility medical staffing at TCDF was far short of the staffing plan Torrance County and CoreCivic had agreed to, causing "critical medical staffing shortages." ICE auditors also discovered that the CoreCivic Chief Medical Officer assigned to cover TCDF had also been covering another CoreCivic facility, resulting in "very limited coverage." ICE issued a contract discrepancy report and began unilaterally deducting 10%

¹ ICE-Torrance County Intergovernmental Service Agreement (IGSA) (executed May 15, 2021), <https://www.documentcloud.org/documents/23917656-2019-ice-torrance-county-igsa>.

² Attachment 2 to IGSA (April 16, 2019 letter from Torrance County County Manager authorizing CoreCivic to negotiate directly with ICE), <https://www.documentcloud.org/documents/23917655-2019-04-torrance-county-corecivic-authorization>; 2019 Torrance County-CoreCivic Management Agreement, <https://www.documentcloud.org/documents/23917663-2019-torrance-county-corecivic-management-agreement>; 2021 Torrance County-CoreCivic Management Agreement, <https://www.documentcloud.org/documents/23917654-2021-torrance-county-corecivic-management-agreement>.

³ *Santa Fe Dreamers Project et al. v. CoreCivic, Inc. et al.*, Complaint For Declaratory Relief and Damages, https://www.aclu-nm.org/sites/default/files/field_documents/complaint_for.

⁴ ACLU of New Mexico, "Press Release: Immigrants' Rights Groups Resolve Case Against CoreCivic Alleging Guards Pepper-Sprayed Asylum-seekers Engaged in Hunger Strike at Immigration Detention Facility (Aug. 3, 2023), <https://www.aclu-nm.org/en/press-releases/immigrants-rights-groups-resolve-case-against-corecivic-alleging-guards-pepper>.

from Torrance County's invoices.⁵ In May of 2021, ICE again raised concerns to CoreCivic about ongoing understaffing issues at TCDF.⁶

In July 2021, TCDF underwent an annual comprehensive inspection, conducted by the third-party private inspection contractor the Nakamoto Group. Nakamoto inspections are notoriously lax,⁷ but TCDF nonetheless failed the inspection. Among the Nakamoto Group's findings were that the facility was not accredited by any outside entities, that 50% of staff positions were unfilled, that the facility was improperly failing to track the dispositions of grievances filed by noncitizens, and that improvement was needed to ensure safe and hygienic food service.⁸

In September 2021, ICE also transferred a group of 73 Haitian men who had been detained by immigration authorities at Del Rio, Texas, to TCDF. In the months that followed, local service providers documented egregious abuses in TCDF's treatment of this cohort of Haitian men, including uncooked food, denial of access to legal presentations and interpretation in Haitian Kreyol, and negative disparate treatment of Haitian asylum seekers as compared to those of other nationalities by both Immigration Judges (IJs) and ICE Deportation Officers (DOs). On November 5, 2021, and November 18, 2021, a number of legal service providers and other advocacy organizations sent letters to the ICE ERO's El Paso sector documenting these abuses and demanding that they be corrected.⁹ On November 23, 2021, organizations also submitted a detailed complaint about the treatment of this cohort of Haitian men to CRCL, the DHS Office of the Inspector General (OIG), the Executive Office of Immigration Review (EOIR), and the DHS Office of the Immigration Detention Ombudsman (OIDO).¹⁰ In response, ICE ultimately released all 73 Haitian men from TCDF.¹¹

On December 17, 2021, four out of five members of New Mexico's Congressional delegation—Sen. Martin Heinrich, Sen. Ben Ray Lujan, Rep. Melanie Stansbury, and Rep. Teresa Leger

⁵ TCDF IGSA Contract Modification No. P00014 & Contract Discrepancy Report 12-21-2020 at 3 (obtained by Innovation Law Lab through FOIA request), <https://www.documentcloud.org/documents/23917556-tcdf-igsa-modification-p00014>.

⁶ May 26, 2021 Email from ICE Office of Acquisition Management Senior Contracting Officer/Specialist to CoreCivic (obtained by Innovation Law Lab through FOIA request), <https://www.documentcloud.org/documents/23917571-ice-oaq-corecivic-email-of-05-26-21>.

⁷ See, e.g., OIG, "ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systematic Improvements," OIG-18-67 (June 26, 2018) <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>; ACLU, *ICE's Detention System Needs an Overhaul*, <https://www.aclu.org/news/immigrants-rights/ices-detention-oversight-system-needs-an-overhaul> (Nov. 12, 2021).

⁸ Nakamoto Group, "Annual Inspection of the Torrance County Detention Facility" (July 29, 2021), <https://www.ice.gov/doclib/facilityinspections/TOORANM21-TorranceCoDetFac-CL-07-29-2021.pdf>.

⁹ Nov. 5, 2021 Letter from Innovation Law Lab, NIP, ACLU-NM, Haitian Bridge Alliance, and AIC Letter to ICE Officials, https://innovationlawlab.org/media/TorranceLetter_11.5.21.pdf; Nov. 18, 2021 Letter from Innovation Law Lab, NIP, ACLU-NM, Haitian Bridge Alliance, and AIC Follow-Up Letter to ICE Officials https://innovationlawlab.org/media/TorranceLetter_11.18.21.pdf.

¹⁰ Immigration Justice Campaign, "American Immigration Council, American Immigration Lawyers Association and Partners File Oversight Complaint on Violations of Due Process and Inhumane Conditions at Torrance County Detention Facility," <https://immigrationjustice.us/advocacy/advocacy-issues/due-process-in-court/council-and-partners-file-oversight-complaint-violations-due-process-torrance/>.

¹¹ Innovation Law Lab, *Freedom! 73 Haitians Released from Torrance County Detention Facility in New Mexico* (Mar. 15, 2022) <https://innovationlawlab.org/blog/freedom-73-haitians-released-from-torrance-county-detention-facility-in-new-mexico/>.

Fernandez—sent a letter to DHS Secretary Alejandro Mayorkas, ICE Acting Director Tae Johnson, and CoreCivic President and CEO Damon Hininger, following up on the failed Nakamoto inspection and the mistreatment of Haitian men detained at TCDF, demanding “immediate, comprehensive oversight” to correct the problems.¹²

In early February 2022, auditors from OIG conducted a three-day in-person inspection of TCDF and found deeply troubling conditions. Following that inspection, on March 16, 2022, OIG took the unprecedented step of issuing a management alert calling on ICE to immediately remove all individuals in ICE custody from TCDF. The report documented “egregious conditions,” including “critical staffing shortages that have led to safety risks and unsanitary living conditions;” widespread clogged and inoperable toilets, mold, and water leaks; work order logs showing that sanitation problems went unresolved for 12 or more days; unstaffed control rooms necessary for the safe operation of TCDF; and numerous unmonitored “blind spots” in the facility.¹³ In the following days, four members of New Mexico’s Congressional delegation¹⁴ and the former Chair of the House Immigration and Citizenship Subcommittee¹⁵ called on ICE to depopulate the facility immediately. ICE rejected the OIG’s recommendations and continued to operate TCDF as before.

On August 17, 2022, after being subjected to TCDF’s abysmal conditions for months, a 23-year-old Brazilian asylum-seeker named Kesley Vial undertook a fatal suicide attempt. He was pronounced deceased on August 24, 2022.¹⁶

On August 30, 2022, coalition partners filed a CRCL complaint against the ICE El Paso Field Office and TCDF. Citing significant misconduct by ICE and CoreCivic officials, horrific and unlivable conditions of confinement, due process violations, and medical and mental health neglect, advocates renewed their demand for contract termination and release of the remaining men inside the facility.¹⁷

¹² Office of Sen. Martin Heinrich, “Members of NM Delegation Call for Increased Oversight at CoreCivic Detention Facility in Torrance After Asylum Seekers Face Barriers to Legal Representation (Dec. 17, 2021) <https://www.heinrich.senate.gov/newsroom/press-releases/members-of-nm-delegation-call-for-increased-oversight-at-corecivic-detention-facility-in-torrance-county-after-asylum-seekers-face-barriers-to-legal-representation>.

¹³ DHS Office of the Inspector General (OIG), *Management Alert - Immediate Removal of All Detainees from the Torrance County Detention Facility*, OIG-22-31 (Mar. 26, 2022) <https://www.oig.dhs.gov/reports/2022/management-alert-immediate-removal-all-detainees-torrance-county-detention-facility/oig-22-31-mar22-mgmtalert>.

¹⁴ Office of Sen. Heinrich, Press Release - N.M. Congressional Democrats Condemn Inhumane Conditions At Torrance County Detention Facility Congress (Mar. 18, 2022), <https://www.heinrich.senate.gov/newsroom/press-releases/nm-congressional-democrats-condemn-inhumane-conditions-at-torrance-county-detention-facility>.

¹⁵ Rep. Zoe Lofgren Twitter Account (Mar. 18, 2022) <https://twitter.com/RepZoeLofgren/status/1504840036596002820>.

¹⁶ ICE, “Press Release - Brazilian Man in ICE Custody passes away in New Mexico hospital” (Aug. 26, 2023), <https://www.ice.gov/news/releases/brazilian-man-ice-custody-passes-away-new-mexico-hospital?s=09>; NMILC, “Death of Brazilian Migrant in ICE Custody Predictable and Preventable Result of ICE and CoreCivic Abuse, Neglect and Dangerous Conditions at Torrance County Detention Facility,” (Aug. 27, 2022) <https://www.nmilk.org/press-release-archive/august-27-2022?locale=en>.

¹⁷ NMILC, Advocates Demand Torrance County Detention Facility Be Shut Down & All Migrants Detained There Be Released Immediately In Light Of Damning New Report From The Office Of The Inspector General (Sept. 30, 2022) <https://www.nmilk.org/press-release-archive/september30-2022?locale=en>.

In the months following Mr. Vial’s death, ICE paused new transfers to TCDF but continued using TCDF to detain noncitizens already placed there. On September 28, 2022, OIG published another report on ICE’s continued violations of detention standards at TCDF.¹⁸ OIG again affirmed that no immigrants should be detained at the facility. OIG reported that unsanitary conditions, use of force, lack of access to legal services, and security lapses, among other violations that persisted at TCDF, jeopardized the health and safety of individuals detained in ICE custody.

On September 29, 2022, advocates submitted a supplemental complaint to the CRCL office, documenting the deterioration of conditions at TCDF, retaliation and intimidation against migrants and asylum seekers, and attempts to interfere with attorney-client visitation. Direct testimonies from detained migrants and asylum seekers included reports of clogged toilets, leaking sewage, bug infestations, lack of access to clean drinking water, prolonged detention, and denial of basic human dignity.¹⁹

In October 2022, a group of six U.S Senators, including Sen. Heinrich and Sen. Luján of New Mexico, called for ICE to terminate its contract with CoreCivic based on the OIG’s renewed recommendations and “grievous living conditions, critical staffing shortages, and lack of access to detainee services.”²⁰

By early December 2022, the facility’s population had dwindled to only a handful of people. However, on December 8, 2022, ICE issued a detainee death review report²¹ noting “deficiencies and areas of concern” at TCDF but failing to admit any wrongdoing contributing to Mr. Vial’s death. Disregarding the OIG’s recommendations and the calls of advocates, on December 23, 2022 ICE again began transferring noncitizens to TCDF again.

Due Process Violations and Human Rights Abuses Persist Through 2023

By January 2023, legal service providers observed large numbers of people being transferred to TCDF. Almost all the new transfers detained at TCDF were people who had been detained near the border and placed in “expedited removal,” a process in which asylum seekers must pass a “credible fear interview” with an Asylum Officer to avoid rapid removal from the country. In January 2023, the first full month of ICE’s re-launch of TCDF as a mass expedited removal center, the New Mexico Immigrant Law Center (NMILC) tracked the results of 134 noncitizens’ expedited removal cases, finding that 118 asylum seekers in the cohort received negative credible

¹⁸ OIG, “Violations of ICE Detention Standards at Torrance County Detention Facility,” OIG-22-75 (Sept. 28, 2022) <https://www.oig.dhs.gov/sites/default/files/assets/2022-09/OIG-22-75-Sep22.pdf>.

¹⁹ NMILC, “Advocates Demand Torrance County Detention Facility Be Shut Down & All Migrants Detained There Be Released Immediately In Light Of Damning New Report From The Office Of The Inspector General” (Sept. 30, 2022), <https://www.nmilc.org/press-release-archive/september30-2022?locale=en>.

²⁰ Susan Dunlap, *NM Political Report*, “Heinrich, Luján urge ICE to terminate contract with CoreCivic over Torrance County Detention Facility” (Oct. 24, 2022), <https://nmpoliticalreport.com/2022/10/24/heinrichlujan-urge-ice-to-terminate-contract-with-corecivic-over-torrance-county-detention-facility/>

²¹ ICE, “Detainee Death Review Report, Kesley Vial” (December 8, 2022), https://www.ice.gov/doclib/foia/reports/ddrKesleyVial_opr.pdf.

fear determinations while only 16 received positive credible fear determinations,²² a grant rate of just 11.9%. By contrast, the national CFI grant rate for January 2023 was 69.7%, nearly six times higher.²³ Advocates escalated this issue promptly to the ICE Field Office and DHS Headquarters, but that escalation did not result in any changes.

Advocates continued to escalate concerns about the CFI process at TCDF persistently through individualized case complaints and group-based complaints, including a February 2023 demand letter signed by legal service providers offering services at TCDF²⁴ and a March 2023 follow-up letter noting continuing egregious issues, including harmful conditions that had contributed to at least five attempted suicides after the death of Mr. Vial.²⁵ This sustained advocacy resulted in a meeting with DHS officials but did not lead to any meaningful changes to the CFI process at TCDF. The problems described in this complaint persist and indeed have worsened through August 2023, eight months later.

During this time, rather than addressing lethal conditions and rampant legal violations at TCDF, DHS has only increased the number of people exposed to harm at the facility. These violations are substantially reviewed herein.

RAMPANT LEGAL AND DUE PROCESS VIOLATIONS AT TCDF

The IGSA between ICE and Torrance County provides that all individuals detained by ICE at the facility are “administrative detainees,” who are “only held in custody to ensure their presence throughout the administrative hearing process” and, if their claims are not successful, removal.²⁶ Since ICE began repopulating TCDF in December 2022, the only part of the “administrative hearing process” it has used the facility for, with rare exceptions, is expedited removal. ICE has generally transferred or released people who pass CFIs and removed individuals who fail them. Accordingly, under the terms of the key contract underlying the operation of TCDF, its predominant purpose is to facilitate expedited removal.

Despite this stated purpose, TCDF is uniquely unsuited as a site for such a high-stakes legal process. Because of TCDF’s mismanagement, every step of expedited removal as conducted there is flawed and deprives noncitizens of key rights. As discussed in greater detail below, noncitizens detained at TCDF are frequently denied basic access to legal orientation before their CFIs; are put through their CFIs in a plainly unfit non-private setting; often unlawfully do not receive service of key documents related to the credible fear decisions in their cases; and receive only brief, *pro forma* reviews of negative CFI decisions by Immigration Judges who almost invariably affirm negative decisions. As a result, the observations of legal service providers indicate that the credible

²² NMILC, “Asylum Seekers Denied Basic Due Process and Access to Asylum at Torrance County Detention Facility,” <https://www.nmilc.org/press-release-archive/asylum-seekers-denied-basic-due-process-and-access-to-asylum-at-torrance-county-detention-facility>.

²³ USCIS, “Semi-Monthly Credible Fear and Reasonable Fear Receipts and Decisions” <https://www.uscis.gov/tools/reports-and-studies/semi-monthly-credible-fear-and-reasonable-fear-receipts-and-decisions>.

²⁴ Feb. 24, 2023 Demand Letter to DHS, ICE, & USCIS, https://innovationlawlab.org/media/TCDF_Letter-and-Report_02.24.23.pdf.

²⁵ Mar. 20, 2023 Follow-Up Letter to DHS, ICE, & USCIS, https://innovationlawlab.org/media/TCDF_Second-Letter-and-Reports_03.20.23.pdf.

²⁶ IGSA at art. 1(A).

fear process as conducted at TCDF is particularly flawed, pass rates are unusually low, and many individuals detained at TCDF are deprived of due process.

Coordinated Interference with Access to Legal Orientations and Counsel

The problems observed in the expedited removal process at TCDF begin as soon as noncitizens are transferred to the facility. In their first days at TCDF, noncitizens are systematically prevented from accessing legal orientation to the asylum and credible fear process. As advocates have observed, access to this orientation is critical to ensuring noncitizens are fully informed of the process they are being subjected to. Noncitizens in CFI proceedings are almost always unrepresented, making access to this basic information of utmost importance for what is often a life or death determination.

Since January of 2023, NMILC has given approximately twenty legal presentations at TCDF and another ICE facility managed by CoreCivic, the Cibola County Correctional Center (CCCC). Despite their best efforts to meet with noncitizens before their CFIs, NMILC has “been met with resistance and coordinated retaliation by DHS and CoreCivic officials.” NMILC has only “encountered a handful of people who have not yet received a CFI, out of approximately one thousand people” they have met with.²⁷ Other legal service providers working in TCDF, including Las Americas Immigrant Advocacy Center (“Las Americas”) and Innovation Law Lab (“Law Lab”), also report great difficulty meeting with noncitizens before their CFIs. Despite consistent, sustained efforts to work with ICE and CoreCivic to reach the pre-CFI population that most needs their services, they have been almost uniformly unable to do so.

ICE and CoreCivic frustrate access to pre-CFI legal orientation in a number of ways. First, legal service providers are often blocked from accessing asylum seekers before their CFIs by apparent manipulation of TCDF’s quarantine policies. NMILC has encountered several individuals who appear to have had CFIs within one or two days of arriving, indicating they may be receiving CFIs while in quarantine, or that TCDF is not following their stated procedures. Other times, noncitizens are held in quarantine for several days and then receive CFIs immediately upon their release from quarantine, making it almost impossible for them to receive any outside legal orientation before their interview.²⁸ NMILC has also regularly only been able to meet with noncitizens with negative CFIs that have already been affirmed by an IJ. Upon attempting to follow-up with individuals after legal presentations to offer legal representation, usually within the next few days, many have already been deported or transferred.

Second, ICE and CoreCivic officials regularly tell NMILC that noncitizens “do not wish to attend [their] presentations.” But when NMILC is able to speak to noncitizens—generally at legal presentations after their CFIs—they clarify that they were not offered the opportunity to attend a legal orientation presentation earlier.²⁹ Most recently, on August 18, 2023, a CoreCivic supervisor told NMILC that three individuals refused to attend the legal presentation, despite signing up. Upon speaking with one of those individuals by phone later that afternoon, NMILC confirmed that CoreCivic had never informed the person that the legal presentation was starting.

²⁷ Exhibit A, Declaration of NMILC Law Clerk O. Bella Bjornstad, at ¶¶ 4-5.

²⁸ *Id.* at ¶¶ 6-7.

²⁹ *Id.*

Third, noncitizens have reported that during the brief ICE-facilitated legal orientation they receive from an ICE Resource Officer, the officer does not explain asylum in detail or provide useful information regarding how Asylum Officers assess cases. NMILC has also received reports that ICE and CoreCivic personnel at TCDF actively discourage noncitizens from attending orientations provided by legal service providers.³⁰

Fourth, in one particularly strange incident, CoreCivic and ICE officials interfered with legal orientation by exposing Las Americas interns to quarantined noncitizens, kicking the interns out of the facility and telling them they could not return for 21 days, refusing to inform them what type of infection they had been exposed to, and intimidating at least one of the people the interns met with by interrogating him for information about the content of his confidential communications with the legal organization.³¹

The stakes of CoreCivic and ICE’s interference with legal orientation at TCDF are high. For example, in one rare instance, Las Americas was able to provide a legal orientation to a group of nine asylum seekers who had not yet had their CFIs and then meet with each of them afterwards for individual consultations. The nine asylum seekers Las Americas met with are some of the very few at TCDF who have received outside legal orientation before their CFIs. Tellingly, all nine received positive determinations. This outcome illustrates the enormous difference legal orientation can make, and the harm that interference with legal orientation causes.

Persistent Lack of Privacy during Credible Fear Interviews

Despite the fact that the main operational purpose of TCDF is to facilitate expedited removal screenings, noncitizens detained there uniformly report that the physical space provided for their CFIs does not provide even basic confidentiality. Rather, they are required to undergo their CFIs in a single room with many other people going through their CFIs at the same time, separated only by thin partitions that do not reach the ceiling or stop sound from carrying from booth to booth. This flaw renders every CFI that takes place at TCDF non-confidential and unlawful.

A core principle of the asylum system is that screening interviews to determine why an individual fled to safety must be confidential, so that asylum seekers are free to share information that could place them or their families in great danger if it reached their home country. This right to confidentiality is incorporated into U.S. asylum law. Under regulations promulgated pursuant to INA § 208 and § 235: (1) “information [...] pertaining to any application for [...] asylum” and “records pertaining to any credible fear determination [...] shall not be disclosed” to any third party, unless narrow exceptions not applicable here are met;³² and (2) the Asylum Office must “conduct the credible fear interview [...] separate and apart from the general public.”³³

Policies put in place under these regulations provide that the “interview room” in which a CFI takes place must “at a minimum” provide for “privacy so that the [non-citizen] can discuss personal or confidential issues.”³⁴ Additionally, under the Privacy Act, DHS must “establish appropriate

³⁰ *Id.* at ¶ 9.

³¹ Exhibit B, Las Americas Complaint to CRCL, OIDO, OPR, the CIS Ombudsman, and OAQ (Aug. 2, 2023).

³² 8 C.F.R. § 208.6(a).

³³ 8 C.F.R. § 208.30(d).

³⁴ USCIS, *Credible Fear Procedures Manual (Draft)*, § III.D.3 (July 18, 2019).

[...] technical, and physical safeguards [...] to insure the security and confidentiality” of the individualized, identifiable records it maintains for processing asylum seekers’ cases.³⁵

Nonetheless, noncitizens who have been placed in expedited removal at TCDF since the facility was repopulated in December 2022 consistently report to legal service providers that they were able to hear sensitive details from others’ CFIs occurring in the same room at the same time and that they were afraid, embarrassed or ashamed to share their asylum stories in such a non-private setting. These feelings of fear or shame, in combination with the lack of a legal orientation through which a person might learn the stakes of the CFI, lead many asylum seekers not to share full details about the nature of their past persecution, or the reasons they were targeted.

Legal service providers first brought this issue to DHS’s attention months ago, in the February 24, 2023, demand letter referenced above. The letter noted that, “at TCDF [...credible fear] interviews are conducted at phone banks with minimal separation between individuals, depriving individuals of the confidential setting necessary to enable them to share the sensitive and traumatic details that may be central to their claims for protection.”³⁶ On March 20, 2023, legal service providers noted in their follow-up letter that those “dire conditions” persisted. This letter explained that “TCDF is not equipped to provide a private and confidential setting for individuals conducting their fear interviews.”³⁷

Despite these reports, the lack of privacy persists. Because of the refusal by USCIS, ICE, and CoreCivic to address the issue in a way that resolves the problem, thousands of noncitizens detained at TCDF have been put through CFIs in a physical space that is plainly non-compliant with one of the basic legal guarantees of the U.S. asylum system.

Declarations from twenty noncitizens collected by Las Americas, included with this complaint, document this issue and show that it is universal at TCDF.³⁸ The following examples taken from those declarations demonstrate particular ways this lack of privacy undermined the fairness of CFIs at TCDF:

██████████ (A ██████████) is an asylum-seeker from Honduras who underwent his CFI at TCDF on May 20, 2023, at the same time as six other people. He reports that he could “hear everything that the men in the booths next to mine were saying,” and that he could even make out the name of the man in the booth to his right, the details of his claim, and that the man was from the same small department of Honduras as him. This lack of privacy deeply

³⁵ 5 U.S.C. § 552a(e)(10). The Privacy Act defines the terms “record” and “maintain” expansively, so that its protections extend to the processes agencies use to collect private and confidential information. *See, e.g.*, 5 U.S.C. § 552a(a)(3) (defining “maintain” to mean “maintain, collect, use, or disseminate” information; 5 U.S.C. § 552a(a)(4) (defining “record” to encompass “any item, collection, or grouping of information.” The Privacy Act also provides for civil remedies against agencies that fail to meet any of its requirements. 5 U.S.C. § 552a(g)(1)(D). Finally, the IGSA for TCDF expressly requires Torrance County and CoreCivic “to comply with the Privacy Act” in their “performance of any of the activities associated with [...] the collection” of covered information and records. IGSA at art. 22; Management Agreement at § 3.

³⁶ Feb. 24, 2023 Demand Letter to DHS, ICE, and USCIS.

³⁷ Mar. 20, 2023 Follow-Up Letter to DHS, ICE, and USCIS.

³⁸ Exhibit C, Declarations from Twenty Men Detained at TCDF Describing the Expedited Removal Process.

concerned Mr. [REDACTED] and prevented him from sharing details of own claim, for fear that the man would hear and inform people back in Honduras what he was saying.³⁹

[REDACTED] (A [REDACTED]) is a Colombian asylum-seeker who underwent his CFI at TCDF on May 23, 2023. He states in his declaration that several other men were undergoing CFIs in the cubicles next to his and that he “could clearly hear” what they were saying too. He overheard intimate, private details, such as that the man in the booth next to him “belonged to the LGBTQ community and considered himself to be gay.” Mr. [REDACTED] stated that this “made [him] very nervous about [his] interview,” that he was “extremely uncomfortable to have to share very personal details when everyone around [him] could hear,” and that his “hands were shaking.”⁴⁰

[REDACTED] (A [REDACTED]) is an asylum-seeker from Peru who underwent his CFI at TCDF on June 25, 2023. He states in his declaration that he underwent his CFI at the same time as five other people and that he too “could clearly hear” others in the neighboring booths, including being able to discern intimate details about one man in a neighboring booth who said that “he was gay and that he was raped in his home country.”⁴¹

[REDACTED] (A [REDACTED]) is an Ecuadoran asylum-seeker who underwent his CFI at TCDF on June 11, 2023. He states in his declaration that he underwent his CFI in the same room as several other people and that some of them overheard him crying as he was recounting sensitive details of his asylum claim. Later, word spread that he had been crying, and other people detained at TCDF made fun of him.⁴²

NMILC corroborated these issues through its own conversations with noncitizens detained at TCDF. In NMILC law clerk Bella Bjornstad’s declaration, she details how “NMILC has received numerous reports from noncitizens that it is exceedingly easy to hear the conversations of others in the CFI room.” Further, NMILC has encountered several men who are LGBTQ+ identify and/or have suffered same-sex sexual assault, and are fearful of disclosing their identities and experiences in earshot of others.⁴³

A tour of TCDF provided to legal service providers by CoreCivic and ICE on June 16, 2023, confirmed the reports of lack of privacy. As Las Americas intern Dan Symonds states in a declaration, he observed that the CFI interview space at TCDF is a single room about 30 by 20 feet, containing about 20 cubicles or booths separated by thin partitions that do not reach to the ceiling. In each booth is a chair and a small desk, with a white noise machine on the desk.⁴⁴

Even though all the white noise machines were turned on during the tour, Mr. Symonds stated, he was able to “listen[] to casual, low-volume conversations that others on the tour were conducting in the interview room at the same time,” and he could “easily hear their conversations and make out what they were saying.” Mr. Symonds and a Las Americas attorney tested the space by sitting

³⁹ Exhibit C-1, Declaration of [REDACTED]

⁴⁰ Exhibit C-2, Declaration of [REDACTED]

⁴¹ Exhibit C-3, Declaration of [REDACTED]

⁴² Exhibit C-4, Declaration of [REDACTED]

⁴³ Exhibit A at ¶ 11.

⁴⁴ Exhibit D, Declaration of Las Americas Legal Intern Daniel Symonds, at ¶ 4.

down in neighboring booths, closing their respective doors, and speaking to one another in a normal, conversational tone. Again, Mr. Symonds stated, “it was easy to hear one another” over the dividers. “The white noise machines had little or no effect.”⁴⁵

This privacy issue has persisted even though the involved agencies have been notified about it since February. Only band-aid fixes have been made, such as adding white noise machines that do not resolve the problem. This continued lack of confidentiality speaks to a greater issue at TCDF: that due process protections embodied in law are only followed to the extent they do not slow the pace of expedited removal. Legal service providers have heard reports that construction is under way on a second interview space at TCDF with individual, separate rooms, but that only underscores that ICE, USCIS, and CoreCivic are aware that the physical set-up they have used for months violated asylum seekers’ rights but refused to suspend CFIs at the facility.

Failure to Serve the CFI Record

Asylum seekers detained at TCDF also consistently report that DHS fails to provide them critical, mandatory documents about the decisions in their cases, such as the I-870 containing the basic reasoning for an Asylum Officer’s credible fear decision, determination checklists providing the in-depth reasoning for an Asylum Officer’s credible fear decision, and the Asylum Officer’s notes from the credible fear interview. Because of this persistent failure, many people detained at TCDF have been systematically denied the ability to get helpful legal advice based on the actual records in their cases and had to go to their IJ review hearings without any information about the decision they are challenging.

These failures violate basic principles of due process and protections under U.S. asylum law. The expedited removal statute provides that an Asylum Officer reaching a negative credible fear decision must “prepare a written record” of the determination, including “a summary of the material facts [...] stated by the applicant,” any “additional facts” the Asylum Officer relied on, and the Asylum Officer’s “analysis of why, in light of such facts, the [non-citizen] has not established a credible fear of persecution.”⁴⁶ The Asylum Officer must also attach a copy of their notes from the interview to those materials.⁴⁷ In turn, credible fear regulations require that the Asylum Officer “provide the [non-citizen]” all of these documents at the time the non-citizen is informed about a negative credible fear decision.⁴⁸ The noncitizen must then be given an opportunity to indicate whether they want IJ review “on Form I-869,”⁴⁹ the *Record of Negative Credible Fear Finding and Request for Review by Immigration Judge*, which includes a signature line for the asylum-seeker.⁵⁰

⁴⁵ *Id.* at ¶¶ 4, 6, 7.

⁴⁶ INA § 235(b)(1)(B)(iii)(II).

⁴⁷ *Id.*

⁴⁸ 8 C.F.R. § 208.30(g)(1)(i). While the scope of this service requirement is not spelled out as clearly in the Asylum Ban regulation, 8 C.F.R. § 208.33, it provides that it overrides 8 C.F.R. § 208.30 only where 8 C.F.R. § 208.33 is “contrary” to 8 C.F.R. § 208.30. No section of 8 C.F.R. § 208.33 specifies that these protections do not remain in force in Asylum Ban cases.

⁴⁹ *Id.*

⁵⁰ Exhibit E, Sample Form I-869B, “Record of Negative Credible Fear and Reasonable Possibility Finding and Request for Review by Immigration Judge for Noncitizens Subject to the Condition on Asylum Eligibility Pursuant to 8 CFR 208.33(a)” (from case of ██████████). This is the variant of the I-869 used in cases where the Circumventing Lawful Pathways asylum ban is applied.

However, based on many conversations with people detained at TCDF, legal service providers have learned that the critical documents that make up the substance of a credible fear record—the I-870, the determination checklists, and the Asylum Officer’s notes—are rarely served to people detained at TCDF at any point in the expedited removal process, and certainly not before they are scheduled for an IJ review.

For instance, in the twenty individual accounts Las Americas gathered from people describing their experience of expedited removal at TCDF, ten expressly stated they either received no documents documenting the result of their CFIs, or that they only received a two or three-page document, likely an I-869.⁵¹ The I-869 provides no substantive information about why a person failed their CFI and is not helpful in preparing for an IJ review hearing.⁵² Another person reported that he received the Asylum Officer’s notes only after an Immigration Judge affirmed his negative decision, when it was too late to help him prepare for his hearing.⁵³ Only one of the twenty people detained at TCDF that Las Americas gathered accounts from indicated affirmatively that he had received his CFI record before his Immigration Judge review.⁵⁴

Likewise, NMILC has worked with dozens of noncitizens who have never received a complete transcript of their CFI, or did not receive the transcript until after they go before an Immigration Judge and only receive the I-869.⁵⁵

As a result of this widespread breakdown of notice and service of negative credible fear decisions, most people who fail CFIs at TCDF never learn the basis for the Asylum Officer’s determination and must proceed to their IJ reviews without the benefit of critical case records the government was required to serve on them. In essence, they are required to challenge secret decisions they have never seen, a kafkaesque scenario that is not permitted under U.S. law.

Failure to Serve the IJ Review Equivalent of a “Notice to Appear”

The due process problems with expedited removal at TCDF continue through to the IJ review stage, with the failure to serve people detained at TCDF with I-863s, the equivalent of a “Notice to Appear” for negative credible fear review proceedings.⁵⁶ This lack of service results in individuals being pulled from their cells into IJ reviews with no notice or opportunity to prepare for their hearings.

The experience ██████████ (A ██████████) described in his declaration appears to be typical, based on legal service providers’ conversations with many asylum seekers detained at TCDF. Mr. ██████████ had his CFI on May 23, 2023. The next day he learned by telephone he had failed his interview and received a two-page document, likely an I-869, to sign in order to request an IJ review. He then heard nothing more about his case for over a month and never

⁵¹ See Exhibits C-1 through C-10.

⁵² See Exhibit E.

⁵³ Exhibit C-11, Declaration of ██████████

⁵⁴ Exhibit C-12, Declaration of ██████████. The remaining eight did not mention either way. See Exhibits C-13 through C-20.

⁵⁵ Exhibit A at ¶ 14.

⁵⁶ Exhibit F, Sample Form I-863, “Notice of Referral to Immigration Judge” (from case of ██████████).

received any further documents related to his case. Finally, on Sunday, June 25, 2023, while he was working in the kitchen, a guard called him out and escorted him to a waiting room where fifteen other people were waiting to have their hearings. As he states, “I didn’t receive any notice beforehand,” and he never received any other documents related to his CFI or IJ review.⁵⁷

This scenario—being pulled into an IJ review without any warning—would not be possible if DHS and TCDF followed key legal safeguards. For a negative credible fear review hearing to be docketed with the Immigration Court, DHS must file a three-page document, the I-863, Notice of Referral to Immigration Judge, with the Court. By regulation, “the asylum officer” must serve this document on a noncitizen before their IJ review,⁵⁸ and an Immigration Judge cannot assume jurisdiction of a negative credible fear review until DHS files it with the Court.⁵⁹ The required form includes both a space for the time and place of the hearing and a certificate of service.⁶⁰ In Mr. ██████████’s case and many others, it appears that DHS simply skips service of the I-863.

Without access to the case-specific documents filed by DHS in an individual case, it is difficult to determine how this could happen. However, in one case at TCDF, that of Honduran asylum-seeker ██████████ (A ██████████), Las Americas was able to find out what occurred. There, a Las Americas attorney noticed on Friday, June 23, 2023, that her client’s immigration judge review had appeared on EOIR’s public online portal, scheduled for a video hearing before Immigration Judge ██████████ on a Sunday, June 25, 2023. She was able to enter an appearance electronically but was not able to reach Mr. ██████████ at TCDF to warn him about the hearing because the facility does not permit telephonic attorney visits on the weekend.⁶¹

By entering her appearance, the attorney was also able to gain access, via EOIR’s online filing system for lawyers, to the documents DHS had filed with the Court to get the case onto the Court’s docket. Included among those was the I-863. It included a completed certificate of service, signed by a “DO”—presumably an ICE deportation officer—attesting to the Court that a copy had been delivered to Mr. ██████████ in person on June 23, 2023.⁶²

Through speaking with her client, however, the attorney learned that service never happened, despite what the DO had attested to the Court. As Mr. ██████████ states in his declaration, he found out about his hearing on the Sunday morning it was held, when a guard pulled him abruptly from his cell. He “hadn’t received any document or notice that my hearing had been scheduled.”⁶³ As the signature on the I-863 certificate of service filed with the Court shows, DHS got around the requirement to serve the notice by simply making a false representation to the Court.

⁵⁷ Exhibit C-2.

⁵⁸ 8 C.F.R. § 208.30(g)(1)(i) provides that “the asylum officer shall serve the alien with a Form I–863, Notice of Referral to Immigration Judge.” 8 C.F.R. § 208.33(b)(2)(v) likewise requires that “the asylum officer serve the [noncitizen] with a Notice of Referral to Immigration Judge.”

⁵⁹ 8 C.F.R. § 1003.42(a) provides that “[j]urisdiction for an immigration judge to review a negative fear determination by an asylum officer pursuant to section 235(b)(1)(B) of [the INA] shall commence with the filing by DHS of the Notice of Referral to Immigration Judge.”

⁶⁰ Exhibit F.

⁶¹ See Exhibit C-1 at ¶¶ 9-11; Exhibit G, Declaration of Las Americas Attorney Zoe Bowman, ¶¶ 3-4.

⁶² Exhibit F at p. 3.

⁶³ Exhibit C-1 at ¶¶ 9-11.

Based on reports received by legal service providers from many asylum seekers that they had no idea their IJ review was going to occur until they were pulled out of their cells for the hearing, it is possible that such misrepresentation of notice is a widespread practice at TCDF. This may constitute fraud on the Court and, potentially, a serious federal crime.⁶⁴

Failure to Provide Translation to Asylum Seekers with Limited English Proficiency

Even those few people detained at TCDF who do receive proper service of their expedited removal documents are generally unable to understand them. This is true both because the documentation they are served is exclusively in English, a language few of them speak or read, and because TCDF provides woefully inadequate translation services, in violation of ICE detention standards and CoreCivic's contractual obligations.

As ICE notes on its “Language Access Information and Resources” website, “ICE detention standards under which [ICE] facilities operate require that information be provided to LEP persons”—individuals with limited English proficiency—in a language or manner they can understand throughout the immigration process.”⁶⁵ The ICE detention standard applicable to TCDF mandates that the facility “provide detainees who are LEP with language assistance, including bilingual staff or professional interpretation and translation services.”⁶⁶ Finally, under the IGSA, ICE and CoreCivic are obligated to “provide language access services, which include interpretation and translations services, for limited English proficient (LEP) detainees.”⁶⁷

Despite these standards, people detained at TCDF have little or no access to such services to advance their legal claims. Although NMILC has been told repeatedly by staff at TCDF and CCCC that people in detention have access to translation services on tablets, “all of the noncitizens we have spoken with—hundreds to date—have said that these applications are wholly inadequate for translation.” They report that the technology is not user friendly, requires typing documents that may be dozens of pages long letter by letter, and is not accessible to people who are not literate.⁶⁸ For one Chinese asylum seeker who speaks Mandarin, he is unable to translate his documents from Mandarin to English because the tablet does not contain a Mandarin keyboard.

Further, while officials at TCDF have suggested that there is someone on staff who is able to translate documents, “they insist this person is not able to translate legal documents because it would be a breach of confidentiality, despite the noncitizens consenting to the translation.”⁶⁹

The combined effect of DHS's failure to serve CFI decision documents at TCDF and the facility's lack of effective translation services is that asylum seekers “are systematically kept in the dark

⁶⁴ See, e.g., 18 U.S.C. § 1519 (providing in relevant part that “[w]hoever knowingly [...] falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the . . . proper administration of any matter within the jurisdiction of any department or agency of the United States . . . , or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.”).

⁶⁵ ICE, *Language Access Information and Resources*, <https://www.ice.gov/detain/language-access>.

⁶⁶ PBNDS 2011 (rev. 2016) § 6.3(II)(11), <https://www.ice.gov/detain/detention-management/2011>.

⁶⁷ IGSA, art. 3(D); Management Agreement § 3.

⁶⁸ Exhibit A at ¶¶ 15-16.

⁶⁹ *Id.* at ¶ 16.

about their legal situation, which makes it impossible for them to advocate for themselves as they seek safety.”⁷⁰

Due Process Violations in the Immigration Court During IJ Review Hearings

The systematic problems with expedited removal at TCDF continue to the IJ review hearings themselves.

According to data from Law Lab and Las Americas tracking of the results of IJ review hearings in a cohort of 178 asylum seekers detained at TCDF in 2023, IJs affirmed the negative credible fear decisions of 172 people and vacated the decisions of only six, only 3.4% of the total. While this data is not comprehensive, it provides an estimate of the likely overall vacatur rate for IJ reviews conducted for people detained at TCDF. By contrast, the nationwide rate from January 1, 2023, through July 31, 2023, was 17.1%, according to government data compiled by TRAC.⁷¹ If the Law Lab and Las Americas data is representative, a person detained at TCDF is four times less likely to have a negative credible fear decision vacated by an IJ than in the country as a whole.

This result is consistent with reports from noncitizens of how *pro se* IJ review hearings for people detained at TCDF generally proceed. Based on NMILC’s contact with hundreds of noncitizens detained at TCDF, “most people who have gone before an immigration judge report that they were not allowed to speak during the hearing.” While some judges treat people detained at TCDF with dignity, “other judges are forceful, disrespectful, and dismissive of the noncitizens before them.” LGBTQ+ noncitizens NMILC has met with reported that they “self-censored during their CFIs due to lack of privacy,” subsequently “reveal[ed] their sexuality during their IJ reviews (which are conducted in private rooms),” and were then “yelled or screamed at by IJs who believe they are lying about their sexuality.”⁷²

The refusal of some IJs to allow noncitizens to speak during their IJ review hearings is corroborated by personal accounts of expedited removal gathered by Las Americas. ██████████ (A ██████████) is an asylum seeker from Ecuador. He reports that he did not explain the homophobic persecution he suffered in Ecuador during his CFI because there were six other people in the interview room and he was afraid to have other people detained at TCDF know that he was gay. He hoped to explain this to the IJ at his June 24, 2023 hearing, but the IJ would not allow him to speak.⁷³ In four other personal accounts of expedited removal at TCDF gathered by Las Americas, asylum seekers mention that the IJ at their negative credible fear review hearings would not allow them to speak either.⁷⁴

⁷⁰ *Id.*

⁷¹ TRAC, “Outcomes of Immigration Court Proceedings,” <https://trac.syr.edu/phptools/immigration/closure/>. The national rate can be determined from the TRAC data by selecting the “All Cases” radio button for “Number of Cases,” the “All Outcomes” radio button for “Outcome Type,” the “by Month and Year” radio button for “Graph,” the “Number” radio button for “Time Series,” the “Case Type” option in the first dropdown menu and then the “All” option below, and the “Outcome (detailed)” option in the second dropdown menu, and then toggling between the “Credible Fear – not found” and “Credible Fear found” options.

⁷² Exhibit A at ¶ 18

⁷³ Exhibit C-20 at ¶ 6, Declaration of ██████████.

⁷⁴ Exhibit C-3, Declaration of ██████████; Exhibit C-8, Declaration of ██████████; Exhibit C-10, Declaration of ██████████; Exhibit C-17, Declaration of ██████████.

Problems at IJ reviews also occurred in the few cases where asylum seekers detained at TCDF were able to obtain legal representation. In one case, an NMILC attorney informed an IJ truthfully that her client's native language was not Spanish. The Immigration Judge accused the attorney of lying and threatened her with criminal prosecution. While the IJ ultimately vacated the decision, the chilling effect of the IJ's threat remained.⁷⁵

In another case, a Las Americas attorney signed into WebEx for a Sunday morning IJ review hearing and, after being briefly called into the virtual courtroom by the IJ, was put into a virtual waiting room for two hours. The attorney was unsure whether the IJ had forgotten about her, but had no way to check, since the clerk's office was not open. When her client's hearing did finally begin, the IJ told her that, because it was an IJ review hearing, she was appearing as a consultant and not an attorney and she was not allowed to speak at all. When she did try to advocate for her client, the IJ cut her off and repeated his earlier admonition. The IJ affirmed the Asylum Officer's negative decision.⁷⁶

The Asylum Office's Flawed Implementation of the Asylum Ban and the RFR Process

Expedited removal for asylum seekers detained at TCDF is also tainted by problems with how the Houston Asylum Office adjudicates cases.

First, the Houston Asylum Office frequently misapplies the recently promulgated Circumvention of Lawful Pathways (CLP) asylum ban. NMILC reviewed two dozen CFI transcripts and found obvious discrepancies in how the exceptions and rebuttals to the ban were applied. Of the transcripts reviewed, eight clearly included evidence to rebut the presumption of ineligibility under the new regulation, but the Asylum Office only found the presumption to have been rebutted in two of them. Several noncitizens were not found to have rebutted the presumption despite describing being kidnapped, locked in cellars or other buildings, robbed, beaten, or threatened with death by cartels and police officers in Mexico in the days shortly before crossing into the U.S. to seek safety.

Second, the Houston Asylum Office refuses to conduct substantive review of significant and compelling requests for reconsideration or reinterview (RFRs). Between May 26 and August 17, 2023, NMILC submitted 30 RFRs on behalf of noncitizens to the Houston Asylum Office. Almost all 30 requests were summarily denied, without individualized explanations. In three cases, the Houston Asylum Office stated that it could not adjudicate the RFR because the negative credible fear determination had not yet been affirmed by an Immigration Judge, even though in all three cases an Immigration Judge had affirmed the negative CFI days before. Even where RFRs detailed clear claims for eligibility and described egregious errors in the CFI process, such as lack of privacy, improper, incorrect, or inadequate translation services, or where the noncitizen presented new information that came to light since their CFI, the Houston Asylum Office still denied the RFRs.

⁷⁵ Exhibit A at ¶ 18.

⁷⁶ Exhibit G at ¶¶ 5-8.

The Combined Effect of Egregious Due Process Problems in Expedited Removal at TCDF

As a result of the combined effect of the serious problems with expedited removal at TCDF, many asylum seekers with strong asylum claims are ordered removed without a meaningful opportunity to present their claims.

This conclusion is evidenced by data suggesting TCDF has an unusually low rate of positive credible fear determinations. Law Lab and Las Americas collectively tracked the cases of 462 people detained at TCDF since it was repopulated in December 2022. Of those individuals, only 134, or 29.0%, received positive credible determinations. By contrast, the national rate of positive credible fear determinations for about the same period of time—December 15, 2022, through July 31, 2023—is 73.4%.⁷⁷ While the Law Lab and Las Americas data is not comprehensive, it suggests a person detained at TCDF is much less likely to pass their CFI than is typical.

The problems with expedited removal at TCDF are also revealed by individual cases in which asylum seekers detained at the facility received negative credible fear decisions despite having strong, viable claims. Below are a select few case examples where obstacles presented by expedited removal at TCDF resulted in asylum seekers with strong claims receiving negative credible fear decisions. Most of the people discussed have already been removed back to danger in their home countries.

██████████ (A ██████████) is Colombian asylum-seeker who underwent his CFI at TCDF in April of 2023. Mr. ██████████ was kidnapped in Colombia by a guerrilla paramilitary unit. He was physically tortured over the course of several days until he was able to escape. Nevertheless, the guerrilla group found him, threatened to kill him, and reportedly stalked him until he fled the country. Despite having such a strong claim, he failed his CFI and was removed to extreme danger in Colombia.

██████████ (A ██████████) is an asylum-seeker from the Dominican Republic who underwent his CFI at TCDF in June 2023. Mr. ██████████ was persecuted by government officials and the police of the Dominican Republic, including being shot at by the government, because he refused to participate in official corruption. Mr. ██████████'s family was also persecuted because of Mr. ██████████'s political opposition to the government. He fled after suffering this harm. In Mexico, **Mr. ██████████ was raped by cartel members two times.** He ran to U.S. Border Patrol agents for help once he was released by the cartel at the border. During his CFI, he was scared to mention the rape because of the lack of privacy in TCDF's interview room, and he did not reveal it to the Asylum Officer. In addition, Mr. ██████████ was bleeding from his anus during his interview and was unable to sit during the interview. He is suffering acute mental distress as a result of these experiences. Given his past harm in his home country, he clearly met both the credible fear standard and the reasonable fear standard. Additionally, given the danger he was in while in Mexico, he should have been found to rebut the presumption of ineligibility under the CLP asylum ban because he "faced an extreme and imminent threat to his life or safety." He nonetheless received a negative credible fear determination, which an IJ affirmed on June 23, 2023. The Houston Asylum Office then summarily denied his request for reconsideration, which

⁷⁷ USCIS, *Semi-Monthly Credible Fear and Reasonable Fear Receipts and Decisions*, <https://www.uscis.gov/tools/reports-and-studies/semi-monthly-credible-fear-and-reasonable-fear-receipts-and-decisions>.

outlined the above. On July 8, 2023, NMILC escalated his case to DHS Headquarters. DHS took no action and Mr. [REDACTED] was deported back to danger in the Dominican Republic.

[REDACTED] (A [REDACTED]) is an asylum-seeker from Columbia who underwent his CFI at TCDF in June 2023. Mr. [REDACTED] suffered persecution on account of his sexual orientation in Colombia, including by a government-aligned guerrilla group called the National Liberation Army (ELN). He not only suffered direct death threats via WhatsApp and in person, he was also shot at by the group. He reported the incident to the police who said they would not help him. Since Mr. [REDACTED] arrived in the U.S., the ELN continues to threaten Mr. [REDACTED]'s brother. Mr. [REDACTED] was forced to self-censor his story during his CFI because he did not want others in the interview room to hear about his sexual orientation out of fear of harm or other discrimination. Although he may not have established an exception to the CLP asylum ban or rebutted the presumption of ineligibility, he clearly established a reasonable possibility of future harm due to the past torture he has already suffered with the acquiescence of government officials. He nonetheless received a negative CFI, which the IJ affirmed on June 23, 2023. The Houston Asylum Office summarily denied his RFR on June 28, 2023. NMILC escalated Mr. [REDACTED]'s case to DHS Headquarters on July 8, 2023, but DHS took no action. As a result, he was removed back to danger in Colombia.

[REDACTED] (A [REDACTED]) is a Colombian asylum-seeker who underwent his CFI at TCDF in June 2023. Mr. [REDACTED] was physically tortured by a guerrilla group that had kidnapped him and forced him to perform labor against his will. He was physically tortured, including being stabbed in his chest, because he attempted to escape and protested the activities he was forced to perform. The police were present and participated in his persecution. He was threatened with death if he spoke about what happened to him, and was pursued throughout the country after he escaped. **In Mexico, he was again kidnapped by an organized criminal organization and tortured**, including being hit in the chest where his existing injuries were. He managed to escape and ran for his life to the U.S. border, as he was experiencing a medical emergency. Indeed, Mr. [REDACTED] continued to suffer extreme medical problems while at TCDF. During his detention, he was transferred offsite to a hospital for further testing and treatment. The Asylum Office did not find that Mr. [REDACTED] rebutted the presumption of ineligibility, even though the facts of his claim establish three factors that should have rebutted the presumption (severe trafficking in Columbia, an acute medical emergency in Mexico, and facing an extreme and imminent threat to his life or safety in Mexico). Even assuming arguendo he did not rebut the presumption, he clearly established a reasonable possibility of future persecution and torture due to the past torture he suffered at the hands of his government. He nonetheless received a negative credible fear determination, which the IJ affirmed on June 27, 2023. The Houston Asylum Office summarily denied his RFR on July 6, 2023. NMILC escalated his case to DHS Headquarters on July 8, 2023, but DHS took no action. As a result, Mr. [REDACTED] was removed back to danger in Colombia.

[REDACTED], (A [REDACTED]) is a Honduran asylum-seeker who underwent his CFI at TCDF on May 20, 2023. Mr. [REDACTED] fled Honduras after his father was murdered by politically connected Mara 18 members for reporting them to the police. Circumstantial evidence suggests the police Mr. [REDACTED]'s father went to for protection informed on him to the gang members. Mr. [REDACTED] was shot in the leg by gang members in retaliation for his father's actions. He fled the country to seek asylum in the U.S. His smugglers kept him in captivity

until he reached the U.S.-Mexico border and he would have had to escape them and face great risk to enter with a CBP One appointment. During his CFI, Mr. [REDACTED] could hear that the man in the interview booth next to his was from Lempira, the same small department of Honduras that he is from. Accordingly, he did not feel comfortable sharing essential elements of his asylum claim and other sensitive information, for fear of retribution if the other man told anyone in Lempira what he had heard. Despite a reasonable claim that he had rebutted the CLP asylum ban's presumption of ineligibility and viable family-based persecution and CAT claims, he received a negative CFI. An IJ affirmed the decision on June 25, 2023. Las Americas submitted an RFR on his behalf, which the Houston Asylum Office denied. As a result, Mr. [REDACTED] was removed back to danger in Honduras.

[REDACTED] (A [REDACTED]) is a Honduran asylum-seeker who underwent his CFI at TCDF in July 2023. Mr. [REDACTED] fled Honduras after he reported gang activity to the police and was subsequently targeted by gang members connected with the police. When Mr. [REDACTED] arrived at TCDF, he was quarantined for two weeks. He never received any information about the free attorney telephone line every Tuesday nor the Friday legal presentations. Despite strong claims, he received a negative credible fear determination, which the IJ affirmed on July 7, 2023. Additionally, while detained at TCDF, Mr. [REDACTED] was struck by an unidentified sharp object that was sticking out of the door of his cell. He was seen by medical staff who ordered tetanus shots, but Mr. [REDACTED] did not receive them until July 29, 2023. Tetanus is only preventable if a vaccination is administered within forty-eight hours of an injury. Because he did not receive the shot within the recommended period, Mr. [REDACTED] suffered anxiety and fear that he would contract the potentially life-threatening illness. NMILC submitted an RFR on his behalf on August 8, 2023, which the Houston Asylum Office summarily denied the next day. NMILC followed up with a request for prosecutorial discretion to ICE, requesting issuance of a Notice to Appear on August 14, 2023, which was denied the same day. Mr. [REDACTED] remains in custody at TCDF under a final order of removal to Honduras, despite substantial efforts to obtain his release in order to remedy the significant abuses he suffered while detained.

[REDACTED] (A [REDACTED]) is a Colombian asylum-seeker who underwent his CFI at TCDF in April 2023. He was persecuted in Colombia because of his sexual orientation as a gay man and his HIV positive status. He has suffered physical and psychological harm at the hands of several aggressors, including a Colombian police officer, who tortured Mr. [REDACTED] because of his sexual orientation and HIV positive status. The torture inflicted upon Mr. [REDACTED] even caused him to contract Hepatitis C, which he continued to receive treatment for at TCDF. Mr. [REDACTED] crossed into the U.S. before the CLP asylum ban was implemented. He reported to NMILC that he was forced to proceed with his CFI even though he had having flu-like symptoms (fevers, chills, and loss of appetite) on the day of his interview. Despite exceedingly strong eligibility for asylum relief and not being subject to the asylum ban, Mr. [REDACTED] received a negative CFI decision. Only after NMILC intensively escalated Mr. [REDACTED]'s situation to DHS Headquarters was the decision reversed and Mr. [REDACTED] placed in full proceedings. His situation should have never required such intensive escalation.

[REDACTED] [REDACTED] [REDACTED] (A [REDACTED]) is an Ecuadoran asylum-seeker who underwent his CFI at TCDF in July 2023. Mr. [REDACTED] fled Ecuador after being persecuted by the Clan del Golfo, who first attacked him while he was on duty as a security guard at a shrimp

farming facility. After knocking him unconscious, the gang took his cell phone, gun, and credentials, which the gang later used to track him down and seek his participation in their illicit operations. The gang wanted Mr. ██████████ to continue his work as a security guard at the shrimp factory and feed the gang information and help them continue breaking into the facility to steal shrimp. After refusing to work for the gang, they tracked him by using his friends and colleagues, harassed him, and threatened to kill him. Even after he went to stay with family in rural Ecuador, the gang managed to find and threaten him. But Mr. ██████████ was not able to present his full claim during his CFI because the Asylum Officer who conducted his interview insisted that he abbreviate his story and only give brief answers. He received a negative credible fear determination, which the IJ affirmed on August 4, 2023. The Houston Asylum Office summarily denied his RFR on August 11, 2023. Consequently, Mr. ██████████ remains in custody at TCDF and is under a final order of removal to danger in Ecuador.

Las Americas represented a Peruvian asylum-seeker who underwent his CFI at TCDF in summer of 2023 and prefers to remain anonymous. The client's primary language is Kichwa and he speaks only limited Spanish. He fled persistent violence and discrimination because of his indigenous identity in Peru. The Asylum Office conducted his CFI in Spanish, even though he stated at the beginning of the interview that his preferred language is Kichwa. As a result of the language barrier, he was not able to explain key parts of his asylum claim. He received a negative credible fear decision, which the IJ affirmed. The asylum seeker entered the U.S. with his partner, whom he was separated from at the border. Her CFI was conducted in Kichwa and she received a positive determination. Las Americas submitted an RFR to the Houston Asylum Office including this information, which the Houston Asylum Office denied on July 17, 2023. This asylum-seeker remains detained at TCDF under a final removal order and is in immediate danger of removal back to danger in Peru.

██████████ (A ██████████) is an asylum-seeker from Ecuador who underwent his CFI at TCDF in February 2023. He is an indigenous man who speaks Quechua. He suffered extreme physical torture by Ecuadorian officials before escaping to the United States. Mr. ██████████ was forced to proceed with a CFI in Spanish, a language he does not speak, in violation of USCIS policy.⁷⁸ As a result, he received a negative CFI decision despite having a viable claim. In addition, Mr. ██████████'s right to seek review by an IJ was not explained to him in a language he speaks and understands, and he was initially deprived of the opportunity to seek review. NMILC submitted a request to the Houston Asylum Office for a re-interview in the language he actually speaks or the issuance of a rare language NTA in April 2023, which the Houston Asylum Office declined. Instead, Mr. ██████████'s I-869B was re-executed, which resulted in a hearing before an Immigration Judge to review the CFI decision. At the initial hearing represented by NMILC counsel, the IJ, without any evidence, threatened to refer counsel and Mr. ██████████ to criminal prosecution for lying about his native language. The hearing was continued for lack of a Quechua interpreter after it became clear on the record that Mr. ██████████ was not fluent in Spanish. At the second hearing, where a Quechua interpreter was present, Mr. ██████████ established a credible fear of torture and the IJ vacated the negative credible

⁷⁸ USCIS, Ashley Caudill-Mirillo, Acting Chief, Asylum Division, "Memorandum: Language Access in Credible Fear Screenings" (July 6, 2022), <https://www.uscis.gov/sites/default/files/document/memos/Language-Access-in-Credible-Fear-Screenings.pdf>.

fear decision, but only after intense, sustained efforts by NMILC to correct an obvious due process error that never should have occurred.

██████████ (A ██████████) is a Guatemalan asylum-seeker who underwent his CFI at TCDF in June 2023. Mr. ██████████ **has a traumatic brain injury (TBI)** which impacts his memory and ability to competently advocate for himself. Mr. ██████████'s TBI was caused by his persecutors, the police, who ran him over with a car in Guatemala. After he reported the incident to another law enforcement agency, Mr. ██████████'s persecutors found out and threatened to kill him because he was attempting to cooperate with law enforcement in the prosecution of their crimes. En route to the United States, he was also kidnapped by Mexican cartel members, who subsequently tortured him, including further injuring his head, until his family paid a ransom. He ran immediately to the border, in fear for his life. Mr. ██████████ reports that because of his disability, a migraine he was suffering, and all of the conversations occurring simultaneously in the interview room during his CFI, he could not concentrate and was not able to expand on his answers or say all that he wanted to. There were also times during the interview where he could not understand the interpreter. Mr. ██████████ should have been entitled to safeguards given his TBI and his inability to adequately represent himself in his proceedings. He also should have been found to rebut the CLP asylum ban's presumption of ineligibility. Even assuming *arguendo* he could not rebut the presumption, there is plainly a reasonable possibility of future persecution and torture in his case due to the past persecution Mr. ██████████ suffered at the hands of his government. However, he was not provided any disability-based safeguards and received a negative CFI, which the IJ affirmed on June 27, 2023. The Houston Asylum Office summarily denied his RFR on July 6, 2023. NMILC escalated his case to the USCIS Asylum Office on June 27, 2023 and to DHS Headquarters on July 8, 2023, but DHS took no action. As a result, Mr. ██████████ was removed back to danger in Guatemala.

██████████ (A ██████████) is an Ecuadorian asylum seeker who underwent his CFI at TCDF in summer of 2023. Mr. ██████████ suffered persecution in Ecuador because of his sexual identity as a gay man, including being violently sexually assaulted. The rape resulted in him contracting syphilis. Mr. ██████████ was unable to fully explain his asylum claim because his CFI was conducted in a shared room and he was afraid to reveal the full extent of the persecution, as a survivor of sexual assault. Accordingly, he received a negative credible fear determination. When Mr. ██████████ went before the Immigration Judge on August 2, 2023, the IJ told him that, because he did not mention his sexual orientation in his CFI, she was unable to change the Asylum Officer's decision. Mr. ██████████ is currently detained at TCDF and is under a final order of deportation, in immediate danger of removal to danger in Ecuador.

These few examples are not unique. They are indicative of a severely flawed and violent expedited removal system at TCDF that results in the erroneous removals of many asylum seekers who are clearly eligible for protection.

Abuse of Discretion by ICE in Failing to Issue NTAs to SIJS-Eligible Immigrant Youth Who Have Been Subjected to the Flawed CFI Process at TCDF

Another obstacle to due process and critical relief for those detained at TCDF is ICE's blanket refusal to consider eligibility for Special Immigrant Juvenile Status (SIJS) in making custody

determinations and prosecutorial discretion decisions. Because people can only seek SIJS protection outside adult detention, this entirely precludes SIJS relief for those who do not receive positive credible fear determinations.

SIJS-eligible immigrant youth between the ages of 18 and 21 are often placed in adult ICE custody and expedited removal at TCDF. Once that placement is made, ICE refuses to consider requests for prosecutorial discretion to grant SIJS-eligible youth NTAs and release from custody. ICE does this by broadly disclaiming the ability to “override” the expedited removal decisions of Asylum Officers or IJs, and insisting they have to let the expedited removal process take its course.

This approach is an abuse of discretion under current ICE Directive 11005.3, “Using a Victim-Centered Approach with Noncitizen Crime Victims.”⁷⁹ Under § 3.8 of Directive 11005.3, the “Special Immigrant Juvenile (SIJ) classification for qualifying children who have been abused, neglected, or abandoned by one or both parents” is identified as one of four “immigration benefits adjudicated by USCIS for noncitizen crime victims.” Under § 2 of Directive 11005.3, whether “someone is a victim of crime and . . . may be eligible for victim-based immigration benefits for which they have not yet applied” is “a discretionary factor that **must** be considered in deciding whether to take civil immigration enforcement action against the noncitizen or to exercise discretion, including but not limited to release from detention.” Finally, the Supreme Court’s recent decision in *United States v. Texas*, 143 S. Ct. 1964 (2023) settled any doubt about whether prosecutorial discretion is available in this context. As the Court explained, the “principle of enforcement discretion over arrests [...] extends to the immigration context,” including that “the Executive Branch [...] retains discretion over whether to remove a noncitizen from the United States.”⁸⁰ Such discretion remains even when, as in the facts of *United States v. Texas*, a statute says a specific class of noncitizen “shall” be removed.⁸¹ Against this backdrop, ICE’s current position that it must defer to the expedited removal process directly violates binding agency policy.

NMILC has gathered the below examples of SIJS-eligible youth who were detained at TCDF, put through TCDF’s deeply flawed expedited removal program and CFI process, and removed after ICE refused to exercise discretion. However, NMILC is aware of at least a dozen more children who similarly faced removal.

██████████ (A ██████████) is an 18-year-old gay man from Ecuador. He was abandoned and neglected by his parents because of his sexual identity. He would not be safe in Ecuador because of prevalent anti-LGBTQ sentiment and his lack of family support and protection. NMILC submitted a request for prosecutorial discretion on Mr. ██████████’s behalf to the ICE El Paso Field Office, as well as a request for reconsideration of his negative CFI determination. Despite clear eligibility for both SIJS and asylum protection, the ICE El Paso Field Office declined to issue him an NTA and release, and USCIS refused to reverse the CFI determination. ICE later deported Mr. ██████████ to great danger in Ecuador.

⁷⁹ ICE, ICE Directive 11005.3: Using a Victim-Centered Approach with Noncitizen Crime Victims (Aug. 10, 2021), <https://www.ice.gov/doclib/news/releases/2021/11005.3.pdf>.

⁸⁰ 143 S. Ct. at 1971-1973.

⁸¹ *Id.* at 1968-1969.

██████████ (A ██████████) is a 20-year-old from Guatemala who was abandoned by his father when he was a teenager and raised by his mother. Mr. ██████████'s mother now resides in the United States and there is no one to care for him in Guatemala. After Mr. ██████████ received a negative CFI, NMILC submitted a request for prosecutorial discretion to ICE on Mr. ██████████'s behalf, which included a declaration from Mr. ██████████'s mother attesting to his father's abandonment and a statement from an LPR sponsor/guardian who is able to receive him from custody. The ICE El Paso Field Office denied Mr. ██████████'s request for an NTA and he was removed to Guatemala, where he has no one to care for him.

██████████ (A ██████████) is a 20-year-old from Brazil who was abandoned by both of his parents. Mr. ██████████ was subsequently raised by his sister and brother who were all independently responsible for providing for their financial needs. His parents failed to support his education or provide him necessary shelter, food, or care. Despite his clear eligibility for SIJS protection, the Denver ICE Field Office denied Mr. ██████████'s request for an NTA and he was subsequently deported. Mr. ██████████ had first been detained at TCDF and subjected to the CFI process, which resulted in a negative determination and transfer to Colorado.

██████████ (A ██████████) is a 19-year-old Nicaraguan whose father abandoned him, his four siblings, and his mother to live with another woman. Prior to abandoning the family, Mr. ██████████'s father physically abused the family. Mr. ██████████'s paternal uncle has also threatened to kill Mr. ██████████. After receiving a negative CFI determination at TCDF, Mr. ██████████ was transferred to Colorado. NMILC submitted a request for prosecutorial discretion to the ICE Denver Field Office, including a declaration from the sponsor/guardian, confirming the facts demonstrating his SIJS and asylum eligibility. Despite this, the ICE Denver Field Office denied Mr. ██████████'s request for an NTA and release, and he was removed back to danger in Nicaragua. Similarly, Mr. ██████████ had first been detained at TCDF and subjected to the CFI process there, which resulted in a negative determination and transfer to Colorado.

██████████ (A ██████████) is an 18-year-old Guatemalan who was abandoned by his father when he was five years old. With no parental protection and support in Guatemala, he came to the US to seek safety. After Mr. ██████████ received a negative CFI determination at TCDF, NMILC submitted a request for prosecutorial discretion on Mr. ██████████'s behalf to the ICE El Paso Field Office, with a declaration from the intended sponsor/guardian confirming the facts supporting SIJS eligibility. ICE declined to exercise discretion and Mr. ██████████ was removed to Guatemala.

██████████ (A ██████████) is a 20-year-old Ecuadorian whose father abandoned the family three years ago, leaving him without parental protection or support to meet his basic needs. After receiving a negative CFI determination, NMILC submitted a request for prosecutorial discretion on Mr. ██████████'s behalf to the ICE El Paso Field Office. Despite clear eligibility for SIJS protection, ICE declined to exercise discretion. He has since been deported back to danger in Ecuador.

Because ICE's blanket refusal to consider exercising discretion over cases involving potentially SIJS-eligible noncitizens violates ICE Directive 11005.3, we request review of the above examples by Headquarters and oversight agencies. We further request that concrete guidance be provided to

ICE ERO field offices about their authority to grant prosecutorial discretion in the form of an NTA in cases involving potentially SIJS-eligible noncitizens and the requirement that they fairly consider doing so. Alternatively, we request that no one under the age of 21 be placed in adult custody—at TCDF or anywhere else—and instead be diverted to ICE’s Young Adult Case Management Program (YACMP).

Because people cannot apply for SIJS in adult custody, ICE’s current practice wholly prevents many eligible youth detained at TCDF and elsewhere from accessing this vital, life-saving relief. These children are deprived of basic due process from the time they are subjected to the flawed and illegal CFI process, through the deprivation of their ability to apply for lawful SIJS protection.

CONDITIONS VIOLATIONS AND MISCONDUCT BY OFFICIALS

Beyond due process violations, TCDF is an inappropriate place to detain people due to serious, ongoing human rights abuses, including physical, psychological, medical, and retaliatory mistreatment by staff. The persistence of this mistreatment after years of close scrutiny suggests the only realistic solution is to depopulate the facility and cancel ICE’s contract with Torrance County and CoreCivic.

Poor conditions and alleged staff abuse at TCDF compound the due process problems described above. The people detained at TCDF who experience these abuses are the same people going through the unjust, unfair expedited removal process described above. That they must do so while experiencing physical and mental harm caused by TCDF’s poor conditions makes those problems even worse. Further, when people receive negative credible fear determinations—as the overwhelming majority of those detained at TCDF do—many experience despair and pain that makes the harmful conditions at TCDF even more difficult to bear. This in turn leads many to give up on their immigration cases rather than seek review by an immigration judge or request reconsideration from the Asylum Office.

Fear of retaliation for complaining about abuses at TCDF deepens this vicious cycle. Many people detained at TCDF report to legal service providers that they are too intimidated to exercise their rights to lodge complaints about mistreatment. This fear appears warranted, including because TCDF is one of just five ICE detention centers currently under investigation for retaliation by DHS’s CRCL Office.⁸²

Beyond retaliation, many individuals detained at TCDF simply do not believe that raising complaints about conditions will help. A group of noncitizens who spoke to advocates on June 16, 2023 likened submitting a grievance to TCDF to throwing it directly into a trash can.⁸³ They reported that they already submitted grievances and not only had their issues not been addressed, they did not even receive an acknowledgement that their grievances had been filed.

⁸² CRCL, “Overarching Investigation into Retaliation Allegations in ICE Custody Complaint Nos. 003877-22-ICE, 003887-22-ICE, 004613-22-ICE, 003945-22-ICE, 005144-23-ICE, 003874-22-ICE, 004829-23-ICE, 004365-22-ICE, 004904-23-ICE, and 005149-23-ICE (Dec 19, 2022), <https://www.dhs.gov/sites/default/files/2023-05/retention-memo-ice-retaliation-12-19-22.pdf>.

⁸³ Exhibit H, Declaration of Ian Philabaum of Innovation Law Lab, at ¶ 6.

However, some speak up despite the fear and risk of being put in solitary confinement, beaten up, or transferred away from people they have come to know.

In July 2023, 11 detained men chose to write collectively to denounce the mistreatment they have experienced at TCDF. Their brave, impassioned letter, in its original handwritten, Spanish form, appears on the following page.

Translated in full, their statement reads:

We are men detained at [Torrance County Detention Facility]. Since we arrived here, we have experienced the reality of how immigrants are treated in the United States. They don't let us contact our family members, the food is inadequate, and the people detained like us should not be treated like we have been.

In our countries, people with disabilities receive medical care, unlike here. They are killing us psychologically. The officers here speak to us only in English, but we understand when they insult us. We have no place to escape this treatment. They have us locked down- we are going crazy. When we sleep, the officers keep the lights on. They are violating our human rights.

Our countries have opened their doors to any person that wants to come; any person can easily apply for a visa. But here in the US, citizens take priority. For example, an American citizen can come to Ecuador, enjoy our country, and do what they please.

But when we come, asking for help, to be able to work and do our part, they treat us like animals. They don't have humanity; our rights don't exist here.

We are demanding...
that there be available medical care
that there be adequate food to eat, and not raw
that we not have to wait many hours to drink water
that the guards treat us with dignity and without vulgarities
that the Asylum Officers conducting credible fear interviews have credentials to properly decide outcomes
that those who already have deportation orders be deported as soon as possible instead of them having to wait months in this "prison."⁸⁴

⁸⁴ NMILC, "People Held in ICE Custody at The Torrance County Detention Facility Expose Ongoing Unlivable Conditions and Demand Change" (July 11, 2023), <https://www.nmilc.org/press-release-archive/people-held-in-ice-custody-at-the-torrance-county-detention-facility-expose-ongoing-unlivable-conditions-and-demand-change>

Somos hombres detenidos en TCDF. Desde que llegamos aquí, hemos pasado la realidad de cómo inmigrantes son tratados en los Estados Unidos. No nos dejan hablar con nuestras familias, la comida es inadecuada y las personas detenidas en nuestra situación no deben ser tratadas como nos han tratado.

En nuestros países, las personas con discapacidades recibían tratamiento médico, aquí no les importan. Nos están matando psicológicamente. Los oficiales nos hablan solamente en inglés pero entendemos cuando nos insultan. No tenemos a dónde escapar este tratamiento. Nos tienen encerrados - nos vuelve locos. Cuando dormimos, los oficiales mantienen prendidos las luces. Están violando nuestros derechos humanos.

Nuestros países han abierto sus puertas a cualquier persona que quiera venir; cualquier persona puede aplicar para una visa fácil. Pero en los EE.UU., los ciudadanos toman prioridad. Por ejemplo, un ciudadano estadounidense puede venir al Ecuador, disfrutar nuestro país, y hacer lo que sea.

Pero nosotros venimos, pidiendo por ayuda, para poder trabajar y dar de nuestra parte, y nos tratan como animales. No tienen humanidad, nuestros derechos no existen aquí - v

Estamos demandando...

de que haya atención médica disponible y

de que la comida sea adecuada para comer y no cruda

de que no tengamos que esperar varias horas para tomar agua

de que los guardias nos traten con humanidad y sin majaderías

de que los oficiales de asilo durante nuestras entrevistas de

miedo creíble tengan credenciales para decidir apropiadamente

de que nos deporten lo más pronto posible si tenemos órdenes

de deportación en vez de esperar meses en una "prisión".

The letter recalls similar efforts by other groups of men living through detention at TCDF, including a letter written in December of 2022 by the last few men detained at TCDF before the facility was repopulated for use as a mass expedited removal site,⁸⁵ and a letter written by 115 men in February 2023, after the repopulation of TCDF was well under way.⁸⁶

Inadequate, Inappropriate, and Negligent Medical Care

Noncitizens detained at TCDF report that requests for medical attention are often delayed or ignored. Noncitizens characterize the medical responses of TCDF medical staff as a canned set of recommendations and prescriptions not meaningfully tailored to individuals' needs. Pain medication is the most common prescription, noncitizens report, regardless of whether it will solve a patient's particular health issue. Below are examples of medical treatment at TCDF that people detained at TCDF have shared with legal service providers.

██████████ (A ██████████) was physically attacked by guards at TCDF on July 11, 2023, an incident described in further detail below. Afterwards, he was placed in solitary confinement and denied adequate medical care. Even though he could not move his arm and he was in significant pain, CoreCivic staff did not allow him to see a doctor or provide him adequate pain management. They also did not arrange for him to be X-rayed for several weeks. Not until he filed a civil rights complaint with CRCL and an FTCA administrative complaint with DHS did medical staff finally offer an X-ray. The X-ray occurred on July 31, 2023, after Mr. ██████████ had been transferred to Cibola County Correctional Center, also owned and managed by CoreCivic. The X-rays confirmed a fracture, according to his medical records. Mr. ██████████ is deeply worried that he may be permanently disabled. The lack of care provided to Mr. ██████████ for injuries inflicted by facility staff shows that TCDF is incapable of appropriately caring for those in its custody.⁸⁷

Noncitizens detained at TCDF also report that medication is regularly prescribed without any explanation of what the medication is or what it is for. Medical records are kept in English and rarely provided to the noncitizens. While ICE claims that interpretation services are always available, noncitizens who have spoken to advocates described the interpretation for medical services as poor. As ██████████ (A ██████████) shared:

The medicine made me feel awful, so I quit taking it. The only reason people take the medicine is because it helps you survive the nightmare that is being detained at Torrance. No one would need these pills if we weren't incarcerated in this terrible place. The pills make you sleepy and complacent so you don't bother the staff at Torrance, so you aren't a problem for them. They make you need the pills because

⁸⁵ Innovation Law Lab, "Open Letter from "Los Últimos Guerreros," the Last People Detained by ICE at Torrance County Detention Facility" (Dec. 8, 2022), <https://innovationlawlab.org/blog/open-letter-ultimos-guerreros-torrance/>.

⁸⁶ Innovation Law Lab, "In New Report, Asylum Seekers Describe Sleep Deprivation, Torture Rooms, Rigged Deportation Process and Yet Another Attempted Suicide at Notorious Torrance County Detention Facility" (Feb. 15, 2023), <https://innovationlawlab.org/press-releases/new-report-tcdf-feb-2023/>.

⁸⁷ Exhibit I, Declaration of Patrick James Podesta of Innovation Law Lab, at ¶ 5.

the conditions are so bad, and then they can use the pills to control you, to control the space. After a while, people figure out that the pills make you feel bad so they stop taking them. But in the beginning everyone takes them.⁸⁸

On July 5, 2023, ██████████ (A ██████████) was exercising in his cell during count when he became short of breath and fainted. After regaining consciousness, he was able to access the call button to request help. As he shared with Innovation Law Lab, he called about five times but no one responded. Several of his friends from the unit assisted by calling out for help, but still no staff responded. The guards held his unit in lockdown for about another half hour before they responded to see how he was doing, Mr. ██████████ reports.

Other noncitizens provided accounts of the inadequate medical care they received on the condition that they remain anonymous. One man shared the following account with Innovation Law Lab, in Spanish in his original handwriting:

que niquiera sabe si es de sal o de dulce y muy mal la atención
medicación porque cuando estas enfermo y quieres alguna medicina
y tienes que llenar una hoja y esperar la gana de ellos para
que te de a la vez te dan una pastilla y nada mas y nos podemos
morir asta que ellos nos atiendan y mal atención al desayuno xque

Translated to English, he wrote:

very bad medical attention because when you are sick and want some medicine and have to fill out a paper and wait till it pleases them to give it to you. Or at the same time they give you a pill and nothing else and we could die for them to attend to us.⁸⁹

The same day, another man detained at TCDF anonymously shared a statement with Innovation Law Lab about the medical services at the facility:

medicos no nos atienden cuando los necesitamos en emergencia
podriamos haber estar en dolores emergencias y primero
debemos llenar los datos y eso es malo por que no
sabemos con la enfermedad que dia vamos a enfermar
para poder anticipar y deseo que nos pueda atender
bien y rapido en el momento en que necesitamos

Translated to English, he wrote:

⁸⁸ Exhibit H at ¶ 5.

⁸⁹ Exhibit I at ¶ 5.

Doctors don't attend to us when we need help in an emergency. We could have a painful emergency and first we have to fill out our information and this is bad because with illness we don't know ahead of time what day we're going to get sick. I want them to be able to attend to us well and quickly in the moment that we need it.⁹⁰

Another man detained at TCDF, ██████████ (A ██████████), shared with NMILC that he had a cut on his gums because of poor treatment and access to hygiene for the eight days that he was in CBP custody before being transferred to TCDF. The cut on his gums became sore and infected, and started producing pus. For several days, he could not eat. During this time, he submitted seven requests for medical treatment at TCDF, but he was never permitted to see a dentist. Eventually he was given medication for the pain, but not for the infection which remains more than a month later.

Threats to Physical Health and Safety

In addition to poor medical care, the general conditions of the physical facilities at TCDF also cause safety risks, injuries, and discomfort. Noncitizens and OIG inspections both report dilapidated infrastructure, poor general maintenance, and indefinitely delayed repairs at TCDF. Both the March 2022 and September 2022 OIG reports document leaking or non-functional plumbing throughout the facility.⁹¹ People detained at TCDF not only corroborate issues with leaky pipes, but also describe how they are charged to clean up the mess produced by them on a daily basis.⁹² When advocates from NMILC, Las Americas, and Law Lab visited TCDF for a scheduled tour of the facility on June 16, 2023, roughly a dozen sections of the plumbing infrastructure had newly been covered with plastic and sealed with blue tape, including drinking fountains, sinks, and urinals. Most recently, NMILC staff used the restroom in the front office area at TCDF on August 18, 2023. There was a sign in the bathroom above the toilets which read “move the lever up and down, side to side, whatever you need to do to make it flush,” indicating there are significant plumbing issues throughout the facility. Notably, despite her best efforts, the NMILC staff member was unable to get the toilet to flush.

These ongoing maintenance issues pose serious risks to noncitizens' safety. For example, ██████████ (A ██████████) was seriously injured on approximately May 27, 2023 when he slipped and fell because of a water leak that he and others had earlier reported to staff. Injuries from the fall left him confined to his bed and a wheelchair for several days. Mr. ██████████'s injury was the direct result of negligence, as ICE and CoreCivic had been aware of the issue and the risk it posed since it was raised in the March 2022 management alert, if not sooner. Moreover, a CoreCivic guard exacerbated Mr. ██████████'s injury by attempting to force him to stand just after he fell. Afterwards, medical staff evaluated him, apparently to determine whether he could be removed. He was required to sit in a wheelchair, cold, all night from 5:00 p.m. to 4:00 a.m. Only then did a medical staff member deem him not deportable in light of the serious injury he had suffered.

⁹⁰ Exhibit I at ¶ 5.

⁹¹ OIG, Management Alert at 5 (Mar 16, 2022); OIG, Violation of ICE Detention Standards at 7 (Sept. 18, 2022).

⁹² Exhibit H at ¶ 5.

Another common complaint Innovation Law Lab hears from people detained at TCDF is intentional sleep deprivation by staff. One man, choosing to remain anonymous, described night at TCDF as follows:

maltrato sicocogico de parte del personal por hay gritos a cada hora
y no dejan dormir ps te alumbran toda la noche a cada media hora con
linternas en la cara

This translates to “psychological mistreatment by staff because they shout each hour and don’t let you sleep because they shine flashlights on your face every half hour all night.”⁹³

Another man, also choosing to remain anonymous, wrote:

Mi experiencia aqui en la detención de Torrance es de lo peor que me
ha pasado en la vida, nos obligan despertarnos a la hora que ellos
dicen hacado 5 minutos pasan alumbrandole la cara no dejan dormir

This translates to, “my experience here in detention in Torrance is the worst that has happened to me in my life [...] Every 5 minutes they pass shining light on your face[;] they don’t let you sleep.”⁹⁴

Finally, a third anonymous man detained at TCDF shared the following on July 5, 2023:

NO Tienen compasión a las discapacidades

This translates to, “they don’t have compassion for people with disabilities.”⁹⁵

Threats to Mental Health and Wellbeing

Inadequate mental health care is another complaint raised by many individuals detained at TCDF. Lack of adequate mental health care is another reason that TCDF is uniquely unsuited for its current purpose as a mass expedited removal site. As a site where hundreds of asylum seekers are put through high-pressure interviews about extremely difficult experiences from their past, its population is uniquely likely to suffer from mental conditions caused by trauma, like post-traumatic stress disorder and depression. Despite this context, evidence suggests that individuals detained in ICE custody at TCDF are regularly subjected to treatment and conditions that harm or exacerbate existing mental health issues.

As documented extensively over the past several years, people at TCDF who are suffering from depression, anxiety, or other serious mental health conditions are often subjected to solitary confinement in administrative segregated housing units for the stated purpose of medical

⁹³ Exhibit I at ¶ 5.

⁹⁴ *Id.*

⁹⁵ Exhibit I at ¶ 5.

observation.⁹⁶ Accordingly, noncitizens detained at TCDF who are experiencing mental health crises are afraid to request help out of fear it will cause them to be subjected to harmful isolation.

██████████ (A ██████████) explained that mental health services at TCDF are so bad that he and others in ICE custody learned it was safer to find fellow noncitizens to try to help each other work through problems rather than rely on TCDF’s mental health staff. He told advocates that they did this “because the psychologist only asks you if you are going to harm yourself, and if you say you are not feeling well, they put you in the torture rooms. So no one wants to talk to them – I am scared to talk to them, because if I say one wrong word they might interpret it in a way that results in me being locked up in the torture room.”⁹⁷

Additionally, dozens of individuals have reported that they have suffered psychological mistreatment by CoreCivic guards while detained in TCDF. One man detained at TCDF, who requested anonymity, wrote the following on July 7, 2023:

Handwritten text in Spanish: nos estan matando psicologicamente,

This translates to, “they’re killing us psychologically.”⁹⁸

Another man detained at TCDF, ██████████ (A ██████████), shared how inadequate mental health care at the facility exacerbated his depression brought on by his six-year-old son’s death from cancer just eight months earlier:

Handwritten text in Spanish: E pedido ayuda pero no e recibido por parte de la detencion lo unico que dicen que tomen pastillas para poder dormir.

“I’ve asked for help but not received it from the detention center,” Mr. ██████████ wrote. “The only thing they say is to take some pills to be able to sleep.”⁹⁹

One man, preferring anonymity, explained that he was unable to sleep after witnessing Mr. ██████████ beaten by guards and placed in solitary confinement on July 11, 2023.

⁹⁶ Jenifer Wolf-Williams, Ed.D., LPC-S, LPA Judy Iwens Eidelson, Ph.D., “Mental Health Practices in Torrance County Detention Facility as Reported by Detainees to Humanitarian Outreach for Migrant Emotional Health (H.O.M.E.)” (Nov. 22, 2022), https://www.aclu-nm.org/sites/default/files/2022.12.02_letter_to_ihsc_on_tcdf_crisis.pdf.

⁹⁷ Exhibit H at ¶ 5.

⁹⁸ Exhibit I at ¶ 5.

⁹⁹ *Id.*

Inedible and Inadequate Food

Complaints about food at TCDF abound as well. People detained in TCDF describe the food to advocates as inadequate, undercooked, inedible, disgusting, unfit for human consumption, or physically harmful. Many individuals complain that staff ignore dietary restrictions, even when supported by medical recommendations. For example, ██████████ (A ██████████) described painful and immobilizing gout flares while detained at TCDF due to CoreCivic's refusal to provide medically necessary dietary accommodations. Before being detained, Mr. ██████████ had made simple adjustments to his diet, in accordance with his doctor's orders, in order to manage his condition. Immediately upon arrival at TCDF, Mr. ██████████ informed CoreCivic staff of his condition and requested a medically appropriate diet. Despite making his medical record and a physician's letter available to both CoreCivic and his deportation officer, Mr. ██████████ was denied a medically appropriate diet. In Mr. ██████████' declaration, he describes the pain that resulted from CoreCivic's refusal to provide dietary accommodations:

After about 15 or 20 days in Torrance, I began to feel pain in my right foot and my elbows. It made it difficult for me to walk - I would walk slowly and carefully. I could move my arms, but it hurt. I prayed that I would be released soon so I might have control over my diet and make the pain go away.

I am still limping. My ankles are still extremely painful. My right knee is swollen and I cannot bend it or straighten it fully. For nearly four days, up until March 22, 2023, my right knee was completely immobile and it still hurts, especially if I move it, but even if I leave it still.¹⁰⁰

Mr. ██████████ was removed to Colombia. He recently communicated with a Law Lab legal representative that, while he continues to fear for his life, his pain has substantially improved.

██████████, a man detained at TCDF, shared the following on August 8, 2023:

One lives with hunger. Real Hunger! One man I know arrived here chubby and now he looks like a skeleton. A ton of people are like this, like skeletons. Four days ago they brought spaghetti that was totally burned. The majority didn't eat, only two because they were especially hungry.

██████████, a man detained at TCDF who gave us permission to use only his first name for fear of retaliation, said:

I work in the kitchen at Torrance and have noticed on multiple occasions that there is food that is expired, things like canned fruit and canned ham. When I asked the chef responsible for the kitchen at Torrance if I can throw it away, they tell me no, that we have to use it. We then serve it to people detained in Torrance. I won't eat the food because of that, and other people that work in the kitchen know it too.

¹⁰⁰ Exhibit J, Declaration of ██████████

Physical Assault

TCDF has a history of staff violence against detained people, as reflected by the OC chemical agent attack on hunger-strikers on May 11, 2020, described above.

More recently, TCDF staff physically attacked and wrongly imprisoned [REDACTED] (A [REDACTED]) in July 2023. Although Mr. [REDACTED] posed no threat, TCDF staff cuffed his legs, threw him to the floor, twisted his joints, strangled him, and strapped him to a gurney at the head, arms, waist, and legs. Even after he was completely strapped down, a staff member repeatedly twisted Mr. [REDACTED]'s ankle as he screamed in pain. He was then taken to solitary confinement and denied appropriate medical care, as discussed above. ICE transferred Mr. [REDACTED] to Cibola County Correctional Center. As of August 14, 2023, he still has limited mobility and his arm remains fractured. He is still in pain and has still not received effective treatment.

In February 2023, [REDACTED] (A [REDACTED]) was beaten by a guard after he and others spoke out against being locked up in cells for "count" for an hour longer than usual. TCDF guards physically attacked Mr. [REDACTED] punching him in each eye and kicking him in the ribs after he had been handcuffed. Afterward, he was placed in solitary confinement and denied appropriate medical care.

In March 2023, [REDACTED] (A [REDACTED]) reported to Law Lab that a guard had intentionally slammed a cell door on his hand. Facility medical staff told him repeatedly that they did not have adequate equipment to address the injury. An ICE officer denied that the assault took place.

Labor Violations

Given the staffing shortages noted repeatedly in inspection reports from the OIG, it is clear that TCDF could not function without the labor of individuals detained there. People detained in TCDF work in the kitchen, in cleaning services, in the mailroom, and in the barbershop. Compensation varies by job, with kitchen work paying the most (\$5 for a 6-hour shift), and other jobs paying \$3 for shifts of varying length, usually from two to four hours.

People detained in TCDF are regularly forced to do labor without compensation. According to [REDACTED] (A [REDACTED]) who spoke with staff at Las Americas on June 20, 2023, guards in his barrack directed him and others to clean common areas, including the common showers. They would assist with the cleaning every day, three times a day. Each cleaning would take about a half hour, so they each worked about an hour-and-a-half a day. They were not paid for this cleaning work and Mr. [REDACTED] reported they did it because the guards asked them to.

Individuals detained at TCDF have also reported wage theft, where people performing formal labor while detained in TCDF are not paid for all their work, even at the low rates they have been promised. [REDACTED] reported that he worked at least one hour a day at TCDF for 21 straight days without being compensated. He complained directly to a guard at

TCDF who told him that he would receive it soon. At the time he shared his story, he had yet to receive payment.

██████████ (A ██████████) shared that he worked at TCDF from approximately July 10, 2023 through August 5, 2023. He agreed to work with the cleaning services team and cleaned various areas throughout TCDF. He states that he has never been compensated for any of his work at TCDF, and subsequently stopped working because they never paid him. He has filed several complaints inquiring about not being compensated as he was promised, and has still not received payment for his labor up until the time when he shared this information with Law Lab on August 18, 2023.¹⁰¹

According to individuals detained in TCDF, noncitizens who agree to perform jobs are supposed to be paid on a weekly basis. Staff bring noncitizens pay statements indicating the shifts they have worked and the pay they are entitled to. The noncitizens sign the statements and then receive the corresponding money in their commissary account. Some weeks, noncitizens report to advocates, the pay statements never come and they do not receive any pay. Two out of a group of five men who advocates spoke with in July about labor issues at TCDF indicated they had worked for two weeks but still had not been paid at all.

One man detained at TCDF, who requested anonymity, provided this statement to Law Lab on July 5, 2023:

compañeros de ~~tr~~ las celdas obligados a trabajar sin recibir un pago
y mandando los sueldos miserables de 5 dólares por 8 horas de trabajo es un abuso
completo de parte de la core civic en este centro de detenciones

This translates to, “Cellmates obligated to work without receiving pay and nibbling at the miserable salary of 5 dollars for 8 hours of work is a complete abuse on the part of CoreCivic in this detention center.”¹⁰²

Another man detained at TCDF, who also requested anonymity, provided this statement to Law Lab on July 7, 2023:

Dan trabajo mintiendo que nos pagaran una suma de 2 dólares
a 5 dólares pero al final no pagan

This translates to, “they give us work, lying that they’ll pay a total of 2 to 5 dollars, but in the end they don’t pay.”¹⁰³

Retaliation by Staff

The examples of mistreatment noted in this complaint contribute to a culture where noncitizens detained at TCDF feel it is futile or dangerous to exercise their rights to speak up against the harm

¹⁰¹ Exhibit H at ¶ 5.

¹⁰² Exhibit I at ¶ 5.

¹⁰³ *Id.*

they experience in ICE custody. Advocates have repeatedly raised concerns about retaliation to CRCL, OIG, OIDO, and DHS officials.¹⁰⁴ Further, as noted above, TCDF is one of five ICE detention centers included in CRCL’s December 2022 “Overarching Investigation into Retaliation Allegations in ICE Custody Complaint.”¹⁰⁵

Through the middle of August 2023, people detained at TCDF continue to report that peers are reluctant to speak with legal service providers or lodge complaints to staff for fear of experiencing retaliation.

According to ██████████ (A ██████████), “when the guards know you have spoken with an attorney, you are retaliated against by not getting what you need or what you ask for, whereas those that do not talk to lawyers are paid attention to by the CoreCivic guards. ICE never pays attention to what you want regardless.”

On July 7, 2023, ██████████ (A ██████████) wrote about the reluctance of people detained at TCDF to speak up:

No hay apoyo porque tenemos miedos a represalias

This translates to, “there isn’t support because we fear reprisals.”¹⁰⁶

Consistently, noncitizens report that complaints they do make are disregarded or dismissed. Such was the case for ██████████ (A ██████████), who wrote on July 7, 2023:

Recibi un mal trato por un agente, ya que le explique que la comida esta muy picante y sus palabras fueron I dont care, you are shit.

This translates to, “I was mistreated by an officer, because I explained that the food is very spicy, and his words were, “I don’t care, you are shit.”¹⁰⁷

CONCLUSION

As this complaint documents, every stage of expedited removal at TCDF is deeply flawed. Legal organizations find it nearly impossible to meet with asylum seekers before their critical CFIs. ICE, USCIS, and CoreCivic have continued to push people through CFIs in plainly non-compliant, non-private booths for months after they were first put on notice of the issue by advocates. Expedited removal service requirements critical to basic fairness and due process are routinely ignored, depriving individuals of mandatory required notice of CFIs, CFI results, and IJ review hearings. Language access is inadequate. The Asylum Office and Immigration Judges do not address fundamental issues of fairness raised to them. As a result, TCDF is failing at its main operational

¹⁰⁴ See, e.g., Feb. 24, 2023 Demand Letter to DHS, ICE, and USCIS; Mar. 20, 2023 Follow-Up Letter to DHS, ICE, and USCIS.

¹⁰⁵ CRCL, “Overarching Investigation into Retaliation Allegations” (Dec. 19, 2022).

¹⁰⁶ Exhibit I at ¶ 5.

¹⁰⁷ *Id.*

purpose of putting asylum seekers through an expedited removal process that meets basic standards of fairness.

The ongoing conditions issues also documented in this complaint are consistent with those that caused TCDF to fail its annual inspection in July 2021, that led OIG to call for TCDF's immediate depopulation in March 2022, and that Kesley Vial experienced in the months before his fatal suicide attempt in August 2022. One year after that tragedy, conditions and treatment at TCDF remain abysmal. It is past time for the agencies responsible for managing it to recognize that it is a fundamentally flawed facility.

This complaint serves as a comprehensive testament that TCDF cannot be fixed, and therefore the only answer is to shut it down. The undersigned organizations call on the Biden Administration and the Department of Homeland Security to terminate the government's contract at TCDF, to cease further transfer of detained individuals into the facility to release individuals currently detained with Notices to Appear in immigration court or pending immigration appeals, and to investigate the systemic and specific violations and harms documented in this complaint.

Respectfully Submitted,

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Exhibit A

Declaration of O. Bella Bjornstad, July 28, 2023

1. My name is Oona Bella Bjornstad, I am a third-year law student at the University of New Mexico School of Law and have been a law clerk at the New Mexico Immigrant Law Center (NMILC) since January 2023. NMILC is a non-profit organization that provides pro bono legal services to immigrants in New Mexico. I provide this statement in support of the Civil Rights and Civil Liberties (CRCL) complaint against the Department of Homeland Security and the Executive Office for Immigration Review regarding the flawed Credible Fear Interview (CFI) process at the Torrance County Detention Facility.
2. In my role at NMILC, I help provide legal orientation presentations about the asylum process to detained migrants and asylum seekers at Torrance County Detention Facility (TCDF) and Cibola County Correctional Center (CCCC). I have attended approximately 20 legal presentations at CCCC and TCDF.
3. During every single presentation I have attended, I have encountered noncitizens who systematically denied access to legal orientation and access to basic information in their native language about the asylum process. NMILC has received dozens of reports from noncitizens that they are not afforded privacy during their CFIs making it difficult for them to share their stories of persecution and torture. NMILC has learned that noncitizens are seldom properly served their asylum paperwork such as their CFI transcripts, nor provided sufficient opportunity to seek meaningful review of those decisions by an Immigration Judge, nor meaningful opportunity to seek reconsideration by USCIS despite incredibly flawed determinations. NMILC's observations are shared herein.

Legal Organizations Are Systematically Denied Access to Asylum Seekers Prior to their CFIs

4. Over the course of approximately 20 legal presentations since January 2023, NMILC has encountered only a handful of people who have not yet received a CFI, out of approximately one thousand people we have met with. The vast majority of attendees at each presentation have already received their CFI determination (which are usually negative), and been through an Immigration Judge (IJ) review. In effect, noncitizens are pushed through their CFIs, IJ reviews, and then expeditiously deported without being properly oriented to asylum law and the CFI process.
5. Despite NMILC's diligent efforts to work with the Department of Homeland Security to provide legal orientation to noncitizens prior to a CFI, we have been met with resistance and coordinated retaliation by DHS and CoreCivic officials. Instead of working with legal service providers, it appears these agencies have a singular focus of processing migrants and deporting them as swiftly as possible, with no regard to basic notions of due process or human rights.
6. NMILC has been told by DHS that we are blocked from accessing asylum seekers prior to their CFIs due to supposed quarantine policies. NMILC has also regularly been told that

migrants do not wish to attend our orientations. Upon speaking with noncitizens, it is clarified that they are not given the opportunity to attend one of our legal presentations prior to their CFIs.

7. NMILC has observed noncitizens being held in quarantine for several days, released from quarantine, and then immediately receiving their CFI. NMILC has encountered several individuals who have appeared to have their CFIs within one or two days after arriving at TCDF, indicating they may be receiving their CFIs while in quarantine or that DHS and its contractor are failing to follow proper quarantine protocol.
8. NMILC has also spoken with dozens of individuals who shared that they were never told about our legal orientation presentations. Although everyone is supposed to have the opportunity to sign up for our presentations, most people we talk to do not know about the presentation until a guard walks into the unit to bring people to the presentation, and they are sometimes able to join the group.
9. Finally, noncitizens have shared that the “legal orientation” they had received from DHS was a brief session with ICE Resource Officer, Jose Miles. Mr. Miles reportedly tells noncitizens about his immigration story, but never explains the asylum process they are about to undergo, important deadlines, or what the officer conducting their interview would be looking for. Worryingly, NMILC has received reports from noncitizens that they are discouraged by ICE and/or CoreCivic personnel from speaking with legal service providers.

Noncitizens are Denied Privacy During Their CFIs, and the Asylum Office Systematically Denies Noncitizens the Opportunity to Express Their Asylum Claims

10. Nearly everyone currently detained at TCDF and CCCC has had a CFI conducted in the same building at Torrance. The building has one designated area for CFIs. It is a large space, divided by cubicle walls that are approximately 8-feet high. The walls do not go ground to ceiling. Noncitizens have reported that dozens of men receive their CFIs all at the same time. In some instances, the CFIs are divided by nationality, meaning that men from the same country will be interviewed at the same time.
11. NMILC has received numerous reports from noncitizens that it is exceedingly easy to hear the conversations of others in the CFI room. Because of the lack of privacy, noncitizens are afraid to share the most important and intimate details of their lives and their asylum claim. For example, NMILC has encountered several men who are LGBTQ+ identify and/or have suffered same-sex sexual assault, and are fearful of disclosing their identities and experiences in earshot of others. NMILC and other legal service providers have also inspected this CFI room and were able to hear one another speak from different cubicles, even with supposed noise cancelling white noise machines.

12. Even if a noncitizen chooses not to self-censor during their CFI, due to the lack of legal orientation, they are unclear on what information they need to provide an asylum officer. And furthermore, noncitizens report that the asylum officers appear impatient, rush them through the interview in thirty minutes or no more than an hour, and are not afforded a sufficient opportunity to explain their fear of return to their home countries. Noncitizens report being asked exceedingly limited yes or no questions, being cut off, and interpretation issues during their interviews.
13. Finally, it appears that asylum officers are erroneously subjecting every noncitizen to the Circumvention of Lawful Pathways asylum ban, despite eligibility for an exception or rebuttal of the ban due to CBP One app glitches or inaccessibility, medical emergencies, or imminent danger at the border. Indeed, of the more than two dozen CFI transcripts NMILC has reviewed, no one has been able to establish an exception or rebuttal to the CLP asylum ban, despite NMILC's notes indicating they should have been granted one.
14. The due process violations do not stop at the CFI. With few exceptions, NMILC has worked with dozens of noncitizens who have never received a complete transcript of their CFI, or did not receive the transcript until after they go before an Immigration Judge for review of the CFI determination, in contravention of the law. Most noncitizens are informed of the negative CFI determination over the phone and only receive a brief written notice days later.
15. Even those given proper access to the transcripts of their CFIs are not able to advocate for themselves because all of the information they are served with is in English and there is no ability to translate those documents into a language they know and understand. Although NMILC has been told repeatedly by staff at both facilities that people in detention have access to translation services on tablets, all of the noncitizens we have spoken with—hundreds to date—have said that the tablets where these applications are available are wholly inadequate for translation. The technology is not user friendly, and requires typing letter by letter for a translation of documents that can be dozens of pages long. Additionally, not everyone can read and write in their native language, necessitating verbal communication. Additionally, not everyone knows that there is a translation application on the tablet.
16. Officials at TCDF have suggested that there is someone on staff who is able to translate some documents but they insist this person is not able to translate legal documents because it would be a breach of confidentiality, despite the noncitizens consenting to such translation. The result is that most people moving through immigration proceedings in detention have no idea what is happening in their case. Noncitizens experience significant disorientation and confusion over the asylum process at TCDF, and are systematically kept in the dark about their legal situation which makes it impossible for them to advocate for themselves as they seek safety.

Noncitizens Have Reported Due Process Violations and Misconduct by Immigration Judges

17. Almost everyone who receives a negative CFI determination by USCIS has the negative result summarily affirmed by an Immigration Judge. In fact, most people who have gone before an immigration judge report that they were not allowed to speak during the hearing. The judge told them the decision would be affirmed and they would be deported without any further opportunity to stay in the United States.
18. Some judges have expressed regret that they cannot do anything, and that their hands are tied under the law. Other judges are forceful, disrespectful, and dismissive of the noncitizens who are before them. Indeed, LGBTQ+ noncitizens who have self-censored during their CFIs due to lack of privacy, and who subsequently reveal their sexuality during their IJ reviews (which are conducted in private rooms), are yelled or screamed at by IJs who believe they are lying about their sexuality. Legal service providers have also experienced this misconduct by Immigration Judges, including an NMILC attorney who was threatened by an Immigration Judge with criminal prosecution for lying about her client's native language not being Spanish, a baseless accusation. The attorney subsequently obtained vacatur of the negative CFI for her client, but the chilling effect nevertheless persists when judges threaten the licensure of attorneys providing pro bono services to noncitizens.
19. Additionally, to date, not a single noncitizen NMILC has encountered was informed of their ability to request reconsideration by USCIS after an IJ has affirmed their negative CFI decision. IJs lead the noncitizens to believe that the IJ reviews are the last opportunity to seek asylum.
20. Through systematic blocking of access to legal orientation, due process violations by DHS and EOIR, and misconduct by ICE and CoreCivic officials, noncitizens with viable asylum claims are set up for failure and rapid deportations. Legal service providers have tried their hardest to work with DHS to provide noncitizens with access to basic information about their rights and the asylum process. NMILC has escalated these issues to DHS, including ICE and USCIS, since January 2023. Instead of meaningfully addressing these issues and ensuring due process, advocates and noncitizens have been met with fierce resistance and at times, retaliation. As a law student who receives instruction on the importance of due process and access to justice, I am disheartened to see the federal government engage in such actions.
21. I affirm under the penalty of perjury under the laws of the United States that the statements made herein are true and correct to the best of my knowledge.



Oona Bella Bjornstad

Date: Aug. 14, 2023

Statement of Accuracy by Managing Attorney

I, Sophia Genovese, Managing Attorney of the New Mexico Immigrant Law Center's asylum and detention program, affirm that I have read the statement of Law Clerk, Oona Bella Bjornstad, and affirm that the statements therein are an accurate portrayal of the NMILC's observations at Torrance County Detention Facility over the past eight months.



Sophia Genovese

Date: Aug. 14, 2023

Exhibit B



August 2, 2023

Sent by email

TO:

DHS Office for Civil Rights and Civil Liberties (CRCL)

CRCLCompliance@hq.dhs.gov

DHS Office of the Immigration Detention Ombudsman (OIDO)

detentionombudsman@hq.dhs.gov

DHS Office of the Inspector General (OIG)

Ian Stumpf, Ian.Stumpf@oig.dhs.gov, Office of Inspections and Evaluations

ICE Office of Professional Responsibility (OPR) Joint Intake Center

joint.intake@dhs.gov

USCIS, Office of the Ombudsman (CIS Ombudsman)

cisombudsman@hq.dhs.gov

ICE, Office of Acquisition Management (OAQ)

Shawn Hedgspeth, Contracting Officer, Shawn.Hedgspeth@ice.dhs.gov

Re: Complaint regarding legal access issues, unethical conduct by medical professionals, and retaliation at Torrance County Detention Facility

To Whom It May Concern:

I am writing on an urgent basis to make your offices aware of several issues at the Torrance County Detention Facility (TCDF) in Estancia, New Mexico, regarding inappropriate restrictions on access to counsel, unethical conduct by medical professionals, and retaliation. I am a staff attorney with Las Americas Immigrant Advocacy Center, and we provide pro bono legal services and legal information to people detained in TCDF. We respectfully request that your offices open investigations immediately into the matters related here, and that you take urgent action to halt this misconduct.

Restrictions on access to counsel:

Two of our legal assistants were told on July 20, 2023, that they were barred from entering TCDF for 21 days for unspecified public health reasons. They were not told the basis for this prohibition. These legal assistants were conducting a group legal visit at TCDF that day; they noted that two detained individuals were missing who they had requested to meet with, and they asked facility staff about their whereabouts. Facility staff escorted those individuals to the legal visitation room. Shortly thereafter, our legal assistants were told by TCDF medical personnel that they had been exposed to an infectious disease and that they needed to immediately end the legal visit and leave the facility. The legal assistants repeatedly asked TCDF medical personnel and security staff for more information including the specific infectious disease at issue; they did not receive any clarification or additional information. They were initially told that they could come back at a future time to do non-contact visits with the affected individuals, and they were later told that they were wholly barred from the facility for 21 days.

We promptly brought this issue to the Field Office Director (see attached), and it was only on July 26, 2023, that we were informed that our legal assistants were purportedly exposed to “active varicella.” The account that the Field Office provided regarding the incident on July 20, 2023, is demonstrably incorrect and erroneously construes our legal assistants as intentionally seeking to circumvent quarantine. I have not received any other response from ICE ERO since contacting them over a week ago disputing their false characterization of events.

While we recognize the facility’s responsibility to ensure the safety and health of detained people, we are not aware of any policy or guidance that gives TCDF personnel or ICE personnel the authority to impose “quarantines” or similar restrictions on legal service providers. Neither TCDF personnel nor ICE personnel exercise the authority of public health officials over legal representatives or legal assistants who are wholly outside their jurisdiction or custodial authority. We have repeatedly requested that the Field Office transmit to us any such policies for our review; they have not done so. We note that no visitor to the facility is required, in the normal course of business, to provide immunization records or attest to non-exposure to infectious disease. Further, if the facility or ICE were truly concerned about the transmission of infectious disease, they would have immediately informed our legal assistants of the nature of the exposure rather than waiting six days to convey that information. The facility and the Field Office have not been willing to consider reasonable alternatives in the interim for our legal assistants, such as proof of vaccination or attestation regarding natural immunization. This incident has been badly mishandled by TCDF personnel and ICE personnel; we expect a robust investigation into this matter.

We further note that any and all individuals detained at TCDF who are subjected to quarantine or other forms of administrative segregation must be afforded meaningful access to legal information and legal services, in keeping with the requirements set forth in the PBNDS.

Unethical conduct by medical professionals:

We have learned that at least one of the individuals who was allegedly improperly taken out of quarantine by TCDF staff on July 20, 2023, and brought to legal visitation was, after that interaction, questioned extensively by TCDF medical personnel regarding the content of the communications he had with our legal assistants. He was also apparently asked whether he had

signed any documents during the legal visit. We are extremely concerned by this. Not only is it a clear intrusion on privileged and confidential communications, it is also unethical conduct by medical professionals and a blunt weaponization of medical services at TCDF. No individual detained in ICE custody should be subject to any such interrogation about accessing legal services, and no one should fear retaliation or lack of access to healthcare services as a result. The chilling effect that such interrogations will have on our clients and potential clients is hard to overstate. We expect immediate action to be taken to ensure accountability for what happened. This abusive and coercive conduct must be halted.

Retaliation:

The above incidents have unfolded in a broader context of unjustifiable and unwarranted retaliation against people in ICE custody at TCDF and legal service providers who offer pro bono legal advice and information for people detained at TCDF. We note that in recent weeks, as illustrative examples:

- ICE personnel have imposed requirements regarding G-28s that are contrary to the PBNDS.
- TCDF personnel have imposed arbitrary and unreasonable requirements regarding the scheduling of legal rights group presentations at TCDF, including requiring that information about presenters be submitted at least 10 days in advance.
- TCDF personnel have also monitored legal rights group presentations in a manner that is intimidating to attendees and chills the provision of pertinent information by presenters.
- Guards have falsely claimed to legal representatives that they do not speak Spanish, stayed to listen to Spanish-language legal presentations, and then spoken fluent Spanish to detainees in the presence of legal representatives.

All of the above issues are significantly negatively affecting our ability to act in our capacity as legal representatives and legal assistants, and these issues are unjustifiably and arbitrarily infringing on detained people's access to counsel.

We note that we have recently received assurances from the El Paso Field Office that they will ensure that ICE personnel and TCDF facility staff adhere to the PBNDS requirements regarding G-28s (see attached). This has been a recurrent issue over time and we expect it to be fully resolved going forward.

We will endeavor to supplement this communication with additional information and documentation relating to these issues. We are reaching out to you now preliminarily due to the urgency and severity of the situation.

We are mindful of our commitment as an organization to fulfilling our mission as a legal service provider at TCDF on an ongoing basis, and we expect your assistance in ensuring that our staff and other similarly situated legal representatives and legal assistants will not experience any further restrictions or retaliation relating to this complaint and the issues raised herein.

We appreciate your prompt attention to this matter. Please do not hesitate to reach out to me with any questions or for any additional information.

Sincerely,

A handwritten signature in black ink that reads "Zoe Bowman". The signature is written in a cursive style with a long horizontal flourish at the end.

Zoe Bowman, *Pro Bono* Staff Attorney
Las Americas Immigrant Advocacy Center

Exhibit C

Exhibit C-1

Declaración de [REDACTED]

1. Mi nombre es [REDACTED]. Nací en Honduras [REDACTED]. Hui de Honduras por miedo a mi vida para buscar asilo en los Estados Unidos. En Honduras, miembros de la poderosa pandilla Mara 18, con conexiones políticas, mataron a mi padre después de que él reportara sus amenazas a la policía, me dispararon en el pie y amenazaron con matarme. El cónyuge de mi ex pareja—la madre de mis hijos—también me atacó con un machete y amenazó con matarme. No podía estar seguro en Honduras.
2. Cruzé la frontera entre Estados Unidos y México el 15 de mayo de 2023 y agentes de la Patrulla Fronteriza me detuvieron. Fui trasladado al Centro de Detención del Condado de Torrance el 17 de mayo de 2023, donde sigo detenido hoy.
3. El 20 de mayo de 2023, tuve mi entrevista de miedo creíble en Torrance. Un guardia me llevó a una pequeña sala con varias cabinas. Había unas seis personas completando su entrevista de miedo creíble en otras cabinas en la misma sala al mismo tiempo. Las cabinas estaban hechas de finas barreras de plástico que no llegaban hasta el techo. Podía escuchar todo lo que decían los hombres en las cabinas junto a la mía.
4. No recuerdo que hubiera máquinas de ruido blanco en la sala de entrevistas. Si había máquinas de ruido blanco, no ayudaban, porque podía escuchar fácilmente lo que decían los hombres en las cabinas junto a la mía.
5. Por ejemplo, podía escuchar que el hombre en la cabina a mi derecha era de [REDACTED], el mismo departamento de Honduras del que soy. Podía escuchar que su primer nombre era [REDACTED]

Escuché detalles sobre su reclamo, incluyendo que miembros de MS-13 lo estaban amenazando y que sus vecinos intentaron quemar su casa.

6. Me puso muy nervioso hablar sobre las razones por las que había huido de Honduras cuando sabía que alguien de la misma parte del país podía escuchar fácilmente lo que estaba diciendo. No quería que alguien de [REDACTED] que podría ser capaz de identificarme, supiera que estaba testificando sobre las amenazas que había recibido de Mara 18. Debido a esto, omití detalles sobre mi reclamo e intenté responder a las preguntas que me hicieron con respuestas cortas que no revelarían mucho. No mencioné que las personas que me atacaron y amenazaron estaban conectadas a Mara 18. No mencioné que mi padre había intentado obtener ayuda de la policía antes de que lo mataran. No mencioné que soy discriminado en mi país porque me perciben como gay. Podría ser muy peligroso para alguien más de [REDACTED] conocer estos detalles sobre mi historia, o saber que los había compartido con un funcionario del gobierno de Estados Unidos.

7. Unas cuatro o cinco días después, un guardia me puso al teléfono con un oficial de asilo. El oficial de asilo me informó que había fallado en mi entrevista de miedo y me preguntó si quería que un juez de inmigración revisara la decisión. Dije que sí.

8. Ese día, me entregaron tres páginas de documentos. Firmé una de las páginas para indicar que quería que un juez de inmigración revisara la decisión. No recibí ningún otro documento sobre mi caso de asilo. Por ejemplo, no recibí un paquete más grande con las notas del oficial de asilo de mi entrevista.

9. Yo no volví a escuchar nada más sobre una audiencia frente a un Juez de Inmigración hasta ayer, domingo, el 25 de junio de 2023, cuando un guardia me sacó de mi celda y me llevó a una habitación donde el juez estaba en una pantalla. No había recibido ningún document o aviso informándome que la audiencia había sido programado.

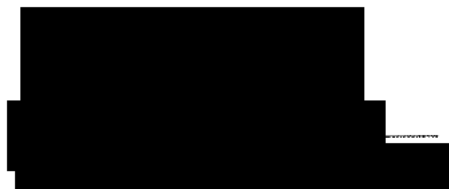
10. Un abogado de Las Américas Centro de Apoyo al Inmigrante había aceptado representarme en mi audiencia ante el Juez de Inmigración. Se había enterado de que mi audiencia se llevaría a cabo al buscar mi número A en el portal de internet de la Corte de Inmigración, pero no pudo comunicarse conmigo para avisarme. Ella apareció por teléfono, pero el Juez de Inmigración le dijo que podía decir nada. Intenté explicar que tenía miedo durante mi entrevista de miedo porque el hombre en la cabina junto a mí también era del departamento de ██████ en Honduras, pero el Juez de Inmigración dijo que no me creía. Dijo que pensaba que me estaba inventando cosas porque mencioné detalles que no había mencionado durante mi entrevista de temor creíble. Afirmó la decisión del oficial de asilo.

11. Yo no recibí ningun document que explicara la decision del Juez de Inmigración. De hecho, nunca recibí ningun documento sobre la decisión del oficial de asilo o la audiencia de revision con la excepción del documento de tres páginas que mencioné anteriorment que recibí unas cuatro or cinco días después de mi entrevista de temor creíble. Si alguien afirmó que me proporcionó un documento sobre mi caso el viernes antes de mi audiencia ante el Juez de Inmigración o que firmé un document ese día, eso es falso. Eso no sucedió.

12. Tengo mucho miedo de ser devuelto a Honduras. No siento que tuve una oportunidad completa y justa para explicar por qué hui. No podía hablar libremente y con seguridad sobre cómo la participación de Mara 18 en mi caso, porque no había privacidad en la cabina donde se

realizó mi entrevista de miedo creíble y un hombre de mi región de Honduras estaba en la cabina de al lado y podía escuchar todo lo que decía.

Declaro bajo pena de perjurio que lo anterior es verdadero y correcto. Ejecutado el 26 de junio de 2023.

A large black rectangular redaction box covering the signature area of the document.

Certified Spanish-to-English Translation

Declaration of [REDACTED]

A# [REDACTED]-[REDACTED]-[REDACTED]

1. My name is [REDACTED]. I was born in Honduras on [REDACTED]. I fled Honduras in fear for my life to seek asylum in the U.S. In Honduras, members of the powerful, politically connected gang Mara 18 killed my father after he reported their threats to the police, shot me in the foot, and threatened to kill me. My ex-partner's spouse—the mother of my children—also attacked me with a machete and threatened to kill me. I could not be safe in Honduras.

2. I crossed the U.S.-Mexico border on May 15, 2023 and Border Patrol agents detained me. I was transferred to Torrance County Detention Facility on May 17, 2023, where I remain detained today.

3. On May 20, 2023, I had my credible fear interview at Torrance. A guard brought me to a small room with several booths in it. There about six other people completing their credible fear interview in other booths in the same room at the same time. The booths were made up of thin plastic barriers that didn't reach the ceiling. I could hear everything that the men in the booths next to mine were saying.

4. I don't recall that there were white noise machines in the interview room. If there were white noise machines, they didn't help, because I could easily hear what the men in the booths next to me were saying.

5. For instance, I could hear that the man in the booth to my right was from [REDACTED] the same department in Honduras that I am from. I could hear that his first name was [REDACTED] I heard

Certified Spanish-to-English Translation

details about his claim, including that members of MS-13 were threatening him and that his neighbors tried to burn down his house.

6. It made me very nervous to talk about the reasons I had fled Honduras when I knew someone from the same part of the country could easily hear what I was saying. I did not want someone from [REDACTED] who might be able to identify me, to know that I was testifying about threats I had received from Mara 18. Because of this, I held back details about my claim and tried to answer the questions I was asked with short answers that wouldn't reveal much. I didn't mention that the people who attacked and threatened me were connected to Mara 18. I didn't mention that my father had tried to get help from the police before he was killed. I didn't mention that I am discriminated against in my country because I am perceived to be gay. It could be very dangerous for someone else from Lempira to know these details about my story, or to know that I had shared them with a U.S. government official.

7. About four or five days later, a guard put me on the phone with an asylum officer. The asylum officer informed me that I had failed my fear interview and asked me if I wanted an immigration judge to review the decision. I said that I did.

8. That day, I was given three pages of documents. I signed one of the pages, to indicate that I wanted an immigration judge to review the decision. I did not receive any other documents about my asylum case. For instance, I did not receive a larger packet with the asylum officer's notes from my interview.

Certified Spanish-to-English Translation

9. I didn't hear anything more about a hearing before an Immigration Judge until yesterday, Sunday, June 25, 2023, when a guard took me from my cell and escorted me to a room where a judge appeared before me on a screen. I hadn't received any document or notice informing me that my hearing had been scheduled.

10. A lawyer from Las Americas had agreed to represent me in my hearing before the Immigration Judge. She had found out that the hearing would take place by looking up my A-number on the Immigration Court's internet portal, but she wasn't able to reach me to let me know. She appeared by telephone, but the Immigration Judge told her she couldn't say anything. I tried to explain that I was afraid during my fear interview because the man in the booth next to me was also from the [REDACTED] department of Honduras, but the Immigration Judge said he did not believe me. He said he thought I was making things up because I mentioned details that I hadn't mentioned during my credible fear interview. He affirmed the asylum officer's decision.

11. I didn't receive any document explaining the Immigration Judge's decision. I never received any document about the asylum officer's decision or my review hearing other than the three-page document I mentioned before that I received about four or five days after my credible fear interview. If anyone claimed that they provided me with a document about my case on the Friday before my hearing with the Immigration Judge or that I signed a document that day, that is false. That did not happen.

12. I am very afraid of being removed back to Honduras. I don't feel that I had a full, fair opportunity to explain why I fled. I could not speak freely and safely about how Mara 18 was involved in my case, because there was no privacy in the booth where my credible fear interview

Certified Spanish-to-English Translation

took place and a man from my region of Honduras was in the booth next to me and could hear everything I was saying.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 26, 2023.

[signature]

A solid black rectangular redaction box covering the signature area.

Respondent: [REDACTED]

File No.: A [REDACTED]

Certificate of Translation

I, Michelle Ortiz, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration is true and accurate to the best of my abilities.

Michelle Ortiz
Michelle Ortiz, Legal Intern
Las Americas Immigrant Advocacy Center
(915) 544-5126

June 26, 2023
Date

Exhibit C-2

[REDACTED]

A# [REDACTED]

1. Mi nombre es [REDACTED] Naci

el [REDACTED] en [REDACTED] Colombia.

Yo deje Colombia por miedo por mi vida y en

busca de asilo en los Estados Unidos,

despues de que pandilleros con conexiones

politicas me atacaron y despues de ser

amenazado por el ex-esposo de mi madre, el

cual es un poderoso ex alcalde.

Yo cruce la frontera entre Mexico y los

Estados Unidos el 15 de Mayo del 2023. y
agentes de la patrulla fronteriza me detuvieron.

Me transfirieron al centro de detención

del condado de Torrance el 18 de Mayo del 2023.

Todavia estoy detenido ahí ahora.

1

El 23 de mayo, tuve mi entrevista de miedo creible mientras estuve detenido en Torrance.

Esa tarde un guardia entro a la celda y nombro nombres de una lista, y nos llevo a un cuarto diferente. Nunca explico porque.

Nos llevaron a una habitación relativamente pequeña con varios cubiculos. Cada cubiculo, tenia una persona haciendo su entrevista de miedo creible. Los cubiculos estan formados por unos divisores muy delgados, los cuales no alcanzaban el techo, lo cual permitia que se escucharan las conversaciones ajenas. En cada cubiculo habia una pequeña

mesa con un telefono y una silla.

Un oficial de asilo ya se encontraba en el

telefono cuando llegue a mi cubiculo, pero

no habia un interprete disponible. Tuve

que esperar alrededor de 45 minutos antes

de empezar mi entrevista. Durante mi entrevista

podia escuchar claramente que decian las

personas a mi alrededor.

Por ejemplo, en el cubiculo al lado, escuche

que la persona pertenecia a la comunidad

~~de~~ LGBTQ y se consideraba gay. En el

cubiculo a mi izquierda, escuche a una

persona con un acento guatemalteco decir

que habra recibido amenazas de muerte en su pais de origen.

Esto me hizo muy nervioso sobre mi propia entrevista. Me senti extremadamente incomodo al tener que compartir cosas muy personales donde todos me podian escuchar. Mis manos estaban temblando.

Al dia siguiente me llamaron al mismo cuarto donde tuve mi entrevista de miedo creible. Un oficial de asilo me informo por telefono que mi entrevista salio negativa. Me preguntaron que si queria que un juez de inmigración revisara la decisión. Yo dije que

Si, se me entrego una pagina de dos hojas para firmar, lo cual hize. No recibi ningun otro documento.

Alrededor del 27 de mayo del 2023, me presente frente a un juez de inmigración pero me dijeron que no podia continuar con la audiencia porque no tenian todos mis documentos sobre mi caso. ~~esta muy entrecorrido~~

El domingo, 25 de Junio del 2023, mientras trabajaba en la cocina, un guardia me saco y me llevo a una habitación donde tuve mi audiencia con el juez. Mientras esperaba mi turno, espere con 15 otras

personas. NO recibí ningún aviso previo. NO

recibí ningún documento adicional.

Me llevaron a una habitación donde el juez

de inmigración apareció en una pantalla.

El juez afirmó la decisión del oficial de

asilo. NO recibí ningún papel / documento como

evidencia de la decisión del juez. NO recibí

ningún documento con la excepción del

documento de 2 páginas que recibí después

de mi entrevista con la decisión del oficial

de inmigración. Nunca recibí un documento

con las notas del oficial de asilo de mi

entrevista, la explicación de porque fue negativa

mi entrevista.

Yo declaro bajo la pena de perjurio que todo

lo dicho es correcto y verdadero.

Ejecutado el 26 de Junio del 2023.

X

[Redacted signature]

[Redacted text]

Certified Spanish-to-English Translation

Declaration of [REDACTED]

A# [REDACTED]

My name is [REDACTED]. I was born on [REDACTED] in [REDACTED], Colombia. I left Colombia in fear for my life to seek asylum in the United States, after being attacked by politically connected gang members, and threatened by my mother's ex-husband, a powerful former mayor. I crossed the border between Mexico and the United States on May 15, 2023 and Border Patrol agents detained me. I was transferred to Torrance County Detention Facility on May 18, 2023. I am still detained there today.

On May 23, while I was detained at Torrance, I had my credible fear interview. That afternoon, a guard entered my dorm, called off names from a list, and accompanied us to a different room. He never explained why. He escorted us to a relatively small room with various cubicles in it. In each cubicle there was a person undergoing their credible fear interview. The cubicles are formed out of very thin dividers that do not reach the ceiling, so you could hear the conversations in the other booths. In each cubicle there was a small table with a phone and chair.

An asylum officer was on the phone when I arrived at my cubicle, but there was no interpreter available. I had to wait about 45 minutes before starting my interview. During my interview, I could clearly hear what other people around me were saying.

For example, in the cubicle next to me, I could hear a man describing that he belonged to the LGBTQ community and considered himself to be gay. In the cubicle to my left, I could hear a person with a Guatemalan accent saying that he had received death threats in his home country.

This made me very nervous about my own interview. I felt extremely uncomfortable to have to share very personal details when everyone around me could hear. My hands were shaking.

The next day, they called me to the same room where I'd had my credible fear interview. An asylum officer informed me that I had failed my interview. They asked me if I wanted an immigration judge to review the decision. I said that I did. I was given a two-page document to sign, which I did. I didn't receive any other document.


Around May 27, I appeared before an immigration judge but they had to continue the hearing because they didn't have the documents about my case. On Sunday, June 25, 2023, while I was working in the kitchen, a guard took me out and escorted me to a room for my hearing before a judge. I waited for my turn to speak with fifteen other people. I didn't receive any notice beforehand. I didn't receive any other document.

They took me to another room where the Immigration Judge appeared on a screen. The judge affirmed the asylum officer's decision. I didn't receive any paper or document memorializing the judge's decision. I never receive any document other than the two pages I received after my interview with the asylum officer's decision. I never received a document with the asylum officer's notes from my interview or an explanation of why the asylum officer denied my case.

Certified Spanish-to-English Translation

I swear under penalty of perjury that the foregoing is true and accurate.

Executed on June 26, 2023.

x [signature]


Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his experience of expedited removal at Torrance County Detention Facility is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023
Date

Exhibit C-3

Nombre :

A# :

Perú estoy detenido en la facilidad de detención del condado Tarrant en Nuevo México

- 2.- Si escape de mi País por que fue amenazado de muerte en mi País
- 3.- cruce la frontera el 16 de Junio con mi madre fue detenido por la patrulla y ~~pedí asilo~~ me entregue a la patrulla fronteriza para pedir asilo
- 4.- Me transfirieron al centro de detención del condado de Tarrant el 27 de Junio del 2023 sin saber nada donde nos llevaron y me separaron de mi madre
- 5.- El 25 de Junio tuve mi entrevista de miedo creible pero fue en un ambiente que no fue privado me dio el guardia no nos informo a donde nos llevaron yo no pude expresarme muy bien por que las demas personas escuchaban todo y el interprete no supo redactar muy bien lo que yo ablo
- 6.- La guardia llevo a mi Habitación llamo por mi nombre y me llevo a la sala con otras personas el oficial nunca me informo a donde me llevaban
- 7.- Es una habitación grande dividido por paredes de plastico no fue un lugar privado por que se escucha lo que las demas personas daban sus entrevistas en la sala habian como 4 personas en la misma sala
- 8.- Si puede escuchar con claridad a mi compañera él decía que era gay y que en su país sufrió una violación y el otro compañero decía que sufrió de extorsión en su país Brasil y que fueran a sacarlo a buscarlo para matarlo
- 9.- la cabina en lo que tuve mi entrevista era una cabina sin techo habia un telefono y una maquina de ruido pero igual se escucha todo lo que mis demas compañeros daban su entrevista un compañero al lado mio decía que era gay y que en su país fue violado

10. - El 26 de Junio un guardia vino a mi habitación y escrito
mi nombre y no me informó donde me llevara me dejó en unas
sala telefónica hoy me enteré que salí negativo en mi prueba de drogas
y no recibí ningún documento solo me preguntó si quería apelar
y yo pedí una revisión al Juez de mi caso

11. - a los dos días fui a ver al Juez el Juez no me dejó hablar
nada solo dijo que el caso fue revisado y que no tenía una
posibilidad de asilo luego me llevaron a mi habitación y de hoy
no recibí ninguna otra información

Yo declaro bajo la pena perjurio que todo lo anterior es
correcto y verdadero Ejecutado el 30 de Junio del 2023



Certified Spanish-to-English Translation

Name: [REDACTED]

A#: [REDACTED]

Peru

1. I am detained in Torrance County Detention Facility in New Mexico.
2. I fled my country because I received death threats there.
3. I crossed the border on June 16, 2023, along with my mother. I turned myself into Border Patrol to seek asylum.
4. I was transferred to Torrance County Detention Facility on June 22, 2023 without knowing where I was being taken. I was separated from my mother.
5. On June 25, 2023 I had my credible fear interview, but it was in a totally non-private atmosphere. The guard did not tell us where he was taking us. I was not able to express myself very well because the rest of the people in the room could hear me and because the interpreter could not understand what I was saying.
6. The guard came to my cell, called my name, and took me to a room with other people. The officer never told us where we were going.
7. It's a big room divided by plastic walls. It was not a private room because I could hear what the other people were saying in their interviews. There were four other people in the same room.
8. I could clearly hear another detainee saying that he was gay and that in his country he suffered a sexual violation of some sort. Another detainee was saying he suffered extortion in his home country of Brazil and they were looking for him to kill him.
9. The booth in which I had my interview was a booth without a ceiling. There was a telephone and a white noise machine but still I could clearly hear everything my fellow detainees were saying during their interviews. A detainee to my side said that he was gay and that he was raped in his home country.
10. On June 26, 2023 a guard came into my cell and yelled my name out. He did not inform me where he was taking me. He left me in a phone booth. There I found out that I had failed my credible fear interview. I did not receive any documents. They asked me over the phone if I wanted to appeal my case. I asked for an immigration judge to review my case.
11. Two days later I went to see the judge. The judge did not let me say anything. He simply said he had reviewed my case and there was no possibility I'd get asylum. Then I was taken back to my cell and I did not receive any other information or documents.

I declare under the penalty of perjury that all of the foregoing is true and correct.

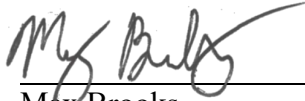
[signature]

Non-citizen: [REDACTED]

File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks

ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-4

2)

ID#

2) ECUADOR

4) Cruce la frontera entre Estados Unidos y México en la fecha 7 de Junio

5) fui detenido por la patrulla fronteriza no me dejaron alterar nada. ni decir nada era lioso

6) Me transfirieron al centro de detención del condado de Torrance el 9 de Junio

7) mi entrevista era el 11 de Junio día Domingo

8) Nos llamaron sin avisarnos nada se desató nos llaman de mi parte me fui muy nervioso por primera vez que estaba parado era

9) había 8 habitaciones 8 cabinas cuarenta personas 15 personas

ni escuchaba todo lo que decían hasta los
lloros pero me están molestando mis amigos que estaba
llorando

He estado en la que tuve mi entrevista era como una pequeña
oficina sin techo sobre el escritorio había un teléfono y una
máquina de ruido incluso cuando escuchaba los detalles de
las historias de los demás

me enteré del resultado negativo de mi entrevista el 12 de
Junio 3 días me explicaron que había reprochado mi entrevista
de modo que me preguntaron si quería que un juez de
inmigración revisara mi caso dije si me dieron dos
páginas de documentos en inglés y firmé una de ellas
No me dieron ningún otro documento

Yo declaro bajo la pena perjurio que todo lo anterior es
correcto y verdadero Ejecutado el 30 de Junio del 2023



Certified Spanish-to-English Translation

1. [REDACTED] ID # [REDACTED]

2. Ecuador.

3. [REDACTED]

4. I crossed the border between the United States and Mexico on June 7, 2023.

5. I was detained by Border Patrol but they did not let me talk at all or say anything, they were mean.

6. I was transferred to Torrance County Detention Center on June 9, 2023.

7. My interview was on Sunday, June 11, 2023.

8. They took us to our interviews without explaining where we were going. I was very nervous because it was the first time that had happened.

9. There were eight booths and 15 other people.

10. During my interview, I cried as I was telling my story. To this day, I get made fun of for crying.

11. The booth where I had my interview was like a small office without a ceiling. The desk had a phone and a white noise machine, but I was still able to hear the details of the other people's stories.

12. I found out about my negative results on June 12, 2023. They explained that I had failed my interview. They asked me if I wanted an immigration judge to review my case and I said yes. They gave me a two-page document in English, and I signed one of the pages. I was never given any other document.

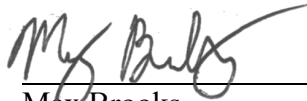
I declare under penalty of perjury that all of the foregoing is true and correct. Executed on June 30, 2023.

[signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



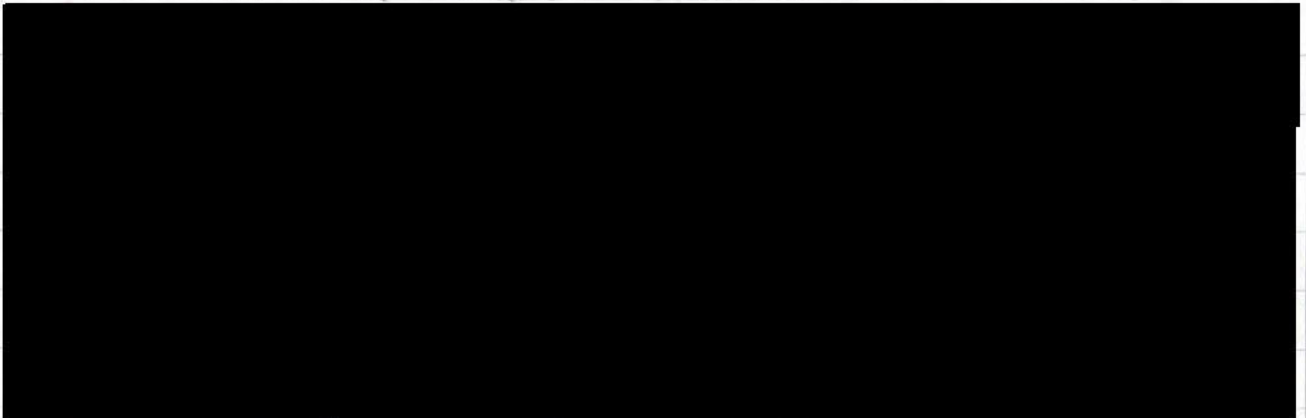
Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-5

A# [REDACTED]
Mi nombre es [REDACTED] Alaci en ecuador
de la ciudad de [REDACTED]
mi numero de A# es [REDACTED] estoy detenido
en el centro de detención Tarrant New Mexico.



- Cruce la frontera Estados Unidos y Mexico el 05-06-2023 Fui detenido por la patrulla fronteriza y pedi asilo lo cual me querian hacer firmar directo la deportación lo cual me negue y de ahí me transfirieron al centro de detención Tarrant
- tuve la entrevista de nicola erible no recuerdo la fecha lo cual fue (un domingo) no me dejaron hablar mucho.
- la respuesta me dieron un martes despues de 9 dias lo cual la respuesta fue negativo durante la entrevista no fue totalmente privada habia muchas personas lo cual se escuchaba sus conversaciones toda se escuchaba

Escuchabas a personas hablando eran cabinas
uno a lado de otro sin techo.

Durante mi respuesta no recibí ninguna documento
fue durante un teléfono.

Después de apelar la decisión del oficial

pedí al juez que revisara mi caso

La respuesta del juez fue, lo siento

mucho tu caso, pero que mi caso no era
apto para un asilo. me nego

yo declaro bajo la pena perjurio que todo
lo anterior es correcto y verdadero.

0630-2023

Certified Spanish-to-English Translation

[REDACTED]
[REDACTED]

My name is [REDACTED] I was born in Ecuador in the city of [REDACTED] in the [REDACTED]
[REDACTED] My A# is [REDACTED] I am detained in Torrance County Detention
Facility.

[REDACTED]

I crossed the U.S.-Mexico border on May 6, 2023. I was detained by the Border Patrol and asked for asylum. They wanted me to sign something to deport me right away, but I refused. From there, they transferred me to the Torrance County Detention Facility.

I had my credible fear interview on a Sunday, I'm not sure on the exact date. They did not let me talk much.

They gave me the results on a Tuesday, nine days after my interview. The results were negative. During the interview it was not totally private, there were a lot of people. I could hear their conversations. I could hear everything.

I could hear people crying in the booths on the sides next to me. The booths had no ceiling. When I learned the result of my interview, I did not receive any documents. It was by phone only.

I decided to appeal the decision of the officer. I asked the judge to review my case. The judge's answer was "I am very sorry, but your case is not apt for asylum." The judge denied my case.

I declare under the penalty of perjury that all of the foregoing is true and correct.

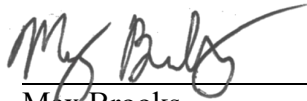
[signature]

June 30, 2023

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-6

[REDACTED]
A# [REDACTED]

Mi nombre es [REDACTED] Nací en [REDACTED] Ecuador. Mi número de A# es [REDACTED]. Estoy detenido en la Facilidad de detención del condado Tarrant en Nuevo México.

Fui de la persecución en Ecuador temiendo por mi vida, para buscar asilo en los EE.UU.

Cruce la frontera entre Estados Unidos y México el 7 de Junio del 2023 y yo fui detenido por la patrulla fronteriza y pedi asilo. Me transfirieron al centro de detención del condado de Tarrant el 9 de Junio del 2023.

El Martes 13 de Junio, Tuve mi entrevista de miedo creible.

Un guardia llego al pabellon a eso de las 10 am, gritó varios nombres incluido el mio, El nos llevo a una parte diferente del centro de detención, y no recibimos explicación del porque. Me llevaron a una habitación, en donde se encontraban cabinas pequeñas divididas por delgados divisores que no llegaba al techo y el ruido que provocaban los compañeros en las otras cabinas se convertia en una distracción, habia una pequeña mesa con un teléfono.

Logre escuchar las entrevistas que daban mis otros compañeros formando un distractor para prestar atencion a mi entrevista. La cabina donde tuve mi entrevista era como una pequeña oficina, sin techo, por lo que podia escuchar claramente las entrevistas de otras personas.

Me entere del resultado negativo de mi entrevista el Domingo 18 de Junio, 5 días despues de mi entrevista, una persona me llamo por teléfono y me explico que mi entrevista fue negativa

Me preguntaron si quería que un Juez de inmigración revisara mi caso, Dije si. Me dieron dos páginas de documentos en inglés y firme una de ellas.

No he oído nada más, el Juez me dio también una respuesta negativa.

La entrevista que tuve bajo el oficial de asilo, fue muy rápida me dijo que solamente me revisara o contestas respuestas de si y no, por lo que me dio la oportunidad de aclarar bien toda mi situación,

Aquí en este centro nos tratan cual si fuésemos criminal mientras no lo somos.

Lo declaro bajo la pena perjurio que todo lo anterior es correcto y verdadero, Ejecutado el 30 de Junio del 2023



Certified Spanish-to-English Translation

[REDACTED]
A# [REDACTED]

My name is [REDACTED]. I was born in [REDACTED], Ecuador. My A-number is [REDACTED]. I am detained in Torrance County Detention Facility in New Mexico.

I fled persecution in Ecuador in fear for my life, to seek asylum in the United States.

I crossed the border between the United States and Mexico on July 7, 2023. I was detained by Border Patrol and asked for asylum. I got transferred to Torrance County Detention Facility on June 9, 2023.

On Tuesday, June 13, 2023 I had my credible fear interview. A guard came to the cells around 10 a.m. and yelled out various names, including mine. He took us to a different part of the detention center. We did not receive any explanation as to why we were being taken there. They took me to a room where there were small booths separated by thin dividers that did not reach the ceiling. The noise detainees were making in the other booths became a distraction. There was a small table with a telephone.

I was able to hear the interviews that the other detainees were giving, which was distracting when I was trying to pay attention to my own interview. The booth where I had my interview was like a small office, without a ceiling, so I could clearly hear other people's interviews.

I found out about my negative result on Sunday, June 18, 2023, five days after my interview. Someone called me on the phone and explained to me that my interview came out negative. They asked me if I wanted an immigration judge to review my case, and I said yes. They gave me a two-page document in English and I signed one of the pages.

I haven't heard anything more, the judge also gave me a negative result.

The interview I had with the asylum officer was very quick. He told me that he was only going to answer yes or no questions, which is why I was not able to clarify my answers or my situation.

Here in the detention center they treat us as if we were criminals even though we aren't.

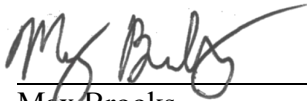
I declare under the penalty of perjury that all of the foregoing is true and correct. Executed on June 30, 2023.

[signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-7

Mi nombre es [REDACTED] nací en la ciudad de [REDACTED] país Ecuador, mi fecha de nacimiento es el [REDACTED] y mi número A# [REDACTED] y estoy detenido en la facilidad de Detención del condado Torrance en Nuevo México.

- ① Huir de mi país porque me tenían amenazado de muerte y tuve que salir huyendo de mi país, por esa razón pedir asilo en los EE.UU.
- ② Cruzé la frontera el 9 de Junio del 2023 a las 9:00PM aproximadamente, y fui detenido por la patrulla fronteriza y pedir Asilo.
- ③ Me transfirieron al centro de detención del condado de Torrance el 13 de Junio del 2023
- ④ El 16 de Junio del 2023 tuve mi entrevista de miedo creíble
- ⑤ Yo no sabía nada sobre esta retención nos sacaron de la Hielera sin ninguna información, solo me llamaron de mi nombre y me sacaron de mi celda.
- ⑥ Yo no estaba seguro con mi entrevista porque se escuchaba las voces de las demás personas que estaban en la entrevista
- ⑦ Si escuche las voces de las personas de alado sobre la entrevista con la agente de inmigración
- ⑧ mi cabina no tenía techo solo con un teléfono y una mesa había, solo era una pequeña cabina.

⑩ Descubrí que reprobé mi entrevista el 18 de Junio del 2023 y solo una guardia me llamó por mi nombre y me llevo a una oficina en la cual una mesa y un teléfono y lo agarre el teléfono y estaba en línea una oficial y me explico que había reprobado mi entrevista de miedo creíble, y me preguntaron que si quería apelar mi caso con un juez, y yo dije que si y eso fue todo lo que sucedio, y no me dieron mas detalles.

⑪ Yo no recibí ningún documento.

El trato de los guardias aqui en el centro de detención son muy malo, ellos deben de respetar a nosotros asi como nosotros respetamos a ellos, porque caso contrario si no le respetamos a ellos nos ponen una sanción, y aparte de eso mis compañeros ya tienen sus papeles de deportación y los agentes nos dijeron que nos iban a deportar entre 4 a 6 semanas, y la mayoría de los detenidos ya llevan mas de 20 dias detenidos y aun asi no nos deportan rapido a nuestro país.

La comida es muy mala nos traen comida fria, muy picante y nos hacen levantar a las 5 de la mañana para el desayuno y nos encierran en las pequeñas celdas cada 40 minutos.

Viernes 30 de junio del 2023

Certified Spanish-to-English Translation

1. My name is [REDACTED] and I was born in [REDACTED], Ecuador on [REDACTED], and my A-number is [REDACTED]. I am detained in the Torrance County Detention Facility in New Mexico.

2. I fled my country because I had death threats. I had to run away from my country to seek asylum in the United States.

3. I crossed the border on June 9, 2023 around 9:00 p.m. I was stopped by Border Patrol and asked for asylum.

4. I was transferred to Torrance County Detention Facility on June 13, 2023.

5. On June 16, 2023, I had my credible fear interview.

6. I had no idea what was going on. They pulled us out of the pod without giving us any information. They called my name and took me out of my cell.

7. I did not feel safe during my interview because I could hear the voices of the other people who were having their interviews.

8. I heard the voices of the people next to me who were undergoing interviews with an immigration officer.

9. My booth did not have a ceiling, it only had a table and a phone. It was just a small booth.

10. I found out that I had failed my interview on June 18, 2023, when a guard called me by my name and took me to an office where there was a table with a telephone. When I picked up the phone, there was an officer on the line, who explained to me that I had failed my credible fear interview and asked me if I wanted an appeal on my case with a judge, to which I said yes. That was all that happened and I was not given any more details.

11. I did not receive any other document.

12. The treatment we receive from the guards here in the detention center is very bad. They should treat us with respect, just like we treat them. If didn't treat them with respect, we would get in trouble. Some of my cellmates already have their deportation papers and the guards told them that they would get deported in four to six weeks and most of them have already been waiting for over 20 days and still they haven't deported us back to our countries quickly. The food is very bad. It's cold and very spicy. They make us wake up at 5 am to get breakfast and lock us up every 40 minutes.

Friday, June 30, 2023

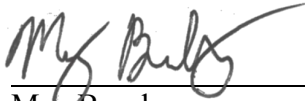
[REDACTED] [signature]

A# [REDACTED]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-8

Declaración

A# [REDACTED]

Mi nombre es [REDACTED] Nací en [REDACTED] de

[REDACTED] País Ecuador. Mi número A# es [REDACTED]

Estoy detenido en la facilidad de detención del condado Torrance en Nueva Mexico.

Huí de mi país, temiendo por mi vida por ser discriminado por mi raza para buscar asilo en los EE.UU. Fui detenido por la patrulla fronteriza y pedi asilo. Cruce la frontera entre Estados Unidos y Mexico.

Me llevaron a un centro de detención donde tomaron mis huellas y mis datos personales, luego fui llevado a una celda donde permaneci 3 dias y posteriormente fui trasladado a la Detención del Condado de Torrance en Nueva Mexico.

Tuve me entrevista de miedo creible sin asesoramiento, no recibí ninguna comida o plastica sobre la entrevista.

Un guardia vino a mi celda a las 7am y grito varios nombres, incluido el mio. Luego nos llevo a una parte diferente del centro de detención no nos dijo porque nos llevaban no dijeron nada.

Me llevaron a una habitación grande alrededor de 10 cabinas. Las cabinas estaban separadas por delgados divisores de plastico que no llegaban al techo. Habia una pequeña mesa con un telefono en cada cabina.

Puede escuchar a las personas a mi lado llorando en su entrevista contaban que una persona los seguía para matar entre otras cosas más personales, por eso es que yo casi no podía hablar necesitaba más privacidad y cuento que no dije mucho en mi entrevista.

Me enteré del resultado de mi entrevista el 14 de junio un día después de mi entrevista. Un guardia me llevó a un teléfono y un oficial de asilo me explicó que había reprobado mi entrevista de miedo. Me preguntaron si quería que un juez de inmigración revisara mi caso. Dije que sí añorando que el juez me escuchara lo que no pude decir a los oficiales en la entrevista. Por falta de privacidad al igual que el traductor no me haya entendido perfectamente. No me dieron ningún otro documento.

He recibido ya la respuesta del juez fue negativo no me dejó hablar el juez no me permitió expresarme y lo que tenía que decir la jueza solo dijo que estaba de acuerdo con los oficiales de migración y toma su decisión, ella (jueza) me dijo que su decisión es definitiva y que no tenía derecho a apelar. al día siguiente un oficial de asilo llegó a mi celda y me hizo que firmara el documento de deportación.

Declaro que todo lo que he dicho anteriormente es correcto y verdadero.

Yo declaro que todo lo que he dicho anteriormente es correcto y verdadero.

Ejecutado el
30 de Junio del 2023

Certified Spanish-to-English Translation

Declaration

A# [REDACTED]

My name is [REDACTED]. I was born in [REDACTED] a province of [REDACTED], Ecuador. My A-number is [REDACTED]. I am detained in Torrance County Detention Facility in New Mexico.

I fled my country in fear for my life, because I was discriminated against there because of my race. I came to seek asylum in the United States. I was detained by the Border Patrol and asked for asylum. I crossed the border between the United States and Mexico.

They transported me to a detention facility where they collected my personal information and took my fingerprints. Then I was taken to an "hielera," where I stayed for three days. After that, I was transferred to Torrance County Detention Facility, in New Mexico.

I had my credible fear interview without receiving any advice beforehand, and without getting to attend any "charla" about the interview.

A guard came to my cell at 7 a.m. and yelled some names, including mine. Then he took us to a different part of the detention center, but he never explained why.

I was taken to a big room with about 10 booths. The booths were separated by thin plastic dividers that did not reach the ceiling. There was a small table with a telephone in each booth.

I could hear people to my side crying during their interviews. One person said that someone was following him to kill him, along with some even more personal things. That is why I was not able to talk as much as I wanted to. I needed more privacy. I feel like I did not say enough during my interview.

I found out about the result of my interview on June 14, 2023, a day after my interview. A guard took me to a telephone and an asylum officer explained to me that I had failed my fear interview. He asked if I wanted an immigration judge to review my case. I said yes, because I wanted the judge to hear me out about the things I couldn't say during my interview because of the lack of privacy and because the interpreter did not understand me well. I did not receive any documents.

I received a negative decision from the judge too. He did not let me talk, he did not let me express myself or say what I wanted to say. All the judge said was that she agreed with what the officer said and adopted the officer's decision. She told me that her decision was final and that I do not have the right to appeal. The next day an asylum officer made me sign my deportation form.

I declare that all men have the right to live in liberty and without fear.

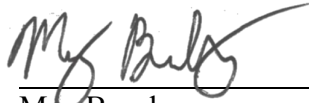
I declare that all the foregoing is correct and true. Executed on June 30, 2023.

[signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

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Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-9

Yo [redacted] nací en el [redacted] país Ecuador
el [redacted] mi número es [redacted] y estoy detenido
en la Facilidad de Detención del condado Tarrant en Nueva México.
Huí de la persecución en mi país temiendo por mi vida para buscar asilo
en los E.E.U.U. Cruzé la Frontera el día 8 de junio del año 2023 y fui
detenido por la patrulla Fronteriza y pedi asilo. Me transfirieron al centro
de detención de Tarrant el día viernes 9 de junio del presente año.

El día 12 de Junio me llevaron a la entrevista de miedo creíble.
Sobre la entrevista de miedo creíble no tenía conocimiento de cómo ni cuándo
me iban a entrevistar, llegaron, me sacaron de la solda, sin ni siquiera yo
tener conocimiento a dónde me llevaban. Mientras estuve en la entrevista
pude escuchar a un compañero de alado, del porque huí de su país, y una de
las ~~personas~~ razones fue que lo intentaron matar luego de haber aceptado
con la vida de su hermano quisieron acabar con la vida de él también.
En la oficina en la que tuve la entrevista de miedo creíble era muy
pequeña no tenía techo y se podí escuchar con claridad lo que otros
estaban hablando en su miedo creíble y esa fue una de las razones por
la cual no pude hablar mucho en mi entrevista de miedo creíble.
Durante la respuesta de mi entrevista de miedo creíble no recibí ningún
documento como el resto de mis compañeros.

[redacted]
[redacted]
- Viernes 30 de Junio del año 2023.
[redacted]

Certified Spanish-to-English Translation

I, [REDACTED], was born in [REDACTED], Ecuador on [REDACTED]. My A-number is [REDACTED] and I am detained in Torrance County Detention Facility in New Mexico.

I fled persecution in my country in fear for my life to seek asylum in the United States.

I crossed the border on June 6, 2023 and was detained by Border Patrol and I asked for asylum.

I was transferred to Torrance County Detention Facility on Friday, June 9 of this year.

On June 12, I was taken to my credible fear interview. I had no knowledge ahead of time of when or where my credible fear interview was going to happen.

When they took me out of my cell, I didn't know where I was being taken to.

While I was in the interview, I could hear a person to my side explaining why he left his country and another person saying he and his brother's lives had been threatened.

The booth where I had my credible fear interview was very small and it did not have a ceiling and you could clearly hear everything other people were saying, which is why I could not talk much during my credible fear interview.

When I received the results of my credible fear interview, I did not receive any document, just like the rest of the people I am detained with.

[REDACTED] . [signature]

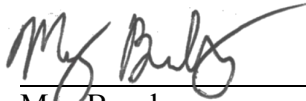
- A# [REDACTED]

-Friday, June 30, 2023

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-10

Mi nombres: [REDACTED] naci en la ciudad del [REDACTED]
en la [REDACTED] Pais Ecuador, mi numero A# [REDACTED]
naci el 05 de marzo del 1990. estoy detenido en la detencion del Condado Torrance
de Nuevo Mexico.

[REDACTED] Cruzé la frontera sin mayor aseresamiento el 03/06/2023
y fui detenido por la patrulla fronteriza de los EE.UU. y fui trasladado
Esa misma fecha en la Hielera y nos tuvieron detenido en ese lugar 3
dias y el trato fue muy terrible no dan tiempo de banarse, tampoco tener
llamadas y nos gritaban y la alimentacion nos daban simplemente pan frio
y una botella de agua ~~trida~~ mas. y me transfirieron de la hielera a la
Estacion, NM en el Condado Torrance en dia 4/06/2023.

La entrevista del miedo Creible tuve el dia 13/06/2023, ademas en la
entrevista tuve muchos inconveniente en dar el detalle mediante la entrevista
no dejaban mucha hablar y a uno le tortaban las declaraciones buscando
que uno se equivoque, y ademas escuchaba de los demas de mis compañeros
sus declaraciones con mucho detalle y recibian el mismo trato que uno y
se escuchaba las declaraciones de mis compañeros al lado y recibí el resultado
de mi entrevista el 16/06/2023 aquella fecha no recibí ningun documento solo
nos llevaron a las cabinas hoy nos dieron la respuesta negativa y en las que
les salio positivo le venian a hacer firmar en las Soldas y luego mande
apelar para que revise el Juez de la corte tambien me negé y no
dio la oportunidad de hablar 23/06/2023, los asuntos fueron muy
racistas e injustos.
En esta Carcel recibimos malos tratos gritos y la alimentacion es muy
mala

y nos encierran a cada rato y ellos no entienden que no somos criminales pero nos tratan como tal.

Quisiera que nos ayuden a todos estos migrante que estamos pasando en estas situaciones de malos tratos y racismo nos ayuden para que se termine esta situación (Problema).

Viernes, 30 de Junio 2023

A#

Certified Spanish-to-English Translation

My name is [REDACTED] I was born in the city of [REDACTED] in the province of [REDACTED] Ecuador. My A-number is [REDACTED] I was born on [REDACTED] [REDACTED] I am detained in the Tarrant County Detention Center in New Mexico.

[REDACTED]

I crossed the border without receiving any advice on June 3, 2023 and I was detained by the Border Patrol and transferred to an “hielera” that same day. I was detained for three days there and the treatment was terrible. We were not given an opportunity to shower or time to make phone calls. They would yell at us and feed us very bad food. I was transferred to the detention center in Estancia, New Mexico in Tarrant County on June 6, 2023.

My credible fear interview took place on June 13, 2023. During my interview, lots of things happened that made it harder for me to give the details of my story. They would not allow us to talk a lot and they would cut short what we were saying, hoping we would mess up. Also, I could hear other people I was detained with talking, giving a lot of detail, and they would receive the same treatment as me. I could hear what they were saying next to me.

I got my results on June 16, 2023. I did not receive any documents, I was simply taken into a booth where they gave us our negative results. The people who got a positive result had to sign a document in their cell. I asked for my case to be reviewed by a judge in court, who also denied my case.

The judge did not give me the opportunity to talk. My hearing with the judge happened on June 23, 2023. The way things happened was very racist and unjust.

In this jail we receive very bad treatment. They yell at us and give us very bad food. They lock us up several times a day. We are not criminals but we are treated like criminals.

I want for all of us migrants who are going through this bad treatment and racism to get help so that this problem can stop.

Friday, June 30, 2023.

[REDACTED]

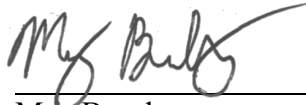
A# [REDACTED]

[signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023
Date

Exhibit C-11

1)

[REDACTED]

ID #

[REDACTED]

2) ECUADOR.

[REDACTED]

4) 2/JUNIO/2023, EN ESTA FECHA ME TRANSFERIERON AL CENTRO DE DETENCION DEL CONDOMIO DE TORRONES

5) 7/JUNIO/2023 EN ESTA FECHA TUVE MI ENTREVISTA DE MIEDO CASIBAL.

6) ME ENTERE POR MEDIO DE UN OFICIAL DEL «ICE» QUE FUE A BUSCAME A MI CELDA, ME LLEVABAN EN GRUPO DE 6 PERSONAS.

7) LOS CABINOS ERON HABITACIONES UNIDAS A OTRAS NO HABIA MUCHA PRIVACIDAD. HABIAN UN NÚMERO DE 6 PERSONAS DANDO SUS ENTREVISTAS.

8) SI PUDE ESCUCHARLOS A LAS OTRAS PERSONAS, LAS CUALES ME RESPONDIAN CONCERNIENDO A LO QUE TENIA QUE DECIR YO, ELLOS HABLABAN ACERCA QUE LOS AMENAZABAN OTROS PERSONA Y QUE LAS QUERIAN MATAR

9) NO NOTE RUIDO BLANCO ALGUNO.

10) SUPE DE MI RESPUESTA DE NEGOCIACIÓN, PORQUE LLEGO UN OFICIAL DEL ICE A BUSCARMÉ Y ME LLUVO A UN CUARTO PARA POR MEDIO DE UN TELEFONO UN JUEZ DE ICE ME DIJO QUE SOLI NEGATIVO Y EN LA CUAL TENGO DERECHO APILAR Y ACSPTÉ APELAR LA RESPOSTA ME LA DIO EL 12/JUNIO/2023, Y DESPUES A LOS 3 DIAS LLEGO MI DEPARTADORA Sr. Trejo Y ME DIO MIS COPIAS MISDA CRESIBLE EN UNA VERSION DE UNA 30 HOJOS EN INGLIS.

11) SI NO HE RECIBIDO MAS COPIOS DE MI MISDA CRESIBLE SON LAS UNICAS COPIAS, MI OBJSTIVO ES LLEGAR A ESTE PAIS Y VIVIR EN PLENO LIBERTADA SIN PERJUICIO ALGUNO NI DESCRIMINACION NI AMENAZAS YA QUE EN MI PAIS SE VIVE A DIARIO, Y EN LA CUAL TAMBIEN DESEO DE TODO CORAZON ESTOR CON MI HIJO Y VERLO CRECER SER UN PADRE AHOROSO Y EJEMPLAR Y ENSEÑARLE EL CAMINO DE DIOS ~~Y~~ YA QUE MI HIJO NACIO EN EE.UU. EN PENNSILVANIA EL 23/MARZO/2022 ¡DIOS BENDIGA AMERICA!

YO DECLARO BJO LA PENA PERJUICIO QUE TODO LO ANTERIOR ES CORRECTO Y VERDADERO. EJECUTADO EL  2023.

Certified Spanish-to-English Translation

1. [REDACTED] ID# [REDACTED]

2. Ecuador.

[REDACTED]

4. June 2, 2023. On this date, I was transferred to Torrance County Detention Facility.

5. June 7, 2023. On this date, I had my credible fear interview.

6. I found out about my interview through an ICE official that went to look for me in my cell, they took me with a group of six people.

7. The booths were rooms joined to others. There was not a lot of privacy. There were six people undergoing their interviews at once.

8. I could hear the other people, which made it hard to concentrate on what I had to say. They talked about how they were threatened and how people wanted to kill them.

9. I did not hear any white noise machines.

10. I learned about the results of my fear interview when an ICE officer came looking for me and took me to a room where, by phone, an ICE judge [sic] told me that I failed my interview and had the right to appeal. I decided to appeal and received the answer on June 12, 2023. Three days later my deportation officer, Mr. Trejo, arrived. He gave me a 30-page document in English with the notes from my credible fear interview.

11. The only document I've received has been the 30 page document from my fear interview. My objective is to come to this country and live freely without any lying or discrimination and without any threats. In my country, that is what I experience daily. With all of my heart, I wish to be reunited with my son and see him grow up, to be a loving father and a good example to him, and to show him God's way, since my son was born in the United States in Pennsylvania on March 23, 2022. God bless America!

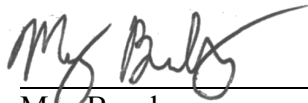
I declare under penalty perjury that all of the foregoing is true and correct. Exeduted on June 30, 2023.

[signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-12

Mi nombre es [REDACTED]

Nació en [REDACTED]

Me numero A# es [REDACTED]

Estoy detenido en la facilidad de detención del condado Torrance en Nuevo Mexico. Pero aunque tenga otro nombre esto es una prisión, porque vivimos como presos, nos tratan como presos, dormimos como presos, comemos como presos, etc, es decir, aunque los oficiales digan que no, SOMOS PRESOS.

Huí de la persecución en Colombia, forzado por mi vida, para buscar asilo en los EEUU.

Cruce la frontera entre Estados Unidos y Mexico el 11 junio de 2023 y yo me entregué a la patrulla fronteriza para buscar asilo. Fui llevado a una estación de la patrulla fronteriza, de la cual desconozco su nombre y ubicación, ~~el siguiente día nos llevaron a un sitio~~ aproximadamente 12 horas después me llevaron al sitio conocido popularmente como "la Hielera", que son unas cunas ubicadas en el Paso, Texas. Se le conoce como la Hielera, porque el aire acondicionado está con una temperatura muy baja, los operarios no deben sentir frío, porque ellos tienen varias capas de ropa, pero nosotros solo tenemos una camisa, debido que al llegar nos quitan todas nuestras pertenencias, incluyendo la chaqueta (Abrigo) a los que la tienen. En ese sitio las 24 horas del día las luces están encendidas con la misma intensidad, no sabemos cuando es de día, ni cuando es de noche.

Me transfirieron al centro de detención del condado de Torrance el 13 junio de 2023

El 16 de junio de 2023, tuve mi entrevista de modo creíble. Un guardia vino a mi celda aproximadamente a las 7:30 am y gusto varias preguntas, incluido el mío. Luego nos llevó a una parte de frente del centro de detención. No nos dijo porque. Respecto a este tema quiero hacer la aclaración que casi nunca que nos sacan de nuestros pabellones NO nos informan para donde nos llevan.

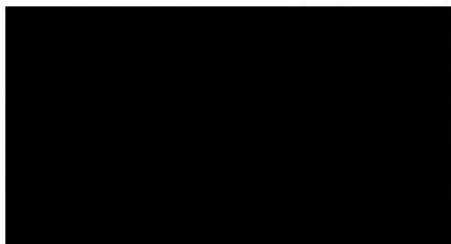
Me llevaron a una habitación relativamente pequeña con alrededor de 10 cabinas, las cabinas estaban separadas por delgadas divisores de plástico que no llegaban al techo. Había una pequeña mesa con un tipo de silla en cada cabina. Pude escuchar a más de una persona a mi lado durante la entrevista.

La cabina en la que tuve mi entrevista era como una
pequeña oficina, sin techo. Sobre el escritorio había un teléfono
y una máquina de ruido. Incluso con la máquina, podía escuchar
a los demás.

Me enteré del resultado negativo de mi entrevista el 20 de
junio, dos días después de mi entrevista. Un guardia me llamó
a un teléfono y un oficial de arde me explicó que había
reprobado mi entrevista de ruido. Me preguntaron si quería
que un juez de inmigración revisara mi caso. Dijo sí. Me
dieron 19 páginas de documentos en inglés. En una parte de
esos documentos el agente Benjamin Vega SR, manifiesta
que me hizo 4 preguntas y que me rehuse a firmar,
lo cual NO es cierto. Benjamin Vega ~~SR~~.

El 22 de junio tuve el encuentro por videollamada con el
juez, el cual ratificó la decisión negativa. Después una
oficial de ICE me entregó 4 páginas sobre la deportación,
la cual me negué a firmar.

Yo declaro bajo la pena de perjurio que todo lo
anterior es correcto y verdadero. Ejecutado el 30
de junio de 2023



Certified Spanish-to-English Translation

My name is [REDACTED], I was born in [REDACTED], Colombia. My A-number is [REDACTED]. I am detained in the Torrance County Detention Facility in New Mexico. But even though this isn't called a prison, it is a prison, because we live like prisoners. They treat us like prisoners, we sleep like prisoners, eat like prisoners, etc. Although the officers say otherwise, WE ARE PRISONERS.

I fled persecution in Colombia, in fear for my life, to seek asylum in the United States.

I crossed the border between the United States and Mexico on June 11, 2023. I turned myself into the Border Patrol and asked for asylum. I was taken to a facility, where and what it was called I don't know. About twelve hours later I was taken to the center famously known as "La Hielera," which is some tents in El Paso, Texas. It's called the "La Hielera" because they turn up the air conditioning really high. The officers don't feel the cold because they have layers of clothing on, while we only have on thin t-shirts, because after we arrive, they take away all our belongings, including our coats and jackets. In that place, the lights are turned on twenty-four hours a day, with the same intensity all day. We never know if it is day or night.

I got transferred to Torrance County Detention Facility on June 13, 2023.

On June 18, 2023, I had my credible fear interview. A guard came to my cell at about 7:30 a.m. and yelled several names, including mine. Then he took us to a different part of the detention center. He did not tell us why. They take us out of our cell blocks without informing us why or where we are being taken.

I got taken to a relatively small room with about ten booths in it. The booths were separated by thin dividers made of plastic that do not reach the ceiling. There was a small table with a telephone in each booth. I could hear multiple people next to me undergoing their interviews.

The booth in which I had my interview was like a small office without a ceiling. On the desk there was a telephone and a white noise machine. Even with the machine, I could hear the rest of the people.

I found out about the results of my interview on June 20, 2023, two days after my interview. A guard took me to a phone and an asylum officer explained to me that I had failed my credible fear interview. He asked me if I wanted an immigration judge to review my case, and I said yes. I was given 19 pages in English. In a section of those documents, the agent Benjamin Vega, Jr. explained that he asked me 4 questions and that I refused to sign, which is NOT true. Benjamin Vega lies.

On June 22, 2023 I had a hearing by video call with the judge, who affirmed the negative decision. After that, an ICE official gave me four pages about my deportation, which I refused to sign.

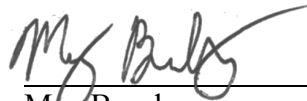
I declare under the penalty of perjury that all of the foregoing is true and correct. Executed on June 30, 2023.

[signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-13

[REDACTED]

Facilidad Torrance

Mi nombre es: [REDACTED]

Nacien: [REDACTED]

Ecuador. Fecha: 24/06/2003. Mi numero [REDACTED]

Estoy detenido en la Facilidad de Detención del condado Torrance en Nueva Mexico.

Huí de la persecución en Ecuador temiendo por mi vida, para buscar asilo en los EE.UU. y el día que nos trasladaron nos trataron como criminales.

- * Cruzé la frontera entre Estados Unidos y México el 06/06/2023
- * Fui detenido por la patrulla fronteriza y pedi asilo.
- * Me transfirieron al centro de detención del Condado de Torrance el 09/06/2023
- * El 12/06/2023. Tuve mi entrevista de miedo creíble

mi entrevista fue pesima porque se podía escuchar las entrevistas de las demas personas y se me dificultaba escuchar nos entaron a la sola y nos tenían esperando por varias horas y minutos en linea telefonica y la chica que me entrevista fue insistente en las respuestas que le tenía que dar y cuando me llevarán a la entrevista no nos dijeron a donde nos llevaban se quedaban en silencio

Los Guardias venian a las celdas a las horas nocturnas ej. 12, 1 y nos alumbaban a los ojos y nos amagaban con que ya era la hora de desayuno y a las verdaderas horas de desayuno nos hacian despertar y nos tenían varias horas esperando

La habitación era un lugar inadecuado para la llamado

[REDACTED]

La cabina no tenía techo y mi versión que daba escuchaban las demás personas y en las diferentes cabinas había más personas que hablaban y se los escuchaba y no se podía escuchar las preguntas.

Las cabinas estaban separadas por una delgada pared de plástico que no llegaban al techo y la entrevista fue pésima porque se escuchaba las demás entrevistas.

* Se escuchaba claro las demás personas dar sus entrevistas y fue muy incómodo cuando las demás personas acababan los entrevistas se ponían a llorar y desde mi cabina se escuchaba claro, muchos en la entrevista decían que tenían miedo de regresar a su país porque lo quieren matar.

* Supe que no pasé la entrevista porque no me pude expresar libremente por mi género gay y por el ruido que había y por el nervio que daba porque era muy exigente la chica de la entrevista. Si solicite una revisión con el juez de inmigración.

Me enteré de mi resultado el día 19/02/23 aproximadamente.

~~Un guardia me~~ Una chica me llamó a un teléfono era una oficial de así lo me explicó que había reprobado mi entrevista de miedo pero antes de darme la respuesta hablaron en inglés entre otras personas y al lenguaje de inglés no entendía y yo para terminar la llamada me dijo que si quería que un juez revise mi caso y le dije que sí. Me dieron 3 páginas en inglés y en forma drástica dijo que le da igual si firmo o no firmo que el si quería podía romper el papel de 3 páginas que me dio.

[REDACTED]

Mi postura actual es que me entregaron el papel de deportación y yo quiero seguir pebiando no quiero regresar a mi país porque me quieren matar y hasta áhara no e resivido ningun papel ni ninguna informacion

yo declaro bajo la pena perjurio que todo lo anterior os correcto y verdadero. 30/06/23

Firma [REDACTED]

Certified Spanish-to-English Translation

[REDACTED]
[REDACTED]
Torrance Facility

My name is [REDACTED]. I was born in [REDACTED], Ecuador on [REDACTED]. My A-number is [REDACTED]. I am detained in Torrance County Detention Facility in New Mexico.

I fled persecution in Ecuador in fear for my life, to seek asylum in the United States. The day we were transferred we were treated like criminals. I crossed the border between the United States and Mexico on June 6, 2023. I was detained by Border Patrol and I asked for asylum. I was transferred to Torrance County Detention Facility on June 9, 2023. On June 12, 2023, I had my credible fear interview.

My interview was horrible because you could hear the interviews of the other people, which made it really difficult to hear. They took us to a room and had us waiting for various hours and minutes on the telephone line. The woman who interviewed me was very insistent on the answers I had to give her. When we were taken to the interview we were not told where we were going to, they kept quiet.

The guards come to the cells at night hours and shine flashlights in our eyes. They threaten us saying that it is time for breakfast and when it actually is time for breakfast they keep us waiting for hours.

The room [where I had my credible fear interview] was inadequate. The booth had no ceiling. Other people heard the account I was giving. In the different booths, there were more people who were talking, who I could hear, which made it hard to hear the questions.

The booths were divided by a plastic wall that did not reach the ceiling. The interview was horrible because you could hear the rest of the interviews.

I could clearly hear the others' interviews. It was very uncomfortable when the other people finished their interviews and would start crying. From my booth, I could clearly hear the other people saying in their interviews that they were afraid of returning to their home country because they have death threats.

I knew I did not pass my fear interview because I was not able to freely express myself because of my sexual preference, the noise that in the room, and the nerves I was feeling because the woman who gave me my interview was very demanding. I asked for a review from the immigration judge.

I found out about the result of my interview on about June 19, 2023. A woman called me on the phone, an asylum officer. She explained to me that I had failed my credible fear interview, but before that she talked in English with other people. I could not understand the English. At the end of the call she asked me if I wanted an immigration judge to review my case and I told her that I did. I was given a 3 page English document to sign. The person who gave me the document

Certified Spanish-to-English Translation

told me in a very harsh way that it did not matter if I signed or not, that if he wanted he could rip the documents he was giving me.

My current position is that I was given the deportation document and I want to keep fighting, I do not want to return to my country because they want to kill me. Until now I have not received any other document or information.

I declare under penalty of perjury that all of the foregoing is true and correct. June 30th, 2023.

Signed [signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal there is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-14

Yo [redacted] Nací en Honduras [redacted] Estoy detenido en la Facilidad de detención del Condado Torrance en Nueva Mexico

A [redacted]

Huí de la persecución en país temiendo por mi vida, para buscar asilo en los EE.UU.

Cruce la frontera entre Estados Unidos y Mexico en fecha 26 de Mayo fui detenido por la patrulla Fronteriza y pedi asilo.

Me transfirieron al Centro de detención del condado de Torrance el 10 Junio

tuve mi entrevista de miedo creible sin asesoramiento de ningún tipo de charla o ser asesorado por algún abogado o video que no mostraron para así la entrevista.

tuve mi entrevista en como el 16 de Junio y aun no me han dado respuesta. Me enteré de la entrevista ya cuando estaba en la cabina donde no hay privacidad porque las cabinas no son cerradas. un guardia vino a mi celda: me llevo sin decirme nada porque no dan ningún tipo de información. Los cabinas en la habitación no son de privacidad hay otras personas que estaban allí mismo porque yo escuchaba a otras personas dando su entrevista

Yo [redacted] tuve un accidente en la celda 5A donde me pinche con una aguja como alas 4:50 AM nomas abrieron la celda

Mi compañero i yo nos pusimos de acuerdo para ir al baño en salirnos para afuera para tener privacidad. i en el momento de cerrar la puerta me puye con una aguja obediada que estaba oculta por donde se pasa los alimentos en la celda 5A teniendo 1 semana de estar en la detención. Me preocupe al ver la aguja que estaba algo misteriosa con el fin de pincharse Yo espere a la doctor i a las enfermeras que le tengo miedo al VIH

Me duele ver a mis compañeros llorar de gran angustia en el encierro es algo traumático cuando llegamos a la detención nos dijeron que nosotros no éramos presos que si era uno Carcel pero que no temeramos por que nosotros no éramos presos. nos dijeron que solo íbamos a tener 3 días de 40 tenía i que después íbamos a tener libertad i no ha sido así nos encierran asta a cada rato i eso es traumante e visto a todos llorar al Señor nuestro DIOS no le gusta que tengan cautivo a su pueblo i aborrece que motesten al pobre i juegen con su dignidad. Dios aborrece la esclavitud. dice su palabra • Escuchar la voz del pobre o sea mejor dicho. Escuchar el clamor de pobre.
Porque en aquel día también
Clamaran i no serán escuchados

La mayoría de mis compañeros ya no soportan el encierro i todos emos adelgazado por la poca comida i los alimentos mal preparados i helados
Dios dice en su palabra que para el que no tiene hambre la miel lo enpalaga.
y al hambriento lo amargo le sabe dulce.

Juegan tanto con la dignidad de las personas que los abogados gratuitos que nos dieron Ninguna contestación, i al momento de la entrevista no tuvimos como defenderlos. Muchos estamos aqui huyendo de nuestro País de donde vamos a pagar un abogado.

Señor Perdonalos porque no saben lo que a sen en aquel tiempo todo daremos cuenta de nuestros actos asta de cada palabra ociosa i gracias a estas personas que estan con nosotros dando animos hoy 30 de junio
Yo declaro bajo la Pena Perjurio que todo lo anterior es correcto y Verdadero.



30 de Junio

A



Certified Spanish-to-English Translation

I, [REDACTED], was born in Honduras, [REDACTED]. I am detained at Torrance County Detention Facility in New Mexico. A# [REDACTED].

I fled persecution from my country in fear for my life, to seek asylum in the United States.

I crossed the border between the United States and Mexico on May 26, 2023. I was detained by Border Patrol and I asked for asylum.

I got transferred to Torrance County Detention Facility on June 10.

I had my credible fear interview without any orientation and without being advised by a lawyer or watching a video about the interview.

I had my interview on about June 16, 2023 and I still haven't gotten a response. I found out that it would be a credible fear interview once I was in the booth. There is no privacy because the booths are not closed off. A guard came to my cell and took me without saying anything because they don't give us any type of information. The booths in the room are not private, there were other people there, I could hear them giving their interviews.

I, [REDACTED], had an accident in cell 5A where I pinched myself with a needle at about 4:50 a.m. They had just opened the cell. My cellmate and I agreed to go outside to go to the bathroom to have privacy. The moment we closed the door, I pinched myself with a rusty needle. It was hidden where they pass food to us in cell 5A. I had been detained for a week. I got worried, the needle seemed strange. I told the doctor and the nurses that I was scared of getting HIV.

It pains me to see my cellmates cry in anguish while they're locked up here. It's traumatic. When we arrived at detention, they told us that we were not prisoners, that it was a prison but we shouldn't worry because we weren't prisoners. They told us we were only going to be in quarantine for three days, that after that we were going to have freedom. That has not been the case, we have been locked up every moment. It has been traumatizing. I have seen all of us cry. God our Lord does not like it when His people are in captivity. He hates that they bother the poor and play with their dignity. God hates slavery, his Word says it. Listen to the voice of the poor, or better yet, listen to the cry of the poor, because on that day they will also cry, they will not be heard.

Most of my cellmates can't stand the confinement anymore. We have all lost weight because of the small amounts of food we get, and the way the food is badly prepared and cold. God says in his word that for he who is not hungry, honey sickens him, and for he who is starving, the bitter tastes sweet.

They play with people's dignity. The free lawyers that they tell us about, none of them answer our phone calls. At the time of our interview, we had no idea how to defend ourselves. A lot of us are here escaping from our country, we have no way of paying for a lawyer.

Certified Spanish-to-English Translation

Lord, forgive them because they do not know what they are doing, at one time we will all have to give an account of our actions, of every idle word. Thanks to these people who are with us giving us encouragement.

I declare under the law of perjury that the foregoing is true and correct.

[signature]

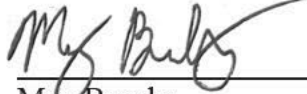
June 30

A 

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal there is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023
Date

Exhibit C-15

Nombre: [REDACTED]

Nacimiento: [REDACTED]

Ecuador

País: Ecuador

Fecha: 15/04/1991

A# [REDACTED]

1) Estoy detenido en la facilidad de detención del condado Terrance en New Mexico

3) Cruzé el 09/06/2023

fui detenido por la patrulla fronteriza pedi asilo no ofrecieron ayuda pero la ayuda fue de encerrarme

4) Transferieron el 13/06/2023

5) Mi entrevista fue 18/06/2023

6) La entrevista lo llevan sin fecha ni hora sin ayuda con asesoramiento una puede esperar porque nadie nos ayuda peor no hay confidencialidad llega el guardia repito el nombre de una hora no recuerdo fecha 13/06/2023 pero yo pedi una explicacion para donde me llevan para resultado que iba a una entrevista para el modo creible pero si violan nuestros derechos mucho no dicen para donde lo llevan

7) No fue confidencial luego le repito no hay confidencialidad X que al costado me escuchan y yo tambien escucho no hay en totalidad discrecion ni confidencialidad lo que hay es abuso a todos los migrantes

11) Solo me llevaron a una llamado a recibir una respuesta del no
y cuando me llevaron al juez la misma respuesta ya al juez
nunca nos toma el caso solo nos lee lo que dijimos en la entrevista

Fecha: Viernes 30/06/2023

Hora: 12 pm

Nombre: [REDACTED]

Firma: [REDACTED]

A# : [REDACTED]

Certified Spanish-to-English Translation

Name: [REDACTED]

Birth: [REDACTED] Ecuador

Country: Ecuador

Birthdate: April 15, 1999

A#: [REDACTED]

1. I am detained in Torrance County Detention Facility in New Mexico.

[REDACTED]

3. I crossed on June 9, 2023. I was detained by Border Patrol. I asked for asylum. They offered help but the help I got was being locked up.

4. I got transferred on June 13, 2023.

5. My interview was on June 18, 2023.

6. We are taken to the interview without knowing the date or time before, without help or advice. No one helps us. There is no confidentiality. The guard came to our cell and yelled our names. I don't remember the time, but the date was June 13, 2023. I asked for an explanation of where we were going and it turned out to be that I was going to my interview. They violate our rights and don't tell us where they are taking us.

7. There was no confidentiality, I repeat , there was no confidentiality. The people next to me could hear me, and I could hear them. There is no discretion or confidentiality. What there is is abuse of all of us migrants.

8. They took me to a phone call to receive the negative result from my interview. When I was taken to the judge, I got the same answer. The judge did not really consider the case, he just read to us what we said during our interviews.

Date: 6/20/23

Time: 12 p.m.

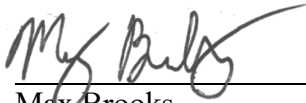
Name: [REDACTED]

A#: [REDACTED]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-16

Mi nombre es [REDACTED] mi número de Agencia es [REDACTED] y estoy detenido en Centro de detención del condado de Tarrant de Nueva México. Hui de mi país por persecución amenaza de muerte extorción temiendo por mi vida para buscar asilo en los EEUU. Cruce la frontera entre Estados Unidos y México el 16 de junio del 2023 y fue detenido por la patrulla fronteriza para pedir asilo me trasladaron al centro de detención del condado de Tarrant el 19 de junio del 2023. Tuve mi entrevista de mi parte creíble y no me indicaron ni dieron tiempo de como entrevistarnos no nos dieron ninguna guía de la entrevista en una habitación donde es sin techo y escuchándose unos otros detenidos mucho menos sabíamos que íbamos a dar esa entrevista nos sacó de la celda sin decir por qué ni para qué y con gritos en las cabinas estuvimos muchas personas al mismo tiempo es un abuso de parte de los trabajadores y oficiales de este centro pues tenemos que hacer lo que dicen ellos y no tenemos que preguntar nada es una falta de información completa por parte del centro de detención del condado de Tarrant.

Yo declaro bajo la pena perjurio que todo lo anterior es correcto y verdadero Ejecutado el 30 de junio del 2023

[REDACTED]

Certified Spanish-to-English Translation

My name is [REDACTED], my agency number is [REDACTED], and I am detained at Torrance County Detention Facility in New Mexico. I fled my country on account of persecution and death threats and extortion, in fear for my life, to seek asylum in the United States.

I crossed the border between the United States and Mexico on June 16, 2023 and I was detained by Border Patrol and asked for asylum. I was transferred to Torrance County Detention Facility on June 19, 2023. I had my credible fear interview here. They did not take enough time to interview us or give us any guidance on how the interviews work. The interview was in a booth without a ceiling where I could hear eight other detainees. We did not know ahead of time that we were going to have our interviews. We were taken from our cells without being told where we were being taken and yelled at. There were a lot of people in the booths at the same time. We are abused by the officials and workers at this facility and we have to do everything they tell us to. We cannot not ask anything. There is a total lack of information given to us by Torrance County Detention Facility.

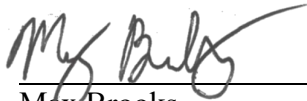
I declare under the penalty of perjury that all of the foregoing is true and correct. Executed on June 30, 2023.

[signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-17

mi nombre - [REDACTED]

nací en - República Dominicana - en la ciudad - [REDACTED]

Fecha - [REDACTED]

el día 7 de Junio del 2023 me yebaron a la Ileta
y despues me yebaron a la carpa y dure 2 día y medio
y el día 9 de Junio del 2023 me yebaron a Estancia, NM.

Huí de mi país porque me amehazaron de muerte
y por eso me fui de mi país y me vine a EE.UU.

Por mi vida. Para buscar asilo

cruce la frontera el día 7 de Junio del 2023 y

me entregge a la patrulla Fronteriza y le pedi asilo

me transfirieron al centro de detencion del condado de
Torrance el día 9 de Junio del 2023

tuve mi entrevista de miedo creible el día 11 de Junio del
2023

me entete el mi entrevista el mismo día que me
llamaron para la entrevista

un guardia vino a mi celda a la 8 de la mañana y grito
Varios nombre incluido el mio. luego nos llevo a una
parte diferente del centro de detencion. y no me
dijo para que

fui a una cabina pequeña y fuimos 11 persona
y era porturno Habia una pequeña mesa con un
telefono en cada cabina y se escuchaban la
otra persona hablar

[REDACTED]

pude escuchar a la persona a mi lado llorando
en su entrevista. hablando sus version en sus entrevista
y mi entrevista no entendia nada solo me dijo diga
si o no

la cabina en la que tuve mi entrevista era como una
pequeña oficina, sin techo. sobre el escritorio habia
un telefono y avian mucho ruido un hombre a mi
lado estaba llorando hablando de como habian
asesinado a su hermano

y de pues de una semana mi entrevista fue
negativa y apele con un juez de inmigracion y en
tambien me dijo sus entrevista fue negativa y
no me deo habla y a lo udia me llevaron la
de portacion y me dijeron firma aqui y ledije
que no y me dijo firma o no firme sera deportado

Certified Spanish-to-English Translation

My name is [REDACTED]. I was born in the city of [REDACTED] in the Dominican Republic on [REDACTED]. My A# is [REDACTED].

On June 7, 2023, I was taken to an “hielera” and then I was taken to a tent where I spent two-and-a-half days. On June 9, 2023, they took me to Estancia, New Mexico.

I fled my country because I had death threats. That is why I fled my country and came to the U.S. I came to try to save my life and to seek asylum.

I crossed the border on June 7, 2023 and turned myself in to the Border Patrol and asked for asylum. I got transferred to Tarrant County Detention Facility on June 9, 2023.

I had my credible fear interview on June 11, 2023. I found out about my interview that same day. A guard came to my cell at 8 a.m. and yelled out various names, including mine. Then he took us to a different part of the detention center and did not tell us why.

I was placed in a small booth and there were eleven other people in the room. There was a small table with a telephone in each booth and you could hear the other person talk.

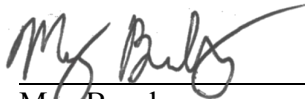
I could hear the person next to me crying during his interview as he was telling his story. During my interview, I did not understand anything, the officer just told me to answer yes or no. The booth in which I had my interview was like a small office without a ceiling. On top of the desk there was a telephone. There was a lot of noise, the guy next to me was crying and talking about how his brother was killed.

After a week, I learned that I failed my interview. I appealed to an immigration judge and he also denied my case. He did not let me talk. Ten days later they took me to sign the deportation form and I said no. They told me I would be deported whether I signed it or not.

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-18

A# [REDACTED] NACI EN EL SALVADOR, SAN SALVADOR
ESTOY DETENIDO EN FACILIDAD DE DETENCION
DEL CONDADO TORRANCE EN NUEVA MEXICO

[REDACTED]
[REDACTED] SALI DE MI PAIS EL 14 DE MAYO 2023
LLEGUE A LA FRONTERA DE PIEDRAS NEGRAS Y ME ENTREGUE
PIDIENDO ASILO EL 13 DE JUNIO DE 2023 Y EN PASO DEL
AGUILA NO ME DIERON NADA DIAS DESPUES ME TRASLADARON A
LA REDOTEXAS EL SIGUIENTE DIA ME TRASLADARON A PASO TEXAS Y YO
PREGUNTE EN TODAS LAS OCASIONES QUE ME TRASLADABAN HACIA DONDE
IVA Y SOLO DECIAN LOS OFICIALES "NO SE" ME TRASLADARON
A TORRANCE EL 20 DE JUNIO 2023 Y MI PADRE PREGUNTA
POR MI PORQUE NO SABIA QUE ESTOY PRESO Y LE DIERON
QUE YO ESTOY PRESO EN ESTADOS UNIDOS Y A EL
LE DA UN PARO CARDIACO EL 27 DE JUNIO DE 2023 CUANDO EL MISMO PUELE
COMO EL 22 DE JUNIO TUVE MI ENTREVISTA DEL DI SERON
MIEDO CREIBLE CUANDO LLEGO UN OFICIAL A SACARME
DE MI CELDA EN UNA FILA NOS LLEVARON A LAS OFICINAS, 10 PERSONAS
LUEGO A CABINA UNO AVUO PERO SE DIA A LOS ALREDEDORES AUN CON LA MAQUINA
LO QUE LOS DEMAS DECIAN MI MIEDO CREIBLE FUE REPROBADO DE EQUIPO
BLANCO
POR UNA VEZ Y EL DIA 29 DE JUNIO LLEGA UN OFICIAL QUE LE FIRME

MI DEPORTACION SIN DECIR MAS NADA

YO DECLARO BAJO LA PENA PERJURIO QUE
TODO LO ANTERIOR ES CORRECTO Y VERDADERO
EJECUTADO EL 30 DE JUNIO DE 2023



Certified Spanish-to-English Translation

[REDACTED]
[REDACTED]

I was born in El Salvador, San Salvador. I am detained in Torrance County Detention Facility in New Mexico.

[REDACTED]

On June 14, 2023, I left my country. I arrived at the border between Piedras Negras, Coahuila and Eagle Pass, Texas on June 13, 2023. I turned myself in to Border Patrol and asked for asylum. Once I was in Texas, they did not tell me anything. Days later I was transferred to Laredo, Texas, and the next day to El Paso, Texas. Every time I was transferred I would ask them where I was being taken but the officer would only say "I don't know."

I got transferred to Torrance on June 20, 2023. My father asked for me, he did not know that I was detained. They told him that I was detained in the United States and he suffered a heart attack after hearing the news.

Around June 22, 2023, I had my credible fear interview. A guard came to get me out of my cell. They took all of us in a line to some offices, around ten of us.

We each went to a booth but you could hear everything around you, even with the white noise machine going.

My credible fear interview was deemed negative by a judge.

On June 29, 2023, an officer brought me a deportation document which I signed, without being told anything else.

I declare under the law of perjury that all of the foregoing is true and correct.

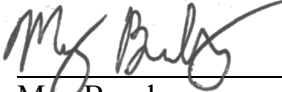
[signature]

Non-citizen: [REDACTED]

File No.: A [REDACTED]

Certificate of Translation

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Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-19

① Mi nombre es [REDACTED]. Nací en Ecuador, [REDACTED]
fecha [REDACTED] Mi Numero A.H. es [REDACTED]
Estoy detenido en la facilidad de detención del condado
Torrance en Nueva Mexico. [REDACTED]

- ③ Fui detenido por la patrulla fronteriza 12 de Junio del 2023
- ④ Me trasladaron al centro de detención de condado de Torrance el 13 de Junio del 2023.
- ⑤ Entrevista del miedo creíble: 18 de Junio del 2023
- ⑥ Vinieron el Domingo 18 de Junio del 2023 a las 8:00.
y no nos dijeron a donde nos vamos. Ya cuando entramos nos dicen que es la entrevista.
- ⑦ Me llevaron a una habitación separadas por delgadas divisiones de plastico que no llegaba al techo, habia una mesa pequeña con un telefono en cada cabina

⑤ Se puede escuchar a la persona a mi lado hablando en su entrevista. Hablando como un pandillero que había matado.

⑥ Si había una máquina de ruido blanco podía escuchar los datos las historias de los demás.

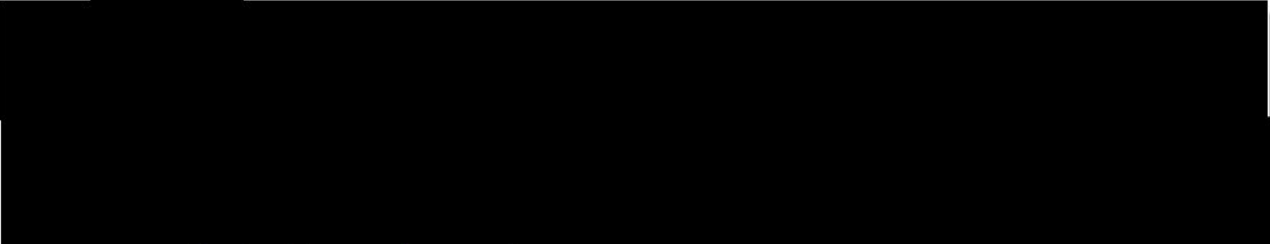
[REDACTED] Viernes 30 de Junio del 2023

A H. [REDACTED]

Hora: 12 H 00: p.m.

Certified Spanish-to-English Translation

1. My name is [REDACTED]. I was born in [REDACTED] Ecuador on [REDACTED]. My A# is [REDACTED]. I am detained in Torrance County Detention Facility in New Mexico.



3. I was detained by Border Patrol on June 12, 2023.

4. I was transferred to Torrance County Detention Facility on June 13, 2023.

5. I had my credible fear interview on June 18, 2023.

6. They came on Sunday, June 18, 2023 at around 8 a.m., but they did not tell us where we were going. Once we were inside they told us it was for our interview.

7. They took me to a separate room, a booth, divided by thin dividers made of plastic that did not reach the ceiling. There was a small table with a telephone in each booth.

8. I could hear the person next to me crying during their interview, saying how a gang member got killed.

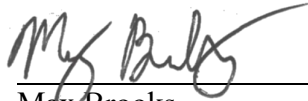
9. There was a white noise machine but I could still hear the facts from other people's stories.

[signature] Friday, June 30, 2023
A# [REDACTED]
Time: 12:00 p.m.

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023

Date

Exhibit C-20

[REDACTED]

Facilidad Torrance

Mi nombre es [REDACTED]

nacido en [REDACTED]

Ecuador el [REDACTED]

mi número A# [REDACTED]

estoy detenido en la facilidad de Detención del Condado Torrance en nuevo México

Huí de la persecución en Ecuador temiendo por mi vida, para busca asilo en los EEUU. El día que trasladaron al Centro de detención Torrance no nos dieron ropa adecuada a nuestra talla y nos dieron ropa rota y sucia y nos encerraron en Cuarentena por una semana separado de otros compañeros la comida que nos dan en el Centro de detención es malísima abesca biena fría y abesca comida grandada, picante y con mal sabor y nos dan de comer a la hora que ellas quieren y nos tratan como presos o asesinos de verdad nos gritan abesca los guardias y nos cambian de celda cuando ellos quieren y nos despiertan con las antenas a cada hora que dan rondas y cuando estamos enfermos pedimos haber un medico nos chequean si para nos dan otros medicamentos que no son para nuestra enfermedad adicional yo me fui al medico y le conte que me estaba pesando y me dijeron confia en mí y le conte que abesca tengo intenciones de haceme daño cuando me seto solo me llevaron una noche a una selda vacía sin agua sin cobija y con aire acondicionado encendido y a cada hora que chequeo de biosar y todo y preguntaba a los guardias cuando hay a salir y me dejaban para que dijistes eso tanto insistir y reusarme a comer y suplicalle que no quisero estar solo me cambiaron de celda donde los compañeros

en vez de hacerme un bien me hicieron un mal tanto psicológicamente y también me dieron 3 pastillas para tomar y me sentía muy mal con borbotos y mareos y con calentura y no podía levantarme de la cama como si estuviera estado en cama solo mis ojos movían nada más.

Fui detenido por la patrulla fronteriza y pedí asilo me transfirieron al centro de detención del Condado de Torrance el 09/06/2023

En mi entrevista del miedo creíble no nos dieron ninguna información de como debemos decir o como podemos hacer o podemos cojer abogados para nuestro caso solo nos llamaron por nombre y nos llevaron a un cuarto donde había un cuarto pequeño para cada uno y nos hicieron esperar mucho tiempo y se escuchaba todo lo que decían nuestros compañeros de celda y no había privacidad cuando yo estaba donde la entrevista me dijeron conteste si o no nada más y cuando yo estaba explicando mi caso decían espérate un rato y se reían de lo que yo contaba y las mismas preguntas me hacían y seguían riendo cuando yo contaba mi caso solo se reían entre las dos personas y me dije que para ellos soy un chiste y el día de mi entrevista fue el 11/06/2023 y estuvimos casi 6 personas y se escucharon muchas historias

Descubí que reproche mi entrevista el 15/06/2023 me llamaron x mi nombre y me llevaron a un cuarto y por vía telefónica me dijeron que mi temor creíble es negativo y a los dos días recibí para la firma para la apelación con el juez y el día 24/06/2023 igual nos llevaron a una sala donde estaba vía video cuando el juez con el intérprete solo me dijo que es negativo nada más y no me dejaron hablar con el juez y ahí quería decirle al juez que tenía otro motivo más importante x el cual quería pedir asilo como no se dijo ahí no dije nada por mucha vergüenza y mucha miedo hacer determinado por enmudecimiento de una

de mi mismo sexo como en mi entrevista se reian mucho cambio de parecer les hizo a decir que me declaro homosexual pero como muchas personas me dijeron que ahí en la entrevista no les importa tu caso ni tampoco tu genero o tus gustos y me dio verguenza decir que era homosexual como se reian de mi caso me dio mas verguenza y miedo peor sera si les cuento de mi historia de mi niñez y por la cual cambio los gustos por los hombres tube una niñez complicado con mis padres y ten una persona especial que conocí y por la causa por gustarle otro hombre tome la decisión en suicidarse ase años atras.

Yo dechro bajo la pena perjurio que todo lo anterior es correcto y verdadero ejecutado el 30/06/2023.



Certified Spanish-to-English Translation

[REDACTED]
[REDACTED]

Torrance Facility

My name is [REDACTED]. I was born in [REDACTED], [REDACTED] Ecuador on [REDACTED]. My A-number is [REDACTED]. I am detained in the Torrance County Detention Facility in New Mexico.

I fled persecution in Ecuador in fear for my life, to seek asylum in the United States.

The day we were transferred to Torrance we were not given the appropriate clothing for our size. They gave us torn and dirty clothes. They locked us in quarantine for a week separate from the other inmates. The food that they give us in the detention facility is really bad. Sometimes it is cold, sometimes it is old food, spicy and with a bad flavor. They give us food at whichever time they want to. They treat us like prisoners and killers, truly. Sometimes the guards yell at us and switch our cells whenever they want to. They wake us up with a flashlight every hour when they are making the rounds. When we are sick we ask to see a doctor but then we are given medicine that is not for whatever symptoms we are having. I went to the doctor and told him what was going on and he told me to trust him. I told him that sometimes I have intentions to hurt myself when I feel lonely. They then took me to an empty cell without water, blankets, and air conditioning. Each hour they would do rounds and I would ask when I could be taken back but the guards would tell me that I'm there because of what I said and because I was refusing to eat. I begged them that I did not want to be alone and then they switched me to the cell where the rest of the inmates were. Instead of helping me they damaged me psychologically. They gave me 3 pills and I felt very sick with nausea, dizziness, and fever. I couldn't get up from bed, it was as if I was in a coma, I could only move my eyes.

I was detained by Border Patrol and asked for asylum. I was transferred to Torrance on June 9, 2023.

In my credible fear interview, I was not given any information like what to say or how we to get a lawyer for my case. They called us by our names and took us to a room where there was a small booth for each of us. They made us wait for a long time. You could hear everything my cellmates were saying. There was no privacy as I was going through my interview. I was told to simply answer yes or no, I was not able to say more, and when I was explaining my story I was told to hold on. The two people who were conducting my interview laughed between themselves at what I said and told me that I was a joke to them. My interview was on June 11, 2023 and there were six people there and I heard many stories.

I learned that I failed my credible fear interview on June 18, 2023. They called me by my name and took me to a room and I was told by phone that my credible fear interview was negative. Two days later I received a document I had to sign to get a hearing with the judge. On June 24, 2023, they took us to a room where there was a judge and an interpreter present by video call.

Certified Spanish-to-English Translation

The judge told me that my result was negative and did not let me say anything else. I wanted to tell the judge that I had a more important motive as to why I had come seeking asylum but because I was not allowed to say anything else I did not say anything else. I was embarrassed and scared to say that I fled because I was being discriminated against because I fell in love with someone of my same sex. During my interview, they laughed a lot at me so I didn't tell them that I consider myself to be homosexual. A lot of people told me that they don't care if you tell them that, they don't care about your case, your gender, or whatever you like. I was embarrassed to say that I am homosexual because they laughed at me. I was scared to tell them of my childhood and how I changed my preference to men or about a special person that I met that ended up committing suicide two years ago.

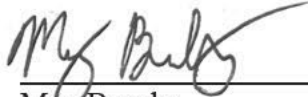
I declare under penalty of perjury that all of the foregoing is true and correct. Executed June 30, 2023.

[signature]

Non-citizen: [REDACTED]
File No.: A [REDACTED]

Certificate of Translation

I, Max Brooks, am competent to translate from Spanish into English and certify, pursuant to 8 C.F.R. § 1003.33, that the translation of the above declaration by [REDACTED] describing his detention at Torrance County Detention Facility and his experience of expedited removal is true and accurate to the best of my abilities.



Max Brooks
ACLU of New Mexico
1410 Coal Ave. SW, Albuquerque, NM 87104
(505) 633-1239

August 20, 2023
Date

Exhibit D

Declaration of Daniel Symonds

1. My name is Daniel Symonds. I am a student at Temple University School of Law in Philadelphia and a legal intern at Las Americas Immigrant Advocacy Center (“Las Americas”), a legal advocacy non-profit based in El Paso, Texas.

2. As part of my internship, I attended an approximately 90-minute guided tour of Torrance County Detention Facility (“TCDF”) at 9:00 am on June 16, 2023. The tour was led by David Lee Brown, the CoreCivic Assistant Warden at TCDF, and Bill Shaw, the ICE ERO Assistant Field Office Director (“AFOD”) in charge of TCDF. The tour lasted about 90 minutes. Colleagues from Las Americas, New Mexico Immigrant Law Center (“NMILC”), and Innovation Law Lab (“Law Lab”) also attended.

3. During the tour, Assistant Warden Brown and AFOD Shaw showed us a room where they informed us that the credible fear interviews (“CFIs”) conducted at TCDF take place. The room was in a stand-alone building apart from the building containing TCDF’s housing units. We entered the building through a door labeled “P102.”

4. The CFI interview room is approximately 30 by 20 feet, with a ceiling about 9 feet tall. Inside the room were about twenty booths or cubicles, separated by thin partitions made out of fabric cubicle panels that reach about 7 feet into the air. The partitions did not reach the ceiling and sound and air carried from one booth to the next. Each booth could be entered through a door. Inside each booth was a small desk and a chair. There were white-noise machines on each desk. The machines were turned on during the tour.

5. I made observations to test whether the booths would provide privacy and confidentiality if more than one credible fear interview were being conducted in the interview room at the same time.

6. First, I went into one of the booths, sat down, and listened to casual, low-volume conversations that others on the tour were conducting in booths at the opposite end of the interview room. I could easily hear their conversations and make out what they were saying. The white noise machines had little to no effect on my ability to hear.

7. Second, Las Americas supervising attorney Zoe Bowman and I entered neighboring booths, shut the doors to the booths, and each sat down at the desk in our booth. We then spoke to one another at a normal, conversational volume. It was easy to hear one another. The white noise machines had little or no effect on our ability to hear one another.

8. Based on my first-hand observations of the interview room, I would not feel comfortable talking about sensitive or private issues in one of the booths if there was another person in any of the other booths.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 30, 2023.



Daniel Symonds

Exhibit E



U.S. Citizenship and Immigration Services

Applicant: [REDACTED]
A #: [REDACTED]

Officer: Tessa Haefcke
Date of Determination: May 21, 2023

FORM I-869B (Rev 05/12/2023)

Record of Negative Credible Fear and Reasonable Possibility Finding and Request for Review by Immigration Judge for Noncitizens Subject to the Condition on Asylum Eligibility Pursuant to 8 CFR 208.33(a)

A File Number: [REDACTED]

1. To be explained to the noncitizen by the asylum officer:

A. U.S. Citizenship and Immigration Services (USCIS) has determined that you are a noncitizen subject to the condition on asylum eligibility in 8 CFR 208.33(a) and that you have not established a significant possibility that you can rebut the presumption that you are ineligible for asylum, nor have you established a significant possibility that you are excepted from the presumption. Therefore, you have not established a credible fear.

B. You have not established a reasonable possibility of persecution or torture for the following reason(s):

You have not established a reasonable possibility of persecution in a country to which you may be removed because:

You have not indicated that you were harmed in the past and you have not expressed fear of future harm.

There is no reasonable possibility that the harm you experienced and/or the harm you fear is on account of your race, religion, nationality, political opinion, or membership in a particular social group.

You have not indicated that you were harmed in the past, or there is no reasonable possibility that the past harm or the harm you fear in the future constitutes persecution.

There is no reasonable possibility that you would suffer the harm you fear.

You could reasonably avoid persecution by relocating within your country.

AND

You have not established a reasonable possibility of torture in a country to which you may be removed because you have not established that there is a reasonable possibility that:

You would suffer severe physical or mental pain or suffering.

The harm you fear would be specifically intended to inflict severe physical or mental pain or suffering.

The harm you fear would be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity.



U.S. Citizenship and Immigration Services

Applicant: [Redacted]
A #: [Redacted]

Officer: **Tessa Haefcke**
Date of Determination: **May 21, 2023**

- The harm you fear would be inflicted while you are in the custody or physical control of the offender.
- The harm you fear would not arise only from, would not be inherent in, and would not be incidental to, lawful sanctions.

C. Considering the totality of the circumstances and all relevant factors, you have not established that your testimony is credible.

Therefore, you are ordered removed from the United States. You may request that an Immigration Judge review this decision.

If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case. That review could occur as long as 7 days after you receive this decision.

If you do not indicate below that you request Immigration Judge review of the decision, you will not receive review by an Immigration Judge and you may be removed from the United States immediately.

2. To be completed by the noncitizen:

Yes, I request Immigration Judge review of the decisions that I do not have a credible fear of persecution or torture and that I do not have a reasonable possibility of persecution or torture.

No, I do not request Immigration Judge review of the decisions that I do not have a credible fear of persecution or torture and that I do not have a reasonable possibility of persecution or torture.

Applicant's Last Name / Family Name (Print)	Applicant's First Name (Print)	Applicant's Signature

Tessa Haefcke	JUNE 23, 2023
Asylum Officer	Date

The contents of this form were explained to the applicant in the **SPANISH** language

Interpreter used:

By telephone (list interpreter service /ID number used _____).

In person (I, _____, certify that I am fluent in both the **SPANISH** and

EOIR - 2 of 43



**U.S. Citizenship
and Immigration
Services**

Applicant: [REDACTED]
A #: [REDACTED]

Officer: **Tessa Haefcke**
Date of Determination: **May 21, 2023**

English languages. I interpreted the above information completely and accurately to the noncitizen.)

Interpreter's Signature

Date

Exhibit F



**U.S. Citizenship
and Immigration
Services**

Applicant: [REDACTED]
[REDACTED]
A #: [REDACTED]

Officer: **Tessa Haefcke**
Date of Determination: **May 21, 2023**

FORM I-863 (Rev 08/01/2007)

Notice of Referral to Immigration Judge

[REDACTED]	[REDACTED]	06/23/2023
Name	A-File	Date
TORRANCE/ESTANCIA, NM, 209 COUNTY ROAD, HONDURAS ESTANCIA NM, 87016		
Address	Country of Citizenship	
At or near UNKNOWN (EWI)	On or about 2023-05-15	
Place and Manner of Arrival	Date of Arrival	

To Immigration Judge:

1. The above-named alien has been found inadmissible to the United States and ordered removed pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act). A copy of the removal order is attached. The alien has requested asylum and/or protection under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded the alien does not have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act and 8 CFR § 208.30(g).

2. The above-named alien arrived in the United States as a stowaway and has been ordered removed pursuant to section 235(a)(2) of the Act. The alien has requested asylum and/or withholding of removal under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded the alien does not have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act.

3. The above-named alien arrived in the United States in the manner described below and has requested asylum and/or withholding of removal under the Convention against Torture. The matter is referred for a determination in accordance with 8 CFR 208.2(c). Arrival category (check one):

- | | | |
|---|---|---|
| <input type="checkbox"/> Crewmember / applicant | <input type="checkbox"/> Crewmember / refused | <input type="checkbox"/> Crewmember / landed |
| <input type="checkbox"/> Crewmember / violator | <input type="checkbox"/> VWP / applicant | <input type="checkbox"/> VWP / violator |
| <input type="checkbox"/> 235(c) order | <input type="checkbox"/> S-visa nonimmigrant | <input type="checkbox"/> Stowaway; credible fear determination attached |

4. The above-named alien has been ordered removed by an immigration officer pursuant to section 235(b)(1) of the Act. A copy of the removal order is attached. In accordance with section 235(b)(1)(C) of the Act, the matter is referred for review of that order. The above-named alien claims to be (check one):

- a United States citizen a lawful permanent resident alien

EOIR - 4 of 43



**U.S. Citizenship
and Immigration
Services**

Applicant: [REDACTED]
A #: [REDACTED]

Officer: **Tessa Haefcke**
Date of Determination: **May 21, 2023**

an alien granted refugee status under section 207 of the Act an alien granted asylum under section 208 of the Act

5. The above-named alien has been ordered removed pursuant to section 238(b) of the Act, or the Department of Homeland Security (DHS) has reinstated a prior exclusion, deportation, or removal order of the above-named alien pursuant to section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture and the claim has been reviewed by an asylum officer who has concluded the alien does not have a reasonable fear of persecution or torture. The alien has requested a review of that determination in accordance with 8 CFR §§ 208.31(f) and (g).

6. The above-named alien has been ordered removed pursuant to section 238(b) of the Act, or the DHS has reinstated a prior exclusion, deportation, or removal order of the above-named alien pursuant to section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture and the claim has been reviewed by an asylum officer who has concluded the alien has a reasonable fear of persecution or torture. The matter has been referred for a determination in accordance with 8 CFR § 208.31(e).

7. The Secretary of Homeland Security has determined that the release from custody of the above-named alien who is under a final order of removal would pose a special danger to the public according to the standards set in 8 CFR § 241.14(f)(1). The DHS has therefore invoked procedures to continue the alien's detention even though there is no significant likelihood that the alien will be removed from the United States in the reasonably foreseeable future. The matter is referred to the immigration judge for a review of this determination in accordance with 8 CFR § 241.14(g).

NOTICE TO APPLICANT

You are ordered to report for a hearing before an immigration judge for the reasons stated above. Your hearing is scheduled on:

06/25/2023
(Date)

at

0930 AM
(Time)

You are to appear at:

OTERO COUNTY IMMIGRATION COURT, 26 MCGREGOR RANGE ROAD,
DOOR #1, CHAPARRAL, NM, 88081
(Complete office address)

You may be represented in this proceeding, at no expense to the government, by an attorney or other individual authorized and qualified to represent persons before an Immigration Court. If you wish to be so represented, your attorney or representative should appear with you at this hearing. In the event of your release from custody, you must immediately report any change of your address to the Immigration Court on Form EOIR-33, which is provided with this notice. If you fail to appear for a scheduled hearing, a decision may be rendered in your absence.

EOIR - 5 of 43



U.S. Citizenship and Immigration Services

Applicant: [Redacted]
A #: [Redacted]

Officer: **Tessa Haefcke**
Date of Determination: **May 21, 2023**

You may consult with a person or persons of your own choosing prior to your appearance in Immigration Court. Such consultation is at no expense to the government and may not unreasonably delay the process.

Attached is a list of recognized organizations and attorneys that provide free legal service.

 Acting Supervisory Asylum Officer

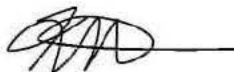
(Signature and title of immigration officer)

CERTIFICATE OF SERVICE

The contents of this notice were read and explained to the applicant in the **SPANISH** language.

The copy of this notice was delivered to the above-named applicant by the undersigned on 06/23/2023, and the alien has been advised of communication privileges pursuant to 8 CFR 236.1(e). Delivery was made:

in person by certified mail, return receipt requested by regular mail



DO

(Signature and title of immigration officer)

Attachments to copy presented to immigration judge:

- Passport
- Form I-860
- Visa
- Form I-869
- Form I-94
- Form I-898
- Forensic document analysis
- Fingerprints and photographs
- EOIR-33
- Asylum Officer's reasonable fear determination worksheet (I-899)
- Asylum Officer's credible fear determination worksheet (I-870)
- FOR 8 CFR 241.14(f) CASES ONLY:** Written statement including summary of the basis for the Secretary's determination to continue the alien in detention, and description of the evidence relied on in finding the alien specially dangerous (with supporting documents attached).
- FOR 8 CFR 241.14(f) CASES ONLY:** Written notice advising the alien of initiation of proceedings and informing alien of procedures governing the Reasonable Cause Hearing at 8 CFR 241.14(h).
- Other (specify): Officer's Notes

EOIR - 6 of 43

Exhibit G

Declaration of Zoe Bowman

1. My name is Zoe Bowman. I am an attorney at Las Americas Immigrant Advocacy Center. I take immigration cases of people detained in the El Paso ICE jurisdiction, including at the Torrance County Detention Facility (TCDF), *pro bono*. I also regularly provide Know Your Rights presentations at TCDF.

2. A Las Americas legal intern conducted a brief intake interview with Mr. [REDACTED], through which we learned that the Houston Asylum Office had informed Mr. [REDACTED] by telephone on about May 24, 2023 or May 25, 2023 that he had failed his Credible Fear Interview, that he had requested to have an Immigration Judge review the Asylum Office's decision, but that he had not yet had his hearing. In follow-up conversations with Mr. [REDACTED], we also learned that, because of concerns about the lack of privacy during his Credible Fear Interview ("CFI"), including that he could easily hear that the asylum-seeker in the interview booth next to his was from the same small, rural department of Honduras as he was, Mr. [REDACTED] had not mentioned key details of his claim. This included the fact that his father had been murdered by members of Mara 18 after making a police report in Honduras.

3. On Wednesday, June 21, 2023, Las Americas entered into an agreement with Mr. [REDACTED] to represent him at his immigration judge review hearing. At the time we offered representation, [REDACTED] still had not been scheduled for a hearing and a search of his A-Number on the EOIR Automated Case Portal yielded the result "No case found for this A-Number." This was so even though Mr. [REDACTED] had learned about his negative decision from the Asylum Office about 27 or 28 days earlier. Because Mr. [REDACTED]'s case did not appear in the EOIR system, it was not yet possible to enter an appearance on his behalf to get notices related to his case.

4. On Friday, June 23, 2023, at about 11:00 a.m., I learned by checking the EOIR Automated Case Information System that Mr. [REDACTED]'s review hearing before an Immigration Judge at the Otero Immigration Court had been scheduled for 9:00 a.m. on Sunday, June 25, 2023. To my knowledge, no public notification had been provided that court hearings at Otero Immigration Court were being conducted on weekends, when the courts, including the clerk's office, are closed. I would not have learned about Mr. [REDACTED]'s hearing unless I had set up a practice of regularly checking client's A-number in the EOIR Automated Case Portal. Mr. [REDACTED] later informed me that he never received any notice that his hearing would take place and that he was not aware weekend review hearings were possible either. With such short notice, I was not able to reach Mr. [REDACTED] or visit him at TCDF to warn him that the hearing had been scheduled.

5. I appeared at the hearing via WebEx at 9:00 a.m. on Sunday morning, cancelling plans I had made months before to spend time with friends visiting from away. At the beginning of the hearing, Immigration Judge [REDACTED] called me into the virtual courtroom from the virtual waiting room and verified that I was representing Mr. [REDACTED]. He then moved me back into the virtual waiting room. I waited in the virtual waiting for over two hours for Mr. [REDACTED] to have his hearing, unable to discern whether the IJ had forgotten that I was there. I was also unable to call the clerk's office for guidance, as I would normally do, because

the clerk's office was closed. While I cannot say for sure, I do not believe any of the other Respondents were represented by counsel that morning.

6. When the hearing began, IJ [REDACTED] told me that I would not be allowed to speak during the hearing. To the best of my recollection, he said this was because it was a negative credible fear review hearing, and therefore I was present only as a "consultant" to Mr. [REDACTED], not as his attorney.

7. During the hearing, Mr. [REDACTED] explained to IJ [REDACTED] that he was not able to explain key parts of his asylum claim to the Asylum Officer during his CFI because he was next to another man from Honduras who lived near his family and he was concerned what would happen if this person overheard that his father was killed for reporting gang activity to the police. IJ [REDACTED] responded by asking Mr. [REDACTED] why he did not tell the Asylum Officer that he would like to have the interview conducted somewhere else. Mr. [REDACTED] tried to explain to IJ [REDACTED] that he believed he had to follow ICE's rules about where CFIs are conducted and that the Asylum Officer never asked him if others could overhear what he was saying. Following that exchange, IJ [REDACTED] told Mr. [REDACTED] that he did not find him credible. IJ [REDACTED] explained that, because Mr. [REDACTED] was telling him things during the hearing that were not included in the Asylum Officer's notes (which are not verbatim, and explicitly do not constitute a transcript), that indicated that he was making things up.

8. At a couple of points during the hearing, I attempted to intervene, to advocate for my client and point out due process violations that occurred during Mr. [REDACTED]'s CFI, such as the unlawful lack of confidentiality in TCDF's CFI interview room. IJ [REDACTED] cut me off and told me I was not allowed to speak. At the close of the hearing, he affirmed the Asylum Officer's decision. During an off-the-record conversation with IJ [REDACTED] afterwards, I tried to explain other issues with Mr. [REDACTED]'s case, including that the Immigration Court lacked jurisdiction to hear the case because the INA provides that an IJ review cannot take place more than seven days after the Asylum Office reaches a negative credible fear decision. IJ [REDACTED] was not responsive to the issues I raised.

9. On July 1, 2023, within seven days of the hearing, I submitted a request to the Houston Asylum Office asking them to provide Mr. [REDACTED] with a new interview or to place him directly into asylum proceedings. In the request, I explained Mr. [REDACTED]'s asylum claim and why he was not able to include everything in his initial claim. I also outlined other due process violations that occurred throughout Mr. [REDACTED]'s fear interview process. The Houston Asylum Office denied my request on July 5, 2023, without offering any reasoning.

I, Zoe Bowman, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct to the best of my knowledge.



Signature

August 20, 2023

Date

Exhibit H

Declaration of Ian Philabaum, August 19, 2023

1. My name is Ian Philabaum. I am a Program Director at Innovation Law Lab. I am a fully accredited representative through the Department of Justice.
2. My colleagues at Innovation Law Lab (Law Lab) and I have spoken with hundreds of individuals detained at Torrance County Detention Facility (TCDF) since Law Lab began providing legal consultation and services there in 2019. Law Lab has been providing pro bono legal consultation to individuals in ICE custody at TCDF nearly every Tuesday for over two years. We provide legal orientation for individuals seeking asylum in the United States, answer questions people have about their cases, and screen individuals for potential representation. On a weekly basis I conduct follow-up, individualized legal calls with people in TCDF to work on legal cases. On several occasions I have traveled to TCDF to conduct in person legal orientations and individual legal case meetings.
3. Law Lab is part of a coalition of legal service providers that provide pro bono orientation and legal services for individuals detained at TCDF.
4. Law Lab provides telephonic pro bono legal consultation to individuals in ICE custody in TCDF on a weekly basis. During these calls, we speak with dozens of individuals that share their experiences with us. Some of those individuals are eligible for our services and we schedule subsequent individual legal calls to further discuss their cases.
5. When we conduct individual legal calls, individuals we speak with often share their experiences with Law Lab staff and grant us permission to share their stories.
6. On June 16, 2023, I went to TCDF and spoke with a group of individuals detained in ICE custody in person. They shared stories with me about their experiences while detained in TCDF. I spoke with a group of approximately 50 men, each of whom had been detained at TCDF for at least two weeks. I provided a legal orientation and answered questions about their individual cases. The men in the group shared complaints about lack of access to information about their legal process, lack of access to counsel, no privacy during their credible fear interviews (CFI), that the immigration judge did not listen to them when they appealed their negative CFI decisions, disrespectful treatment by the guards at TCDF, lack of access to speak directly with ICE, that ICE didn't answer their questions, disgusting food at TCDF, and poor conditions at TCDF. The men in the group also shared and collectively agreed that whenever they tried to file a grievance about in one of the above issues that their grievance was ignored.

I certify that this statement is complete, true, and correct to the best of my knowledge and belief.



Ian Philabaum

____ August 19, 2023 _____

Date

Exhibit I

Declaration of Patrick James Podesta, August 19, 2023

1. My name is Patrick James Podesta. I am a Program Manager at Innovation Law Lab. I am a fully accredited representative through the Department of Justice.
2. My colleagues at Innovation Law Lab (Law Lab) and I have spoken with hundreds of individuals detained at Torrance County Detention Facility (TCDF) since Law Lab began providing legal consultation and services there in 2019. Law Lab has been providing pro bono legal consultation to individuals in ICE custody at TCDF nearly every Tuesday for over two years. We provide legal orientation for individuals seeking asylum in the United States, answer questions people have about their cases, and screen individuals for potential representation. On a weekly basis I conduct follow-up, individualized legal calls with people in TCDF to work on legal cases. On several occasions I have traveled to TCDF to conduct in person legal orientations and individual legal case meetings.
3. On July 5, 2023, I went to TCDF and spoke with a group of individuals detained in ICE custody in person.
4. On July 7, 2023, I returned to TCDF and spoke with a group of individuals detained in ICE custody in person.
5. Several individuals that I met with on July 5, 2023, and July 7, 2023, wrote and shared their individual testimonies about their experience in TCDF, and granted me permission to share their stories with the public.

I certify that this statement is complete, true, and correct to the best of my knowledge and belief.



August 21, 2023

PJ Podesta

Date

Exhibit J

Declaration of [REDACTED]
Regarding His Diagnosis of Gout and the Worsening of His Physical Condition at
Torrance County Detention Facility

1. My name is [REDACTED] (A [REDACTED] [REDACTED] [REDACTED] I was born on [REDACTED], [REDACTED] in [REDACTED], Colombia. I am seeking asylum in the United States because my life is in grave danger in Colombia.
2. Close to five years ago, I started having pain in my ankles. The pain got so bad that I could not walk. I got crutches because I could not even walk to go to the bathroom.
3. After many medical exams, I was diagnosed with Gout by a doctor in [REDACTED]. The doctor instructed me to change my diet and avoid canned foods with preservatives, red meats, cold cuts, beans, lentils, other legumes, fish, and seafood, and any spicy foods, as they could generate uric acid crystals which form needles, settle in the joints, cause severe pain, and eventually wear down my cartilage and cause chronic arthritis.
4. For several years I managed my gout by managing my diet as I was instructed. I learned to eat what was healthy for me. I would still have gout flares, but they were fewer and passed more quickly.
5. Even so, about one and a half years ago, I found that I could not move my elbow at all – the pain was excruciating. I could see a bump on my left elbow where the pain was. My doctor referred me for a surgery to remove the uric acid crystals from my left elbow. If I had not received that surgery, I was told the uric acid crystals could have caused more severe permanent damage.
6. On January 12 of this year, 2023, I was forced to flee Colombia to save my life. I flew to Juarez and flagged down a BP agent on the border to request asylum that same day.
7. I was taken to a frigid holding space in El Paso where I spent two days with other people seeking asylum. After two days, I was told we were going to be taken to a shelter. Instead, we were put on a bus and taken to Torrance County Detention Facility. I believe we arrived at Torrance on or around the 15th of January close to midday. When I saw the razor wire, I realized we had been lied to. A man with a large gun waited for us as we got off the bus. The guards were rude and did not allow us to speak or ask questions.
8. When I arrived at Torrance, I was given an appointment with a nurse. She didn't speak any Spanish and there was no interpreter – there was no way for me to communicate that I have gout, or that I required a special diet. I believed I would not be detained for very long and that I could go back to managing my diet once I was released.


9. The first food I received was a mortadella sandwich, an apple, and something like a kool aid. I took out the mortadella from the sandwich because I knew that cold cuts would hurt me.
10. Upon arriving at Torrance, I was placed in quarantine. I was told I would be released after 14 or 15 days. It was difficult to even get basic supplies, like toilet paper, and so I felt that it would be impossible to request a different diet and I thought that, if I were to be released soon, it wasn't worth fighting for different food as I could choose my diet once I was released. In those days, I ate the bread, the lettuce, but I could not eat most of the food they gave me.
11. A little more than 8 days after arriving at Torrance, I had a medical visit with a doctor who had an interpreter. I told the doctor that I have gout and uric acid problems. He asked me when I had last felt pain, I told him it had been six months because I was so careful with my food. I told him I was worried about the food I was being served because it was exactly the food I had learned to avoid. He told me that there was a different meal plan he could put me on, that was their healthy meal plan.
12. I realized, however that the healthy food was the same as the general food, but without any seasoning. My problem was not the salt, or the sugar, or the seasoning, my problem was the meat, the beans, the lentils. The healthy meal plan just meant that they put less salt and less sugar on the plate. It had nothing to do with gout. I opted to continue with the normal meal plan, as the healthy meal plan was the same food but without flavor and I was hoping I would be released soon. I managed my gout by buying from the commissary the food that I could eat – it was mostly ramen.
13. After about 15 or 20 days in Torrance, I began to feel pain in my right foot and my elbows. It made it difficult for me to walk – I would walk slowly and carefully. I could move my arms, but it hurt. I prayed that I would be released soon so I might have control over my diet and make the pain go away.
14. Eventually, I was transferred from Torrance to Alexandria, Louisiana, by way of El Paso and Florence, Arizona. I spent roughly 72 hours in transit, with chains around my ankles and wrists that made the pain in my joints even worse.
15. I spent about 6 days in Louisiana. I was already in pain when I left Torrance. In Louisiana, there was no commissary. I had to eat the food that they gave me. It was very similar to what they offered in Torrance. Beans, cold cut sandwiches, sloppy joes.
16. From Louisiana, I was transferred back to Florence, in Arizona. By the time I arrived in Florence, I could not walk for the severe pain in both ankles. After about 5 days in Florence, I was given a single crutch.

17. I spent several days in Florence without getting out of bed except to limp to the bathroom. Although the crutch they gave me was too long, it still helped to be able to take some of the weight off my feet when I had to go to the bathroom.
18. The pain was severe but the food in Florence was different – they gave the general population mashed potatoes, salad. Those foods were better for my condition and the pain improved slightly by the time I left Florence, though I still had severe pain and trouble walking.
19. Around March 8, 2023, I was transferred to Torrance where I started to receive the same food as before. I began buying from the commissary again, but the pain in my joints has worsened. I am eating what I am able to eat – rice, bread, potatoes.
20. They continue to serve me sausage, mortadella, beans, and other foods that I cannot eat. A few days ago, Deportation Office David Rodriguez told me that he would refer me for “healthy” meals, but the “healthy” meals continue to be the same as the others, just without salt, or without the cakes. For instance, for one meal, I was given a sausage with a potato. For another, I was given beans without any seasoning, and a potato. I cannot eat sausage and I cannot eat beans. So, I ate the potatoes.
21. I am still limping. My ankles are still extremely painful. My right knee is swollen and I cannot bend it or straighten it fully. For nearly four days, up until March 22, 2023, my right knee was completely immobile and it still hurts, especially if I move it, but even if I leave it still.
22. The medical staff at Torrance have prescribed me Colchicine. The doctor told me to be careful with the medication because if I take it every day, it can cause permanent harm, including to my kidneys. I take it only when the pain is severe, but the truth is that the pain is severe every day and I am taking the pills twice a day.
23. I was told on March 20, 2023 by Deportation Officer David Rodriguez that I will not be deported until at least April 20th. He also told me I cannot be deported until I am in good health. I am afraid that I will not be able to stand another month in this place with this pain, and I do not know how I could possibly be in good health by April 20th. I pray that I can be released to live with my uncle so I can eat the food that helps me to recover and continue fighting my case.



24 Marzo 2023

Date

I certify that I am proficient in the English and Spanish languages and that the foregoing was read to  in Spanish.


Ariel Prado

March 24, 2023

Date