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 14 *Attorneys for Plaintiffs*

15 **UNITED STATES DISTRICT COURT**
 16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 Al Otro Lado, Inc., *et al.*,

18 Plaintiffs,

19 v.

20 Kevin K. McAleenan,¹ *et al.*,

21 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**DECLARATION OF MELISSA
 CROW IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

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 27 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary
 28 Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF MELISSA CROW

I, Melissa Crow, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a Senior Supervising Attorney with the Southern Poverty Law Center’s Immigrant Justice Project and co-lead counsel for the Plaintiffs in this case.

2. Attached hereto as Exhibit 1 is a true and accurate copy of a document bearing the Bates stamps AOL-DEF-00011372. “AOL-DEF” denotes a document produced by Defendants in this litigation. Exhibit 1 is designated “Confidential” under the Court’s Protective Order (Dkt. 276).

3. Attached hereto as Exhibit 2 is a true and accurate copy of a report from the U.S. Department of Homeland Security’s Office of Inspector General dated September 27, 2018 entitled *Special Review – Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy*.

4. Attached hereto as Exhibit 3 is a true and accurate copy of the declaration of Stephanie Leutert.

5. Attached hereto as Exhibit 4 is a true and accurate copy of the declaration of Nicole Ramos.

6. Attached hereto as Exhibit 5 is a true and accurate copy of the declaration of Named Plaintiff Roberto Doe. This individual has signed the declaration using a pseudonym because he or she fears retaliation by U.S. immigration authorities. If the Court requests, Plaintiffs are willing to identify this individual in camera.

7. Attached hereto as Exhibit 6 is a true and accurate copy of the declaration of K.S. This individual has signed the declaration using pseudonymous initials because he or she fears retaliation by U.S. immigration authorities. If the Court requests, Plaintiffs are willing to identify this individual in camera.

8. Attached hereto as Exhibit 7 is a true and accurate copy of the declaration of S.N. This individual has signed the declaration using pseudonymous

1 initials because he or she fears retaliation by U.S. immigration authorities. If the
2 Court requests, Plaintiffs are willing to identify this individual in camera.

3 9. Attached hereto as Exhibit 8 is a true and accurate copy of the
4 declaration of Bianka Doe. This individual has signed the declaration using a
5 pseudonym because he or she fears retaliation by U.S. immigration authorities. If
6 the Court requests, Plaintiffs are willing to identify this individual in camera.

7 10. Attached hereto as Exhibit 9 is a true and accurate copy of the
8 declaration of China. This individual has signed the declaration using a pseudonym
9 because he or she fears retaliation by U.S. immigration authorities. If the Court
10 requests, Plaintiffs are willing to identify this individual in camera.

11 11. Attached hereto as Exhibit 10 is a true and accurate copy of the
12 declaration of Courtney Collins. This individual has signed the declaration using a
13 pseudonym because he or she fears retaliation by U.S. immigration authorities. If
14 the Court requests, Plaintiffs are willing to identify this individual in camera.

15 12. Attached hereto as Exhibit 11 is a true and accurate copy of the
16 declaration of C.P. This individual has signed the declaration using pseudonymous
17 initials because he or she fears retaliation by U.S. immigration authorities. If the
18 Court requests, Plaintiffs are willing to identify this individual in camera.

19 13. Attached hereto as Exhibit 12 is a true and accurate copy of the
20 declaration of Djamal Doe. This individual has signed the declaration using a
21 pseudonym because he or she fears retaliation by U.S. immigration authorities. If
22 the Court requests, Plaintiffs are willing to identify this individual in camera.

23 14. Attached hereto as Exhibit 13 is a true and accurate copy of the
24 declaration of Dora Doe. This individual has signed the declaration using a
25 pseudonym because he or she fears retaliation by U.S. immigration authorities. If
26 the Court requests, Plaintiffs are willing to identify this individual in camera.

27 15. Attached hereto as Exhibit 14 is a true and accurate copy of the
28 declaration of J.R. This individual has signed the declaration using pseudonymous

1 initials because he or she fears retaliation by U.S. immigration authorities. If the
2 Court requests, Plaintiffs are willing to identify this individual in camera.

3 16. Attached hereto as Exhibit 15 is a true and accurate copy of the
4 declaration of Jordan Doe. This individual has signed the declaration using a
5 pseudonym because he or she fears retaliation by U.S. immigration authorities. If
6 the Court requests, Plaintiffs are willing to identify this individual in camera.

7 17. Attached hereto as Exhibit 16 is a true and accurate copy of the
8 declaration of King Doe. This individual has signed the declaration using a
9 pseudonym because he or she fears retaliation by U.S. immigration authorities. If
10 the Court requests, Plaintiffs are willing to identify this individual in camera.

11 18. Attached hereto as Exhibit 17 is a true and accurate copy of the
12 declaration of A.V.M.M. This individual has signed the declaration using
13 pseudonymous initials because he or she fears retaliation by U.S. immigration
14 authorities. If the Court requests, Plaintiffs are willing to identify this individual in
15 camera.

16 19. Attached hereto as Exhibit 18 is a true and accurate copy of the
17 declaration of S.M.R.G. This individual has signed the declaration using
18 pseudonymous initials because he or she fears retaliation by U.S. immigration
19 authorities. If the Court requests, Plaintiffs are willing to identify this individual in
20 camera.

21 20. Attached hereto as Exhibit 19 is a true and accurate copy of the
22 declaration of A.N.H. This individual has signed the declaration using
23 pseudonymous initials because he or she fears retaliation by U.S. immigration
24 authorities. If the Court requests, Plaintiffs are willing to identify this individual in
25 camera.

26 21. Attached hereto as Exhibit 20 is a true and accurate copy of the
27 declaration of M.G. This individual has signed the declaration using pseudonymous
28 initials because he or she fears retaliation by U.S. immigration authorities. If the

1 Court requests, Plaintiffs are willing to identify this individual in camera.

2 22. Attached hereto as Exhibit 21 is a true and accurate copy of the
3 declaration of O.S. This individual has signed the declaration using pseudonymous
4 initials because he or she fears retaliation by U.S. immigration authorities. If the
5 Court requests, Plaintiffs are willing to identify this individual in camera.

6 23. Attached hereto as Exhibit 22 is a true and accurate copy of the
7 declaration of B.B. This individual has signed the declaration using pseudonymous
8 initials because he or she fears retaliation by U.S. immigration authorities. If the
9 Court requests, Plaintiffs are willing to identify this individual in camera.

10 24. Attached hereto as Exhibit 23 is a true and accurate copy of the
11 declaration of Adam Isacson.

12 25. Attached hereto as Exhibit 24 is a true and accurate copy of the
13 declaration of Brian Griffey.

14 26. Attached hereto as Exhibit 25 is a true and accurate copy of an email
15 sent by Edward Grodin, Associate General Counsel, Executive Office for
16 Immigration Review (“EOIR”), U.S. Department of Justice, to EOIR leadership
17 regarding application of third-country-transit rule dated September 12, 2019.

18 27. Attached hereto as Exhibit 26 is a true and accurate copy of a June 18,
19 2018 article from the New York Times entitled *Kirstjen Nielsen Addresses Families*
20 *Separation at Border: Full Transcript*.

21 28. Attached hereto as Exhibit 27 is a true and accurate copy of the
22 declaration of Alejandra Macias Delgadillo.

23 29. Attached hereto as Exhibit 28 is a true and accurate copy of the
24 declaration of Michelle Brané.

25 30. Attached hereto as Exhibit 29 is a true and accurate copy of a document
26 bearing the Bates stamps CBPALORT000036.

27 31. Attached hereto as Exhibit 30 is a true and accurate copy of a July 3,
28 2019 article from National Public Radio entitled “‘Metering’ Policy on the Southern

1 Border Faces Renewed Scrutiny.”

2 32. Attached hereto as Exhibit 31 is a true and accurate copy of a June 17,
3 2019 article from Public Radio International entitled “Thousands of asylum-seekers
4 left waiting at the U.S.-Mexico border.

5 33. Attached hereto as Exhibit 32 is a true and accurate copy of a May 9,
6 2019 article from AP News entitled “For thousands of asylum seekers, all they can
7 do is wait.”

8 34. Attached hereto as Exhibit 33 is a true and accurate copy of a November
9 28, 2018 article from Vox entitled “The US has made migrants at the border wait
10 months to apply for asylum. Now the dam is breaking.”

11 35. Attached hereto as Exhibit 34 is a true and accurate copy of U.S.
12 Customs & Border Protection, “Southwest Border Migration FY2019 – Office of
13 Field Operations Southwest Border Inadmissibles FY2019” (last modified Sept. 9,
14 2019), <http://bit.ly/2kpwpEn>.

15 36. Attached hereto as Exhibit 35 is a true and accurate copy of a December
16 17, 2018 letter from U.S. Representatives Jerrold Nadler, Bennie G. Thompson, and
17 Zoe Lofgren to Defendant Kevin K. McAleenan.

18 37. Attached hereto as Exhibit 36 is a true and accurate copy of a July 29,
19 2019 article from NBC News entitled *Stephen Miller Want Border Patrol, Not*
20 *Asylum Officers, to Determine Migrant Asylum Claims.*

21 38. Attached hereto as Exhibit 37 is a true and accurate copy of a January
22 28, 2019 article from The Atlantic entitled *An Obscure White House Staffer’s Jaw-*
23 *Dropping Trump Tell-All.*

24 39. Attached hereto as Exhibit 38 is a true and accurate copy of April 5,
25 2019 Remarks by President Trump Before Marine One Departure.

26 40. Attached hereto as Exhibit 39 is a true and accurate copy of April 15,
27 2019 Remarks by President Trump in Roundtable Discussion on the Economy and
28 Tax Reform.

1 41. Attached hereto as Exhibit 40 is a true and accurate copy of a transcript
2 of President Trump’s April 6, 2019 speech to the Republican Jewish Coalition.

3 42. Attached hereto as Exhibit 41 is a true and accurate copy of a document
4 bearing the Bates stamps AOL-DEF-00012000. Exhibit 41 is designated “Highly
5 Confidential” under the Court’s Protective Order (Dkt. 276).

6 43. Attached hereto as Exhibit 42 is a true and accurate copy of a document
7 bearing the Bates stamps AOL-DEF-00012012-17. Exhibit 42 is designated
8 “Confidential” under the Court’s Protective Order (Dkt. 276).

9 44. Attached hereto as Exhibit 43 is a true and accurate copy of a document
10 bearing the Bates stamps AOL-DEF-00011122-11232. Exhibit 43 is designated
11 “Highly Confidential” under the Court’s Protective Order (Dkt. 276).

12 45. Attached hereto as Exhibit 44 is a true and accurate copy of a May 2019
13 report from the American Immigration Council entitled *The Cost of Immigration*
14 *Enforcement and Border Security*.

15 46. Attached hereto as Exhibit 45 is a true and accurate copy of U.S.
16 Customs and Border Protection’s *Border Security Report Fiscal Year 2018*, dated
17 March 2019.

18 47. Attached hereto as Exhibit 46 is a true and accurate copy of a report
19 entitled *San Ysidro LPOE Project Facts*, which was published by the U.S. General
20 Services Administration.

21 48. Attached hereto as Exhibit 47 is a true and accurate copy of the
22 declaration of CCAA. This individual has signed the declaration using
23 pseudonymous initials because he or she fears retaliation by U.S. immigration
24 authorities. If the Court requests, Plaintiffs are willing to identify this individual in
25 camera.

26 49. Attached hereto as Exhibit 48 is a true and accurate copy of the
27 declaration of Marlon Doe. This individual has signed the declaration using a
28 pseudonym because he or she fears retaliation by U.S. immigration authorities. If

1 the Court requests, Plaintiffs are willing to identify this individual in camera.

2 50. Attached hereto as Exhibit 49 is a true and accurate copy of the
3 declaration of Mowha Doe. This individual has signed the declaration using a
4 pseudonym because he or she fears retaliation by U.S. immigration authorities. If
5 the Court requests, Plaintiffs are willing to identify this individual in camera.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the proceeding declaration is true and correct.

8 Executed on this 26th day of September 2019 at Washington, D.C.

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10 /s/ Melissa Crow

11 Melissa Crow

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16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 1 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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**U.S. Customs and
Border Protection**

APR 27 2018

MEMORANDUM FOR: See Distribution [REDACTED]

FROM: Todd C. Owen [REDACTED]
Executive Assistant Commissioner
Office of Field Operations

SUBJECT: Metering Guidance

When necessary or appropriate to facilitate orderly processing and maintain the security of the port and safe and sanitary conditions for the traveling public, DFOs may elect to meter the flow of travelers at the land border to take into account the port's processing capacity. Depending on port configuration and operating conditions, the DFO may establish and operate physical access controls at the borderline, including as close to the U.S.-Mexico border as operationally feasible. DFOs may not create a line specifically for asylum-seekers only, but could, for instance, create lines based on legitimate operational needs, such as lines for those with appropriate travel documents and those without such documents.

Ports should inform the waiting travelers that processing at the port is currently at capacity and CBP is permitting travelers to enter the port once there is sufficient space and resources to process them. At no point may an officer discourage a traveler from waiting to be processed, claiming fear of return, or seeking any other protection. Officers may not provide tickets or appointments or otherwise schedule any person for entry. Once a traveler is in the United States, he or she must be fully processed.

INAMI has, at times, elected to conduct exit controls at some locations in Mexico to limit the throughput of travelers into the United States. DFOs should be particularly aware of any INAMI controls that are preventing U.S. citizens, LPRs, or Mexican nationals (some of whom may intend to claim fear) from entering the United States, and should work with INAMI, as appropriate, to address such concerns.

Please ensure that this memorandum is disseminated to all ports of entry within your area of responsibility. Should you have any questions or require additional information, please contact [REDACTED], Executive Director, APP, at [REDACTED].

Distribution: Director, Field Operations, El Paso
Director, Field Operations, Laredo
Director, Field Operations, San Diego
Director, Field Operations, Tucson

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15 **UNITED STATES DISTRICT COURT**
 16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 Al Otro Lado, Inc., *et al.*,

18 Plaintiffs,

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20 Kevin K. McAleenan,¹ *et al.*,

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Case No.: 17-cv-02366-BAS-KSC

DECLARATION OF STEPHANIE LEUTERT

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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF STEPHANIE LEUTERT

I, Stephanie Leutert, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Stephanie Leutert. I am the Director of the Central America & Mexico Policy Initiative (“CAMPI”) at the Strauss Center for International Security and Law at the University of Texas. In this role, I lead the development and programming for CAMPI and conduct original research on the U.S. Mexico border and Central American migration. I am the lead author of the first-ever border-wide report on the U.S. Customs and Border Protection’s (“CBP’s”) metering practice and subsequent metering updates that document CBP’s practices and the conditions faced by asylum seekers waiting in Mexican border cities. I also teach a graduate level course on Mexico’s migration policy at the Lyndon B. Johnson School of Public Affairs at the University of Texas.

2. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently to the matters discussed in this declaration.

3. Since December 2018, CAMPI has published regular reports on CBP’s metering practices and the conditions for asylum seekers in Mexican border cities. These reports include: (a) *Asylum Processing and Waitlists at the U.S.-Mexico Border* (December 2018), (b) *Metering Update* (February 2019), (c) *Metering Update* (May 2019), (d) *Metering Update* (August 2019) (collectively, the “Reports”). The Reports are attached to my declaration as Exhibits A-D.

4. The Reports are based on information that I, other members of CAMPI, and colleagues from the University of California San Diego and the Migration Policy Centre, have collected directly from field and phone interviews and direct observation on visits to Mexican border cities. In the case of the interviews utilized in creating the Reports, the interviewer documents the statements explaining or describing CBP’s metering practice and the conditions for asylum seekers affected

1 by that practice, made after the declarant interacted with CBP and/or asylum seekers
2 in Mexican border cities. The Reports are created and published near the time that
3 this information is collected. Creating these Reports is a regular activity of CAMPI
4 and they are kept on CAMPI's publications website,
5 <https://www.strauscenter.org/campi-content/campi-reports-working-papers.html>.

6 In addition, pursuant to Fed. R. Evid. 902(11), I certify that Exhibits A-D to my
7 declaration are originals or copies of the Reports.

8 5. Through my work at CAMPI, I have also directly observed CBP's
9 implementation of its metering practice at ports of entry on the U.S.-Mexico border.
10 Since October 2018, I have personally conducted fieldwork in eight Mexican border
11 cities² where asylum seekers affected by CBP's metering practice are forced to wait.
12 In these cities, I have spoken with affected asylum seekers, along with migrant
13 shelter staff, members of civil society organizations, and Mexican federal and local
14 government officials. I have interviewed affected asylum seekers who were waiting
15 on bridges, affected asylum seekers who were sleeping in encampments near the
16 international bridges, and affected asylum seekers waiting in migrant shelters. I have
17 watched firsthand as asylum seekers arrived at the United States - Mexico
18 international line and were subjected to metering by CBP officials. I have also seen
19 physical or virtual copies of five asylum waitlists in five Mexican border cities and
20 have spoken to five individuals in charge of running these lists. I have also partnered
21 with colleagues who conducted similar fieldwork in five additional Mexican border
22 cities.

23 6. I have directly observed the implementation of the metering practice at
24 ports of entry on the U.S.-Mexico border and how it has affected noncitizens seeking
25 to present themselves at ports of entry and access the U.S. asylum process. At CBP's
26

27 ² Those cities are Matamoros Tamaulipas; Nuevo Progreso, Tamaulipas; Reynosa,
28 Tamaulipas; Ciudad Miguel Alemán, Tamaulipas; Nuevo Laredo, Tamaulipas;
Piedras Negras, Coahuila; Ciudad Acuña, Coahuila; Nogales, Sonora.

1 “Class A” ports of entry, pedestrian traffic for non-asylum-seekers flows freely—
2 pedestrians cross into the United States at the international line on bridge midpoints
3 or at turnstiles located at the international boundary; pedestrians then enter the
4 POE’s arrival hall where they encounter a CBP officer at one of several desks. The
5 CBP officer may admit the pedestrian into the country or send the pedestrian to
6 secondary inspection for further review. The process for asylum seekers is different
7 from every other type of pedestrian that attempts to enter the United States. While
8 other pedestrians flow freely over the international line or through the turnstiles if
9 they hold their travel documents in their hands, CBP officers intercept asylum
10 seekers at the international boundary before they can pass into U.S. territory. CBP
11 officers turn back asylum seekers at the international boundary, telling them that
12 there is no capacity at the port of entry and at times instructing them to contact
13 officials on the Mexican side of the border to get on a waitlist to enter the United
14 States.

15 7. Due to the metering practice, more than 26,000 asylum seekers have
16 been forced to wait in Mexican border towns in dangerous conditions, oftentimes
17 without access to basic shelter. Because migrant shelters are over capacity, and some
18 cities lack migrant shelters altogether, asylum-seekers, including families with
19 young children, are forced in some cases to live on international bridges, in
20 encampments near the ports of entry, or on the street, where temperatures regularly
21 exceed 100 degrees in the summer. These asylum seekers may not have adequate
22 access to bathrooms or places to bathe. They are also at risk for criminal activity,
23 including assaults, robberies, kidnapping, and murder. Even within some migrant
24 shelters, conditions may not be much better, given overcrowding, limited resources,
25 and few safety measures.

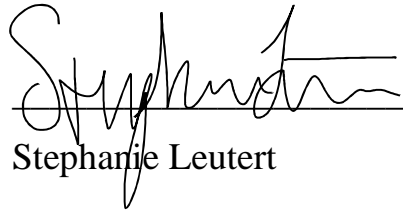
26 8. Prior to CBP’s implementation of the metering practice, asylum seekers
27 could proceed past the international boundary to the entry hall at the POE. Then they
28 were processed in the order that they arrived at the POE. The Government did not

1 turn back asylum seekers, and asylum seekers were not forced to spend months on
2 waitlists on the Mexican side of the border.

3 I declare under penalty of perjury under the laws of the United States of
4 America that the proceeding declaration is true and correct.

5 Executed on this 23rd day of September 2019 at Austin, Texas.

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

DECLARATION OF NICOLE RAMOS

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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF NICOLE RAMOS

I, Nicole Ramos hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am the Border Rights Project Director of Al Otro Lado. In this capacity, I am responsible for managing the provision of legal orientation to asylum seekers and other migrants in Tijuana, Mexico. I supervise staff and volunteers, who assist at legal clinics and with human rights monitoring at the Pedwest Port of Entry.

The Metering Policy Began in 2016

3. Since December 2015 I have accompanied asylum seekers to the ports of entries in Tijuana and observed patterns in how U.S. Customs and Border Protection (“CBP”) officers engage with asylum seekers seeking access to the asylum process by presenting themselves to U.S. immigration authorities at the port of entry.

4. In June 2016, the CBP and Mexican authorities instituted the first phase of metering in response to the arrival of the Haitian Exodus. Over an

approximately six month period, more than 15,000 Haitians migrated to Tijuana with the intent to seek protection in the United States.

5. During the first iteration of metering, asylum seekers were expected to register with Grupo Beta, a service run by the Mexican Government's National Institute of Migration ("INM"). Officials from Grupo Beta would communicate with the main shelters in Tijuana to inform the shelter administrators how many asylum seekers could be processed, and the asylum seekers could travel back to the port of entry to be processed. However, the process was disorderly. Asylum seekers who did not stay at a participating shelter had no information as to how the process functioned.

Mexican Immigration Officials Changed Their Conduct After CBP Issued Its Previously-Secret Metering Policy

6. I understand from the Government's filings in this case that CBP issued a formal metering policy on April 27, 2018. I am not aware of CBP or any other agency of the U.S. Government communicating the existence of this policy to asylum seekers approaching ports of entry ("POEs") on the U.S.-Mexico border. I first became aware of this policy was after an attorney for the Government in this matter disclosed the existence of the metering policy to the Court during oral argument on the Government's motion to dismiss in this litigation on May 10, 2019.

7. On May 6, 2018, Grupo Beta formalized a waiting list/metering system in Tijuana, Mexico that has continued to this day. Each morning starting around 7:00 AM, a group of asylum seekers who are on the list and Grupo Beta gather on the Mexican side of the Pedwest Port of Entry with a notebook. New asylum seekers who arrive at the Pedwest Port of Entry are added to the list. CBP communicates its daily capacity to Grupo Beta, which uses that information to call the appropriate numbers from the top of the list. Grupo Beta then loads the asylum seekers into vans and transports them to CBP for processing.

The Waitlist in Tijuana, Mexico is Underinclusive

8. Grupo Beta sets the rules for who can be added to the list in Tijuana. The rules require that each asylum seeker present identification, which has prevented asylum seekers who lack identification from being added to the list. The identification requirement appears to disproportionately affect Black migrants—their documents are often stolen on their perilous journeys to the United States border or lost in the process of fleeing dangers such as violence from state- and non-state actors or natural predators. In addition, the document requirements frequently change for Black migrants; on some days Grupo Beta requires original travel permission documents from México and original identification documents from Black asylum seekers, and then on other days, only requires that Black asylum seekers present copies. Transgender migrants whose gender presentation

does not match their identification documents are also, at times, prevented from adding their names to the list.

9. The rules instituted by Grupo Beta in Tijuana also require that no unaccompanied minors can be added to the list without a parent or guardian present. Ostensibly, unaccompanied minors should be able to present themselves at any US port of entry, but they are frequently stopped by officials on the Mexican side as they try to approach, detained, and transferred to the custody of the Mexican Department for Children and Families (commonly known as “DIF”). Once in DIF custody, unaccompanied children do not have access to outside counsel and are often prevented from seeking protection in the United States. Central American children in DIF custody are often deported back to their home countries by the Mexican government. Those unaccompanied children who do manage to reach a CBP official at the port of entry are often told by CBP officials that they must add their names to the metering list on the Mexican side. CBP officials often call Mexican authorities to detain unaccompanied children after they are turned away from the port of entry.

10. Our organization has received numerous reports of corruption of the list administered by Grupo Beta in Tijuana. In November of 2018, one of the list managers reported to our organization that another list manager was moving asylum seekers up on the list in exchange for money or sexual favors. The list

manager also told us that there were several asylum seekers who paid to have their names added to the list while still in South America.

The Metering Policy Exposes Asylum Seekers to Violence in Mexico

11. As of today, there are over 10,000 asylum seekers on the metering waitlist in Tijuana. Our office engages in human rights monitoring at the Pedwest and San Ysidro Ports of Entry every day and has observed a precipitous drop in the average daily number of asylum seekers admitted for processing over the past few months. Specifically, the reduction began on June 16, 2018, thirty days before the “Asylum Ban” was promulgated. From June 16, 2018 to July 15, 2018, CBP/Grupo Beta admitted only 332 people. By contrast, in the 30 days prior, they’d admitted 1,041 people, which was still lower than the monthly average of 1,200 admitted from January through May 15, 2019. Through all of early 2019, CBP/Grupo Beta had admitted asylum seekers from the waitlist on all but three days, New Year’s Day, Easter, and World Refugee Day. Aside from those days, CBP admitted between 20 and 80 asylum seekers off of the list each day, with a daily average of 40 admitted per day. In the 30 days before the “Asylum Ban” was promulgated, there were zero asylum seekers processed by CBP on eleven of the thirty days, and 13 days with admissions in the single digits, for an average of 5-6

asylum seekers per day during that period. CBP sped up processing again once the “Asylum Ban” was announced.

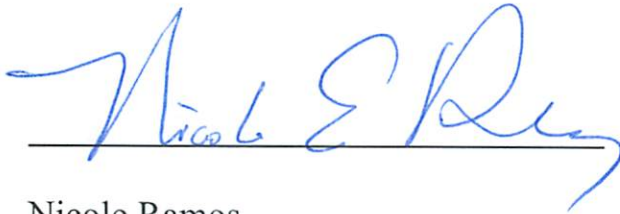
12. Given the low daily average of asylum seekers processed at the Pedwest Port of Entry, asylum seekers currently adding themselves to the list can expect to wait nine or more months in Tijuana until they are able to be processed. Because of the long wait times, at least one-third of the asylum seekers on the list won't be present when their numbers are called, and fewer asylum seekers are attempting to add their numbers to the list now than in the past.

13. Due to the long wait for asylum seekers on the metering waitlist, asylum seekers stuck in Tijuana have been victims of sexual assault, aggravated assaults, kidnapping, extortion, and trafficking by criminal groups. Al Otro Lado has received numerous reports from asylum seekers who have been threatened by smugglers. Smugglers understand that many asylum seekers have family in the United States who could pay smuggling fees. Asylum seekers waiting to be processed are forced to accept these services and obtain payment from relatives in the United States. We have also received reports from waiting asylum seekers who have been kidnapped and trafficked by criminal groups. Migrants are reluctant to report threats or victimization to Mexican law enforcement officials due to their fear of official corruption or deportation.

I declare under penalty of perjury under the laws of the United States of

America that the things described above are true and correct.

Executed on September 25, 2019 at Tijuana, Mexico.

A handwritten signature in blue ink, appearing to read "Nicole Ramos", written over a horizontal line.

Nicole Ramos

A handwritten date in blue ink, "September 25, 2019", written over a horizontal line.

September 25, 2019

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**EXHIBIT 5 TO MOTION FOR
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Roberto Doe

DECLARATION OF [REDACTED]

Roberto Doe

I, [REDACTED] hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a national and citizen of Nicaragua. My date of birth is November 13, 1975. I am married and have three children. They are 10, 18, and 19 years old. I am currently living in a shelter in Reynosa, Mexico, having fled my country to seek asylum in the United States.

3. I fled Nicaragua in early September of 2018. I fear for my life and the life of my family members due to threats of violence from the government and paramilitaries allied with the government. I participated in protests, marches, and strikes against the government. When I closed my carpentry business during a general strike, the police and paramilitary organizations threatened me for participating. They said that if I closed my business then they were going to burn it down. They walked by my house nearly every day and sometimes threatened me and pointed gun at me and son and workers. I feared that the government would hurt my family if I stayed in Nicaragua, so I fled in the middle of the night so that the government would not notice. The day after I left, someone wrote "Plomo," which means lead (as in bullets) three times on the garage door of my business. This marked me as a target to be killed. My wife and children also

left for another part of the country and are in hiding.

4. I arrived in Reynosa, Tamaulipas on Saturday September 29, 2018. On October 2, 2018, I attempted to present myself at the Reynosa-Hidalgo Port of Entry to apply for asylum. I was at the back of the line of a group of six Nicaraguan nationals and one Honduran that tried to apply for asylum. As we walked on the bridge, we saw several U.S. immigration officials standing at the exact middle point of the bridge that divides the United States from Mexico. Our group approached the U.S. immigration officials, and we told them we wanted to apply for asylum.

5. After we asked for asylum, one of the U.S. officials told us that he had to talk to his office first made a call on his radio in English. He then told us to stand to the side. After that, he told us that the port of entry was “all full” and that we couldn’t enter. He told us that we might have to wait for “hours, days, or weeks” before we could apply for asylum.

6. A short while after that, a different U.S. official, a woman, made another call. I heard her say in Spanish for someone to come and pick up some people. A few minutes later, a Mexican immigration official approached from the Mexican side of the border and asked to see all of our papers. We all handed our papers to this official. He looked at them and told us to come with them. Another one of the Nicaraguans I was with asked the U.S. official to help him, saying that the Mexican immigration officials would deport us. The U.S official said that he did not care and then did nothing else.

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4 7. The Mexican immigration official then walked us back down the bridge
5 towards the Mexican side and took us into an office. He left us with other INM officials.
6 We waited for a long time there while various officials were on the phone. I overheard
7 one of the officials saying to someone on the other end of the line that they needed seven
8 or eight spaces for the next deportation transport. I believe that this was a threat to scare
9 us, because we had a legal visa to travel in Mexico.
10

11 8. Eventually, the Mexican officials took our phones, and told us to wait in the
12 bathroom of the office. We were very crowded together in a small bathroom, even
13 though the waiting area was fairly empty. We had to stay there for an hour. I think they
14 did this to make us feel uncomfortable.
15

16 9. As we were waiting in the bathroom, a Mexican official entered the room as
17 well. He told us that we did not have the right to apply for asylum in the U.S., that it was
18 a crime for us to try to apply for asylum in the United States. He told us that they would
19 tear up our visas and deport us if we tried to come back. He told us that they were in
20 communication with U.S. authorities and that if we came back to the bridge and
21 attempted to apply for asylum again, the U.S. officials would send us back to Mexican
22 authorities and that we would then be deported to Nicaragua.
23

24 10. After all of that, the Mexican official told us we could apply for a
25 humanitarian visa of some sort in Mexico, but did not tell us how to apply. Either way,
we said that we did not want to because it is so dangerous here in Mexico. They then
gave us our papers back and told us to leave. It felt dangerous outside of the office, and

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4 we anxiously waited there to try to get in contact with people from the migrant shelter.
5 An official from the Instituto Tamaulipeco para Los Migrantes (Tamaulipan Institute for
6 Migrants), which helps people who have been deported to Mexico by Americans, came
7 up to us and told us that it was not safe there. This official told us that we were in danger
8 of being kidnapped if we stayed there. We followed him back to their office, and then
9 they called the police. We were escorted by two police cars in a van back to the migrant
10 shelter.
11

12 11. I do not feel safe here in Reynosa. There are constant threats everywhere.
13 There are armed men by the river close by. There is nowhere to go. I want to apply for
14 asylum, but it is dangerous to cross, and I don't have the money to pay cartels to cross
15 the river.
16

17 12. I cannot return to Nicaragua because of the threats against my life there.
18 But staying in Mexico is not possible, as it may be even more dangerous here than
19 Nicaragua for me. I would like to apply for asylum in the U.S., but am afraid to try again
20 after what happened the first time, and my visa is about to expire.
21

22 13. I make this declaration based on my personal knowledge except where I
23 have indicated otherwise. If called as a witness, I could and would testify competently
24 and truthfully to these matters.
25

14. I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

Executed on October 10, 2018 at Reynosa, Mexico.

[signature of Roberto Doe]

Roberto Doe

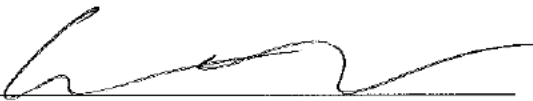
CERTIFICATION

I, Aaron Reichlin-Melnick declare that I am fluent in the English and Spanish languages.

On Oct 10, 2018, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Oct 10, 2018 at Regnosa, Mexico.



Signature

10-10-2018

Date

Aaron Reichlin-Melnick

Printed Name

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DECLARATION OF "K-S"

I, "K-S", hereby declare under the penalty of perjury under the laws of the United States of America:

- 1) I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
- 2) I am a citizen and national of Uganda.
- 3) I am 24 years old.
- 4) I am single and do not have any children.
- 5) I left Uganda around March 5, 2019 because of political issues and death threats. I am afraid to return to my home country because there are people who want to kill me because of my political opinion and I know that I will not be safe if I return to Uganda.
- 6) I left Uganda ~~by plane to Kenya~~ to Kenya. I left Kenya by plane to Ethiopia. I left Ethiopia by plane to Brazil. I left Brazil by plane to Argentina. I left Argentina by plane to Mexico.
- 7) I did not apply for asylum in any of the countries through which I traveled.

- 8) I did not apply for asylum in Kenya because I knew that I would not be safe in Kenya. There were people looking for me to kill me, and I knew that they could easily find me in Kenya.
- 9) I did not apply for asylum in Ethiopia because I was only there in a "transit room" while waiting for my plane to Brazil. I was only in Ethiopia for a few hours.
- 10) I did not apply for asylum in Brazil because I was only there for approximately thirty minutes. I did not even get off the plane in Brazil.
- 11) I did not apply for asylum in Argentina because I was only there in a "transit room" waiting for my plane to Mexico. I was only in Argentina for about an hour.
- 12) I did not apply for asylum in Mexico because I knew that I would not be safe here. First, Mexico is a very dangerous country. Second, Mexico is a very racist country. There is a lot of discrimination against ~~black~~ Africans here in Mexico. For example, when I was in immigration detention in Mexico

City, Africans were always given the food last after everyone else. Also, the Mexican immigration agents took my passport and did not give it back, even though they gave me a document that allowed me to be in Mexico for 45 days. Even at the shelter where I am living now, sometimes the other people here discriminate against me because I am African and because I do not speak much Spanish. When I walk on the streets of Ciudad Juarez, I become a tourist attraction. People laugh at me, point at me, and take pictures of me. One time in a grocery store with other Africans, a Mexican man walked up to us and started cussing at us in Spanish for no reason. Another time, a woman came up to me and started rubbing the skin of my arm without asking. Every time I take the bus in Ciudad Juarez—even if it is very crowded—people move away from me to make sure they do not touch my skin.

13) The neighborhood where the shelter is located is also very dangerous. There is a lot of crime in this neighborhood. We hear gun shots all the time. The shelter has a curfew of 5:30pm because of how

dangerous the neighborhood is. Even though the shelter has a wall around it, this wall is not very tall and it would be easy for people to get in. We do not have any security guards here.

14) I arrived in Ciudad Juarez, Mexico on or about April 22, 2019. I planned to present myself at the Port of Entry in order to seek asylum in the United States.

15) When I arrived in Ciudad Juarez, Mexico, it was about 2 a.m., and I went directly to the Paso del Norte Port of Entry and started walking over the bridge to ask for asylum. Since I had never been there before, I accidentally walked on the wrong side of the bridge. When I got to the middle of the bridge where the Mexican and American ~~the~~ flags are, I was stopped by two men in uniforms with assault rifles. I think their uniforms were either black or dark blue, but it was dark. The officers spoke to me in English without an accent. They got mad at me and asked me what I was doing. They even touched me with their gun! I told them that I wanted to ask for asylum. They told me that I had to go back and

get a number and wait. I told them that I could not leave that place; it was very cold that night and I was also scared. They told me that if I wanted to get a number, I would have to wait, because the offices would not be open until the morning. They made me leave the bridge and I slept under a tree just outside of the bridge entrance. The next morning, I went to the office to register myself and get my number.

- 16) I put my name on the waitlist at the Mexican side of the Paso del Norte Port of Entry because I was told that this was the only way to legally seek asylum in the United States. My number on the waitlist is 12,635.
- 17) In Ciudad Juarez, there is a Facebook group for people who are waiting on the asylum waitlist. I am a member of this group and I get updates through here. According to the facebook group, the last number to be called was 12,597.
- 18) If I had not been turned away from the Paso del Norte Port of Entry, I would have entered the United States on or about April 22, 2019.

19) I have been waiting to enter the United States for almost five months. It has been very difficult. I am very tired and feel like I have a lazy mind. The people who run the shelter are very nice, but they do not give us everything we need. Sometimes, I go to bed hungry because there is not enough food for dinner. When I first arrived, the list was moving much faster. Now, it moves very slowly. Sometimes, they do not call anyone at all. Not knowing how fast the list will move is very difficult; psychologically, it is torturing me. Sometimes, I feel very depressed.

20) I have known many people who have given up on the waiting list and decided to instead enter the country illegally. This has been hard for me psychologically because I am stuck behind waiting while they are in the United States starting their process. Sometimes I question myself if I made the right decision waiting.


21) I love my country. I wish I had not had to leave. However, I had to leave to save my life. I already had my mother taken from me; she

was murdered by the same people who want to kill me. Maybe if she were still here, she could take care of me. Instead, I feel alone.

22) I have heard about the new rule that says I cannot qualify for asylum. This seems very unfair. It makes me very perturbed. I left my country to seek asylum. If they had let me enter the United States on April 22, 2019, maybe I would have qualified for asylum. Now, I am really worried that I may never qualify to win asylum.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct.

Executed on 19th of September, 2019,
at Ciudad Juarez, Mexico.


"K-S"

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14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 7 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF "S.N."

I, "S.N.", hereby declare under the penalty of perjury under the laws of the United States of America:

- 1) I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
- 2) I am a citizen and national of Uganda.
- 3) I am 45 years old.
- 4) I have four biological children who are still alive. They are all under the age of twenty-one. They are all still stuck in Uganda and are in danger. They already killed one of my young sons; I used to have five children. I also raise two other children ~~now~~, my neices, since the death of my brother.
- 5) I fled my home country of Uganda in or about January 2019 because I was fleeing political violence, beatings, the killing of my young son, the disappearance of my husband, and death threats against me. I am terrified to return because they will definitely kill me.
- 6) I traveled from Uganda to Kenya to Ethiopia to Argentina to Brazil, all by plane except for taking a bus to Kenya. In Brazil, I flew from

Brazil to Mexico.

- 7) I was in Kenya for approximately ~~three~~ three months. I did not apply for asylum in Kenya because it is the country that borders my country of Uganda and I knew that my life would still be in danger. It is very easy to travel from Uganda ~~to~~ to Kenya by bus. Everyone told me that Ugandans cannot hide in Kenya with success because the people who want to kill them will always find them.
- 8) I did not apply for asylum in Ethiopia because I was only there for one night; a layover while I waited for my plane the next day to Argentina.
- 9) I did not apply for asylum in Argentina because I was only there for a few hours; a layover while I waited for my plane ~~to~~ to Brazil.
- 10) I did not apply for asylum in Brazil because I was only there for a few hours; a layover while I waited for my plane to Mexico. We did not even get off of the plane in Brazil.
- 11) I flew from Brazil to the airport in Mexico City. Immigration officials arrested me at the airport. They kept me

in a small room at the airport for 3 days and did not give me any food. I got sick and they finally brought me a doctor. The doctor gave me medicine and ordered them to give me food. They then finally transferred me to an immigration detention center. The immigration officers told me that I was applying for asylum. I filled out forms. I was at the immigration detention center for about 13 days. The officials then gave me a piece of paper with my picture and took me to a hotel. I slept there one night. In the morning, the hotel staff got mad at me and started telling me they wanted money. It was all in Spanish and I only speak a very, very small amount of Spanish. I showed them my paper and they took it from me. They then kicked me out of ~~the~~ the hotel angry. I kept asking them to give me back my paper and they would not. They made me go onto the street and kept yelling at me that they were going to call the police. This scared me very much. The hotel was in a scary neighborhood. There were many strange people around. I was on the streets all alone and had

no idea where I was. I even thought about trying to go back to the detention center, but I did not know where it was. I slept on the street all alone for two nights. It was very scary. People would laugh and yell at me in Spanish, so I did not understand what they were saying. People would come up to me and ask to take my picture but I would run away and say no. Several people even grabbed me, and pulled at my arms. I walked all over the city trying to stay safe. I did not eat.

12) Finally, on the third day, I saw a man who was black like me walking down the street. I chased after him; I was so excited to see someone who looked like me and I thought he was African. I ran up to him and asked him, and was so disappointed when he told me that he was Cuban not African. However, he was so kind to me and he spoke ~~spanish~~ English. He took me home with him and his roommates and they gave me something to eat. He told me that he was going to help me buy a bus ticket from Mexico City to Ciudad Juarez so that I could go to the Santa Fe Bridge to ask for asylum

in the United States. He warned me about being very careful in Juarez because it is very dangerous.

13) I took the bus from Mexico City without too many problems. However, everyone else on the bus stared at me. Also, no one would sit next to me and they acted like they were scared of me.

14) When I arrived at the Bus Station in Ciudad Juarez, I took a taxi directly to the Santa Fe Bridge. He took me to the bridge and showed me where to walk. My only money was a \$100 bill and I gave it to him and he did not give me any change. I was scared to get in an argument with him because I had heard that Ciudad Juarez was dangerous and because I had already made it to the bridge.

15) I walked up to the bridge and was stopped by the bridge security guards. I explained to them that I wanted to go to America. ~~They~~ ~~took me to the immigration office and made some phone calls in Spanish. I was crying and scared. They took me to another hotel close and told me to come back in the morning because it was late at night. I was very~~ They took me into the immigration office and made some phone calls in Spanish. I was crying and scared. They took me to another hotel close and told me to come back in the morning because it was late at night. I was very

scared to be in a hotel again, but luckily this time I did not have problems.

(6) I went back to the bridge the next morning and a nice person paid my toll at the bridge and I got in the same line as everyone else. I was so excited that I was finally on my way. I got to the middle of the bridge and was stopped by two men dressed like police officers. They were wearing dark blue uniforms. They asked me for my number. I was confused and told them that I wanted to go to America. They told me that I could not come in and that I needed to go back and get a number. I went and registered myself and got a number. The people there took me to the shelter where I live now. They told me that I would probably only have to wait about 2 months, but it has been much, much longer.

(7) I put my name on the asylum waiting list because I was told it was the only way to ask for asylum legally in the United States. My number is 12,632.

(8) The Pastor at the shelter tells us every day what number has been called to enter the United States and ask for

asylum. Many days, they do not call anyone at all. I believe that as of today's date, the last number to be called was 12,597.

- 19) IF I had not been turned away from the Santa Fe Bridge, I would have entered the United States around the middle of April, 2019.
- 20) It has been very hard to wait all of these months in Ciudad Juarez for my chance to ask for asylum in the United States. First, there is a lot of racism in Mexico; Ciudad Juarez is just like what I described in Mexico City. People point at me and laugh at me and try and take pictures of me. They grab at my skin and they even grab my hair. It scares me to have everyone staring at me like that. There is also even a lot of racism here in the shelter with many of the Central Americans.
- 21) Second, Ciudad Juarez is very dangerous. The Pastor has told us that this neighborhood is very dangerous. We have a curfew at 5:30pm because it is so dangerous. I used to go jogging in the neighborhood but stopped because of the danger. We hear shootings all the time. It would be very easy for

Criminals to enter the shelter; there is no security. There are shootings all the time. We have to be inside ^{our rooms} and quiet by 10pm because of the violence that gets worse at night.

Recently, two Cameroonians were attacked outside of the shelter somewhere nearby.

22) Third, things are very difficult at the shelter. We only get two meals per day, and I often have to go to bed hungry. I cannot find work and I cannot speak the language. I feel sad because I am not with my family and also for my child that I lost. It gets lonely here. I feel very anxious and worried. I get scared that I am never going to see my family again, especially now that I heard that I would no longer be allowed to win asylum. It feels so unfair because I waited and waited instead of going in illegally. It makes me feel like I should have not waited and I should have done it illegal so this would not have happened. Now I am so sad and so worried that I will never see my children again, I am not a young woman, I did not need to come to America to make my life; I already

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 26 *Attorneys for Plaintiffs*

27 **UNITED STATES DISTRICT COURT**
 28 **SOUTHERN DISTRICT OF CALIFORNIA**

29 Al Otro Lado, Inc., *et al.*,
 30 Plaintiffs,
 31 v.
 32 Kevin K. McAleenan,¹ *et al.*,
 33 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 8 TO MOTION FOR
 PRELIMINARY INJUNCTION**

¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF BIANKA DOE

I, Bianka Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen and national of El Salvador. I am 37 years old.

3. I am a transgender woman and I have two children, ages 15 and 13, whom I had to leave behind in El Salvador because my life was in danger. I fled my home country in November 2017 because I have endured violent attacks and threats of death for being a transgender woman. Gang members stormed my home looking for me because I filed police reports against them after they kidnapped and stabbed me, mutilating my breasts. I am afraid to return to El Salvador because I am sure I will be tortured and killed by these transphobic criminals.

4. I traveled through Belize and Guatemala on my way to Mexico. I stayed for a long while in Belize because I had sisters there to look after me and help me. I had to leave Belize in or about January 2019 because it is even more transphobic than El Salvador. In Belize a group of men attacked me, beat me and cut off my hair for being trans. I spent one day in Guatemala on my way to Mexico. In Chiapas, Mexico I received medical from Doctors Without Borders. I fell into a deep depression and was hospitalized. However, Mexico is violently transphobic and I know I cannot stay living safely here. After healing and getting back on my feet, I finally made my way to Tijuana in July 2019.

5. I arrived to the San Ysidro PedWest port of entry in Tijuana on or about July 12, 2019. I was not allowed to go up the bridge to cross into the United States because Mexican officials told me I had to get in line to obtain a number on a waitlist for asylum. I was given the "ficha" number 3646. As of September 19,

2019, people with the number 2983 were called to present themselves at the San Ysidro West port of entry. I am still waiting for my number to be called.

6. If I had not been turned away from the San Ysidro port of entry and forced to wait in Tijuana, I would have entered the United States on or about July 12, 2019.

7. I was not expecting to be forced to wait in Tijuana to apply for asylum in the U.S. and I felt terrified. I was scared of being attacked in Mexico and had no one to stay with in Tijuana. I found an LGBT shelter to stay at, but I did not feel comfortable there because it is in a violent and dangerous area rife with drug trafficking. In the shelter they treat us like children with strict curfews for waking up and going to sleep. I made plans to move elsewhere with the little money I was able to save. While packing my things to leave, I was robbed of all of my possessions, including my identity documents, my clothes and my phone. Life here is dangerous and exhausting for me.

8. When I learned about the new rule that you cannot apply for asylum in the United States unless you were denied asylum in another country you crossed, I felt hopeless.

9. I cannot be safe seeking asylum in Belize, Guatemala, or Mexico because people are so transphobic in these countries, like they are in El Salvador. My life in Tijuana is extremely difficult and dangerous. I do not have money and I cannot work because I do not have legal permission. A man who owns a hair salon has provided me shelter and food in exchange for helping him around the shop. I live in fear and despair, but I still have hope that I will be able to seek safety in the United States and be granted asylum. That is why I am still waiting here for my number to be called.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct.

Executed on September 20, 2019 at Tijuana, Baja California, Mexico.



Bianka Doe

CERTIFICATION

I, Michelle P. Gonzalez, declare that I am proficient in the English and Spanish languages.

On September 20, 2019, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 20, 2019 at Tijuana, Baja California, Mexico.



Michelle P. Gonzalez



Date

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 9 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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DECLARATION OF CHINA

I, China, hereby declare under the penalty of perjury under the laws of the United States of America:

- 1) I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
- 2) I am a citizen and national of Honduras.
- 3) I am twenty-nine (29) years old.
- 4) I left my country on or about February 5, 2019, because I had to leave to save my life. I am a transgender woman. I am afraid to return to Honduras because I have been attacked in the past and because the men who attacked me told me they would kill me if they saw me again.
- 5) Before arriving here in Ciudad Juarez, Mexico, I traveled through Guatemala and through the rest of Mexico.
- 6) I did not apply for asylum in Guatemala because I knew it was the same as my country. I had heard from many people that it was a very dangerous place for

transgender women. I also heard from many people that the transgender Guatemalans dislike transgender Hondurans and also mistreat them. I had a friend who ~~was~~ is a transgender woman from Honduras and she was kidnapped by transgender women in Guatemala. When I was walking in Guatemala, people would yell at me words like "culeros" [derogatory term for LGBT people; faggot]. I was only in Guatemala for about one day but even though it was such a short time, I still felt very unsafe.

7) When I entered Mexico in Tapachula, I applied for asylum with COMAR, the Mexican asylum and refugee agency. I stayed in a shelter for approximately fifteen days, but then was not permitted to stay any longer. I tried to find work and was able to rent a place to stay for a little bit. However, then I ran out of work and money for rent and had to go sleep in the park in Tapachula. One night when I was sleeping there, I saw two men from the same gang that attacked me in my neighborhood in Honduras. As soon as they saw me, I ran away and barely escaped. This is why I had to abandon my process with COMAR.

8) I arrived in Ciudad Juarez, Mexico, on or about May 22, 2019. My plan was to present myself at the port of entry in order to seek asylum in the United States. However, I went directly to the LGBT shelter here in Ciudad Juarez. That same day, the people here explained to me the process of getting a number to ask for asylum in the United States. They told me that it was impossible to go directly to the bridge to ask for asylum. Instead, they took me to the office where you register to get a number to wait for your chance to ask for asylum. I also did not personally try to ask for asylum directly at the bridge because two of my friends tried this a couple of days later and they were rejected by the agents standing at the middle of the bridge and they told me all about what happened.

9) I put my name on the waitlist at the office near the Paso del Norte Port of Entry because I thought it was the only way to ask for asylum in the United States.

- 10) My number on the waitlist is 15,271.
- 11) There is a facebook group for people waiting on the asylum waitlist here in Ciudad Juarez. I am a member of this group. As of today's date, I believe that the last number called was 12,597. This is depressing for me because it seems like it will be a long, long time before they call my number.
- 12) If I had not been forced to place myself on the asylum waitlist, I would have entered the United States on or about May 22, 2019.
- 13) I have been living here at the LGBT Shelter in Ciudad Juarez the entire time I have been in this city. In the four months that I have been here in Ciudad Juarez, Mexico, I have heard about four transgender women who have been murdered in this city. This makes me very afraid because I am also a transgender woman. Additionally, I believe that I am at an even higher risk of violence because I am also a migrant. I almost never leave the shelter because I am so scared. One time

I left the shelter to run some errands. I was walking on the street in the daylight and using my phone. A man ran by and grabbed my phone; when I tried to get it back, he yelled at me, "puto!" [faggot]. I am afraid also here in the shelter because there are many people in this neighborhood who use and sell drugs. One night, I was scared because we heard lots of motorcycles and police sirens. We went on the roof and saw two men on the neighbor's roof with assault rifles, which are illegal in Mexico. It was very scary and we all hid. Later that same night, someone was shining flashlights into our shelter. Other times, I have seen people standing on the street and staring at the shelter. We always have the front door locked, but I am still scared because there is no gate or fence to protect the shelter, and many of the windows are broken.

14) It is very difficult for me to remain waiting here in Mexico. I cry all the time. This is a place where I feel very insecure and not-tranquil. Mexico

is a country where I cannot be free because of the insecurity that we experience daily. I am not wanting to come to the United States to look for the American Dream; I am coming so I can save my life and be free. I want to live somewhere that I can go about each day free from insults, bad looks, beatings, and death threats. I am certain that it is impossible for me to find this kind of safety in Mexico. Instead, I know that every day when I wake up, my life is at risk.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct,
Executed on 18th of September, 2019 at
Ciudad, Juarez, Mexico

China
"China"

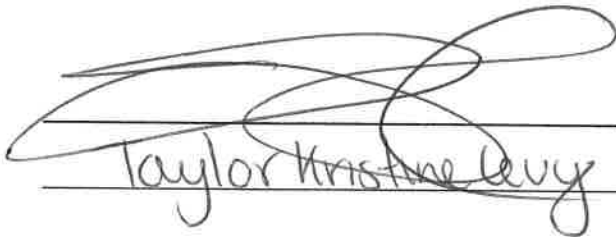
CERTIFICATION

I, Taylor Kristine Levy declare
that I am proficient in the English and Spanish languages.

On 18th of September 2019, I read the foregoing
declaration and orally translated it faithfully and accurately into Spanish in the
presence of the declarant. After I completed translating the declaration, the
declarant verified that the contents of the foregoing declaration are true and
accurate.

I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

Executed on 18th of September 2019 at Ciudad Juarez,
Mexico.


Taylor Kristine Levy

9/18/2019
Date

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
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 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 10 TO MOTION FOR
 PRELIMINARY INJUNCTION**

23
 24
 25
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Declaration of Courtney Collins

I, Courtney Collins, hereby declare under the penalty of perjury ^{under} ~~the~~ the laws of the United States of America:

- 1) I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
- 2) I am a citizen and national of Honduras.
- 3) I am twenty (20) years old.
- 4) I left my home country in October 2018 because I was fleeing violence based on my dark skin and my sexual identity as a queer person. I am afraid to return to my home country because there are gang members who are looking for me and they already found me different times when I moved inside of Honduras. I am also afraid to return to Honduras because there is a lot of violence that happens to queer people and to people who are black like me.
- 5) Before arriving in Ciudad Juarez, I traveled through Guatemala and also through the rest of Mexico.

6) I did not apply for asylum in Guatemala because it did not seem like a safe place for me. I was robbed at gunpoint in Guatemala and then had to sleep in the park. I was very scared. I am black and I was one of the only black people I saw. People would stare at me; laugh at me; call me names like "monkey" and "slave-blood." People would also threaten me for being queer. They called me names like "puto" [faggot] and "hueco" [derogatory slang for gay people; hole]. They also made threats about how I was going to "wake up in a river", meaning that I was going to be killed. I was very scared.

7) When I was crossing from Guatemala to Mexico, I was caught by Mexican immigration officials and taken to "Estación Siglo 21", an immigration detention center. They gave me two options: 1) to be deported to Honduras; or 2) to apply for asylum in Mexico. Therefore, I decided to apply for asylum in Mexico, and they released me from detention to continue my process. I went to live in an apartment in

Tapachula, Chiapas. I had to check in with COMAR, the Mexican asylum and refugee agency, every Tuesday. I did this every week for approximately five months. However, I was once attacked by the Mexican Federal Police in Tapachula. They punched me and took my money and called me a "negro puto" [black faggot]. I was very scared that this would happen again. Therefore, COMAR gave me permission to go to Saltillo, Coahuila.

8) In Saltillo, I had to keep checking in with COMAR every Tuesday. I did this every week for approximately three months. However, then I had a problem with my neighbor. He threatened me and told me that he was a "sicario" [hitman]. I called the police, but they did not take me seriously, and they let the man go the next day. He threatened me again and told me again that he could kill me whenever he wanted, and that the police obviously did not care about protecting a "negro puto" [black faggot]. Once again, I was very scared, and this is when I decided that I had to leave Saltillo for my safety.

- 9) I arrived in Ciudad Juarez, Mexico on or about the 4th of May. My plan was to present myself at the port of entry in order to seek asylum in the United States since I knew that Mexico was not safe for me.
- 10) I went to the "Puente Santa Fe" [Paso del Norte Port of Entry] on or about May 5th, 2019. My plan was to present myself and ask for asylum. I paid the toll to enter the bridge on the Mexican side and started to walk over the bridge. I think that I only walked about twenty steps before I was stopped by a Mexican man wearing a light blue uniform. I do not know why he stopped me. He asked me if I had papers to enter the United States, and I told him, "No." He told me that I could not cross and that I had to go back. He told me that I had to get a number to be allowed to cross, and explained to me where to go. I followed his instructions and went where he told me to go.
- 11) I put my name on the waitlist on the Mexican side of the Paso del Norte Port of Entry because this is what

I was told to do. My number on the waitlist is 13,377.

- 12) There is a Facebook group for people who are on the waiting list to ask for asylum. According to the Facebook group today, the last number that was called is 12,597.
- 13) About a month ago, I got frustrated about how long the wait has been, especially because I remain scared in Mexico. I called COMAR in Saltillo to ask about my asylum application, and they told me that it was cancelled because I had missed my appointments. I explained what happened and why I had to flee Saltillo, and they did not care. They told me that it was impossible to apply for asylum again in Mexico, at least for many years.
- 14) If I had not been turned away from the Paso del Norte Port of Entry, ~~and~~ I would have entered the United States on or about May 5, 2019.
- 15) Since being given my metering number on the waiting list, I have been living in a shelter in Ciudad Juarez for queer people. I do not feel safe in this shelter. First, the neighborhood is

not safe. There are many people in this neighborhood who sell drugs and it is scary. Also, there is a lot of violence against queer people here in Juarez. In the time that I have been here, I have heard about five transgender women being murdered in Juarez. This scares me extra because even though I identify as queer and non-binary, I dress as a woman about 80% of the time. I almost never leave the shelter because I am so scared. The shelter does not have a gate or a fence and many of the windows are broken and it would be very easy for people to enter. I do not feel safe here. I am also the only black person in the shelter and sometimes even the other people in the shelter discriminate against me for my skin color.

(6) Like I said, I almost never leave the shelter because I am so scared. At the beginning, in May, I left the shelter one night with some friends. We were all dressed as women. A man stopped us and started calling us "putos" [faggots] and he attacked us. He stabbed me in the wrist with a knife. We were lucky because we were able to run away.

17) Since that time, I almost never leave the shelter because I am so afraid. Every once in a while, I leave with the shelter director, who is a transgender woman. However, even this is not safe. One time we left and I was dressed as a woman. We were walking on the street in daylight and a man still screamed "putos" [faggots] at us. It was very scary.

18) I am very afraid to remain in Mexico. I know that it is not safe for me as a queer person or as a black person. I feel like a prisoner here, trapped in the shelter. I am anxious, depressed, sad and scared. I have trouble sleeping and have nightmares.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct.

Executed on the 18th of September, 2019
in Ciudad Juarez, Mexico.

Courtney Collins.
Courtney Collins.

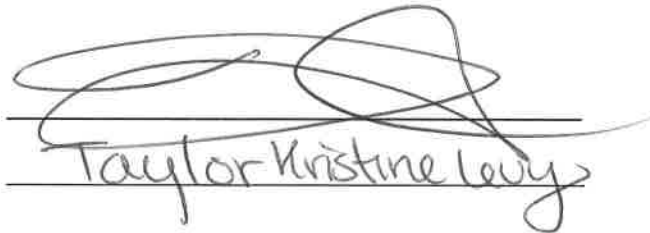
CERTIFICATION

I, Taylor Levy declare that I am proficient in the English and Spanish languages.

On 18th of September 2019, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 18th of September 2019 at Ciudad Juarez, Mexico.


Taylor Kristine Levy

9/18/19
Date

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 11 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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 24
 25
 26
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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF C.P.

I, C.P., hereby declare under the penalty of perjury under the laws of the United States:

1. I make this declaration based on my personal knowledge except where indicated otherwise. If I am called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Cuba.

3. I am 36 years old.

4. I have a son who is 14 years old. He lives with my mother in Cuba.

5. I fled my country on approximately December 11, 2018 because I do not agree with the political position of the Cuban government. They forced me to join the PCC, the communist party of Cuba, and I rejected this.

6. I am afraid to return to my country because if I returned, the Cuban government would retaliate against me and imprison me. On May 1, 2018, a police officer punched me because I objected to my 14-year-old son attending a political march.

7. I traveled from Cuba to Guyana. From Guayana, I passed through several countries en route to Mexico, including Brazil, Uruguay, Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala. It has all been so difficult.

8. I did not apply for asylum in the countries I traveled through, nor in Mexico.

9. I arrived in Matamoros, Mexico, on the border between Mexico and the United States, on approximately June 8, 2019. The same day that I arrived in Matamoros, I went to the port of entry, which is at bridge between Matamoros, Mexico, and Brownsville, Texas.

10. At the bridge, Mexican immigration officials did not allow me to cross the bridge. They told me that if I was not on the list, I could not pass. The officials sent me to an office of the National Migration Institute (INM) to put my name on the list.

11. I put myself on the waitlist in Matamoros on June 11, 2019. The list was controlled by a person who identified themselves as an INM official. I received orders to get in line at the INM office, and they asked me for the federal pass that permitted me to transit through Mexico and my ID. My number on the list was 2001.

12. If I had not been turned back at the port of entry or required to put myself on the list, I would have entered the port of entry to seek asylum in the United States on June 8, 2019.

13. At the beginning of my stay in Matamoros, I lived for many days at the bridge. Later, a group of us migrants got together to pay rent for one place for all of us to stay together.

14. After more than a month, I decided to cross the river to seek asylum in the U.S. My number had not yet been called. I swam across, risking my life again, on July 18, 2019.

15. After crossing, I turned myself in to U.S. immigration officials. After that, they took me to the hieleras, and I was detained for seven days.

16. Later, on approximately July 25, 2019, the U.S. government returned me to Mexico to wait for my immigration court hearings. For the moment I am living in Monterrey. My first hearing was September 18, 2019, in Laredo, Texas.

17. I am really afraid of continuing to wait in Mexico. Since I came to Mexico, I have received messages and calls from unknown numbers with intimidating messages. Also, in Nuevo Laredo, after they returned me to Mexico from the U.S., some friends from Cuba were kidnapped.

18. I am afraid for my life, in my country and here in Mexico. I need humanitarian protection.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 21st of September, 2019 in Monterrey, Mexico.

C.P.

C.P. (initials only)

DECLARACIÓN DE C.P.

Yo, C.P., por la presente declaro bajo pena de perjurio en conformidad con las leyes de los Estados Unidos:

1. Hago esta declaración basado en mi conocimiento personal excepto donde he indicado lo contrario. Si me llamaran como testigo, podría testificar y testificaría de manera competente y veraz sobre estos asuntos.

2. Soy ciudadana de Cuba.

3. Tengo 36 años.

4. Tengo un hijo de 14 años. Él vive con mi madre en Cuba.

5. Yo huí de mi país aproximadamente el 11 de diciembre del año 2018 porque no estoy de acuerdo con la opinión política del gobierno cubano. Me obligaban a pertenecer a PCC, el partido comunista de Cuba, y lo rechacé.

6. Tengo miedo de regresar a mi país porque si yo regreso, tomaría represalias contra mí el gobierno y me metería presa. El 1 de mayo del 2018, un policía me golpeó porque me opuse a que mi hijo de 14 años asistiera a una marcha política.

7. Yo viajé de Cuba a Guyana. De Guyana, atravesé por varios países en rumbo a México, incluyendo Brasil, Uruguay, Perú, Ecuador, Colombia, Panamá, Costa Rica, Nicaragua, Honduras, y Guatemala. Todo ha sido tan difícil.

8. No solicité asilo en los países que atravesé, ni en México.

9. Llegué en Matamoros, México, en la frontera entre México y los EEUU, aproximadamente el 8 de junio del año 2019. El mismo día que llegué en Matamoros, fui al puerto de entrada, cual está en un puente entre Matamoros, México y Brownsville, T́exas.

10. En el puente, oficiales de inmigración mexicana no me permitieron cruzar el puente. Me dijeron que si no estaba en la lista, no pasaba. Los oficiales me mandaron a la oficina del Instituto Nacional de Migración (INM) para

anotarme en la lista.

11. Me anoté en la lista de espera en Matamoros el 11 de junio del año 2019. La lista era controlada por una persona que se identificó como oficial de INM. Recibí ordenes de formarme en una fila en la oficina de INM, y me pidieron el amparo federal que me permitía transitar por México y una documentación mía. Mi número en la lista fue 2001.

12. Si no hubiera sido rechazado en el puerto de entrada ni requerido de anotarme en la lista, hubiera entrado al puerto de entrada para solicitar asilo en los EEUU el 8 de junio del año 2019.

13. Al principio de mi estancia en Matamoros, estuve muchos días viviendo en el puente. Después un grupo de migrantes cooperamos para pagar una renta entre todos.

14. Después de más que un mes, yo decidí cruzar el río para solicitar asilo en los EEUU. Todavía no habían llamado mi número. Crucé nadando, arriesgando nuevamente mi vida, el 18 de julio del año 2019.

15. Después de cruzar, me entregué a los oficiales de migración de los Estados Unidos. Posteriormente, me llevaron a las hieleras, y estuve encerrado siete días.

16. Después, en aproximadamente el 25 de julio del año 2019, el gobierno estadounidense me regresó a México para esperar mis audiencias en la corte de inmigración. Por el momento vivo en Monterrey. Mi primera audiencia fue el 18 de septiembre del año 2019, en Laredo, T́exas.

17. Tengo mucho miedo de quedarme esperando en México. Desde que vine a México, he recibido mensajes y llamadas de números desconocidos con mensajes intimidantes. Además, en Nuevo Laredo, después de que me regresaron a México de los EEUU, fueron secuestrados unos amigos de Cuba.

18. Yo tengo miedo por mi vida, en mi país y aquí en México. Necesito

protección humanitaria.

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que todo lo anterior es verdadero y correcto.

Ejecutado el día 21 de septiembre, 2019 en Monterrey, México.

CP

C.P. (firma de iniciales)

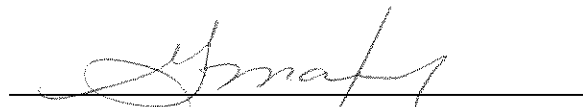
TRANSLATOR'S CERTIFICATION

I, Gabriela Maxcy, declare that I am fluent in the English and Spanish languages.

I have reviewed the original Spanish declaration and the foregoing English translation thereof, and I certify that the English version is a faithful and accurate translation of the Spanish-language original.

I hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on the 23 day of September, 2019 in Atlanta,
Georgia.


Name: Gabriela Maxcy

September 23, 2019
Date

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 12 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF DJAMAL DOE

I, Djamal Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen and national of Cameroon. I am 24 years old.

3. I fled my home country around May 10, 2019 because I was sequestered in a police station where I was kept for nearly a week without food. I was beaten, humiliated and tortured by the government police because I belong to the minority Anglophone group and because of my political opinions. I am afraid to return to my home country because I will be detained, tortured or killed.

4. I traveled through many countries on my way to Mexico, including Turkey, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala. I actually happened to bump into my own cousin at the airport in Cameroon because he was also fleeing the Anglophone Crisis and we journeyed all this way together.

5. Once I arrived in Quito, I met other asylum seekers in my hotel and we took a bus to Colombia. Once we were in Colombia we had to pass through the jungle by foot to Panama. One of the men from the hotel fell, hit his head and died in the jungle. I saw other corpses of other migrants, too.

6. We were robbed by armed men on several occasions in that jungle. Girls were raped there as well by these men. It was an awful journey with deadly snakes and other dangers.

7. From Colombia, we traveled to Panama, then Costa Rica, then Nicaragua, then Honduras, and then Guatemala, and eventually Mexico. We finally arrived in Chiapas, Mexico on or about June 28, 2019. There we spent a few days

until we were given a paper showing we have temporary permission to travel in Mexico.

8. On the bus route from Chiapas, Mexico to Tijuana my cousin and I were nearly kidnapped by Sinaloa cartel members. We narrowly escaped and I was so relieved because the Mexican men on the bus told us that they usually do not even hold Africans for ransom, but instead kill them and sell their organs.

9. I arrived in Tijuana, Mexico on or about July 10, 2019. Some migrants in the area told us that we had arrived too late to the port of entry and to come back the next day early in the morning. That morning, I planned to present myself at the port of entry in order to seek asylum in the United States. I thought I would be able to walk right up to the U.S. border.

10. When I arrived to the Chaparral plaza just outside of the port of entry, I saw a line of migrants. I walked up to the front of the line and asked the Mexican immigration official where do I go to ask for asylum in the United States and he told me that I have to get to the back of that line. So, I got in the line and waited. When I made it to the front of the line, I presented the Mexican immigration officials with my national identification card and gave them my information. They issued me a "ficha" number. My number on the waitlist is 3643.

11. I put my name on the waitlist at the San Ysidro port of entry because I was instructed to do so by the Mexican immigration officials. Moreover, all the migrants here me told me that American officials will refuse you if you try to cross directly into the United States, or that Mexican officials will arrest and detain you.

12. If I had not been turned away from the San Ysidro PedWest port of entry and required to wait on the waitlist, I would have entered the United States on or about July 10, 2019.

13. As of September 19, 2019, people with the number 2983 were called to present themselves at the San Ysidro PedWest port of entry. I am still waiting in

Tijuana for my number to be called.

14. I did not apply for asylum in Turkey because I did not believe I would be safe there, and I only stopped there for a layover and had to stay in the airport. I did not apply for asylum in any of the Latin American countries that I traveled through because it was never an option. I tried to ask about the procedure to apply for asylum in Panama, but the officials never provided us with information. It was only an NGO worker that I met there who told me that people are hardly ever granted asylum in Panama and that it would be better to move on. I also feel completely unsafe here in Mexico. We were nearly kidnapped by cartel members. People are shot and murdered here frequently. The police also randomly arrest Cameroonians every day because our pass from Chiapas has expired, even though they know we are all waiting for our numbers to be called from the asylum list. They are targeting us for being black. There is a lot of violence and I feel scared and discriminated against here in Mexico.

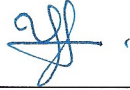
15. I am only able to get random work. Sometimes it is carrying boxes, another day it is a cleaning job. I am paid about \$270 pesos per day for these odd jobs. It is not nearly enough to survive on.

16. I am terrified of being forced to return to Cameroon. I cannot go back or I will be arrested and beaten again or killed.

17. When I learned about the new rule that we will not be allowed to seek asylum in the United States unless we were denied asylum in another country we crossed to arrive here, I felt it was a completely cruel and discriminatory law. Given everything I have suffered and endured, I could not believe this was happening, too. I have left everything back home. I was a law student in Cameroon with hopes and dreams for my future. I fled to save my life, hoping to be received well and provided help and safety in the United States. I still have hope that when my number is called, I will be able to seek asylum in the U.S. and find justice.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct.

Executed on September 19, 2019 at Tijuana, Baja California, Mexico.



Djamal Doe

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 13 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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 27
 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

1 CENTER FOR CONSTITUTIONAL RIGHTS

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Declaration

Dora Doe

My name is [REDACTED], and I am a citizen of Cuba. It was necessary for me to leave Cuba to avoid government persecution. I left with my husband, [REDACTED].

I arrived in Mexico the 16th of June 2019, and reached Reynosa on the 30th of June 2019. My friends told me not to go directly to the international bridge, that it was required to go first to Senda de Vida, a shelter, and get on the list. My husband and I got onto the list on July 1, 2019. The shelter was full, so we went to stay with friends in a rented space.

Before that, on June 25, 2019, at 5 am., we tried to take a taxi to the Reynosa shelter, where it would be safer. We were near Mendes, not far from Reynosa. The police stopped us, pulled out the driver and put him in the back of the car. They took us to a house in a very remote place. They beat my husband and the driver. They were in uniform, with white shirts, and heavily armed. They stripped me naked and beat me also. The leader and others were on drugs and the leader wanted to have sex with me but I gave him a strong No.

At 1 pm they took us away and passed us on to another group. These people were in civilian dress and heavily armed. We spent the night with them in a place outside in the brush, like a park. "The Puma" took charge of us. The next day they took us with them on "patrol", 24 hours a day, for 5 days. We never went back to a house.

After maybe 3 days, they called my sister, and put me on the phone with her. We were blindfolded. They put gun to my head. They told my sister that the next day at 11 am she had to deposit four thousand dollars in a certain account. She lives in Houston. They told her if she did not pay, they would sell us to others to harvest our organs. She paid, but they still did not release us. They took us to a place very close to Reynosa where there was a group of about 200 other prisoners; on one side those people who could not pay, to be sold for their organs, and other side people like us who had already paid. We were able to escape.

I am terrified to be here in Mexico. We have tape recordings and other evidence to prove the kidnapping.

When we were finally allowed to cross the international bridge, it was September 6, 2019. The U.S. officials first put us in the hieleras, which were very cold, and we were there for 2 days. They would not let us file for asylum together as a married couple.

The officials did not explain anything to us. All the papers were in English. They asked us questions in Spanish about why we could not return to Cuba, and why we came to the United

States. Why couldn't we stay some other place like Honduras. We explained these places were dangerous. I told them we had already been kidnapped in Mexico.

They sent us back to Mexico despite the danger. We are again in Reynosa, and very afraid, living outside the shelter. On December 9, 2019 we have to go back to Matamoros-Brownsville for our court hearing. We don't know how we will survive. Many migrants are kidnapped or worse by officials and gangs here.

I swear, under penalty of perjury of the laws of the United States that the above is true and correct.

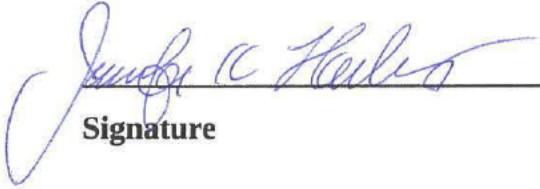
[SIGNATURE]

Signature

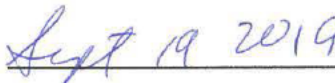
February 19, 2019

Certificate of Translation

My name is Jennifer K. Harbury, I am a citizen of the United States, and a licensed attorney. I certify that I am fluent in both the English and Spanish languages. I further certify that I accurately translated this document from Spanish to English on September 19, 2019.



Signature



Date: September 19, 2019

Declaracion

Dora Doe

Mi nombre es [REDACTED] y soy CIUDADANA de Cuba. Fue necesario huir de Cuba para evitar persecucion del gobierno. Fui con mi esposo [REDACTED]

Llegé a Mexico 14 Junio 2019, y llegé a Reynosa el 30 de Junio 2019. Mis amigos me informaban que no hay que ir directamente al puente internacional - si no fue requerido ir a SENDA de Vida, un Albergá, para ponerme en la lista. Yo y mi esposo NOS pusimos en la lista ~~esta~~ ~~mismo dia~~, el 1 Julio 2019. LA Albergá fue llena, entonces fuimos a quedarnos en una RENTA con Amigos.

Antes, el 25 de Junio 2019, ~~nos~~ NOSOTROS a las 5 AM, ~~intemos~~ intentamos llegar en taxi a la Albergá de Reynosa, ^{En la calle Mercaderes a Reynosa} donde mas seguro. La policia nos paraban, quitando el chofer y poniendo lo atras, nos llevaban a un lugar muy remoto a una casa. Golpeaban al chofer y a mi esposo tambien. ^{Ellos estaban en} ~~They were~~ UNIFORME con playeras blancas, y amardos. ^{me los golpeaban} ~~Unos~~ y desnudaron.

Despues algunas horas
El jefe y otros usaban drogas y querian estar conmigo pero yo dese fuertemente NO!

puerto de Mexico

a la 1^{ra} nos ~~llevaron~~ llevaron y nos pasaban a otro grupo, gente con ropa civil y muy armados. Pasamos la noche con ellos en lugares ^{del} monte, como parqueo. "El Puma" se encargó de nosotros, ellos el día después nos llevan con ellos para "patrullas", 24 horas por día, 5 días. Nunca volvímos a ningún casa,

Después mas o menos 3 días, llamaron a mi hermana, y me puso en el teléfono. Estabamos blindados, ellos pusieron pistola a mi cabeza. Dijeron a mi hermana que a las 11 AM del proximo día, ella tenía que depositar 4 mil dolares en cierto cuenta de banco. Mi hermana vive en Houston. ~~Ella~~ Ellos dijeron que si no paga ella, ~~se~~ iban vendernos a otra persona para recoger nos organos. Ella pago pero NO NOS SOLTARON. Nos llevaban a un lugar cerca a Reposa, donde hubo un grupo de otros 200 prisioneros; a un lado, SIN dinero, para vender para sus organos. Otro grupo, ya pagado como nosotros, logramos escapar.

Tengo un temor de estar aqui en Mexico.

70 tengo grabaciones y fotos y otros
gottal ~~humbler~~ pruebas del secuestro.

Cuando en fin logré ~~se~~ cruzar el puente internacional, fue el 6 Septiembre 2019. Los oficiales de los E.U. nos pusieron pumero en la huelca por 2 días. Fue super FRIO. NO nos permitieron ~~por~~ proceder como pareja casados.

Los oficiales no nos explicaban nada. Todos papeles estaban en ingles. En español preguntaban porque no podemos volver a cuba, porque venimos a los Estados Unidos. Porque no quedamos a otra país como Honduras. ~~se~~ ~~para~~ Expliquenos que ~~de~~ ~~es~~ esas países son peligrosos. Yo dije que fuimos secuestrados ~~en~~ ~~República~~, ~~por~~ ya en Mexico.

Ellos

~~En~~ Nos ^{de} volvieran a Mexico a pesar del peligro. Estamos en República otra vez con mucho miedo, viviendo en la calle. 4 Diciembre 2019 tenemos que volver a ^{MATAMOROS} ~~Matamoros~~ - Brownsville para la corte. NO SABEMOS como vamos a sobrevivir. Mucha gente migrante son secuestrados o por aquí por oficiales o maras.

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DECLARATION OF J.R.

I, J.R., hereby declare under the penalty of perjury under the laws of the United States:

1. I make this declaration based on my own personal knowledge except where indicated otherwise. If I am called as a witness, I could and would testify competently and truthfully on these matters.

2. I am a citizen of Cuba.

3. I am 31 years old.

4. I am married and have two minor children. My children are in Cuba with my mother and my mother-in-law. My wife traveled to the U.S. with me, entered the U.S. to seek asylum, and is in a detention center in Louisiana.

5. I fled my country on or around December 1, 2018, because my life had already been completely destroyed and I had no other option besides fleeing. I didn't participate in any government activities because I do not agree with the government, and the Cuban government treated me badly on account of that. I tried to leave Cuba in 2015, and the government punished me. They took me in the early morning to Isla de la Juventud, and there they beat me. They treated me like a dog and threw me in a cell. This time, I had been unable to find work anywhere and my life was completely destroyed.

6. I am really afraid of returning to my country because the Cuban government will not let me live in peace with my family. I am afraid they will detain me again. In Cuba we have a dictatorship.

7. I traveled from Cuba to Guyana. From Guyana, I traveled through several countries en route to Mexico, including Brazil, Uruguay, Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala. It was a long journey and it took months.

8. I did not seek asylum in the countries I traveled through, nor in Mexico, because I thought the only safe country of all those I traveled through was the United States. In the other countries I traveled through on my way to the United States, I saw that there is a lack of law and order.

9. I arrived in Matamoros, Mexico, at the border of Mexico and the United States, on or around June 8, 2019. On June 11, 2019, I went to the port of entry, which is at a bridge between Matamoros, Mexico and Brownsville, Texas.

10. On the bridge, there were Mexican immigration officials on the lookout to stop me from trying to reach the spot where U.S. immigration officials were, at the middle of the bridge. The Mexican officials told me that I first had to put myself on a list they had to control the flow of people towards the U.S. officials. They gave me instructions for adding my name to wait for a turn.

11. I put myself on the waitlist in Matamoros on June 11, 2019. My number on the list was 2002 and my wife's was 2003. The list was controlled by Mexican immigration officials, and they were in touch with U.S. officials who would ask every day for a certain number of people to present themselves at the U.S. offices. After putting myself on the list, I had to wait for my turn every day on the bridge, rain or shine, day and night, not moving so as not to lose my spot.

12. If I hadn't been turned back at the port of entry, or required to put myself on the list, I would have entered the port of entry to seek asylum in the United States on June 11, 2019.

13. After more than a month, my wife and I decided to cross the river to seek asylum in the United States. They still hadn't called our numbers. We decided to swim across because of the lack of safety we felt every day. My wife and I crossed the river on July 18, 2019, without knowing if we would get across because I don't know how to swim and I just put my life in God's hands.

14. Once we got across, I didn't try to flee. I sat down and waited until U.S. immigration authorities arrived so I could turn myself in voluntarily, and I had no intent of escaping. After I crossed the river, I was detained.

15. On or around July 25, 2019, the U.S. government returned me to Mexico to wait for my hearing in immigration court. For the moment I live in Monterrey. My next hearing is October 24, 2019, in Laredo, Texas.

16. I am really afraid of continuing to wait in Mexico. The same day that I was returned here, a few migrants we met in U.S. immigration detention were kidnapped, criminals picked them up as they were crossing the street. The migrants just went out to buy a drink and they were kidnapped. Mexico is a very dangerous country.

17. I am afraid for my life, in my country and here in Mexico. I need humanitarian protection.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 21st day of September, 2019 in Monterrey, Mexico.

J.R.

J.R. (initials only)

DECLARACIÓN DE J.R.

Yo, J.R., por la presente declaro bajo pena de perjurio en conformidad con las leyes de los Estados Unidos:

1. Hago esta declaración basado en mi conocimiento personal excepto donde he indicado lo contrario. Si me llamaran como testigo, podría testificar y testificaría de manera competente y veraz sobre estos asuntos.

2. Soy ciudadano de Cuba.

3. Tengo 31 años.

4. Estoy casado y tengo dos hijas de menor edad. Mis hijas están en Cuba, a cargo de mi suegra y mi mamá. Mi esposa viajó a los EEUU conmigo, entró a los EEUU para solicitar asilo, y está encerrada en un centro de detención en Louisiana.

5. Yo huí de mi país aproximadamente el 1 de diciembre del año 2018 porque ya me tenían la vida destruida por completo, no tuve más opción que huir. Yo no participaba en ninguna actividad del gobierno porque no estoy de acuerdo con el gobierno, y por eso fui mal tratado por el gobierno cubano. Yo intenté salir de Cuba en 2015, y el gobierno me castigó. En la Isla de la Juventud, me cogieron de madrugada y me golpearon. Me trataron como un perro y me tiraron en un calabozo. Esta vez, yo ya no podía conseguir trabajo en ningún lugar y mi vida fue completamente destruida.

6. Tengo mucho miedo de regresar a mi país porque el gobierno cubano no me dejaría vivir tranquilo con mi familia. Tengo miedo que me metan preso otra vez. En Cuba tenemos una dictadura.

7. Yo viajé de Cuba a Guyana. De Guyana, atravesé por varios países en rumbo a México, incluyendo Brasil, Uruguay, Perú, Ecuador, Colombia, Panamá, Costa Rica, Nicaragua, Honduras, y Guatemala. Fue un viaje largo y duró meses.

8. No solicité asilo en los países que atravesé, ni en México, porque considero que el único país seguro de todos los que pasé es los EEUU. En los otros

países que atravesé en rumbo a los EEUU, vi que hay mucha inseguridad.

9. Llegué en Matamoros, México, en la frontera entre México y los EEUU, aproximadamente el 8 de junio del año 2019. El 11 de junio de 2019, yo fui al puerto de entrada, cual está en un puente entre Matamoros, México y Brownsville, T́exas.

10. En el puente, habían oficiales de inmigración mexicana al pendiente de que yo no intentara llegar al retén que tenían oficiales de migración de los estados unidos, a medio del puente. Los oficiales mexicanos me dijeron que debía primero apuntarme en una lista que ellos tenían para el control del paso hacia los oficiales estadounidenses. Ellos me dieron instrucciones de anotarme para esperar un turno.

11. Me anoté en la lista de espera en Matamoros el 11 de junio del año 2019. Mi número en la lista fue 2002 y mi esposa el 2003. La lista era controlada por oficiales de migración mexicanos, ellos a su vez tenían contacto con oficiales estadounidenses que iban pidiendo por día cierto número de personas para presentarse a oficinas de estados unidos. Después de anotarme en la lista, tenía que esperar por mi turno diariamente en el puente a sol y sombra, día y noche, sin moverme por no perder mi turno.

12. Si no hubiera sido rechazado en el puerto de entrada ni requerido de anotarme en la lista, hubiera entrado al puerto de entrada para solicitar asilo en los EEUU el 11 de junio del año 2019.

13. Después de más de un mes, yo y mi esposa decidimos cruzar el río para solicitar asilo en los EEUU. Todavía no habían llamado nuestros números. Decidimos cruzar nadando por la inseguridad que se vive diariamente. Yo y mi esposa cruzamos el río el 18 de julio del año 2019 sin saber si lo iba a lograr porque yo no sé nadar y solo puse mi vida en manos de Dios.

14. Al cruzar, no hice intento de huir. Me quedé sentado a esperar que

viniera migración de los EEUU para entregarme voluntariamente, y no hice el intento de escapar. Después de que crucé el río, me encerraron.

15. En aproximadamente el 25 de julio del año 2019, el gobierno estadounidense me regresó a México para esperar mis audiencias en la corte de inmigración. Por el momento vivo en Monterrey. Mi próxima audiencia es el 24 de octubre del año 2019, en Laredo, T́exas.

16. Tengo mucho miedo de quedarme esperando en México. Ese mismo día que me devolvieron, fueron secuestradas unas personas inmigrantes que conocí cuando estaba encerrado, al cruzar la calle de allí mismo se los llevaron los criminales. Los migrantes solo salieron a comprar una bebida y de ahí los secuestraron. México es un país muy peligroso.

17. Yo tengo miedo por mi vida, en mi país y aquí en México. Necesito protección humanitaria.

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que todo lo anterior es verdadero y correcto.

Ejecutado el día 21 de septiembre, 2019 en Monterrey, México.

J.R
J.R. (firma de iniciales)

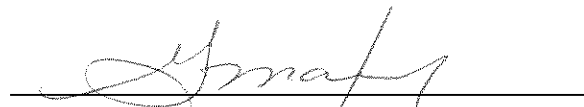
TRANSLATOR'S CERTIFICATION

I, Gabriela Maxcy, declare that I am fluent in the English and Spanish languages.

I have reviewed the original Spanish declaration and the foregoing English translation thereof, and I certify that the English version is a faithful and accurate translation of the Spanish-language original.

I hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on the 23 day of September, 2019 in Atlanta,
Georgia.


Name: Gabriela Maxcy

September 23, 2019
Date

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DECLARATION OF JORDAN DOE

I, Jordan Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen and national of Cameroon. I am 33 years old.

3. I have a wife and two young children, ages 2 and 1, whom I had to leave behind in Cameroon when fleeing for my life. I fled my home country around March 29, 2019 because I was falsely imprisoned and tortured for 10 months and my father was burned alive because military officers coerced me into falsely confessing to be a separatist in February 2018. I felt I had no choice because the officers shot my friend dead right in front of me for refusing to lie. I am afraid to return to my home country because I will be tortured and killed.

4. I traveled through many countries on my way to Mexico, including Turkey, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala.

5. I met other asylum seekers while I was in Ecuador. Together, we travelled from Quito to Colombia. Once we were in Colombia we had to pass through the jungle by foot to Panama. Some people drowned while trying to cross the water from mainland Colombia to Capurgana near the border of Panama. One of the boats capsized and three Cameroonians died. From Capurgana we walked through a large forest for a week. Some people died there, too, while trying to cross. It was a deadly journey. Some died from snake bites, others fell on rocks or slipped into the stream and drowned. We finally arrived in Panama where immigration officials keep you guarded at all times in military camps.

6. After Panama, I traveled with a group of other migrants to Costa Rica

and then through Nicaragua, Honduras, and Guatemala. We finally arrived in Chiapas, Mexico in or about early May 2019. I spent nearly a month in Chiapas. We were held in a camp until they issued us a document permitting us to leave Chiapas.

7. I did not apply for asylum in Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala or Mexico because we were never given such an opportunity. In fact, I was mistreated, robbed at gunpoint, and kept in guarded camps. Moreover, I did not apply for asylum in Mexico because the officials there are completely corrupt and because I do not feel safe here. I have been mistreated and threatened because of my black skin here in Tijuana. There is also a lot of violence. Where I live there was a shooting last week and some of the other migrants carry machetes around wherever they go to protect themselves. Here in Mexico, the immigration officials are completely corrupt. They are taking bribes in the amount of \$500 to \$1,500 from the asylum seekers to get through to the United States faster or to buy a number that is closer to being called. They even have other migrants working for them.

8. I did not seek asylum in Turkey because I never even left the airport and I did not believe I would be safe in Turkey. I do not know the language and do not have anyone to help me in Turkey. My plan was to seek safety in the United States where my cousin resides.

9. I arrived in Tijuana, Mexico on or about June 8, 2019. I planned to present myself at the port of entry in order to seek asylum in the United States. I thought I was able to walk right up to the U.S. border. A few of us walked up the bridge at the San Ysidro PedWest port of entry when a U.S. official asked us for our documents and where we were going. I showed him my Chiapas issued pass with my information on it and told him I was a migrant from Cameroon that needed to cross into the United States. He told me to go back down the bridge to

the Mexican immigration authorities because I had to get in line to wait to ask for asylum. I walked back down and saw other migrants at the Chaparral Plaza in line. Mexican immigration officials took down my information, reviewed my Chiapas-issued pass and issued me a “ficha” number. I put my name on the waitlist at the San Ysidro port of entry because I was instructed to do so by the U.S. official. Everyone, including other migrants who had been in Tijauna for months, made it clear that it was not possible to enter the U.S. to seek asylum except by waiting on the list. My number on the waitlist is 3341.

10. As of September 19, 2019, people with the number 2983 were called to present themselves at the San Ysidro PedWest port of entry. I am still waiting for my number to be called. If I had not been turned away from the San Ysidro PedWest port of entry, I would have entered the United States on June 8, 2019.

11. I am terrified of being forced to return to Cameroon. I cannot go back or I will be tortured again and killed. When I learned about the new rule that we will not be allowed to seek asylum in the United States unless we were denied asylum in another country we crossed to arrive here, I was devastated. I have lost everything and have been separated from my loving wife and my two babies. I have endured so much struggle just to arrive here in Tijuana. I sometimes feel completely desperate about my situation. I only know that I need to finally be safe and to start my life again. I still have hope that when my number is called, I will be able to seek asylum in the U.S. and finally know some peace.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct.

Executed on September 20, 2019 at Tijuana, Baja California, Mexico.



Jordan Doe

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 16 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF KING DOE

I, King Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen and national of Cameroon. I am 31 years old.

3. I have a wife and three children, ages 8, 6 and 4, whom I had to leave behind in Cameroon because my life was in danger. I fled my home country around May 10, 2019 because I am a member of the English-speaking minority in the Anglophone Crisis, also called the Ambazonia War. Police have illegally searched my home and arrested me, accusing me of being a separatist. I am afraid to return to my home country because either the military or government police will falsely arrest me and kill me, or the separatist forces will mutilate me because they suspect me of being a traitor after seeing me at the police station several times and because I refused to obey their guerilla rules.

4. I traveled through many countries on my way to Mexico, including Turkey, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala. I happened to run into my younger cousin at the airport in Cameroon because he is also fleeing the Anglophone Crisis. We made the perilous journey together.

5. We also met other migrants while in Ecuador. Together we travelled from Quito to Colombia to Panama, where groups of armed men extorted money from us multiple times while we were deep in the forest. We saw people die and many corpses in that jungle-like forest.

6. On the bus ride from Chiapas, Mexico to Tijuana, my cousin and I were nearly kidnapped by the Sinaloa cartel. We were very lucky to escape, and

we were terrified to learn that the cartel usually kills African migrants in order to sell their organs on the black market. They kidnap other migrants for ransom, but do not bother with keeping African migrants alive because they assume we are too poor or that it is not worth it because our families are too far away to pay the ransom money quickly.

7. After a long and perilous journey, eventually we made it to Tijuana, Mexico. When we arrived to the San Ysidro PedWest port of entry in Tijuana it was the afternoon of July 10, 2019. They told us that the immigration officials only attend people in the morning and so we would have to come back the next day. The following morning, Mexican immigration officials told us that we were not allowed to go directly into the United States. All of the other migrants waiting there told us that they will just send you back if you try to go up the bridge and through the gate to the United States. In fact, not long ago my friend attempted this and they turned him away. The Mexican officials near the San Ysidro port of entry told us we had to get in line to obtain a number to request asylum in the United States.

8. On July 11, 2019, I waited in line in the plaza near the bridge and presented my national identity card to the Mexican immigration officials because I had no other choice if I wanted to seek asylum in the United States. I was given the "ficha" number 3643. As of September 19, 2019, people with the number 2983 were called to present themselves at the San Ysidro PedWest port of entry. I am still waiting for my number to be called.

9. If I had not been turned away from the San Ysidro port of entry and forced to wait in Tijuana, I would have entered the United States on July 10, 2019.

10. I did not apply for asylum in Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala or Mexico because I was mistreated throughout my journey and did not feel I would be safe. I was robbed repeatedly at gunpoint

and transported like property by armed military officials. When I arrived in Ecuador, the immigration officials called me a monkey. Moreover, I was never offered assistance or the opportunity to obtain asylum. I do not have any feeling of safety in these countries. Finally, here in Mexico, the immigration officials are terrible to us. They have other migrants working for them selling numbers and taking bribes from asylum seekers desperate to enter the United States. Last week a friend of mine told me that if I had \$750 the Mexican immigration officials will take me directly to the bridge to cross into the United States. Some have even paid \$1350 to cross over.

11. I did not apply for asylum in Turkey because I never even left the airport while I was there. I did not feel I would be safe and I do not speak the language. Moreover, there is no one there to help us and I believed the United States respects human rights and would recognize my asylum claim.

12. My life in Tijuana is very difficult, exhausting and at times terrifying. I do not have money to provide myself food or send home to my family that is struggling in Cameroon without me. I have gone hungry many nights. Life is very hard for me here. Tijuana is dangerous for black migrants.

13. I am terrified of being forced to return to Cameroon. I cannot go back or I will either be arrested and tortured by state police or I will be captured and maimed by separatist forces.

14. When I learned about the new rule that we will not be allowed to seek asylum in the United States unless we were denied asylum in another country we crossed to arrive here, I did not sleep the entire night. I was completely distressed. I sold my land in Cameroon to pay for my dangerous travels here. I have a family fearing for my safety and depending on me for financial support. My journey here was so grueling and at times, humiliating. I don't know what I will do if I am not allowed to seek asylum in the United States.

15. I try to calm myself by remembering the struggles of the Hebrew people in the Bible because I am a Christian. I think to myself that it was so hard for them to escape the land of Egypt and that even Pharaoh was cruel and refusing to let them flee. That is what I am facing, but I still have faith that I will overcome. I still believe that the United States is a place where human rights are valued and that I will reach safety. Every day I follow the numbers being called and I pray for patience and strength to go on.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct.

Executed on September 20, 2019 at Tijuana, Baja California, Mexico.



King Doe

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14 *Additional counsel listed on next page*
Attorneys for Plaintiffs

15 **UNITED STATES DISTRICT COURT**
 16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 Al Otro Lado, Inc., *et al.*,
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 19 Plaintiffs,
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 21 v.
 Kevin K. McAleenan,¹ *et al.*,
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 23 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 17 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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DECLARATION OF A.V.M.M.

I, A.V.M.M., hereby declare under the penalty of perjury under the laws of the United States of America:

- 1) I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
- 2) I am a citizen and national of El Salvador.
- 3) I am 23 years old.
- 4) I am traveling with my two children. My son is 5 years old. My daughter is 3 years old.
- 5) I fled my home country of El Salvador on or about April 3, 2019, because I was fleeing death threats, gang violence, domestic violence, and threats against the lives of my children. I am afraid to return to my home country because the gang members want to kill me. I am also afraid because I am a lesbian woman who ~~experiencing~~ experienced violence and persecution because of my sexual orientation. Lesbians and other people in the LGBT community are not safe in my country.

- 6) Before arriving here in Ciudad Juarez, Mexico, I traveled briefly through Honduras and Guatemala. I was only in each of those countries for a short period of time, just a few days. I did not apply for asylum in Honduras or Guatemala because I know that the same gang who was threatening me and my children in El Salvador also operates in these countries. I knew that me and my children were never going to be safe from these death threats in these countries because the gang is very powerful.
- 7) I arrived in Ciudad Juarez, Mexico on or about April 22, 2019. I planned to present myself at the port of entry in order to seek asylum in the United States.
- 8) When I arrived in Ciudad Juarez, I went directly to the LGBT migrant shelter. I had heard about this shelter from my family members in the United States. When I arrived at the shelter, the people here told me that the only way to seek asylum in the United States was to register myself and get a number on the waiting list. The

next day, people from the shelter took me to the office ~~at~~ near the Mexican side of the Paso del Norte Port of Entry so that I could register myself and receive a number on the waiting list. I never tried to ask for asylum directly at the Port of Entry because everyone had told me that it was impossible and that I had to wait for my turn using my number.

9) I put my name on the waitlist at the Mexican side of the Paso del Norte Port of Entry because I believed that it was the only way to ask for asylum legally in the United States. My number on the asylum waitlist is 12,760. My son's number on the asylum waitlist is 12,758. My daughter's number on the asylum waitlist is 12,759.

10) There is a facebook group here for people who are on the asylum waiting list in Ciudad Juarez. I am a member of this facebook group. To the best of my knowledge, the last number called on the asylum waiting list was 12,597.

11) I did not apply for asylum in Mexico because I had heard that it was a very dangerous country. I know that

the gangs in Mexico are also very powerful, and I know that the same people who threatened me could also find me and hurt me ~~and~~ and my children here in Mexico. Additionally, I had heard from lots of people that there is a lot of violence against the LGBT community here in Mexico.

12) If I had not been forced to place my name on the asylum waiting list on the Mexican side of the Paso del Norte Port of Entry, myself and my children would have entered the United States on or about April 23, 2019.

13) Ever since the first day I arrived here in Ciudad Juarez, I have been living here at the LGBT migrant shelter. Even though the person who runs the shelter is a good person, I still do not feel safe here in the shelter. I do not feel safe in this neighborhood because it is very dangerous and there are many people who sell and use drugs around the shelter. I do not even feel safe going to the corner store. My children and I spend most of our time inside the shelter because we are afraid

to leave. Since I have been living here in Ciudad Juarez, I have heard about 4 or 5 transgender women who have been murdered. Even though I am not transgender myself, this still scares me as member of the LGBT community.

14) My children are suffering here in Mexico. It is very difficult for them to be cooped up here at the shelter all the time. I did not put my son in school at the start of the school year because I was afraid of what might happen to him. I do not even like to take my children to the store because I am so scared. My children always ask me things like, "why are we not allowed to go to the park?" My son wakes up in the middle of the night almost every night sobbing from his nightmares.

15) I also do not feel safe here in Ciudad Juarez or anywhere in Mexico because I am very worried that the same people I am fleeing have followed me here to Mexico. About a month ago, I received a facebook message from them telling me that they knew I was in Ciudad Juarez and that

they could come and get me within one day. This was very scary, especially because I do not know how they realized that I was in Ciudad Juarez.

16) It has been very difficult for me and my two children to be stuck here in Mexico. Even though it has been so difficult, I decided to keep waiting for our turn to cross because I wanted to do things the right way and follow the law. I also know that it is very dangerous to cross in another way with small children. I am asking for asylum in the United States to save my life and the lives of my children.

I declare under penalty of perjury under the laws of the United States of America that the things above are true and correct.

Executed ~~at~~ on 18th of September, 2019
at Ciudad Juarez, Mexico.



A.V.M.M.

CERTIFICATION

I, Taylor Kristine Levy declare that I am proficient in the English and Spanish languages.

On 18th of September 2019, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 18th of September 2019 at Ciudad Juarez, Mexico.


Taylor Kristine Levy

9/18/19
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16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
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 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 18 TO MOTION FOR
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DECLARATION OF S.M.R.G.

I, S.M.R.G., hereby declare under the penalty of perjury under the laws of the United States of America:

- 1) I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
- 2) I am a citizen and national of El Salvador.
- 3) I am 24 years old.
- 4) I fled my home country of El Salvador on or around April 1, 2019, because I was attacked, persecuted, and threatened with death because I am a lesbian. I was raped by a gang member who yelled homophobic slurs at me during the rape. I was also constantly harassed by the police in my hometown for being a lesbian. I am afraid to return to my home country because the gang members have threatened me with death and I know that the police will not protect me.
- 5) I traveled through Guatemala on my way to Mexico. I was only in Guatemala for approximately one day and

traveled directly to ~~the~~ Mexico. I did not ask for asylum in Guatemala because for me, it is identical to El Salvador when it comes to the treatment of lesbians. There are huge amounts of violence against lesbians in Guatemala and many lesbians in Guatemala have been murdered. I know this because I read the news frequently; I was also studying law in the University before I had to leave my country. I also have friends who are lesbians in Guatemala and one of my ex-girlfriends was Guatemalan. I did not apply for asylum in Guatemala because I knew I would never be safe there. Additionally, the gangs in Guatemala ~~are~~ are very powerful, and the same gang that threatened me in El Salvador operates in Guatemala.

- (6) I arrived in Ciudad Juarez, Mexico on or about May 15, 2019. I planned to ask for asylum in the United States. However, I had already heard from my friends that I was going to need to ask for a number and wait in line to ask for asylum.
- 7) When I arrived in Ciudad Juarez, Mexico, I went directly to the LGBT migrant shelter.

When I arrived at the shelter, it was night time. The people in the shelter told me how to get a number. The next day, the shelter director took me to the office by the Mexican side of the Paso del Norte Port of Entry to register and request a number. I never personally tried to enter at the bridge myself because everyone had told me that I had to get a number and wait my turn. Additionally, I wanted to do things the right way.

8) I put my name on the waiting list at the Mexican side of the Paso del Norte Port of Entry because I thought it was the only way to legally seek asylum in the United States. My number on the waitlist is 14,432.

9) In Ciudad Juarez, there is a facebook group for the people who are waiting on the asylum waitlist. I am a member of this facebook group. According to this facebook group, the last number that was called to present to ask for asylum in the United States was 12,597.

10) I did not apply for asylum ~~in~~ in Mexico for various reasons. More than anything, Mexico is very dangerous, especially for

lesbians and other members of the LGBT ~~community~~ community. Apart from that, Tapachula was very dangerous and I had to sleep for several nights on the street. I was robbed on the street two times while waiting outside the immigration offices. In the end, I was able to get my humanitarian visa, but I did not apply for asylum because I knew I would never be safe as a lesbian living in Mexico. I have various lesbian friends and acquaintances who have been attacked in Mexico because of their sexual orientation. I have also read news articles about violence against lesbians in Mexico.

- 11) If I had not been ~~forced~~ forced to register my name on the asylum waiting list on the Mexican side of the Paso de Norte Port of Entry, I would have entered the United States on or about the 16th of May, 2019.
- 12) I have been living in the LGBT migrant shelter the whole time since arriving in Ciudad Juarez. ~~At the shelter~~ However, we are not safe here at the shelter. I do not feel safe at all; any illusions of safety are all lies. For one,

Ciudad Juarez is the city of femicides, and I am a woman. Additionally, here in Ciudad Juarez there is a lot of violence against the LGBT community. For example, I have heard that they have murdered a few transgender women here in Ciudad Juarez recently. Also, I was working for a little bit and there were various women who were murdered near my job. One day when I was working, several men came in and hid their guns inside the clothing boxes. This scared me and made me quit my job. Now, I almost never leave the shelter because I am too afraid. Additionally, I know that the shelter itself is not safe. The building lacks security; it would be very easy to kick in the front door because it is basically broken. Also, many of the windows are broken. I am very afraid that one day someone is going to break into the shelter and do us harm. I am scared every night when I go to sleep.

13) I suffered a lot in my country, I then suffered more on my journey

to Ciudad Juarez. I am suffering here; I am constantly afraid. All I want is a chance to ask for asylum in the United States and save my life.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct.

Executed on the 18th of September 2019
at Ciudad Juarez, Mexico,

S. M. R. G.

S. M. R. G.

CERTIFICATION

I, Taylor Kristine Levy declare that I am proficient in the English and Spanish languages.

On September 18 2019, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 18 2019 at Ciudad Juarez, Mexico.


Taylor Kristine Levy

9/18/19
Date

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 19 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF "A.N.H."

I, "A.N.H.", hereby declare under the penalty of perjury under the laws of the United States of America:

- 1) I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
- 2) I was born in Guatemala. I am a citizen of Guatemala. I am an indigenous woman. I speak Chuj.
- 3) I am 27 years old.
- 4) I traveled to Mexico from Guatemala with my son who is 5 years old.
- 5) I left my country of Guatemala on or about the 23rd of April, because my husband hurts me and he stole my other child and wants to take my son. I am afraid to return to Guatemala because he will hurt me again and my son. I know that if I return to Guatemala, he will kill me.
- 6) I arrived in Ciudad Juarez on or about May 1, 2019. When I arrived in Juarez, I went to the main bridge

I do not know the name of the bridge. I paid the coins to enter the bridge. I walked up the bridge with my son. In the middle of the bridge, there were men dressed like Police Officers. They had blue uniforms and guns. They stopped me and told me that I could not pass. I was scared, hungry, and thirsty. They told me I had to leave and get a number. They pointed at a building and said I needed to go there for the number. I walked away from them crying and crying, so scared because I did not know what to do. I went to the building where they told me and got my number. That same night, I slept on the ground with my son outside of the office where I got my number. I had nowhere to go and no money. Finally, the next day, the people in the office found a shelter for me and my son.

(6) I put my name on the waiting list for asylum because I believed that it was the only way I could safely ask for asylum for me and my son in the United States. My number on the waiting list is 13049. My son's number on the waiting list is 13050.

- 17) I do not have a cell phone. However, I ask the other people in the shelter to tell me what numbers have been called on the asylum waitlist. They use their phones to find the number. They told me that the last number called was 12,597.
- 18) If I had not been told to go back at the bridge in the center of Juarez, I would have entered the United States on or about May 1, 2019.
- 19) It is very hard to wait in Juarez. I do not have money. I do not have a cell phone. I don't have money to buy medicine or clothing for my son. I am very afraid to be here in Juarez. I cannot leave the shelter ever because of my dialect and because I do not speak Spanish well. I cannot leave because people say I could be kidnapped or that the bad men will hurt me. You can see the bad men walking around the shelter. They have guns and tattoos and smoke and do drugs. I almost never leave the shelter. I am so scared. My son is not in school either, because of the fear. My son asks me if we can

go out of the shelter, but I have to tell him no because it is not safe. At night time I am very sad. I cry and cry. I have bad dreams every night about my husband chasing me and trying to kill me. I get very sad because my shelter is on a hill very close to the border and at night we can see all the lights in the United States. I stare at them and get very sad and think about how I cannot go there. Sometimes I think that I cannot take it anymore, all the suffering, but then I remember that only death waits for me in Guatemala and I have to keep putting up with the pain. The list is moving very slowly now.

20) I did not apply for asylum in Mexico because I have nothing here. It is dangerous in Mexico for indigenous people. When I traveled here, sometimes people on the streets would yell mean things to me. I have so much fear in Mexico.

21) Everything that is happening is unfair. Me and my son are suffering so much. My son does not want to eat the food here at the shelter because it is always

the same thing: beans and rice. He is very hungry sometimes. When my son gets sick, I cannot get medicine for him. We sleep on a mat on the floor because there are not enough beds for everyone. Sometimes other people here who come to stay at the shelter make fun of me for saying words wrong in Spanish or for being indigenous. The Mexicans who stay here are always the most mean.

I declare under penalty of perjury under the laws of the United States of America that the things described above are true and correct.

Executed on the 20th of September, 2019,
at Ciudad Juarez, Mexico.

~~Amelita~~

"A.N.H"

CERTIFICATION

I, Taylor Kristine Lewy declare that I am proficient in the English and Spanish languages.

On 20th of September 2019, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 20th of September 2019 at Ciudad Juarez, Mexico.


Taylor Kristine Lewy

9/20/19
Date

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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 20 TO MOTION FOR
 PRELIMINARY INJUNCTION**

28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF M.G.

I, M.G., hereby declare under the penalty of perjury under the laws of the United States:

1. I make this declaration based on my own personal knowledge except where indicated otherwise. If I am called as a witness, I could and would testify competently and truthfully on these matters.

2. I am a citizen of Cuba.

3. I am 28 years old.

4. I fled my country approximately February 15, 2019 because members of the police and the local government harassed me because of my political views. I suffered retaliation and persecution for expressing myself in an incorrect way, in their view. On December 17, 2018, a political official hit me in the mouth because I called the governing party corrupt.

5. I am afraid to return to my country because I believe they will imprison me, given that I was threatened by the government before I left Cuba. My life would be impossible in Cuba.

6. I traveled from Cuba to Guyana. From Guyana, I traveled through several countries en route to Mexico, including Brazil, Uruguay, Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala. It was a very difficult journey. In Panama I slept for seven days in the river, because if I stayed out of the water I could have been eaten by the animals.

7. I did not seek asylum in the countries I traveled through, nor in Mexico, due to the violence and drugs that exist in those countries, and I did not consider any of those countries a safe country.

8. I arrived in Matamoros, Mexico, at the border between Mexico and the United States, approximately June 8, 2019. On the same day that I arrived in

Matamoros, I went to the port of entry, which is at a bridge between Matamoros, Mexico and Brownsville, Texas.

9. At the bridge, there were Mexican immigration officials who would not permit me to cross. Also, there was a checkpoint of American officials in the middle of the bridge that we were not permitted to approach. The Mexican officials told me that first I had to put myself on a list. They instructed me to put myself on the list to wait my turn to be called by the American authorities, to be inspected and processed at the port of entry.

10. I put myself on the waitlist in Matamoros on June 11, 2019. My number on the list was 2007. The list was controlled by a person who identified themselves as a Mexican migration official, o “INM.”

11. If I had not been rejected at the port of entry or required to put myself on the list, I would have entered the port of entry to seek asylum in the United States on June 8, 2019.

12. At the beginning of my stay in Matamoros, I slept on the street. Later, a group of us migrants got together to pay rent for one place for all of us to stay together.

13. After more than a month, I decided to cross the river to seek asylum in the United States. My number had not yet been called. I decided to leave because of the violence at the border, I was afraid for my life. So, I reached the decision to risk my life again but this time in the river. I swam across, risking my life again, on July 18, 2019.

14. Immigration officials seized me as soon as I stepped on American territory, I turned myself in to them and they took me to a hielera, where I was imprisoned, without being able to clean myself, without being able to sleep, and eating poor food.

15. Later, on approximately the July 23, 2019, the American government returned me to Mexico to wait for my immigration court hearings. For the moment I am living in Monterrey. Mi first hearing was September 19, 2019, in Laredo, Texas.

16. I am really afraid to continue waiting in Mexico. I witnessed when some people arrived outside the INM office in Nuevo Laredo and were kidnapped, in plain sight, and nobody did anything. I don't know more about what happened to them, only that they called their families asking for nine thousand dollars.

17. I am afraid for my life, in my country and here in Mexico. I need humanitarian protection.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 23rd day of September, 2019 in Monterrey, Mexico.

M.G.

M.G. (initials only)

DECLARACIÓN DE M.G.

Yo, M.G., por la presente declaro bajo pena de perjurio en conformidad con las leyes de los Estados Unidos:

1. Hago esta declaración basado en mi conocimiento personal excepto donde he indicado lo contrario. Si me llamaran como testigo, podría testificar y testificaría de manera competente y veraz sobre estos asuntos.
2. Soy ciudadano de Cuba.
3. Tengo 28 años.
4. Yo huí de mi país aproximadamente el 15 de febrero del año 2019 porque miembros de la policía y el gobierno local me acosaban por mis posiciones políticas. Sufrí represalias y persecución política por expresarme de forma incorrecta, según ellos. El 17 de diciembre del año 2018, un oficial político me pegó en la boca por decirles corruptos al partido del gobierno.
5. Tengo miedo de regresar a mi país porque creo que van a meterme preso, dado que había sido amenazado por el gobierno antes de salir de mi país. Mi vida sería imposible en Cuba.
6. Yo viajé de Cuba a Guyana. De Guyana, atravesé por varios países en rumbo a México, incluyendo Brasil, Uruguay, Perú, Ecuador, Colombia, Panamá, Costa Rica, Nicaragua, Honduras, y Guatemala. Fue un viaje muy duro. En Panamá me dormí por siete días en el río, debido a que si me quedaba fuera del agua podía ser comido por los animales.
7. No solicité asilo en los países que atravesé, ni en México, por la violencia y las drogas que existen en esos países, y no consideré a ninguno de los países un país seguro.
8. Llegué en Matamoros, México, en la frontera entre México y los EEUU, aproximadamente el 8 de junio del año 2019. El mismo día que llegué en Matamoros, fui al puerto de entrada, cual está en un puente entre Matamoros,

México y Brownsville, T́exas.

9. En el puente, oficiales de inmigración mexicana no me permitieron cruzar el puente. Además, había un retén de oficiales estadounidenses a mitad del puente que no nos permitieron acercarnos. Los oficiales mexicanos me dijeron que debía primero apuntarme en una lista. Ellos me instruyeron anotarme en una lista para esperar el turno de llamado por autoridades estadounidenses, para ser inspeccionado y procesado en el puerto de entrada.

10. Me anoté en la lista de espera en Matamoros el 11 de junio del año 2019. Mi número en la lista fue 2007. La lista era controlada por una persona que se identificó como oficial de migración nacional en México, o INM.

11. Si no hubiera sido rechazado en el puerto de entrada ni requerido anotarme en la lista, hubiera entrado al puerto de entrada para solicitar asilo en los EEUU el 8 de junio del año 2019.

12. Al principio de mi estancia en Matamoros, dormía en la calle. Después un grupo de migrantes cooperamos entre nosotros para pagar una renta entre todos.

13. Después de más que un mes, yo decidí cruzar el río para solicitar asilo en los EEUU. Todavía no habían llamado mi número. Decidí salir por la violencia que hay en la frontera, yo tenía miedo por mi vida. Por eso, llegue a la decisión de arriesgar nuevamente mi vida pero esta vez por el río. Cruzé nadando, arriesgando nuevamente mi vida, el 18 de julio del año 2019.

14. Me agarraron oficiales de migración en cuanto pise territorio estadounidense, me entregué con ellos y me llevaron a la hielera, donde fui encerrado, sin poder asearme, sin poder dormir y comiendo comida mala.

15. Después, en aproximadamente el 23 de julio del año 2019, el gobierno estadounidense me regresó a México para esperar mis audiencias en la corte de inmigración. Por el momento estoy viviendo en Monterrey. Mi primera audiencia

fue el 19 de septiembre del año 2019, en Laredo, T exas.

16. Tengo mucho miedo de quedarme esperando en M xico. Yo fui testigo de cuando unas personas llegaron a las afueras del despacho del Instituto de Migraci n, en Nuevo Laredo, y secuestraron a unos inmigrantes, a la vista de todos y nadie hizo nada. No se m s de ellos, solo llamaron a la familia de ellos pidiendo nueve mil d lares.

17. Yo tengo miedo por mi vida, en mi pa s y aqu  en M xico. Necesito protecci n humanitaria.

Declaro bajo pena de perjurio seg n las leyes de los Estados Unidos que todo lo anterior es verdadero y correcto.

Ejecutado el d a 23 de septiembre, 2019 en Monterrey, M xico.

M.G.

M.G. (firma de iniciales)

TRANSLATOR'S CERTIFICATION

I, Gabriela Maxcy, declare that I am fluent in the English and Spanish languages.

I have reviewed the original Spanish declaration and the foregoing English translation thereof, and I certify that the English version is a faithful and accurate translation of the Spanish-language original.

I hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on the 23 day of September, 2019 in Atlanta,
Georgia.


Name: Gabriela Maxcy

September 23, 2019
Date

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DECLARATION OF O.S.

I, O.S., hereby declare under the penalty of perjury under the laws of the United States:

1. I make this declaration based on my own personal knowledge except where indicated otherwise. If I am called as a witness, I could and would testify fully and truthfully on these matters.

2. I am a citizen of Cuba.

3. I am 34 years old.

4. I am married. My partner is in Cuba with my two children, who are 13 and 5 years old.

5. I fled my country on or around May 26, 2018 because of political persecution against me. I did not participate in any of the political organizations of the Cuban government, which are many. Government officials would detain me whenever they felt like it. They would detain me because my spouse's family oppose the government, and they would tell me that I had to leave and abandon my family. The government's accusations and threats were constant. Because there was so much repression, I decided to try fleeing Cuba on a raft on two occasions, but they caught me and fined me. That's why I fled Cuba.

6. I am afraid of going back to my country because my life is in danger. I will always maintain my stance of not participating in anything related to the Cuban government, and they will punish me for that.

7. I traveled from Cuba to Guyana. From Guyana, I traveled through several countries en route to Mexico, including Brazil, Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala. It was a very difficult journey.

8. I did not seek asylum in the countries I traveled through, nor in Mexico, they will give you a "safe passage" for the number of days they decide,

and if you don't comply with that their immigration authorities will take you and deport you to their country. In Costa Rica they gave me only three days.

9. I arrived in Matamoros, Mexico, at the border between Mexico and the United States, on or around June 8, 2019. On June 11, 2019, I went to the port of entry, which is at a bridge between Matamoros, Mexico and Brownsville, Texas.

10. At the bridge, Mexican immigration officials did not allow me to cross the bridge. The Mexican officials detained me while I was walking towards the bridge to get to the American officials, but the Mexican officials stopped me. They gave me instructions to put myself on a list and that later they would be calling names when the American immigration authorities asked for people.

11. I put myself on the waitlist in Matamoros on June 11, 2019. I had to show my passport to put myself on the list. My number on the list was 2008. The list was controlled by a person who identified himself as an official from the national migration agency in Mexico, or INM.

12. If I hadn't been turned away at the port of entry, or required to put myself on the list, I would have entered the port of entry to seek asylum in the United States on June 11, 2019.

13. At the beginning of my stay in Matamoros, I spent a few days sleeping on the Matamoros bridge, but the Mexican authorities threw us out of there. On a rainy day we looked for a small sheltered spot to spend the night, but they threw us out of there. A group of migrants and I decided to rent a house and pay the cost together.

14. After more than a month, I decided to cross the river to seek asylum in the United States. They still hadn't called my number. The list was very long. I decided to leave because they were giving out spots on the list to other people who arrived after me, and also because they hadn't called anyone off the list for two

weeks. I also decided to cross the river due to the very difficult security situation in Matamoros. I swam across on July 18, 2019.

15. I got to the American side and I turned myself in to American immigration, the Border Patrol, and then I was detained for about a week.

16. After that, on or around July 25, 2019, the U.S. government returned me to Mexico to wait for my hearings in immigration court. When they interviewed me before returning me to Mexico, on or around June 23 or 24, the U.S. officials didn't even listen to me or let me speak, and they made me sign something and told me that if I didn't sign it, they would sign it. I told them that I wouldn't feel safe if they returned me to Mexico but it didn't matter to them. For the moment I am living in Monterrey. My next hearing is October 23, 2019 in Laredo, Texas.

17. I am afraid of continuing to wait in Mexico. I was a witness to the kidnapping of three friends of mine. The criminals asked for nine thousand dollars for each one of them. They couldn't pay for their rescue.

18. I am afraid for my life, in my country and here in Mexico. I need humanitarian protection.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 21st day of September, 2019 in Monterrey, Mexico.

O.S.

O.S. (initials only)

DECLARACIÓN DE O.S.

Yo, O.S., por la presente declaro bajo pena de perjurio en conformidad con las leyes de los Estados Unidos:

1. Hago esta declaración basado en mi conocimiento personal excepto donde he indicado lo contrario. Si me llamaran como testigo, podría testificar y testificaría de manera competente y veraz sobre estos asuntos.

2. Soy ciudadano de Cuba.

3. Tengo 34 años.

4. Estoy casado. Mi pareja está en Cuba con mis dos hijos de 13 y 5 años.

5. Yo huí de mi país aproximadamente el 26 de mayo del año 2018 por persecución política hacia mi. Yo no participaba en ninguna de las organizaciones políticas del gobierno cubano, que son muchas. Oficiales del gobierno me llevaron preso cada que les daba la gana. Me llevaban preso debido a que la familia de mi esposa son opositores, y me decían que tenía que salirme y abandonar a mi familia. Eran constantes el acoso y las amenazas del gobierno. Decidí, debido a que era mucha la represión, tratar de huir en dos ocasiones de Cuba en balsas, pero me cogieron y me multaron. Por eso yo huí de Cuba.

6. Tengo miedo de regresar a mi país porque mi vida corre peligro. Siempre me voy a mantener en mi postura de no pertenecer a nada del gobierno cubano, y por eso me van a castigar.

7. Yo viajé de Cuba a Guyana. De Guyana, atravesé por varios países en rumbo a México, incluyendo Brasil, Perú, Ecuador, Colombia, Panamá, Costa Rica, Nicaragua, Honduras, y Guatemala. Fue un viaje muy duro.

8. No solicité asilo en los países que atravesé, ni en México, ellos te dan un salvoconducto y te ponen los días que ellos decidan, y si no cumples con ese tiempo, te agarra la inmigración y te deportan a tu país. En el caso de Costa Rica

sólo me permitieron tres días.

9. Llegué en Matamoros, México, en la frontera entre México y los EEUU, aproximadamente el 8 de junio del año 2019. El 11 de junio del 2019, yo fui al puerto de entrada, cual está en un puente entre Matamoros, México y Brownsville, T́exas.

10. En el puente, oficiales de inmigración mexicana no me permitieron cruzar el puente. Los oficiales mexicanos me detuvieron al estar caminando rumbo al puente para llegar con oficiales americanos, pero los oficiales mexicanos me lo impidieron. Me dieron instrucciones de anotarme a una lista que posteriormente ellos estarían llamando conforme autoridades migratorias estadounidenses pedirán a personas.

11. Me anoté en la lista de espera en Matamoros el 11 de junio del año 2019. Tuve que presentar mi pasaporte para anotarme en la lista. Mi número en la lista fue 2008. La lista era controlada por una persona que se identificó como oficial de migración nacional en México, o INM.

12. Si no hubiera sido rechazado en el puerto de entrada ni requerido anotarme en la lista, hubiera entrado al puerto de entrada para solicitar asilo a los EEUU el 11 de junio del año 2019.

13. Al principio de mi estancia en Matamoros, pasé unos días durmiendo en el puente de Matamoros, pero las autoridades mexicanas nos echaban del lugar. En un día lluvioso buscamos un pequeño resguardo para poder pasar la noche, pero ellos nos corrieron del lugar. Un grupo de migrantes y yo decidimos irnos a una renta de casa y pagar todos juntos ese gasto.

14. Después de más que un mes, yo decidí cruzar el río para solicitar asilo en los EEUU. Todavía no habían llamado mi número. La lista era muy larga. Decidí salir porque estuvieron dándole el lugar en la lista a otras personas que llegaron después y también porque pasaban hasta quince días sin llamar a nadie. Y

también decidí cruzar el río por la situación tan difícil de inseguridad en Matamoros. Crucé nadando el 18 de julio del año 2019.

15. Llegué al lado americano y me entregué a migración estadounidense, al Border Patrol, y de allí fui encerrado por aproximadamente 8 días.

16. Después, en aproximadamente el 25 de julio del año 2019, el gobierno estadounidense me regresó a México para esperar mis audiencias en la corte de inmigración. Cuando me entrevistaron antes de retornarme a México, aproximadamente el 23 o 24 de julio, los oficiales estadounidenses ni siquiera me escucharon, no me dejaron hablar, y me hicieron firmar pues me dijeron que si no firmaba ellos lo iban a firmar. Yo argumenté que no me sentía seguro de que me retornaran a México pero no les importó. Por el momento estoy viviendo en Monterrey. Mi próxima audiencia es el 23 de octubre del año 2019, en Laredo, T́exas.

17. Tengo miedo de quedarme esperando en México. Yo fui testigo del secuestro de tres amigos míos. Los criminales pedían nueve mil dólares por cada uno de ellos. Ellos no pudieron pagar por el rescate.

18. Yo tengo miedo por mi vida, en mi país y aquí en México. Necesito protección humanitaria.

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que todo lo anterior es verdadero y correcto.

Ejecutado el día 21 de septiembre, 2019 en Monterrey México.

O.S

O.S. (firma de iniciales)

TRANSLATOR'S CERTIFICATION

I, Gabriela Maxcy, declare that I am fluent in the English and Spanish languages.

I have reviewed the original Spanish declaration and the foregoing English translation thereof, and I certify that the English version is a faithful and accurate translation of the Spanish-language original.

I hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on the 23 day of September, 2019 in Atlanta,
Georgia.


Name: Gabriela Maxcy

September 23, 2019
Date

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14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 22 TO MOTION FOR
 PRELIMINARY INJUNCTION**

23
 24
 25
 26
 27
 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF B.B.

I, B.B., hereby declare under the penalty of perjury:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen and national of Venezuela. I am 55 years old.

3. I am married and I have four adult children.

4. I fled my home country because I was active in an opposition political party and I fought for human rights. I was threatened with arrest and I was afraid I would be tortured if captured. I left Venezuela with my wife and my youngest son. I am afraid to return to Venezuela because I think the people in power will arrest me, torture me, and likely kill me for my political activity.

5. We left Venezuela about December 21, 2018. From there we went by car to Colombia. We took a plane from Colombia to Mexico City. From there we took a bus to Nuevo Laredo in Mexico.

6. I did not apply for asylum in Colombia or Mexico.

7. I arrived at Nuevo Laredo, Mexico on about May 23, 2019. My wife, my son, and I presented ourselves at the border to U.S. immigration officials on the middle of the bridge in the pedestrian lane, and we asked for asylum.

8. When we got to the U.S. border, we crossed by foot on Bridge 1 – to get to the area with Mexican and American officials. Four officials were on the bridge. Two were Mexican officials, a man and a woman. I think they were in brown uniforms. They looked to see that we did not have American visas. They let us talk to the U.S. immigration officials. There was a man and a woman in blue uniforms who were the U.S. officials. We asked for asylum from them. The two American officials sent us to an immigration office on the Mexico side to get on the list to seek asylum. The officials in the Mexican office took copies of our

passports and put us on the list at # 589.

9. We put our names on the list because we believed in the process. This was the requirement to get asylum so we followed it.

10. Around July 27, 2019, we checked where we were in line. We were told we were #226.

11. We were afraid to stay in Mexico because we were nearly kidnapped by the Zetas – a cartel of the North. There was a group of about 18 Venezuelans together who went to the bus station. The Zetas were waiting for us. My son, my wife, and I were able to run away. From what I saw, the rest of the group was taken in vans by the Zetas. To this day, I do not know what happened to them.

12. After seeing this, we knew we could not stay in Mexico. We crossed the border via the river and turned ourselves in to border patrol to seek asylum.

13. My wife, son, and I were each sent to different detention centers. I am currently detained in the United States. A U.S. immigration officer interviewed me around September 9, 2019 about my fear of returning to Venezuela. They asked me if I was afraid of returning to Venezuela and I said yes. They never asked me why was afraid of returning to Venezuela. I did not receive a decision yet about whether my interview result was “positive” or “negative.” On September 17, 2019, a U.S. immigration officer from ICE told me that I had to answer additional questions as part of my interview process. The questions were about whether I had previously applied for asylum in Mexico and Colombia and if not, why not.

I declare under penalty of perjury that the things described above are true and correct.

Executed on September 24, 2019.



B.B.

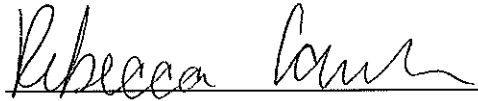
CERTIFICATION

I, Rebecca Cassler, declare that I am proficient in the English and Spanish languages.

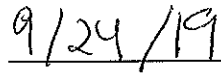
On September 24, 2019, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

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

Executed on September 24, 2019 at Decatur, Georgia.

_____

Rebecca Cassler

_____

Date

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18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Kevin K. McAleenan,¹ *et al.*,

22 Defendants.
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Case No.: 17-cv-02366-BAS-KSC

**DECLARATION OF ADAM
 ISACSON**

28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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1 I, Adam Isacson, hereby declare under penalty of perjury pursuant to 28 U.S.C.
2 § 1746:

3 **I. Experience**

4 1. I am over 18 and have personal knowledge of the facts herein.

5 2. I am the Director for Defense Oversight at the Washington Office on
6 Latin America (“WOLA”), a nonprofit research and advocacy organization based in
7 Washington, D.C., that is committed to advancing human rights in the Americas.
8 Since 2011, a significant part of my work has been focused on border security in the
9 United States. I have visited the U.S.-Mexico border approximately 25 times and the
10 Mexico-Guatemala border 4 times. Together with the Border Security and Migration
11 program at WOLA, I have published dozens of reports, memos, and multimedia
12 projects about the security efforts of U.S. agencies at the border and the resulting
13 human impact. I earned a B.A. in Social Science from Hampshire College and an
14 M.A. in International Relations from Yale University.

15 **II. Conclusions**

16 3. Based on years of data and field research, I contend that U.S. Customs
17 and Border Protection (“CBP”) has more processing capacity than it is using. I further
18 contend that CBP could boost its processing capacity further with modest
19 investments for which Congress would be likely to appropriate money.

20 **III. Methodology**

21 4. CBP does not publicly report monthly numbers of undocumented
22 migrants processed at ports of entry before fiscal year 2017. Numbers going back to
23 October 2011 can be derived, though, by reverse-engineering them from other CBP
24 reports:

25 a. CBP’s monthly “Southwest Border Migration” reports, posted
26 online at <http://bit.ly/2mDr1fQ>, provides an overall table of “CBP Southwest Border
27 Total Apprehensions / Inadmissibles,” combining numbers of undocumented
28

1 migrants apprehended between ports of entry and presenting at ports of entry (which
2 CBP calls “inadmissibles”);

3 b. I have saved screenshots of earlier “Southwest Border Migration”
4 reports, in which the table goes back to fiscal year 2012, at
5 <https://defenseassistance.org/reports/127>;

6 c. Border Patrol reports monthly numbers of undocumented
7 migrants apprehended between ports of entry at <http://bit.ly/2L9set3>; and

8 d. Subtracting those apprehended between ports of entry from the
9 larger “CBP Southwest Border Total Apprehensions / Inadmissibles” table provides
10 the number of undocumented migrants processed at the ports of entry every month
11 since October 2011.

12 **IV. Analysis**

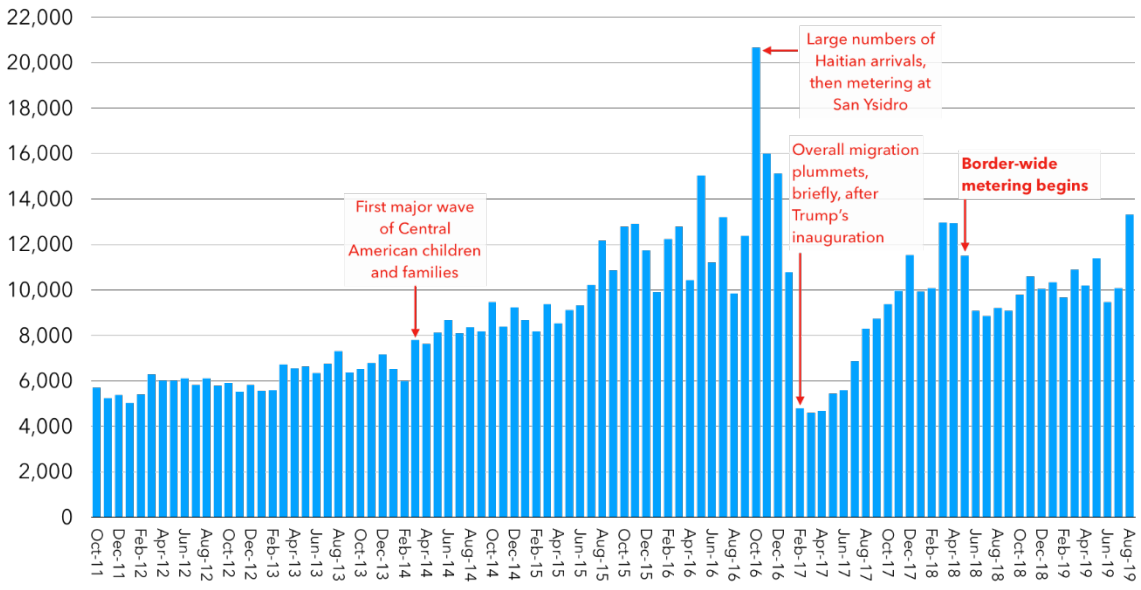
13 **A. CBP processed 28 percent more migrants per month at ports of** 14 **entry before metering began.**

15 5. First, official data tell us that CBP has, in the recent past, been able to
16 process far more undocumented migrants at ports of entry than it has since the May
17 2018 imposition of border-wide “metering.”

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Undocumented Migrants Processed at Ports of Entry, October 2011-Present

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CBP sources: <http://bit.ly/2mDr1fQ> - <http://bit.ly/2L9set3>

6. Specifically:

a. Between June 2018 and July 2019, when metering was in full force, CBP allowed an average of **9,904** undocumented migrants per month to approach ports of entry;

b. Previously, between July 2015 and January 2017, CBP had sufficient capacity to allow an average of **12,651** undocumented migrants per month—including a high of 20,658 in October 2016—to approach the ports;

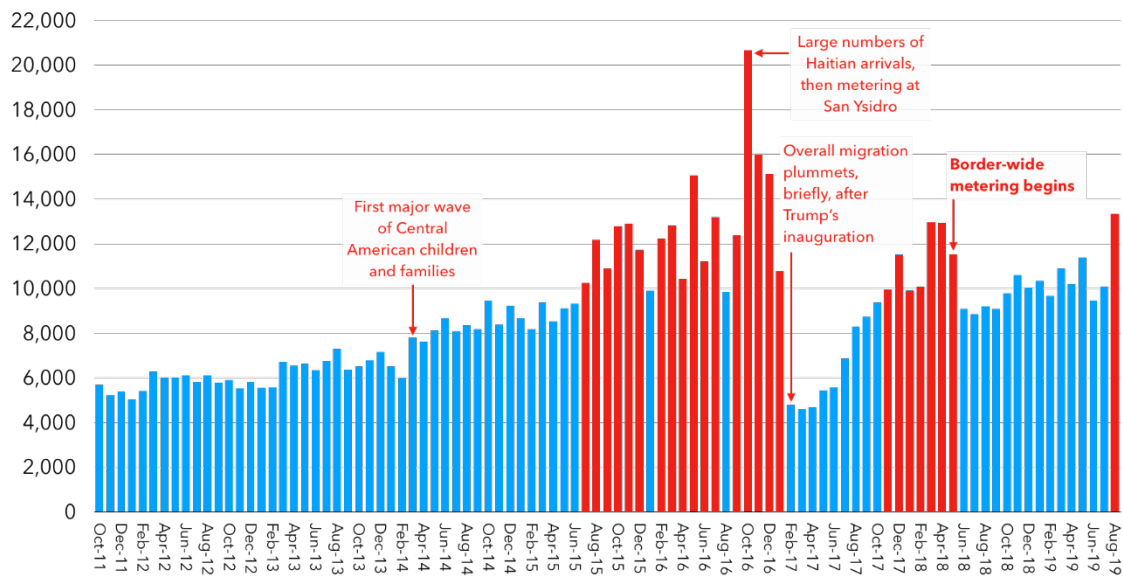
c. During that earlier 19-month period, then, CBP was able to process **28 percent** more migrants per month than it did during the 13 months of peak metering; and

d. Between July 2015 and the onset of metering in May 2018, CBP exceeded the metering period’s June 2018-July 2019 monthly average 24 times.

7. Further confirming that metering was responsible for ports of entry operating below their respective capacities between June 2018 and July 2019, the number of undocumented migrants allowed to approach ports of entry increased to 13,313 in August 2019.

1 8. In addition, CBP’s own statistics show that it had significantly more
 2 capacity than it was using in 2018 and 2019, a period of great demand as Central
 3 American children and families, many of them fleeing threats to their lives, came to
 4 the U.S.-Mexico border in very high numbers.

6 **The Same Chart, Showing Months Exceeding the June 2018-July 2019 Average**



CBP sources: <http://bit.ly/2mDr1fQ> - <http://bit.ly/2L9set3>

17 **B. Metering caused the share of undocumented migrants processed at**
 18 **ports of entry to fall as low as 8 percent, from an earlier average of**
 19 **21 percent.**

20 9. Second, metering shifted the burden of receiving asylum seekers away
 21 from ports of entry, and to the zones between ports of entry, leaving Border Patrol to
 22 apprehend a larger proportion of undocumented migrants.

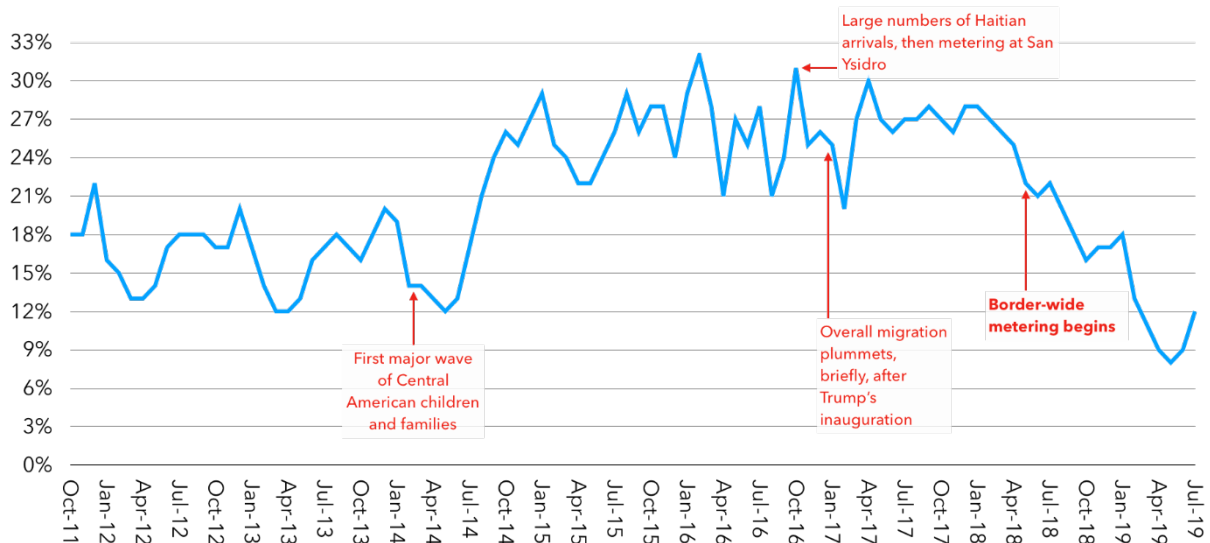
23 10. In May 2019, Border Patrol apprehended 132,859 migrants between
 24 ports of entry, the largest monthly total since 2007. Unlike 2007, though, when the
 25 migrant population was almost entirely single adults, more than two thirds of those
 26 migrants were children and parents seeking to be apprehended.

27 11. That same month, CBP metered in just 11,396 undocumented migrants
 28

1 at the ports of entry. That means ports of entry accounted for only **8 percent** of
 2 undocumented migrants taken into custody at the U.S.-Mexico border, the smallest
 3 proportion in the nearly eight years for which I have official data.

4 12. In a typical month between October 2011 and August 2019, the ports of
 5 entry accounted for 21 percent of undocumented migrants taken into custody. During
 6 the June 2018-July 2019 metering period, that fell to 15 percent per month, and 9
 7 percent during the months of heaviest migration (April-June 2019). Metering made
 8 crossing between ports of entry the option chosen by at least 85 percent of
 9 undocumented migrants, most of them asylum seekers.

10 **Undocumented Migrants Processed at Ports of Entry, as a Percentage of All**
 11 **Migrant Apprehensions and “Inadmissibles,” October 2011-Present**



CBP sources: <http://bit.ly/2mDr1fQ> - <http://bit.ly/2L9set3>

21 **C. Why don't ports of entry send protection-seeking migrants to**
 22 **processing centers, like Border Patrol does?**

23 13. U.S. Border Patrol (“Border Patrol”), which receives the majority of
 24 protection-seeking migrants by apprehending them between ports of entry, faces the
 25 same short-term processing challenges that CBP does. Rather than limit processing
 26 capacity to the usually small number of holding cells at its stations, though, Border
 27 Patrol has sought appropriations to build processing centers that can handle a much
 28

1 larger flow of people.

2 14. At the Ursula Avenue Central Processing Facility in McAllen, Texas, a
3 new facility going online in El Paso, and smaller temporary facilities elsewhere,
4 Border Patrol at least theoretically is able to initiate asylum paperwork, verify family
5 relationships, check for communicable diseases and similar tasks within 72 hours,
6 after which protection-seeking migrants are handed off to ICE. These warehouse-
7 sized facilities can process thousands of migrants at a time.

8 15. These processing facilities are not ideal solutions: congressional, media,
9 and non-governmental watchdogs have criticized conditions inside Ursula and other
10 facilities. But they are able to do something CBP has not: process large numbers of
11 people quickly, without any need for metering.

12 16. I do not understand why CBP is not able to process more people at ports
13 of entry by simply busing them to processing facilities elsewhere in the border sector.
14 This seems like a low-cost solution that would obviate the need for metering. I have
15 brought up this “busing to processing centers” proposal in two off-the-record
16 conversations with CBP management this year, in Washington and San Diego, and
17 received no pushback.

18 **V. WOLA Reports**

19 17. Attached hereto as Exhibit A is a true and accurate copy of a WOLA
20 report entitled “*Come Back Later*”: *Challenges for Asylum Seekers Waiting at Ports*
21 *of Entry* (the “Report”).

22 18. The Report was drafted at or near the date listed on the Report. Drafting
23 the Report and reports is a regular practice of WOLA.

24 19. The Report is kept in the regular course of WOLA’s business on
25 WOLA’s website. It is available at [https://www.wola.org/wp-](https://www.wola.org/wp-content/uploads/2018/08/Ports-of-Entry-Report_PDFvers-3.pdf)
26 [content/uploads/2018/08/Ports-of-Entry-Report_PDFvers-3.pdf](https://www.wola.org/wp-content/uploads/2018/08/Ports-of-Entry-Report_PDFvers-3.pdf).

27 20. Pursuant to Fed. R. Evid. 902(11), I certify that Exhibit A is an original
28

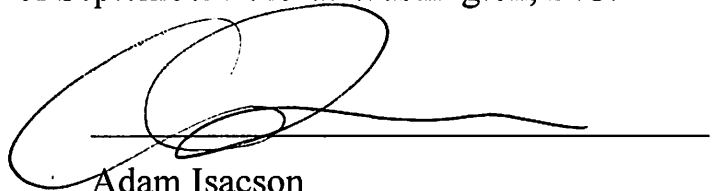
1 or copy of the Report.

2 I declare under penalty of perjury under the laws of the United States of
3 America that the proceeding declaration is true and correct.

4 Executed on this 24th day of September 2019 at Washington, D.C.

5

6

A handwritten signature in black ink, appearing to read 'Adam Isacson', is written over a horizontal line. The signature is stylized with large loops.

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Adam Isacson

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Information re the asylum transit interim final rule

All,

Please see updated guidance below re: the asylum transit interim final rule.

Christopher A. Santoro
Deputy Chief Immigration Judge

From: Grodin, Edward (EOIR) <Edward.Grodin@EOIR.USDOJ.GOV>
Sent: Thursday, September 12, 2019 1:38 PM
To: McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>; Owen, Sirce E. (EOIR) <Sirce.Owen@EOIR.USDOJ.GOV>; Gupta, Dimple (EOIR) <Dimple.Gupta@EOIR.USDOJ.GOV>; Alder Reid, Lauren (EOIR) <Lauren.AlderReid@EOIR.USDOJ.GOV>; Neal, David L. (EOIR) <David.Neal@EOIR.USDOJ.GOV>; Adkins-Blanch, Chuck (EOIR) <Chuck.Adkins-Blanch@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>
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Subject: RE: Updated Guidance: Ninth Circuit Stay Order - Asylum Transit Interim Final Rule Litigation
Importance: High

Good afternoon EOIR Leadership,

Late yesterday, the Supreme Court issued the attached order in *Barr v. East Bay Sanctuary Covenant*, No. 19A230, staying two orders issued by the district court that had enjoined nationwide the application of the DOJ/DHS joint interim final rule, “Asylum Eligibility and Procedural Modifications,” 84 Fed. Reg. 33,829 (July 16, 2019)—i.e., the third-country-transit rule. The Supreme Court’s order provides: “The district court’s July 24, 2019 order granting a preliminary injunction and September 9, 2019 order restoring the nationwide scope of the injunction are stayed in full pending disposition of the Government’s appeal in the United States Court of Appeals for the Ninth Circuit and disposition of the Government’s petition for a writ of certiorari, if such writ is sought. If a writ of certiorari is sought and the Court denies the petition, this order shall terminate automatically. If the Court grants the

petition for a writ of certiorari, this order shall terminate when the Court enters its judgment.”

In light of the Supreme Court’s order, OIL advises that the third-country-transit rule now applies nationwide to:

- (1) All credible-fear screenings, or immigration-judge reviews of such screenings, that are either conducted after or remain pending after September 11, 2019; and
- (2) All asylum applications filed by aliens who entered, attempted to enter, or arrive in the United States on or after July 16, 2019—whether filed affirmatively with USCIS or defensively in removal proceedings—that remain pending (whether before USCIS, before an immigration judge, or before the Board of Immigration Appeals) after September 11, 2019.

OIL further advises, in line with the above, that the rule should not be applied to any alien who has a final administrative decision granting asylum on or before September 11, 2019. However, if the case is still pending on appeal before the Board, the rule may apply. Additionally, as a reminder, the rule applies only to an alien who enters, attempts to enter, or arrives in the United States across the southern land border on or after July 16, 2019.

Thank you for bearing with the several updates in our guidance these past few weeks.

Best,

Edward

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16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**DECLARATION OF ALEJANDRA
 MACIAS DELGADILLO**

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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF ASYLUM ACCESS MEXICO

I, Alejandra Macías Delgadillo on behalf of Asylum Access Mexico, hereby declare as follows:

1. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction Prohibiting Government from Applying Asylum Ban to Provisional Class Members. If called as a witness, I could and would testify competently as follows.

Professional Experience with the Mexican Asylum System

2. I am the Executive Director ("ED") of Asylum Access Mexico ("AAMX"), a nonprofit refugee rights organization based in Mexico. I have held this position since 2015.
3. As AAMX's ED, I supervise a team of 15 to 20 Mexican attorneys, as well as several support staff, who provide direct legal services to refugees and asylum seekers in Mexico. AAMX has offices in 6 Mexican states (Chiapas, Tabasco, Veracruz, Baja California, Nuevo León, and Mexico City). The attorneys under my supervision represent asylum seekers in front of Mexico's Commission to Assist Refugees ("COMAR"), the administrative agency that processes asylum claims in the first instance, as well as in administrative and judicial appeals. Our attorneys also represent recognized refugees in legal



claims to assert economic, social, cultural, civil and political rights in the Mexican legal system.

4. I am also responsible for AAMX's policy advocacy on a national and international level. In this role I work closely with other civil society organizations to identify protection gaps in the Mexican asylum system and other issues affecting refugees and asylum seekers, and to advocate in front of governmental authorities for needed changes.
5. AAMX also has a robust strategic litigation practice, in which the attorneys under my supervision identify and litigate cases that have the potential to bring about broader changes to ensure the rights of refugees and asylum seekers are respected in Mexico.
6. Prior to AAMX, I worked in other civil society and government positions advocating for human rights, particularly migrant and refugee rights. I have attached my C.V. as Exhibit A.
7. AAMX was founded in June 2015 to improve due process and access to justice for refugees seeking asylum in Mexico. Through legal services, community legal empowerment, and policy advocacy, AAMX empowers refugees and asylum seekers to demand their own rights.
8. The statements in this Declaration are based on (1) my personal experience coordinating Asylum Access's work in Mexico; (2) conversations with



AAMX employees who work directly with asylum seekers; (3) conversations with other civil society organizations, international organizations including the UN High Commission for Refugees (“UNHCR”) and other UN bodies, Mexican governmental officials, and academics; and (4) extensive tracking of news coverage of and research into the asylum system in Mexico.

Mexico Is Currently Hosting More People Fleeing Persecution Than Ever Before

9. Due to a range of factors, between 2014 and 2019 the flow of refugees and migrants from Central America, particularly Guatemala, Honduras, and El Salvador (the “Northern Triangle”), through Mexico to the United States has increased significantly.
10. The causes of this increased flow of refugees and migrants include, but are not limited to, violent gangs, organized crime and transnational drug cartels, political instability and corruption, generalized violence, sexual and gender-based violence, and economic instability, all of which plague the Northern Triangle countries.
11. AAMX and other human rights organizations have been particularly concerned by the increase of children, including unaccompanied minors, fleeing the Northern Triangle.
12. According to the Mexican Secretary of Government, in 2018 Mexico detained 31,717 migrant children, of whom it deported 25,965. Roughly one third of



these migrants (10,417) were unaccompanied minors, 98% of whom came from the Northern Triangle. See UNICEF, Annual Report-México 2018 at 48, (Spanish only) available at <https://www.unicef.org/mexico/media/1781/file/Informe%20anual%202018.pdf> (last visited 23 Sept. 2019).

13. Most of the people fleeing the Northern Triangle intend to travel to the United States. This journey is long and dangerous, particularly for children and other vulnerable groups,

14. Refugees, asylum seekers, and economic migrants are often targeted by gangs and drug cartels for extortion, recruitment, and kidnapping in Mexico. For example, in August of 2010 the Zetas drug cartel kidnapped more than 70 migrants from 2 trucks in San Fernando, Tamaulipas. When the migrants refused to work for the Zetas, gunmen summarily executed 72 of them, in one of the most gruesome massacres of Mexico's drug war.

15. Kidnapping of refugees and migrants continues to be a serious problem, especially in Tamaulipas State.

16. To better protect themselves against these dangers, in 2018 refugees and migrants formed so-called "caravans," in which large groups travelled together across Central America and Mexico.



17. Supposedly in response to these migrant caravans, in 2018-19 the Trump administration enacted significant changes to the U.S. asylum system, which has had major impacts on the migration flows between the US and Mexico.

18. In particular, by implementing the policies of “metering,” whereby the U.S. only allows a limited number of asylum seekers across the border each day, and the Remain in Mexico program (formally known as the “Migrant Protection Protocols,” or “MPP”), whereby asylum seekers are returned to Mexico while their U.S. cases are pending, tens of thousands of refugees and migrants have become stranded on the Mexican side of the border, in some of the most dangerous areas in the country.

19. Local and international media regularly report stories of MPP returnees being murdered, kidnapped, assaulted, extorted, and raped.

20. The Trump administration’s recent rule, requiring all non-Mexican asylum seekers to first seek asylum in Mexico or be automatically denied, will only exacerbate the issues we now see on the border.

The Mexican Asylum System is Inadequate to Provide Protection to the Current Population of Non-Mexicans Fleeing Persecution

21. Although Mexico is party to the 1951 Refugee Convention and its 1967 Protocol, its national agency responsible for making Refugee Status Determinations (“RSD”), COMAR, is ill-equipped to process the tens of



thousands of claims it has received following the recent changes in U.S. policy and the exodus from the Northern Triangle.

22. By way of context, in 2014 COMAR received 2,137 asylum petitions, whereas in 2018 it received 29,364 petitions. As of August 2019, COMAR has already received 39,983 petitions. See COMAR Statistics, Aug. 2019, (Spanish only), available at: <https://www.gob.mx/comar/articulos/la-comar-en-numeros?idiom=es> (last visited Sept. 23, 2019).

23. Whereas the number of asylum petitions has grown exponentially each year, COMAR's budget has risen only incrementally. COMAR's director, Alfonso Ramirez Silva, recently testified that the agency requires at least MXN \$100 million per year to process current levels of asylum seekers, while the 2019 budget is only MXN \$20 million and the 2020 budget is MXN \$27 million.

24. COMAR's incremental growth has nonetheless outstripped its capacity, and many of its new hires lack training and experience to deal with sensitive cases such as unaccompanied minors and survivors of torture or sexual and gender-based violence.

25. Exacerbating the lack of training and experience, COMAR has been unable to hire sufficient staff to process the massive growth in asylum seekers. This causes significant delays in processing and resolving applications, as well as



a tendency for decisions to be poorly reasoned or lack any detailed examination of the facts and law.

26. Although COMAR has very recently established a presence on the U.S. - Mexico border (most of its personnel are assigned to the Mexico - Guatemala border and Mexico City), the offices on the northern border are woefully understaffed.

27. In Tijuana, for example, COMAR has only two employees, neither of whom are empowered to emit documents identifying individuals as asylum seekers, or resolve cases. Rather, COMAR's Tijuana office simply records information, which then must be sent to Mexico City to be processed. This results in significant delays in processing asylum applications.

28. Other cities with a large refugee presence, such as Mexicali, lack COMAR offices. There, immigration officials receive asylum petitions, despite the majority not having specific or adequate training or experience on international protection issues.

29. Due to these various challenges, although Mexican law requires asylum petitions to be decided within 45 working days, which can be extended to 90 working days in exceptional circumstances, in practice petitions are often not adjudicated for one to two years.



30. Although Mexican law guarantees an interpreter to non-Spanish-speaking asylum seekers and obligates officials to provide information regarding refugee rights to people in their native languages, this law is constantly ignored. COMAR has a very limited number of English and French speakers that it uses for *ad hoc* interpretation (despite these officials having no formal training on translation and interpretation), but there is no formal system for providing interpreters.

31. COMAR has no capacity to provide translation services for the significant number of asylum seekers who speak indigenous languages or Haitian creole, or other languages. Most of these asylum seekers are forced to present their claims in languages they do not fully understand, and many are deported without receiving information regarding international protection in their native languages.

32. While asylum seekers are awaiting adjudication, they are forbidden from leaving the state in which they registered, and must check in with COMAR regularly. Leaving the state without permission, or failing to check in, results in COMAR deeming the asylum petition abandoned, allowing for the deportation of asylum seekers.

33. Although Mexican law generally prohibits detention of asylum seekers for more than 15 days, immigration officials have, in some cases, interpreted a



general law regarding detention of undocumented migrants to permit the detention of asylum seekers for extended periods.

Mexico Has a 30-Day Bar on Asylum Applications

34. Under Mexican law, asylum seekers must initially register with COMAR or immigration authorities within 30 days of entering Mexico, or their petition may be barred.

35. Although an asylum seeker can show good cause for submitting an untimely application, the burden is on the asylum seeker to show cause and COMAR has discretion to reject such a petition.

36. It is extremely important to have an attorney to successfully appeal a determination of untimeliness, as these cases are often decided on legal formalities that a *pro se* applicant will have trouble navigating. Private attorneys are beyond the means of most asylum seekers, however, and there are insufficient pro bono attorneys to handle the majority of these types of cases.

37. It is unclear whether COMAR will apply the 30 day bar to asylum seekers who are returned to Mexico, either through MPP or as part of the implementation of the Transit Rule. These cases may need to be litigated on an individual basis.



Mexico Does Not Provide Meaningful Access to Asylum for Unaccompanied Children

38. Although Mexican law has strong protections for unaccompanied children, these laws are not enforced, and unaccompanied children are often detained and deported without undergoing any evaluation of their need for international protection.

39. In 2018, for example, Mexico held more than 100,000 children in migrant detention centers, and deported more than 25,000 children. See “Informe de Audiencia temática sobre infancia y adolescencia migrante en Centroamérica, México y Estados Unidos.” Interamerican Commission on Human Rights, p. 10, Sept. 2019 (Spanish only).

40. By detaining migrant children, the Mexican state has erected significant barriers to international protection, including asylum. Detention serves as an impediment to access to counsel, as well as access to information regarding the right to seek international protection.

41. Furthermore, under pressure from the U.S. government, Mexico has militarized its southern border and has sped up deportation processes, resulting in many children (and adults) being returned to their countries of origin without any evaluation of their need for international protection.

42. The Inter-American Commission on Human Rights has been sufficiently troubled by these deficiencies that it scheduled a thematic hearing on the



protection of child migrants and refugees in Mexico for September 26, 2019, at the request of a group of civil society organizations including AAMX.

Many Asylum Seekers and Refugees Are Not Safe in Mexico

43. Due to its proximity to the Northern Triangle, its relatively porous southern border, and the presence of violent transnational gangs and organized crime within Mexico, many refugees and asylum seekers face persecution in Mexico from the same agents that led them to flee their countries of origin.

44. Asylum seekers in Mexico regularly report the presence of their persecutors within Mexico, particularly gang members from their countries of origin.

45. The restrictions on inter-state travel during the pendency of asylum claims exacerbates this problem, as asylum seekers cannot easily flee their persecutors within Mexico.

46. AAMX is gravely concerned that the implementation of the Transit Rule will place greater stress on the Mexican asylum system, and will lead to the *refoulement* of refugees to countries in which they will face persecution.

47. I declare under penalty of perjury of the law of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed September 24, 2019



Alejandra Macias Delgadillo

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LAWYER

EDUCATION

2014- 2016: **MA in Human Rights, Iberoamerican University.**
2010-2011: **Diploma Corporate Law, Instituto Tecnológico Autónomo de México (ITAM).**
1998-2003: **Bachelor of Laws, University of San Luis Potosí. (UASLP).**

DIPLOMAS AND OTHER COURSES

2017
2012: Course on International Refugee Law, of the United Nations High Commissioner for Refugees (UNHCR), Lima, Peru
2009-2010: Diploma in Criminal Adversarial System, Agency for International Development (USAID), Mexico, DF
2009-2010: International English Legal Certificate Executive Business, México.
2006-2007: The Language of Legal Method at Birkbeck University of London, English Language Course at the Burlington School of English; London, England.
2005: English Language at the London Study Centre School in London, England.
2003: Advanced training course in the Specialty of Legal Assistant; in the 31st Public Notary System of Qualification for the Workers of the National Service.

WORK EXPERIENCE

2015-	Asylum Access México (AAMX)	Deputy Director from Asylum Access Mexico (AAMX). I first joined when Asylum Access Mexico was created to fill the gap in legal empowerment for refugees near the southern border Mexican with Guatemala. I oversee the activities and operations of the Asylum Access Mexico offices across the country currently 7 offices in Mexico: Mexico City, Palenque, Villahermosa, Monterrey, Tijuana, Acayucan, and Tenosique. I lead policy advocacy and national and regional networks where Asylum Access is member. Responsible to manage public policy initiatives at the state and national levels to ensure due process and the protection of refugees' rights to employment, education, safety, and freedom of movement.
2011-2015	SIN FRONTERAS, IAP. (For the Human rights of migrants, refugees and their families)	Lawyer and coordinator of the area of asylum seekers, where I was in charge of various strategic litigation cases on the subject of asylum seekers, refugees and stateless persons. I am the first lawyer to litigate asylum-seekers and refugee cases in the Mexican courts, obtaining several favorable judgments. Contribute to the empowerment of international migrants asylum seekers, refugees and their families through the effective exercise of their rights.
2009-2011	INMUJERES DF (WOMEN'S INSTITUTE, MEXICAN GOVERNMENT)	Lawyer Policy Area Prevention of Violence against Women. Advising on violence and follow up cases by institutional violence. Training on Violence, Human Rights Law and Access of Women to a Life Free of Violence to workers in the Federal District Government. Interagency Coordination Officer of the Law on Women's Access to a Life Free of Violence in the Federal District and monitor compliance with this law. Responsible for monitoring the Committees for the prevention, care and access to justice for the Law of Access of Women to a Life Free of Violence in Mexico

		City. Participation in Projects: Development of training manuals for care and human rights of women victims of violence to government workers, making the diagnosis concerning the status of women in prison, making the diagnosis of care and access to justice for women victims of violence from the perspective of gender guidelines for emergency housing regulation and refugee centers in the Federal District operating guidelines for the Center for Justice for Women Victims of Violence in the City; Legislative Harmonization in various laws and regulations from a gender perspective, monitoring cases of victims of human trafficking in persons and participation in working groups on human trafficking.
2008	VAZQUEZ CU, y SÁNCHEZ ABOGADOS, S.C. y/o DELVA CONSULTING SOLUTIONS S.A. DE C.V.	Ordering the recovery of portfolios of diverse banks, as well as to coordinate to the lawyers at national level; contract elaboration, transactions. CORPORATIVE: Trade-Marks registrations, reconstructions of debt, contracts and agreements. LITIGATIONS: Experience in litigations of diverse nature (civil law, family law, mercantile) in all instances. Mexico, Federal District.
2007	ALTONAR &ASOCIADOS, LAW FIRM	Lawyer, legal consultant's office, litigation in civil law, family law, mercantile matters. Contracts and marks
2003- 2004	CORPORATIVO JURÍDICO, S. C., LAW FIRM	Legal adviser, responsible for coordinating the internships in family law, commercial and corporate law.
2002- 2003	CIVIL COURT	Social Service Activities: <ul style="list-style-type: none">• Assistant in the elaboration of trial judgments.• Trial hearings. San Luis Potosi, S.L.P
2000- 2002	BUFETE DE LA GAZA, S. C.	Internship in civil and corporate law.

ADDITIONAL INFORMATION

Mexican Nationality
English language skills: reading, writing and conversation.

I have published articles on human rights of asylum seekers, refugees, migrants and stateless persons. **I got the first favorable ruling for which a person is recognized as a refugee by the court:** It is the first sentence in Mexico, issued on human rights of asylum seekers and refugees, by the Plenum of the Superior Court of the Federal Court of Administrative Justice. I subsequently obtained more favorable judgments for recognition of refugee status.

Since June 2016 I am part of the Citizen Council of the National Institute of Migration (Mexican Government Institution).

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14 *Additional counsel listed on next page*
 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Kevin K. McAleenan,¹ *et al.*,

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Case No.: 17-cv-02366-BAS-KSC

**DECLARATION OF MICHELLE
 BRANÉ**

23
 24
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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF MICHELLE BRANÉ

I, Michelle Brané, hereby declare as follows:

1. I make this declaration in support of Plaintiffs' Motion for Preliminary Injunction Prohibiting Government from Applying Asylum Ban to Provisional Class Members. If called as a witness, I could and would testify competently as follows.

Professional Experience with the Mexican Asylum System.

2. I am an attorney and am the Senior Director of the Migrant Rights and Justice program at the Women's Refugee Commission ("WRC"), a nonprofit advocacy organization based in the United States. I have worked at the WRC since 2006. In that capacity, I conduct research, develop policy recommendations, and advocate for the critical protection needs of women, children, and other vulnerable migrant populations seeking protections. Much of our work focused on US laws and policies affecting migrants and asylum seekers within and beyond its border but our scope includes access to asylum and refugee protections internationally. We have conducted specific research on border and asylum access in Europe and Mexico and have written reports on both. I write frequently on key issues concerning access to protection, immigration detention and reform, and have authored and overseen several WRC reports on migration and asylum issues in the US and abroad, including *Locking Up Family Values*, on family

detention; *Halfway Home*, on unaccompanied migrant children; *Prison for Survivors: The Detention of Women Seeking Asylum in the United States*; *Detained or Deported: What About My Children?*, a guide for detained and deported immigrant and undocumented parents; and *Betraying Family Values: How Immigration Policy at the United States Border is Separating Families*. In that same capacity, I have testified before Congress and the Inter-American Commission for Human Rights, have appeared in print and broadcast outlets to discuss migration and asylum issues, and have presented regularly at conferences, briefings, and professional trainings, including before the Human Rights Council and the United Nations High Commission.

3. I have more than 25 years' experience working on immigration and human rights issues. In 1994, I was a law clerk for the Executive Office of Immigration Review and, from 1995 to 1998, served as an attorney advisor with the Department of Justice Board of Immigration Appeals, where I specialized in asylum cases. I also worked at Lutheran Immigration and Refugee Service, where I developed and coordinated the Detained Torture Survivor Legal Support Network and the Legal Orientation Program, and was the Director of the Access to Justice Unit. From 1998 to 2000, I served as a Human Rights Officer for the Organization for Security and Cooperation in Europe, Bosnia Mission, contracted by the U.S. Department of State, where I was head of the Sarajevo Field Office.

4. WRC's mission is to improve the lives and protect the rights of women, children and youth displaced by conflict and crisis. We research their needs, identify solutions and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice. Our Migrant Rights and Justice ("MRJ") Program focuses on the right to seek asylum – with a particular focus on the right to seek asylum in the United States. We strive to ensure that refugees, including women and children, are provided with humane reception in transit and in the United States, given access to legal protections, and protected from exposure to gender discrimination or gender-based violence. The program produces resources for migrants, advocates, and governments, and researches and advocates for better policies in a variety of specific issue areas, including the rights of asylum seekers and refugees, immigration detention and alternatives, unaccompanied children, and gender-based violence.

5. Since 1996, the MRJ team has made numerous visits to the US southwest border and Mexico's northern border, as well as to immigration detention centers for adult women and families and to shelters housing women and unaccompanied children primarily in the US but also internationally, including Mexico. MRJ has established a fluid relationship with the Mexican government by providing analysis and proposals for ensuring that their consular protection policies and policies for returning migrants address the protection needs of migrants while

also complying with US and Mexican law and international obligations. Beginning in fall 2018, MRJ intensified its work on promoting the rights of migrants and asylum seekers regionally to address the concerning developments that have resulted from the US government's efforts to deter and turn back asylum seekers and immigrants. In 2018 MRJ hired as a consultant a former Mexican government official to provide her expertise on Mexico's immigration and asylum laws and policies, and on regional dynamics.

6. The MRJ team has made at least 6 visits to assess risks and protection gaps faced by migrants in Mexico, monitor conditions in Mexico's largest immigration station as well as in shelters run by civil society both in its Southern and Northern border. On these trips, WRC has met with key stakeholders and authorities. Mexican NGOs informed us on one of these visits that the WRC was the first NGO who managed to secure meetings with the Mexican government to discuss the Migration Protection Protocols. Earlier this year, WRC published *Migrant and Refugee Caravans: Failed Responses to Women and Children in Need of International Protection and Humanitarian Aid*; and *Chaos, Confusion, and Danger: The Remain in Mexico Program in El Paso*.

7. Furthermore, as a Professor of the Georgetown Law Human Rights Institute, in 2015, I led students in a fact-finding mission to Guatemala and southern Mexico to research access to protection for unaccompanied children in

Mexico, which resulted in the reports *The Cost of Stemming the Tide: How Immigration Enforcement Practices in Southern Mexico Limit Migrant Children's Access to International Protection*; and *Forced From Home: The Lost Boys and Girls of Central America*.

8. The statements in this declaration are based on my personal experience and knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

There Are More Women, Children and Families Fleeing Persecution Living in Mexico than Ever Before.

9. According to the Mexican Commission to Assist Refugees (*Comisión Mexicana de Ayuda a Refugiados*, or “COMAR”) and the United Nations High Commissioner for Refugees (“UNHCR”), in 2019, the number of asylum claims filed in Mexico, which had reached 48,000 at the end of August, had more than tripled compared with the same period in 2018.¹ This is a growing trend. In the last four years, COMAR’s caseload has increased 20-fold.² It is projected that, by the

¹ @AndresRSilva_, “Al cierre de agosto del 2018 se habían registrado en la COMAR 14562 solicitantes de la condición de refugiado mientras que al concluir el mes de agosto de este año ya se han registrado 48254 solicitantes lo que significa 3.3 veces el número del 2018.#COMAR”, September 2, 2019, 10:59 pm, Twitter, https://twitter.com/AndresRSilva_/status/1168720069427388417.

² @MarkManly, “Secular trend: the most recent asylum stats show the number of Central Americans and Venezuelans seeking protection in Mexico continues to rise Number of new asylum-seekers in the 1st quarter of 2019 was → 82% higher than Q1 of 2018 → 2700% higher than Q1 of 2015. Data: COMAR”, April 6, 2019, 3:24 pm, Twitter, <https://twitter.com/MarkManly/status/1114609886799622144>.

end of the year, at least 80,000 people will have applied for asylum in Mexico,³ compared with the less than 30,000 that did so in 2018.⁴

10. UNHCR has stressed that this historic increase is driven by families fleeing violence in Central America. UNHCR has reported that 60% of those seeking asylum in Mexico are women or children (30% are children and 30% are women).⁵

The Mexican Government Is Aggressively Enforcing Its Borders and Increasing Deportations, Which Limits Access to Asylum.

11. Mexico has been more aggressively policing its borders over the past few years and has increased the apprehension, detention and deportation of migrants.

12. In the last 3 months, immigration control actions were further strengthened as a result of the agreement the Mexican government reached with

³ Notimex, “La crisis migratoria obligará a unos 80,000 migrantes a pedir asilo en México en 2019”, *El Economista*, June 20, 2019, <https://www.eleconomista.com.mx/politica/La-crisis-migratoria-obligara-a-unos-80000-migrantes-a-pedir-asilo-en-Mexico-en-2019-20190620-0086.html>.

⁴ @MarkManly, “Just in: 2018 COMAR data show that the number of asylum claimants in Mexico jumped by 103%, to 29,600 people. Note that less than 15% of claimants came with the "caravans" - this is a longer term trend at work”, January 11, 2019, 8:58 am, Twitter, <https://twitter.com/MarkManly/status/1083724940417724417>.

⁵ @MarkManly, “Cada vez mas la "cara" de los flujos de refugiados en México es de mujer y joven. Las personas que solicitaron asilo en México en 2018 eran en su mayoría → mujeres → niñas → niños ¿La explicación? Las dinámicas de violencia que afectan a familias enteras en Centroamérica”, April 13, 2019, 1:11pm, Twitter, <https://twitter.com/MarkManly/status/1117113013599817728>. @MarkManly, “Los perfiles de solicitantes de la condición de refugiado en México reflejan las dinámicas de violencia en Centroamérica: 30% son niñas y niños 30% son mujeres La mayoría vienen en familia”, July 7, 2019, 7:26 am, <https://twitter.com/MarkManly/status/1147829179376918528>.

the Trump Administration to prevent the latter from imposing tariffs on Mexican exports to the US. In addition to the staff of the National Migration Institute (*Instituto Nacional de Migración*, or “INM”), Mexico deployed more than 25,000 members of the National Guard,⁶ a recently created security force that was originally formed to combat crime. The activities of the INM and the National Guard have resulted in check-points that carry out arbitrary, discriminatory and, thus, illegal review of people’s documents with the aim of apprehending immigrants.

13. WRC recently learned of a case in which the National Guard apprehended and detained a family who had been returned to Mexico by the US under the Migration Protection Protocols and was waiting to attend their hearing in the US. The WRC was concerned to note that the family was detained despite having provided evidence of being in the MPP program by showing the National Guards the documents they had received both from Mexican and US authorities. This lack of understanding and recognition of official documentation speaks either to the lack of knowledge the National Guard has of immigration proceedings or to a disregard to migrants’ legal rights.

⁶ Press conference of Mexican President Andrés Manuel López Obrador, September 6, 2019, <https://www.youtube.com/watch?v=uiZ35WsA4y8>.

14. The press has reported that members of the National Guard have forcibly stopped people from approaching the US-Mexico border⁷ in violation of Mexican and international laws protecting both the right to leave one's country, and the right to request asylum.

15. In June, WRC joined other organizations in condemning the National Guard for intimidating and threatening human rights defenders and service providers. National Guard agents have been patrolling shelters run by civil society groups and have threatened to call the INM to carry out immigration enforcement actions, in violation of Mexico's law.⁸

16. People who claim refugee status in Mexico who have been apprehended by INM or the National Guard or who present themselves at a Mexican port of entry are initially sent to immigration detention at least until they

⁷ @APFMexico, "Mexican National Guard members prevent Central American migrants from crossing the Rio Bravo, in Ciudad Juarez, State of Chihuahua, #Mexico.#AFP Herika Martinez", June 21, 2019. 7:06 pm. Tweet.

<https://twitter.com/APFMexico/status/1142207079601647617>.

⁸ <https://www.wola.org/wp-content/uploads/2019/06/Statement-U.S.-NGOs-Denounce-National-Guard-Actions-in-Migration-Enforcement-at-U.S.-Mx-Border-6.27.19-2.pdf>.

Inaceptable el acoso a defensores de migrantes por parte de Guardia Nacional,

<https://redtdt.org.mx/?p=13879>. @CDMSaltillo, "*URGENTE* Casas de migrantes del norte denunciamos hostigamiento de la Guardia Nacional en contra de defensores de derechos humanos de migrantes en Agua Prieta. Exigimos alto a esta criminalización @INAMI_mx @SEGOB_mx @M_OlgaSCordero @A_Encinas_R @CNDH @m_ebrard @SEDENAmx @SRE_mx" June 24, 2019, 7:32 pm,

https://twitter.com/CDMSaltillo/status/1143663333964419073?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1143663333964419073&ref_url=https%3A%2F%2Fconexi.onmigrante.com%2F2019-%2F06-%2F26%2Factivistas-defensores-de-los-migrantes-denunciaron-ser-hostigados-por-la-guardia-nacional%2F.

receive a certificate from COMAR that their asylum application has been accepted and is under review. The possibility of being detained, for even part of their asylum proceeding, discourages people from applying for asylum or following up with their cases because detention conditions are unsafe and overly restrictive.

The Mexican Asylum Agency Is Vastly Underfunded and Has Only One Office on the U.S.-Mexico Border.

17. Until early this year, COMAR had only four offices in all of Mexico: three offices in southern Mexico and one in Mexico City. Due to the pressing immigration situation, it has since opened two additional offices. Even with this expansion, all of COMAR's offices struggle with insufficient human and material resources. Furthermore, recruiting specialized personnel is another significant challenge faced by COMAR. This information was confirmed to WRC by the head of COMAR.

18. The proposed COMAR budget for 2020 of 27 million pesos, or just under US\$1.4 million, is woefully inadequate and continues a trend of neglect towards the agency and failure to address the needs of the increasing number of people seeking protection in Mexico. The 2020 budget is only a modest increase over the 2019 budget of 20 million pesos, or around US\$1 million— which was the lowest budget in seven years. In 2019 and years prior, COMAR's budget actually decreased while the number of asylum applications skyrocketed (see above at ¶ 9). The head of COMAR has clearly stated that Mexico's asylum system needs a

budget of at least 117 million pesos per year or almost US\$6 million—nearly six times the current budget and more than four times the 2020 budget—in order to operate effectively.⁹ Considering that Mexican President Andrés Manuel López Obrador has prioritized fiscal austerity and severely cut the appropriations of all government offices, there is currently no expectation of any significant increase to COMAR’s budget.

19. COMAR employs only 63 employees around the entire country, and they report working ten to 15 hours a day to tackle their workload. Each employee is responsible for some 260 asylum applications.¹⁰

20. In addition to understaffing for an unprecedented increase in asylum claims, the headquarters of COMAR were damaged by an earthquake that hit Mexico City two years ago, impeding staff access to the premises and their access to case files, leading to a temporary inability to process the already existing backlog of applications. COMAR started this year with 80% of its cases pending. By law, COMAR should process asylum claims within 45 business days, and can expand the process to 90 business days when there is a well-founded reason.

⁹ Rodrigo Soberanes, “Comisión de Refugiados dice que su presupuesto para 2020 es insuficiente para atender a migrantes”, *Animal Político*, September 11, 2019, <https://www.animalpolitico.com/2019/09/comision-de-refugiados-dice-que-su-presupuesto-para-2020-es-insuficiente-para-atender-a-migrantes/>.

¹⁰ Julia Love, “ENFOQUE-Bloqueo de EEUU a peticiones de asilo pone en aprietos a México”, *Reuters*, September 16, 2019, <https://lta.reuters.com/articulo/inmigracion-mexico-eeuu-idLTAKBN1W11QL-OUHLT>.

Nonetheless, almost all cases are currently routinely extended by default for 90 days or more, with some applications having been pending for up to two years.

21. In July of this year, COMAR opened an office in Tijuana, making it the first asylum processing office on Mexico's northern border. The office in Tijuana has only two employees. In August of 2019, a member of MRJ spoke with one of them, who shared that beyond understaffing and underfunding, the office is also struggling with severe bureaucratic and administrative burdens that further increase their inefficiency and prevent them from processing asylum claims in a timely fashion. The only other COMAR office in northern Mexico is in Monterrey, which was also opened this year and is nearly 140 miles from the nearest border cities of Nuevo Laredo and Reynosa.

Mexico Has a 30-Day Bar on Asylum Applications, and Migrants Cannot File a Petition for Review Without a Lawyer.

22. By law, people need to claim asylum in Mexico within 30 days of entering the country. Even though there is a waiver for those who can prove that it would have been impossible for them to present their claim before the deadline, waiver requests are usually rejected automatically. While some people have been able to legally challenge these rejections, due to the legal and bureaucratic complexities of the process they can do so only with legal representation. Thus, a significant number of asylum seekers have not been able to access international

protection in Mexico due to this deadline, leaving them vulnerable to apprehension and *refoulement*.

23. The MRJ team has identified that lack of information and difficulties accessing legal assistance create a protection gap for asylum seekers in Mexico. None of the people WRC interviewed had a clear, accurate or complete picture about their legal options and about immigration procedures. NGOs and UNHCR are making considerable efforts to increase their outreach to migrants to educate them about their rights. They are also undertaking considerable efforts to manage growing caseloads with limited personnel and budgets. While their efforts are life-changing for the people to whom they provide legal advice or representation, WRC observed that this is a possibility only a few people are able to access, while lack of information prevails. Organizations are strained by the increasing workload and cannot reach and inform most migrants.

Mexico's Asylum System Limits Mobility within the Country.

24. By law, asylum seekers must remain in the state where they presented their claim and are supposed to check in weekly at a COMAR or INM office. People who fail to check in are considered to have abandoned their application.

25. Mexican geographical mobility limitations tied to the asylum process also deter people in need of protection from presenting their claims or lead them to abandon the process. From interviews with asylum seekers, WRC identified that

most of them do not consider the southern part of Mexico as a safe haven due to its proximity to their countries of origin and the ease with which persecutors could find them. In addition to security issues in southern Mexico, many migrants are unable to survive or meet their basic needs there and prefer to go to central and northern Mexico where they can find work to support themselves while they wait for their case to be processed. This should not be considered evidence of economically motivated migration but a practical consideration of survival while going through a long process. For those wanting to find a way to support themselves while seeking safety, the asylum process and regularization process requirements to remain in Chiapas, Oaxaca or Tabasco—which are among the poorest states in Mexico—delays their independence and self-reliance, exacerbating their vulnerability and trauma.


26. WRC interviewed an asylum-seeking Nicaraguan woman in Tapachula who filed a petition for relocation within Mexico with COMAR, because her persecutor had found her and was threatening her. She was growing desperate because the process was taking too long and she feared for her life. Local service providers informed WRC that responses to petitions for relocation for security concerns usually take more than the three business days as established by law. For someone in fear for their life, these delays can be life-threatening.

27. People who decide to move for their own safety, regardless of this geographical limitation written into the law, face significant challenges to reopening their asylum applications and usually need legal advice or representation to be successful.

28. WRC has interviewed refugees who applied for asylum in Mexico but abandoned their cases out of frustration with COMAR's inefficiency and despair that access to asylum in Mexico is not feasible. COMAR has insufficient funding, minimal territorial presence, inefficient procedures and insufficient personnel with inadequate credentials. This has resulted in a significant backlog, extended processing times and resulted in flawed refugee status determinations.

29. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Executed September 25, 2019

A handwritten signature in cursive script, reading "Michelle Brané", written in black ink on a light blue background. The signature is positioned above a horizontal line.

Michelle Brané

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16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 29 TO MOTION FOR
 PRELIMINARY INJUNCTION**

23
 24
 25
 26
 27
 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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[Redacted]

From: [Redacted]
Sent: Saturday, November 12, 2016 2:47 PM
To: [Redacted]
Subject: FW: Meeting with INM

Importance: High

Categories: Red Category

[Redacted] pls see message.

[Redacted]

From: [Redacted]
Sent: Saturday, November 12, 2016 2:42:07 PM
To: [Redacted]
Cc: [Redacted]
Subject: Meeting with INM

Port Directors:

At the request of C-1 and C-2, you are to meet with your INM counterpart and request they control the flow of aliens to the port of entry. For example, if you determine that you can only process 50 aliens at a time, you will request that INM release only 50.

If INM cannot or will not control the flow, your staff is to provide the alien with a piece of paper identifying a date and time for an appointment and return then to Mexico. This is similar to what San Diego is doing. We understand the alien may express a fear of returning to Mexico and we will address as the situation dictates.

Please schedule a meeting with your INM counterparts ASAP. Let us know the date and time of the meeting as soon as it's scheduled, We will also need a summary of your meeting to include who you met with, what was discussed, what was agreed to, issues/concerns, and timeline.

That's all the information we have on the tasking but we can anticipate being asked to provide an update early next week.

[Redacted]
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16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
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**EXHIBIT 35 TO MOTION FOR
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23
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 25
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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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Congress of the United States
Washington, DC 20515

December 17, 2018

The Honorable Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave., N.W.
Washington, D.C. 20229

Dear Commissioner McAleenan:

We write to express our concern about comments made by Acting Assistant Commissioner, Office of Intelligence, Jud Murdock regarding the processing of asylum seekers at ports of entry during a joint Department of Homeland Security (DHS) and Department of Defense (DOD) staff briefing on December 6, 2018. Those comments clearly indicated that DHS is choosing to limit its processing capacity for asylum seekers at ports of entry as a means of deterring additional migration. These comments not only contradict previous statements by the Administration on this issue, but also raise significant questions about the Department's compliance with existing statutory authority.

Specifically, during the question and answer portion of the briefing, one of our staffers asked Mr. Murdock about DHS efforts to increase its processing capacity at ports of entry. In response, he stated that DHS had chosen to limit processing to 100 asylum seekers per day at the San Ysidro Port of Entry because "[t]he more we process, the more will come." During follow up questioning, Mr. Murdock again repeated this assertion and clearly indicated, given the context, that the Department's decision to limit processing was primarily motivated by its desire to deter migrants from seeking asylum at ports of entry.

These comments call into question prior statements by DHS officials indicating that the Department's decision to "meter" asylum seekers at ports of entry was required by capacity and resource constraints.¹ The comments also call into question the Department's compliance with current legal requirements. Under the Immigration and Nationality Act (INA), DHS must process and provide a credible fear screening for any arriving alien with "an intention to apply

¹ *CBP Addresses False Claims of Separation for Those Seeking Asylum at U.S. Ports of Entry*, U.S. Customs and Border Protection, July 9, 2018, available at: <https://www.cbp.gov/newsroom/national-media-release/cbp-addresses-false-claims-separation-those-seeking-asylum-us-ports>.

for asylum.”² International law, such as the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, which the United States is a signatory to and has been implemented into U.S. law, also requires government officials to process individuals who seek protection at our border.³ In a written response to a congressional letter of May 27, 2017, DHS stated that Customs and Border Protection (CBP) officers who encounter individuals seeking admission and expressing a fear of persecution, at or between ports of entry, would refer such individuals for an interview with an asylum officer. Whatever capacity constraints may limit such processing, a decision to intentionally limit capacity as a deterrent is inconsistent with the letter and intent of the statute.⁴

These statements by CBP officials are particularly disturbing considering clear instructions from you that asylum seekers should present themselves at ports of entry, instead of crossing between the ports.⁵ Secretary Nielsen’s repeated message to asylum seekers has been: “if you are seeking asylum, go to a port of entry.”⁶

On October 18, 2018, Representatives Nadler, Thompson, Lofgren, Vela, and Jayapal sent a letter to Secretary Nielsen concerning asylum seekers encountered at ports of entry. In light of the above and lack of response by the Department, we request that CBP immediately respond to the letter. We also seek responses to the following questions:

1. What does DHS understand to be required by 8 U.S.C. § 1225 and 1158 regarding the processing of individuals seeking asylum at ports of entry?
2. Does the Department understand there to be any limits with regards to its obligations under 8 U.S.C. § 1225 and 1158? If so, what are those limits?
3. What does the Department believe its obligations are with respect to allocation of resources and personnel to ensure compliance with 8 U.S.C. § 1225 and 1158?

² 8 U.S.C. § 1225(b)(1)(iii); 8 U.S.C. § 1225(a)(3) (“All [noncitizens] . . . who are applicants for admission or otherwise seeking admission . . . shall be inspected by immigration officers.”) (emphasis added).

³ United Nations High Commissioner for Refugees, *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol*, Article 33, available at <http://www.unhcr.org/en-us/3b66c2aa10>.

⁴ See *R.I.L.R. v. Johnson*, 80 F. Supp 3d 164 (D.D.C. 2015). The Government was enjoined from detaining migrants for the purpose of deterring future migration to the United States and from considering deterrence as a factor in custody determinations for those individuals.

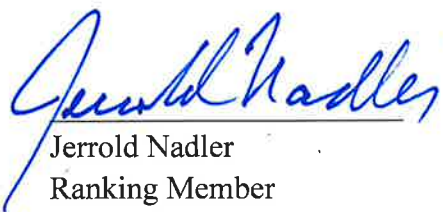
⁵ Neena Satija, *The Trump administration is not keeping its promises to asylum seekers who come to ports of entry*, Texas Tribune (July 5, 2018), available at <https://www.texastribune.org/2018/07/05/migrants-seeking-asylum-legally-ports-entry-turned-away-separated-fami/>.

⁶ *Kirstjen Nielsen Addresses Families Separation at Border: Full Transcript*, New York Times (June 18, 2018), available at <https://www.nytimes.com/2018/06/18/us/politics/dhs-kirstjen-nielsen-families-separated-border-transcript.html>.

4. Does DHS understand 8 U.S.C. § 1225 and 1158 to allow the Department to limit processing of asylum seekers as a means of deterring migration? If so, does DHS understand there to be any limitations on its ability to limit such processing? Does DHS, for example, understand 8 U.S.C. § 1225 and 1158 to allow the Department to intentionally process one person per day, or per week, at any port of entry?

Thank you for your prompt attention to this matter, and we look forward to your timely response. Should you have any questions, please contact Joshua Breisblatt at joshua.breisblatt@mail.house.gov.

Sincerely,



Jerrold Nadler
Ranking Member
House Committee on the
Judiciary



Bennie G. Thompson
Ranking Member
House Committee on
Homeland Security



Zoe Lofgren
Ranking Member
Subcommittee on
Immigration and Border
Security

CC: The Honorable Bob Goodlatte, Chairman, House Judiciary Committee
The Honorable Kirstjen M. Nielsen, Secretary, U.S. Department of Homeland Security
Judson W. Murdock II, Acting Assistant Commissioner, Office of Intelligence, U.S.
Customs and Border Protection

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 15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
 17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,
 19 Plaintiffs,
 20 v.
 21 Kevin K. McAleenan,¹ *et al.*,
 22 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 47 TO MOTION FOR
 PRELIMINARY INJUNCTION**

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 28 ¹ Acting Secretary McAleenan is automatically substituted for former Secretary Nielsen pursuant to Fed. R. Civ. P. 25(d).

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DECLARATION OF CCAA

I, CCAA, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my own personal knowledge except where indicated otherwise. If I am called as a witness, I could and would testify fully and truthfully on these matters.

2. I am a citizen of Nicaragua.

3. I am 27 years old.

4. I fled from my country of origin around October 25, 2018 due to political problems and threats and deaths in my country. I fear returning to my country of origin because I do not want to die.

5. I traveled through Nicaragua, Honduras, El Salvador, Guatemala, and Mexico. I left October 25, 2018 and arrived in Guatemala on October 28, 2018. On October 29, 2018 I traveled to Hidalgo, Chiapas, Mexico. During my journey through Mexico, in Chiapas, when I was traveling on the train that they call "La Bestia," armed men robbed us. The same happened in Veracruz.

6. I did not apply for asylum in Nicaragua, Honduras, El Salvador, Guatemala or Mexico because those countries are, similarly, in conflict, and I only have family in the United States.

7. I arrived in Mexicali on November 27, 2018. I planned to present myself at the port of entry to ask for asylum in the United States.

8. I went to the port of entry at Calexico on May 15, 2019. I presented myself to Grupo Beta of Mexico. They asked for my name, phone number, and Mexican ID. I took so long to present myself with Grupo Beta because when Grupo Beta came to the shelter, they told me that I could not present myself to seek asylum until I obtained a permit to be here. Because I didn't have this permit, they

would not let me put my name on the list. I got the permit on February 14, 2019. After getting my permit, I delayed in presenting myself because I work nights.

9. I put my name on the waitlist with Grupo Beta at the port of entry at Calexico to apply for asylum. My number on the waitlist was 2,169.

10. On July 17, 2019 Grupo Beta called me to present myself at the Calexico port of entry.

11. I did not apply for asylum in Mexico because it a country with one of the greatest risks of kidnapping, robbing, and murders.

12. If I had not been rejected at the Calexico port of entry, I would have entered the United States on May 15, 2019.

13. I have been living in a room and working while I wait for my hearing on November 5, 2019 in San Diego, California. I have been lacking money and a place to live, I have been hungry, had health problems, lacked work, and been depressed.

14. I have been sick and I slept on the street for four days and I have been very hungry. I have gone for days without money or work. This law is really bad and has killed many people by the simple act of making them wait in a country where they have no family nor anyone they know. There is a lot of discrimination against Central Americans and black people on the part of Mexicans. I have made these observations during my wait here in Mexico.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 25st day of September, 2019 in Mexicali, Mexico.

_____[CCAA]_____

CCAA

DECLARACION DE CCAA

Yo, CCAA, por la presente declaro bajo la pena de perjurio bajo las leyes de los Estados Unidos de América:

1. Hago esta declaración basada en mi conocimiento personal, excepto cuando he indicado lo contrario. Si me llaman como testigo, podría y testificaré competente y verazmente a estos asuntos.
2. Soy ciudadano y nacional de Nicaragua.
3. Tengo 27 años de edad.
4. Hui de mi país de origen alrededor de 25 de Octubre de 2018 por problemas de política y amenazas y muertes en el país. Temo regresar a mi país de origen porque no quiero morir.
5. Atravesé por Nicaragua, Honduras, El Salvador, Guatemala y México. Sali el 25 de Octubre de 2018 llegando a Guatemala el 28 de Octubre de 2018. El 29 de Octubre de 2018 pase a Hidalgo, Chiapas, México. Durante la tranvesia por Mexico, en Chiapas, viajando en el tren que le llaman “La Bestia,” hombres armados nos robaron. Lo mismo sucedio en Veracruz.
6. No solicité asilo en Nicaragua, Honduras, El Salvador, Guatemala, o México porque esos países al igual están en conflictos y yo tengo familia solo en USA.

7. Llegué a Mexicali el 27 de Noviembre de 2018. Planeé presentarme en el puerto de entrada para pedir asilo en los Estados Unidos.

8. Fui a puerto de entrada de Calexico el 15 de Mayo de 2019. Me presenté con el grupo Beta de México. Me pidio nombre, número de teléfono, la identificación de México. La razón por la que tome tiempo en presentarme es porque cuando llegaba el Grupo Beta al albergue, me decían que no me podía presentar a pedir asilo hasta que obtuviera un permiso de estancia. Si no tenía ese permiso, no me autorizaban apuntarme en la lista. El permiso lo obtuve el 14 de Febrero de 2019. Después de obtener mi permiso, demore en presentarme porque trabajaba de noche.

9. Puse mi nombre en la lista de espera en el puerto de entrada de Calexico con el grupo Beta para solicitar asilo. Mi número en la lista de espera es 2,169.

10. El 17 de Julio de 2019 el grupo Beta me llamó para que me presentara al puerto de entrada de Calexico.

11. No solicite asilo en México porque es uno de los países con mayor riesgo de secuestros, robos y asesinatos.

12. Si no hubiera sido rechazado en el puerto de entrada de Calexico, habría entrado a los Estados Unidos el 15 de Mayo de 2019.

13. He estado viviendo en un cuarto y trabajando mientras espero mi audiencia en corte el 5 de Noviembre de 2019 en San Diego, California. Me ha faltado dinero y vivienda, he tenido hambre, problemas de salud, falta de trabajo, y depresión.

14. Me he enfermado y he dormido en la calle por más de cuatro (4) días y pasado mucha hambre. He pasado días sin dinero ni trabajo. Esa ley está muy mal ha matado a muchas personas con el simple hecho de obligarlos a esperar en un país donde no tienen ni familia ni conocen. Hay mucha discriminación contra Centroamericanos y raza negra de parte de residentes Mexicanos. He hecho estas observaciones durante mi espera aquí en México.

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que todo lo anterior es verdadero y correcto.

Ejecutado el día 25 de Septiembre, 2019 en Mexicali, México.

CCAA _____

CCAA

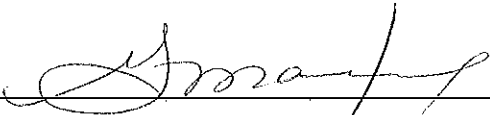
TRANSLATOR'S CERTIFICATION

I, Gabriela Maxcy, declare that I am fluent in the English and Spanish languages.

I have reviewed the original Spanish declaration and the foregoing English translation thereof, and I certify that the English version is a faithful and accurate translation of the Spanish-language original.

I hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on the 25th day of September, 2019 in Atlanta,
Georgia.


Name: Gabriela Maxcy

9/25/19
Date

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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 48 TO MOTION FOR
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DECLARATION OF MARLON DOE

I, Marlon Doe, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen and national of Cameroon. I am 26 years old.

3. I have a wife, whom I had to leave behind in Cameroon when fleeing for my life. I fled my home country on January 18, 2019 because of the Anglophone Crisis in Cameroon. The government forces arrested me, jailed me, beat me and tortured me. They also ruined my business and burned my house to the ground.

4. I fled to Nigeria, where I knew I was in immediate danger of arrest and return to Cameroonian authorities. From Nigeria I traveled to Brazzaville, Democratic Republic of Congo, where I stayed until March 5, 2019. From the Congo I flew to Ecuador ^{AWAM M.D.} on a plane which made a stop in Turkey. From Ecuador I travelled through Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala before reaching Mexico. I travelled through these countries by bus, by walking, and by boat.

5. I arrived in Tijuana toward the end of May ^{AWAM M.D.} or beginning of June. I tried to seek asylum at the San Ysidro Port of Entry and spoke with a US official there. I told him and the other officers in front of the gate that I wanted to seek asylum. The officer told me that I had to obtain a "ficha" number from Mexican officials first, and then told me I had to leave the area. I tried to explain that I was afraid to go back to Cameroon and that I was also afraid to remain in México.

6. The next morning I spoke with Mexican immigration officials who told me that I had to get a ficha and wait for my number to be called, that migrants

were not allowed to enter the United States directly to seek asylum. During the time that I was waiting for my number to be called the temporary visa that I obtained from Mexican immigration authorities in Tapachula, México expired. Because I did not have a valid immigration document, I was harassed and detained by my Mexican immigration officials one day for several hours. When I was finally released with my friend, we were released far away from where we were staying and had to find a way to get back ourselves, without any help from the Mexican immigration officers who took us into custody.

7. If I had not been turned away at the port of entry and required to wait on the waitlist, I would have crossed into the United States at the port of entry to seek asylum on or about May 30, 2019.

8. I did not seek asylum in any of the countries that I passed through on my journey to the United States. In Nigeria I knew that it was not safe for me to seek protection there, and that if I tried to do so I would just get removed back to Cameroon. I witnessed Nigerian officials arrest and detain Cameroonian separatists and Cameroonian English speakers for removal back to Cameroon. I did not seek asylum or permanent status in any of the countries in Latin America. I do not speak Spanish and had a hard time communicating with people. I always felt at risk and was severely mistreated, especially in Honduras and México.

9. On the morning of July 17, 2019, after about two months of waiting for my number to be called, I was waiting with a friend at “El Chaparral,” the area next to the San Ysidro Port of Entry where migrants listen out for their number to be called. Two Mexican immigration officers began harassing us, asking us many questions, demanding to see our documents permitting us to stay in Mexico. We told them that, like many other asylum seekers, our temporary visas had expired while waiting for our number to be called. We explained that we had spoken with the Mexican organization Grupo Beta, who oversees the “waitlist” asylum process

at El Chaparral, who had informed us that they knew this was a problem and that to protect ourselves all we had to do to write our names down with them, which we had already done.

10. The Mexican immigration officers did not care. They accused us of staying here illegally and arrested us. When we were transported, we were taken to a parking lot where a bus was waiting for us. There were several migrants already there. The bus was surrounded by approximately 10 Mexican military officers with guns. They pointed their guns at us. One of the military officers stood at the entrance of the bus and told us that we could get into the bus the “good way” or the “bad way.” He was adjusting his gloves when he said “or the bad way.” We were detained for approximately eight hours. They released us at 9:00 p.m., miles away from where we were living and El Chaparral Port of Entry.

11. On Saturday, August 10, 2019 my name was called and I was finally able to enter the United States at the San Ysidro PedWest port of entry. I am now detained at the Otay Mesa Detention Center in San Diego, California where I am waiting for the opportunity to present my asylum claim. After my fourth day in detention, I began to experience flashbacks of the traumatic experiences that I have lived in Cameroon along with panic attacks, which are still occurring. Furthermore, after the announcement of the new asylum transit rule, I began to experience physical complications due to my high blood pressure caused by the anxiety that the new asylum transit rule.

12. If I went back to Cameroon, I fear I would be killed. The civil war is still ongoing, and the government and its paramilitary forces execute people every day. I am not safe in any part of Cameroon because the authorities already targeted me multiple times.

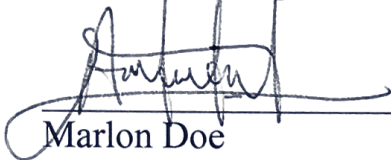
13. The decision for me to leave my country was a difficult one. I did not want to leave my wife, or my family and I still fear for their safety.

14. I cannot live in any of the countries that I passed through because I was mistreated and felt completely unsafe.

15. I hope I am able to present my application for asylum here in the United States. Because I am afraid of being harmed in my country, I ask that my name not be included in public documents. I am afraid I what will happen to me if I am returned or to my family who is still in Cameroon.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the things described above are true and correct.

Executed on September 25, 2019 at San Diego, California, United States.

A handwritten signature in black ink, appearing to read "Marlon Doe", is written over a horizontal line. The signature is stylized and somewhat cursive.

Marlon Doe

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18 Al Otro Lado, Inc., *et al.*,
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DECLARATION OF MOWHA DOE

I, Mowha Doe, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen and national of Cameroon. I am 23 years old.

3. I fled my home country on or about December 7, 2019^{2018 AB MD} because of many violent incidents I suffered due to the Anglophone Crisis (or the Ambazonia War) in Cameroon.

4. In October 2017, I was a college student at the University of Buea where I helped lead a peaceful protest march in Cameroon. As a result, I was arrested and detained during which time I was beaten and denied food. After my release I went into hiding.

5. One day armed government forces were in front of my parents' home as several of my family members were gathered to make plans for the funeral of another family member. An officer asked my father why we were all meeting. Before my father could answer, he was executed in front of me. After this, I fled to Nigeria.

ON NOVEMBER 21, 2018, I WAS ARRESTED BY THE MILITARY IN BAFUT BECAUSE THEY WERE DOING MASS ARREST. AB MD

6. Since fleeing Cameroon, my uncle has informed me that the government has issued a warrant for my arrest and is still looking for me. I am terrified to be returned to Cameroon because of what has happened to me and my father.

7. On or about January 21, 2019, I flew on a plane from Nigeria to Ecuador, which also made a stop at Brazil, Argentina, and Peru. From Ecuador I travelled through Colombia, Panama, Costa Rica, Nicaragua, Honduras, and

Guatemala before reaching Mexico. I travelled through these countries by road transport, by foot and by boat. It was a long and dangerous journey.

8. I arrived in Tijuana in or about May 2019. I travelled to Tijuana to ask for asylum in the United States, where I heard it was safe. When I went to the port of entry there were four US immigration officials standing in front of the entrance. I explained to one of the officials that I wanted to apply for asylum in the United States. The officer told me that the immigration officials only attend to people who have a "ficha" number on the list and that I would have to return with a "ficha."
TO GO BACK TO MEXICO AND WAIT FOR MY NUMBER TO BE CALLED
SHAPAZRA
MD
AB

9. *AROUND OR ABOUT MID JUNE,* The next day I went to the port of entry and spoke with Grupo Beta officials in order to obtain a "ficha." The officers told me that asylum seekers had to wait for our number to be called and that we were not allowed to go directly to the United States to seek asylum. Other migrants waiting in the line at the port of entry told us the same thing. *AT BRIDGE NEAR PORT OF ENTRY AND A MEXICAN OFFICIAL CAME & TOLD ME TO LEAVE. I TOLD HIM THAT IMMIGRATION PASSED FROM TAPACHULA. HE TOOK THE DOCUMENT DOES NOT ALLOW ME TO BE IN FEDERAL AREAS. HE TOLD ME IF HE SEES ME AGAIN HE WILL ARREST ME.*
MD
AB

10. I did not seek asylum in any of the countries that I passed through on my journey to the United States. In Nigeria I knew that it was not safe for me to seek protection there, and that if I tried to do so I would just get removed back to Cameroon. I witnessed their officials arrest and detain Cameroonian separatists and Cameroonian English speakers for removal back to Cameroon. I did not seek asylum or permanent status in any of the countries in Latin America because I felt unsafe, was mistreated and I do not speak Spanish. I was never made to feel safe in these Latin American countries, especially in Mexico.

11. On the morning of July 17, 2019, after about two months of waiting for my number to be called, I was waiting with a friend at "El Chaparral," the area next to the San Ysidro Port of Entry where migrants listen out for their number to be called. Two Mexican immigration officers began harassing us, asking us many questions, demanding to see our documents permitting us to stay in Mexico. We

told them that, like many other asylum seekers, our temporary visas had expired while waiting for our number to be called. We explained that we had spoken with the Mexican organization Grupo Beta, who oversees the "waitlist" asylum process at El Chaparral, who had informed us that they knew this was a problem and that to protect ourselves all we had to do to write our names down with them, which we had already done. The Mexican immigration officers did not care. They accused us of staying here illegally and arrested us. We were detained for approximately eight hours. They released us around 10:00 p.m., miles away from where we were living, and we had to find our own way home. ^{THE} MEXICAN IMMIGRATION OFFICER TOLD US THEY WOULD GIVE US NEW PASSES, BUT THE LIEFO AND NEVER DID.

12. After being released, I went to speak with Mexican immigration officials at the port of entry to ask them if I could obtain an extension of my temporary visa. However, the Mexican immigration official told me that I could not receive an extension. I asked him what would happen if I was arrested again while waiting for my number to be called. The officer responded that would be something of my concern, not his, for having an expired temporary visa.

13. On Saturday, August 10, 2019, ^{AFTER 2 WEEKS OF WORKING FOR} my number was called, and I was ^{BETACORRA, THEY FINALLY ALLOWED ME IN EVEN THOUGH MY NUMBER WASNT CALLED.} finally able to enter the United States at the PedWest port of entry. I am now detained in San Diego, California where I am waiting for the opportunity to present my asylum claim. I am extremely worried about how the new law will affect my case. I risked so much to escape to the United States to seek asylum, and I am afraid that I will.

14. If I went back to Cameroon, I fear I would be arrested and killed. I am terrified because the government has a warrant out for my arrest. I was already targeted, and I am not safe in any part of Cameroon.

15. It was difficult for me to leave my country and my journey to the United States was terrible. I did not want to leave my family, especially after the brutal murder of my father.

16. I cannot live in any of the countries that I passed through because I was mistreated and felt completely unsafe.

17. I am holding onto hope that I am able to present my application for asylum here in the United States. Because I am afraid of being harmed in my country, I ask that my name not be included in public documents. I fear that if my name is publicized, my family and I will be placed in even greater danger than we already are now. I could never forgive myself if something else happened to my family as a result of my pursuit of safety.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the things described above are true and correct.

Executed on September 25, 2019 at San Diego, California, United States.



Mowha Doe