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17 Katherine Melloy Goettel¹ (*Pro Hac Vice* Admission Pending)
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23 *Attorneys for Plaintiffs*

24 UNITED STATES DISTRICT COURT
25 DISTRICT OF NEW MEXICO

26 FRANKLIN GOMEZ CARRANZA and
27 RUBEN TORRES JAUREGUI,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, et al.,

Defendants.

Case No. 20-CV-00424 (KG) (KRS)

**PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

¹ Pursuant to Local Rule 83.1(a), I certify that Katherine Melloy Goettel is an attorney in good standing in the State of Iowa. I certify that I will continue in the action unless another Federal Bar member is substituted.

1 Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, Plaintiffs hereby move this
2 Court for a Preliminary Injunction to ensure meaningful telephone access at the Otero County
3 Detention Processing Center (“Otero”), including:

- 4 1. An order requiring Defendants to create, implement, and advertise a process by which
5 legal representatives and detained individuals may schedule confidential telephone calls
6 and videocalls within 24 hours of request, including for the purpose of legal intake.
7
- 8 2. An order removing procedural barriers, including requiring signed G-28 forms, before
9 permitting the scheduling of legal intake calls.
- 10 3. An order requiring that Defendants make all legal calls, including legal intake calls, free
11 of charge and without time restrictions.
- 12 4. An order requiring that Defendants make all legal calls, including legal intake calls,
13 confidential, unmonitored, private and in a place of reasonable quiet, that cannot be
14 overheard by other detained individuals or staff.
- 15 5. An order requiring Defendants to provide functioning telephones and tablets to all
16 detained individuals.
- 17 6. An order requiring Defendants to comply with the Performance-Based National
18 Detention Standards and the ICE guidance on the coronavirus response, including by
19 administering at least 520 free call minutes to each detained individual per month, in
20 addition to unlimited free legal calls and remote legal visitation.
21
22

23 This Motion is supported by the accompanying Memorandum in Support of a Preliminary
24 Injunction, and contemporaneously filed declarations and exhibits.² Pursuant to Local Rule 7.1(a),
25
26

27 ² Pursuant to Local Rule 10.5, Defendants consent to Plaintiffs’ filing of exhibits that exceed fifty pages in total.

1 on August 24, 2020, counsel for Plaintiffs met and conferred by email with counsel for Defendants,
2 Assistant U.S. Attorney, Christine H. Lyman. Defendants stated that they will oppose the Motion.

3 Dated: August 26, 2020

ORRICK, HERRINGTON, & SUTCLIFFE LLP

4
5 /s/ R. David Hosp

6 R. David Hosp
7 ORRICK, HERRINGTON & SUTCLIFFE LLP
8 222 Berkeley St. Ste 2000
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19 Telephone: (212) 506-3604
20 Facsimile: (212) 506-5151
21 Email: ppavone@orrick.com

22 Katherine Melloy Goettel (*Pro Hac Vice* Admission
23 Pending)
24 AMERICAN IMMIGRATION COUNCIL
25 1331 G Street, NW, Suite 200
26 Washington, DC 20005
27 Tel.: (202) 507-7552
Email: kgoettel@immcouncil.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION was served with the Clerk of
the Court by using the CM/ECF system, which provided an electronic notice and electronic link
of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

DECLARATION OF ESTRELLA CEDILLO

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. I am an attorney admitted to the New Mexico and New York state bars. I work for Santa Fe Dreamers Project and I am the bond attorney with the El Paso Immigration Collaborative (EPIC). I work with individuals detained at the Otero Processing Center (OPC) located in Chaparral, New Mexico and the El Paso Service Processing Center (EPSPC) located in El Paso, Texas. This declaration is limited to my experience working with individuals at OPC.
2. Santa Fe Dreamers Project is a non-profit organization that provides free legal services to immigrants. Our organization consists of attorneys, Board of Immigration Appeals (BIA) accredited representatives, and non-attorney staff, interns, and volunteers. Among other services, we conduct legal intakes with individuals in detention to screen for possible representation in immigration matters, including bond hearings, expedited removal proceedings, full removal proceedings, and affirmative applications for immigration benefits. Due to resource constraints, our intakes are conducted by non-attorneys.
3. Before the COVID-19 pandemic, volunteers, interns and staff would conduct legal intake in person at detention centers, including OPC. However, to protect the health of our staff and volunteers, our team has worked remotely since March. This includes conducting legal intakes remotely.
4. I oversee a team of volunteers, interns and staff who are responsible for conducting legal calls with individuals detained in OPC. The size of the team varies, but generally I have four people on my team. I am also responsible for scheduling legal calls. Legal calls include initial intakes and follow-up phone calls to allow for legal representation.
5. Our project receives intake referrals from community partners, former clients, and family members of detained individuals. Occasionally we also receive self-referrals from people in immigration detention. For many of the individuals that we speak to, the intake is the first time they are receiving any kind of legal consultation. While our interns, volunteers and non-attorney staff do not provide legal advice, their

1 primary role is to collect as much relevant information as possible so that attorneys
2 on our team can screen the case for possible representation. As discussed below, we
3 have had the most difficulty reaching individuals for legal intakes.

- 4 6. Immigration and Customs Enforcement (ICE) did not set up any procedure for
5 facilitating free, confidential legal calls during the pandemic. Instead, we began
6 emailing Supervisory Detention and Deportation Officers (SDDOs) to request legal
7 calls. All of our legal call requests are emailed to SDDOs Roberto Sanchez, John
8 Veloz, and Jonathan Estrada. As discussed below, this procedure is unreliable and it
9 never results in a free, confidential call.
- 10 7. This procedure for scheduling phone calls is extremely unreliable. After sending an
11 email to OPC officers to arrange a telephone call, rarely do our staff receive an email
12 confirming the receipt of the email or the scheduling of the call. When we do not
13 receive an email confirmation from an ICE officer, it makes it extremely difficult to
14 plan. Our team requests calls for a given time because that is when someone will be
15 available for the call. If the call occurs at any other time, it is not certain that our
16 team will be available to take the call. Even when we are able to arrange for these
17 calls, ICE merely delivers the message to the client to call us. ICE does not arrange
18 for a free, confidential legal call.
- 19 8. In April, SDDO Jonathan Estrada told me that ICE could not arrange for free,
20 confidential legal calls because they did not have sufficient staff. Officer Estrada said
21 that individuals are able to make free calls from the phones in their dorms on
22 Wednesdays. When I asked him if individuals were told about these calls, he
23 responded that there were posters up on the wall. He admitted that some of the
24 individuals could not read or may not understand what the posters say and may not
25 know that there are free calls on Wednesdays. The posters are not in any language
26 other than English and, I believe, Spanish. Most importantly, these are not
27 confidential legal calls—they are on a recorded line.
9. In May, I spoke to ICE Deputy Field Office Director (DFOD) Juan Acosta about our
continued difficulty in arranging legal intake calls at Otero. He told me that he would
not force his ICE officers to set up free, confidential legal intake calls.

1 10. Our biggest hurdle has been attempting to reach individuals with whom we do not
2 have a representation agreement. This necessarily includes anyone who requires a
3 legal intake. At OPC, ICE requires an original signed Form G-28, Notice of Entry of
4 Appearance as Attorney, to receive a free, confidential legal call. As discussed
5 below, an email from Officer Estrada states “please provide a signed and complete
6 G 28 for your client so that ERO [Enforcement and Removal Office] Otero can
7 facilitate a free phone call. The signed G 28 would validate representation. Would
8 greatly appreciate that as we will not deviate from this practice.” It is not possible
9 for us to enter into a representation agreement with an individual that we have not
10 met with before, and therefore, it is not possible for us to provide a signed G-28 for
11 a person we have not met. Note that even when we have an original, signed G-28,
12 ICE has not arranged for free legal calls.

13 11. As a result, when calls are received by our team from individuals detained at OPC,
14 they are not free nor have they been confidential. These calls occur on the recorded,
15 paid line in the individual’s dorm. It costs about .20 per minute for a call from the
16 commercial line. This becomes costly for the detained individual because legal
17 intakes can last up to an hour. An additional obstacle is that these calls can only be
18 made in 10-minute increments and require the individual to call multiple times to
19 complete a legal call. This is another obstacle for both the individual and legal service
20 provider.

21 12. In July, I contacted DFOD Juan Acosta and asked that my individual phone number
22 and our summer law clerk’s phone number be added to a list of attorney phone
23 numbers in order to not have our calls be recorded via Talton. Because of how we
24 do our work—using a rotating team of volunteers and staff—and our phone service
25 provider, we do not have one central number for legal calls. Talton is the phone
26 service provider detained individuals use for phone calls when those calls are not
27 arranged by ICE. Officer Acosta made the request and Talton called me to say that
our numbers were on a list of non-recorded numbers. I have not yet been able to
confirm that calls to me are now not being recorded. We continue to request calls
with our clients but the calls continue to require payment.

1 13. Below are some examples of clients that we have struggled to contact due to the
2 phone access problems at Otero:

3 14. One individual from Guatemala was recently removed from the country. We had
4 attempted to get in contact with him multiple times in order to conduct an intake.
5 Two different volunteers requested a scheduled call with this individual and they did
6 not receive one. The volunteers sent three requests, one on May 19, 2020, one on
7 May 23, 2020, and finally one on June 16, 2020. We never received a response from
8 ICE. We were unable to get in contact with him until June 17, 2020. That call was
9 incomplete as he ran out of money in his account and the call ended. As a result, we
10 were unable to represent him. He was removed sometime before the end of June
2020. Emails related to this case are attached as Exhibit A.

11 15. One individual from Cuba struggled to complete an intake with us. Our volunteer
12 emailed the officers four separate times in May 2020 to request one call with this
13 individual. When the person did call on May 19, 2020, he stated that he was paying
14 for the call, and when it cut off, he was given an additional one minute free call –
15 enough to say that he ran out of money and could not continue with us. He eventually
16 received two 10-minute free phone calls but we are unsure if they were confidential
17 or not. We had to mail him a letter in order to get in contact with him and get consent
18 to represent him. We were able to place his case with an attorney who successfully
19 advocated for his release on parole in the beginning of July. The delay in being able
20 to contact him in turn delayed finding representation and therefore prolonged his
21 detention. Emails related to this case are attached as Exhibit B.

22 16. Similarly, one individual from El Salvador was unable to complete his intake with
23 us. In the end of April and beginning of May, staff twice requested a call before our
24 volunteer received a call. Once he called, it was over two 10-minute calls and we
25 could not complete the intake. He was ordered removed by an immigration judge
26 soon after. Emails related to this case are attached as Exhibit C.

27 17. Another individual from Guatemala required a legal intake phone call in May 2020.
Our records indicate that our volunteer made four requests for a legal intake call and
we retained copies of two of those emails. She did not receive a call until our fourth
request and that call was on a paid, recorded line. In mid-June, a different volunteer

1 requested a follow-up call and we did not receive a call. In July, a volunteer made
2 two more requests for a call. Soon after the volunteer emailed the second request,
3 she received a call from a deportation officer reporting that the individual had been
4 deported the week earlier. Emails related to this case are attached as Exhibit D.

5 18. I have one client, a father whose daughter is currently in ORR custody, with whom
6 I have had difficulty setting calls between July 1 and July 10. The ICE officer has
7 given our client the message to call us, but the calls are neither free nor confidential.
8 They occur from the commercial line. As I kept insisting on a confidential legal call,
9 on July 8, 2020, SDDO Estrada responded with “At this time due to COVID-19
10 restrictions within the facility detainees are only allowed to use the phone in the
11 dormitory for legal purposes.” He also told me to “provide a signed G-28 at your
12 earliest convenience to accommodate a 30 minute phone call to you.” Again, this
13 was not possible. I insisted that he be given a free call. On July 10, 2020, SDDO
14 Estrada alleged that my client had already been provided a free 45-minute call with
15 me. He was not. I received a free one-minute call from a commercial line – enough
16 for my client to tell me he did not have any more money in his commissary account.
17 On July 28, 2020, I provided ICE with an executed G-28 for my client. On August
18 3, 2020, I requested a legal call with my client be scheduled for August 4th. I never
19 received that call. Emails related to this case are attached as Exhibit E.

20 I hereby declare under penalty of perjury that the foregoing is true and correct. Executed
21 this 20th day of August 2020 in El Paso, Texas.

22 

23 _____
24 Estrella Cedillo
25
26
27

EXHIBIT A



Marissa Nunez <marissa@innovationlawlab.org>

Free Legal Call - Thursday, May 21st at 1pm MST

1 message

Manzur Martinez, Kiki <maria.manzurmartinez@yale.edu>

Tue, May 19, 2020 at 2:47 PM

To: "Roberto.Sanchez@ice.dhs.gov" <Roberto.Sanchez@ice.dhs.gov>, "John.Veloz@ice.dhs.gov"

John.Veloz@ice.dhs.gov, "Wayne D Co @ice.dhs.gov" Wayne D Co @ice.dhs.gov, "Raul R Carra co@ice.dhs.gov" <Raul.R.Carrasco@ice.dhs.gov>

Cc: epic_otg <epic_otg@innovationlawlab.org>

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

Thursday, May 21st, 1pm MST

[REDACTED] 3167; COB: Guatemala.

Please contact me at **574-298-0908** for this **free legal call**. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

Kiki Manzur

Kiki Manzur (*she/her/hers*)

Yale Law School, J D , Class of 2020

(574)298-0908 / maria.manzurmartinez@yale.edu

Exhibit A Cedillo Decl.



Marissa Nunez <marissa@innovationlawlab.org>

Free Legal Call - Tuesday, May 26 at 11am EST

1 message

Manzur Martinez, Kiki <maria.manzurmartinez@yale.edu>

Sat, May 23, 2020 at 10:59 AM

To: "Roberto.Sanchez@ice.dhs.gov" <Roberto.Sanchez@ice.dhs.gov>, "John.Veloz@ice.dhs.gov"

John.Veloz@ice.dhs.gov, "Wayne D Co @ice.dhs.gov" Wayne D Co @ice.dhs.gov, "Raul R Carra co@ice.dhs.gov" <Raul.R.Carrasco@ice.dhs.gov>

Cc: epic_otg <epic_otg@innovationlawlab.org>

Hello Officer

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

Tuesday, May 26, 11am EST

[REDACTED]; COB: Guatemala.

Please contact me at 574-298-0908 for this **free legal call**. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

Kiki Manzur

Kiki Manzur (*she/her/hers*)

Yale Law School, J.D., Class of 2020

(574)298-0908 / maria.manzurmartinez@yale.edu

Exhibit A Cedillo Decl.



Estrella Cedillo <estrella@santafedreamersproject.org>

Legal Call: 06/17/2020 at 1:00 pm MST

1 message

Karen Nunez <karen@innovationlawlab.org>

Tue, Jun 16, 2020 at 9:00 AM

To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov

Cc: epic_otg <epic_otg@innovationlawlab.org>

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 1 hour - 2 hours.

Wednesday, June 17, 2020 at 1:00 pm MST

[REDACTED]; COB: GUATEMALA.

Please contact me at (619) 894-6941 for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule.

We request that detainees be asked to bring all paperwork with them to legal visitations. Thank you for your assistance.

Please confirm receipt of this email.

Sincerely,

--

Karen Núñez

she/her/hers

Innovation Law Lab EPIC | USD Summer Fellow 2020

--

You received this message because you are subscribed to the Google Groups "epic_otg" group.

To unsubscribe from this group and stop receiving emails from it, send an email to epic_otg+unsubscribe@innovationlawlab.org.

Exhibit A Cedillo Decl.

EXHIBIT B



Estrella Cedillo <estrella@santafedreamersproject.org>

Legal Call – May 14, 2020 at 2pm MST

2 messages

Pooja Kothari <kothari.pooja@gmail.com> Mon, May 11, 2020 at 8:27 AM
To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov
Cc: epic_otg@innovationlawlab.org

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

Thursday, May 14, 2pm MST

[Redacted]; COB: Cuba.

Please contact me at 347-618-1034 for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

Pooja Kothari, Esq.
Volunteer
Santa Fe Dreamers Project.

--
You received this message because you are subscribed to the Google Groups "epic_otg" group.
To unsubscribe from this group and stop receiving emails from it, send an email to epic_otg+unsubscribe@innovationlawlab.org.

Pooja Kothari <kothari.pooja@gmail.com> Thu, May 14, 2020 at 3:15 PM
To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov
Cc: epic_otg@innovationlawlab.org

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

Tuesday, May 19, 12pm MST

[Redacted]; COB: Cuba.

Exhibit B Cedillo Decl.



Estrella Cedillo <estrella@santafedreamersproject.org>

Legal Call May 19, 9:30am MST

3 messages

Emily Lobsenz <emily@dagfilm.com>

Fri, May 15, 2020 at 5:35 PM

To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov
Cc: epic_otg@innovationlawlab.org

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with **a free confidential legal call**. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

I had previously requested the call last week and it did not happen. Please set-up a **free legal call**

Tuesday, May 19, 9:30am MST with [REDACTED] 3; COB: CUBA**Please contact me at 917-450-7958 for this legal call.**

If instead, you would like us to call you, please respond to this email with the appropriate phone number.

If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

Emily Lobsenz

--

You received this message because you are subscribed to the Google Groups "epic_otg" group.

To unsubscribe from this group and stop receiving emails from it, send an email to epic_otg+unsubscribe@innovationlawlab.org.

Emily Lobsenz <emily@dagfilm.com>

Tue, May 19, 2020 at 10:49 AM

To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov
Cc: epic_otg@innovationlawlab.org

Hello Officer

I am trying to speak with [REDACTED] but he told me he is not being given a **free** legal call. Our call was cut short twice because of this. Would it be possible to set up a **free legal call** today? I am available now and he is trying to call me.

Please let me know. **Please contact me at 917-450-7958 for this free legal call.**

Thank you,

Emily Lobsenz

[Quoted text hidden]

[Quoted text hidden]

Emily Lobsenz <emily@dagfilm.com>

Tue, May 19, 2020 at 11:27 AM

To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov
Cc: epic_otg@innovationlawlab.org

Hello Officer,

My calls with [REDACTED] are continually cut off. I need to continue my **free legal call** with him. Please contact me at **917-450-7958 for this free legal call.**

Sincerely

Emily Lobsenz

Exhibit B Cedillo Decl.

On May 19, 2020, at 12:49 PM, Emily Lobsenz <emily@dagfilm.com> wrote:

Hello Officer

I am trying to speak with [REDACTED] but he told me he is not being given a **free** legal call. Our call was cut short twice because of this. Would it be possible to set up a **free legal** call today? I am available now and he is trying to call me.

Please let me know. **Please contact me at 917-450-7958 for this free legal call.**

Thank you,
Emily Lobsenz

On May 15, 2020, at 7:35 PM, Emily Lobsenz <emily@dagfilm.com> wrote:

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

I had previously requested the call last week and it did not happen. Please set-up a **free legal call**

Tuesday, May 19, 9:30am MST with [REDACTED]; **COB: CUBA**

Please contact me at 917-450-7958 for this legal call.

If instead, you would like us to call you, please respond to this email with the appropriate phone number.

If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

Emily Lobsenz

[Quoted text hidden]

Please contact me at 347-618-1034 for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

Pooja Kothari, Esq.
Volunteer
Santa Fe Dreamers Project

[Quoted text hidden]

EXHIBIT C



Estrella Cedillo <estrella@santafedreamersproject.org>

Legal calls Friday 4/24/20 at 12:30 MST

1 message

Estrella Cedillo <estrella@santafedreamersproject.org> Wed, Apr 22, 2020 at 11:47 AM
To: Roberto.Sanchez@ice.dhs.gov, OCPC Visitation <ocpc.visitation@mtctrains.com>, "Manzur Martinez, Kiki" <maria.manzurmartinez@yale.edu>

Hello Mr. Sanchez:

We would like to schedule the following individuals for intakes. This is part of our intake program and our first time providing legal consultation. We need these potential clients to be situated in an area where they can proceed with confidential legal calls. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

Friday, April 24, 2020 at 12:30 MST

[Redacted]

[Redacted] EL SALVADOR

Please call Kiki Manzur at 1(574)298-0908 for the legal calls. If instead, you would like us to call you, please respond to this email with the appropriate phone number.

If the above times do not work for you, please provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

--

Estrella Cedillo
Staff Attorney
Santa Fe Dreamers Project - El Paso Office
P.O. Box 3218
El Paso, Texas 79923
Tel: (915) 525-2650
Pronouns: she/her/hers/ella
estrella@santafedreamersproject.org
www.santafedreamersproject.org



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Exhibit C Cedillo Decl.



Marissa Nunez <marissa@innovationlawlab.org>

Legal Call – Friday May 8, 2020 at 12pm

1 message

Pooja Kothari <kothari.pooja@gmail.com>

Wed, May 6, 2020 at 8:15 AM

To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov

Cc: epic_otg@innovationlawlab.org

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a free confidential legal call. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

Friday, May 8, 2020, 12pm

; COB: EL SALVADOR.

Please contact me at 347-618-1034 for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may re-schedule. Please confirm receipt of this email.

Sincerely,

Pooja Kothari, Esq.
Legal Assistant
EPIC/Santa Fe Dreamers Project

Exhibit C Cedillo Decl.

EXHIBIT D

From: Emily Lobsenz em_y@dagfi.m.com

Subject: Lega Ca - May 19 8am MST

Date: May 15, 2020 at 7:34 PM

To: Roberto.Sanchez@ ce.dhs.gov, John.Ve oz@ ce.dhs.gov, Wayne.D.Cox@ ce.dhs.gov, Rau .R.Carrasco@ ce.dhs.gov

Cc: ep c otg@ nnovat on aw ab.org

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with **a free confidential legal call**. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

I had previously requested the call last week and it did not happen.

Please set up a **free legal call Tuesday, May 19, 8am MST** with [REDACTED]; COB: Guatemala

Please contact me at 917-450-7958 for this free legal call.

If instead, you would like us to call you, please respond to this email with the appropriate phone number.

If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

Emily Lobsenz



Estrella Cedillo <estrella@santafedreamersproject.org>

Legal call Wednesday, May 27, 8am MST

1 message

Emily Lobsenz <emily@dagfilm.com>

Sat, May 23, 2020 at 10:32 AM

To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov

Cc: epic_otg@innovationlawlab.org

Hello Officers

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with **a free confidential legal call**. Be advised that each call runs the potential of lasting between 30 mins- 1 hour.

Please set up a **free legal call Wednesday, May 27, 8am MST** with [REDACTED]; COB: Guatemala

Please contact me at 917-450-7958 for this free legal call.

If instead, you would like us to call you, please respond to this email with the appropriate phone number.

If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. Please confirm receipt of this email.

Sincerely,

Emily Lobsenz

--

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Exhibit D Cedillo Decl.



Andrea Tecpoyotl Tepale <andrea.tecpoyotl@innovationlawlab.org>

Legal Call – [06/23/2020 , 9:00am in MST]

1 message

Andrea Tecpoyotl Tepale <andrea.tecpoyotl@innovationlawlab.org> Mon, Jun 22, 2020 at 12:43 PM
To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov
Cc: epic_otg@innovationlawlab.org

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 1 hr- 2 hr.

Tuesday, 06/23/2020, 9:00am MST

[REDACTED] COB: GUATEMALA.

Please contact me at 619-940-6428 for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule.

We request that detainees be asked to bring all paperwork with them to legal visitations. Thank you for your assistance.

Please confirm receipt of this email.

Sincerely,
Andrea



Karen Nunez <karen@innovationlawlab.org>

Legal Call – 07/08/2020 at 2:00 PM MST

Karen Nunez <karen@innovationlawlab.org>

Wed, Jul 8, 2020 at 7:00 AM

To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov

Cc: epic_otg <epic_otg@innovationlawlab.org>

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 1 hour - 2 hours.

Wednesday, July 8th, 2020 at 2:00 pm MST

[REDACTED]; COB: GUATEMALA.

Please contact me at (619) 894-6941 for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule.

We request that detainees be asked to bring all paperwork with them to legal visitations. Thank you for your assistance.

Please confirm receipt of this email.

Sincerely,

--

Karen Núñez

she/her/hers

Innovation Law Lab EPIC | USD Summer Fellow 2020

Exhibit D Cedillo Decl.



Karen Nunez <karen@innovationlawlab.org>

Automatic reply: Legal Call – 07/08/2020 at 2:00 PM MST

Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
To: Karen Nunez <karen@innovationlawlab.org>

Wed, Jul 8, 2020 at 7:01 AM

I will be out of the office and I will return on Monday the 13th of July. I will be available via email and if you require immediate assistance please call (575) 824-0440.

Exhibit D Cedillo Decl.



Estrella Cedillo <estrella@santafedreamersproject.org>

Legal Call – 07/13/2020 at 2:00 PM MST

1 message

Karen Nunez <karen@innovationlawlab.org> Mon, Jul 13, 2020 at 8:00 AM
To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Jonathan.R.Estrada@ice.dhs.gov
Cc: epic_otg <epic_otg@innovationlawlab.org>

Hello Officer:

I would like to schedule the following individual for an intake at the time listed below. This is part of our intake program and our first time providing legal consultation to this individual. We need this potential client to be situated in an area where they can proceed with a **free confidential legal call**. Be advised that each call runs the potential of lasting between 1 hour - 2 hours.

Wednesday, July 13th, 2020 at 2:00 pm MST

[REDACTED]; COB: GUATEMALA.

Please contact me at (619) 894-6941 for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule.

We request that detainees be asked to bring all paperwork with them to legal visitations. Thank you for your assistance.

Please confirm receipt of this email.

Sincerely,

--

Karen Núñez

she/her/hers

Innovation Law Lab EPIC | USD Summer Fellow 2020

--

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EXHIBIT E



Estrella Cedillo <estrella@santafedreamersproject.org>

[REDACTED]; G - 28 and Document Request

27 messages

Estrella Cedillo <estrella@santafedreamersproject.org>

Wed, Jul 1, 2020 at 9:24 AM

To: Lino.F.Almanza@ice.dhs.gov

Cc: Alan Dicker <alan@innovationlawlab.org>

Good morning Officer Almanza,

I am attaching my G-28 for my client. I am taking over this case and my client informed me that he was provided with a paper to sign regarding his daughter. Please provide me with a copy of that document that my client signed. I also request a copy of my client's NTA and any other documents that he may have signed with ICE.

Additionally, I have cc'd our summer law clerk and you may be receiving communication from him as well.

Thank you in advance.

Sincerely,

Estrella

--

Estrella Cedillo
Staff Attorney
Santa Fe Dreamers Project - El Paso Office
P.O. Box 3218
El Paso, Texas 79923
Tel: (915) 525-2650
Pronouns: she/her/hers/ella
estrella@santafedreamersproject.org
www.santafedreamersproject.org



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[REDACTED]_g28_EXECUTED.pdf
578K

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>

Wed, Jul 1, 2020 at 10:21 AM

To: Estrella Cedillo <estrella@santafedreamersproject.org>

Cc: Alan Dicker <alan@innovationlawlab.org>

Exhibit E Cedillo Decl.

Good morning,

Your client is a reinstate so he does not have an NTA.

Respectfully,

Lino Almanza

From: Estrella Cedillo <estrella@santafedreamersproject.org>
Sent: Wednesday, July 1, 2020 9:24 AM
To: Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
Cc: Alan Dicker <alan@innovationlawlab.org>
Subject: [REDACTED]; G - 28 and Document Request

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact [ICE SOC SPAM](#) with questions or concerns.

Good morning Officer Almanza,

I am attaching my G-28 for my client. I am taking over this case and my client informed me that he was provided with a paper to sign regarding his daughter. Please provide me with a copy of that document that my client signed. I also request a copy of my client's NTA and any other documents that he may have signed with ICE.

Additionally, I have cc'd our summer law clerk and you may be receiving communication from him as well.

Thank you in advance.

Sincerely,

Estrella

--

Estrella Cedillo

Staff Attorney

Exhibit E Cedillo Decl.

Santa Fe Dreamers Project - El Paso Office

P.O. Box 3218

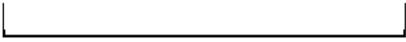
El Paso, Texas 79923

Tel: (915) 525-2650

Pronouns: she/her/hers/ella

estrella@santafedreamersproject.org

www.santafedreamersproject.org



[Quoted text hidden]

Estrella Cedillo <estrella@santafedreamersproject.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>
Cc: Alan Dicker <alan@innovationlawlab.org>

Wed, Jul 1, 2020 at 11:10 AM

Please provide me with a copy of that reinstatement order. Additionally, please provide me with a copy of any documents my client has signed or has been served by ICE.

As his counsel of record, ICE is required to communicate and provide me with those documents.

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
To: Estrella Cedillo <estrella@santafedreamersproject.org>
Cc: Alan Dicker <alan@innovationlawlab.org>

Wed, Jul 1, 2020 at 11:24 AM

I am currently working remotely from home, any other documentation that is in his A File I will not have access to until next week.

[Quoted text hidden]



Estrella Cedillo <estrella@santafedreamersproject.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>
Cc: Alan Dicker <alan@innovationlawlab.org>

Wed, Jul 1, 2020 at 3:50 PM

Thank you Officer. Is there a possibility another officer that has is working on site may send me the rest of the documents located in the physical file?

[Quoted text hidden]

Exhibit E Cedillo Decl.

[Quoted text hidden]

**SANTA FE
DREAMERS
PROJECT**



[Quoted text hidden]

Alan Dicker <alan@innovationlawlab.org>
To: Lino.F.Almanza@ice.dhs.gov
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Thu, Jul 2, 2020 at 2:26 PM

Greetings Officer Almanza,

Mr. [REDACTED] informed us that since he was transferred to Otero he has not been allowed his weekly phone call with his daughter in ORR custody. He had previously received a phone call every Thursday. Otero staff have told him they will not make the call to his daughter's social worker and patch him through as needed. Our client is increasingly despondent over this. Please ensure that he is afforded these regular calls and that he can call his daughter by the coming Monday at the latest.

Please feel free to contact myself or Ms. Cedillo about this.

Thank you,

Alan Dicker
Summer Clerk
Innovation Law Lab
El Paso Immigration Collaborative
(915) 704-9819

[Quoted text hidden]

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
To: Alan Dicker <alan@innovationlawlab.org>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Thu, Jul 2, 2020 at 5:09 PM

Good afternoon,

I will forward your request on Monday. Does he have the number to call? He has access to a phone in the dormitory and can make calls from his dormitory at any time.

Respectfully,

Lino Almanza

From: Alan Dicker <alan@innovationlawlab.org>
Sent: Thursday, July 2, 2020 2:26 PM
To: Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>
Subject: Re: [REDACTED]; G - 28 and Document Request

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and/or trust the sender. Contact ICE SOC SPAM with questions or concerns.

Greetings Officer Almanza,

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

--

[Quoted text hidden]

[Quoted text hidden]

Alan Dicker <alan@innovationlawlab.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Thu, Jul 2, 2020 at 6:21 PM

Hello Officer,

Thank you for forwarding that over. He does have the number he is supposed to call: 646-906-4786. What he told me is that he cannot make the call himself--an official needs to call to get patched through to her because the people in charge where his daughter is being held understandably don't let just anyone talk to the children. When he was previously detained at EPSPC, officers made the calls and put him on with his daughter.

Best wishes,

Alan Dicker
Summer Clerk
Innovation Law Lab
El Paso Immigration Collaborative
(915) 704-9819

[Quoted text hidden]

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
To: Alan Dicker <alan@innovationlawlab.org>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Mon, Jul 6, 2020 at 4:26 PM

Good afternoon,

Exhibit E Cedillo Decl.

We attempted to coordinate a phone call for your client and his daughter, the number provided below went to a voicemail box that is full. Also sent an email to the center where his daughter is being held and waiting for a response. If you have another number that we can try please send it.

Respectfully,

Lino F. Almanza

Deportation Officer | U.S. Department of Homeland Security

Immigration Enforcement and Removal Operations

26 McGregor Range Road

Chaparral, New Mexico 88081

Lino.F.Almanza@ICE.DHS.GOV

Office: (915) 834-4855

Cell: (915) 238-5759



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[Quoted text hidden]



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24K

Alan Dicker <alan@innovationlawlab.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Mon, Jul 6, 2020 at 5:12 PM

Hello Officer,

Thank you for attempting to set up the call and I hope a way to contact the center can be found. Unfortunately we do not have another number. We will try to follow up about this and let you know if we can obtain alternate contact information.

Exhibit E Cedillo Decl

Sincerely,

Alan Dicker
Summer Clerk
Innovation Law Lab
El Paso Immigration Collaborative
(915) 704-9819

[Quoted text hidden]

Alan Dicker <alan@innovationlawlab.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Tue, Jul 7, 2020 at 10:33 AM

Hello Officer,

Ms. Cedillo is following up with the advocate for Mr. [REDACTED] daughter about how to set up calls.

I also wanted to request your assistance in setting up a confidential, free legal call with Mr. [REDACTED]. We have made multiple legal call requests to Otero officers, but our client is only given our number and told to call on the commercial line. If he uses one of his limited free calls, we only have ten minutes to speak. We need to speak in detail with him about a number of things, but are simply unable to do so under these circumstances.

I would like to set up a legal call with Mr. [REDACTED] to my number, 915-704-9819 either this afternoon or tomorrow morning. Please let me know if you can facilitate this.

Best wishes,

Alan Dicker
Summer Clerk
Innovation Law Lab
El Paso Immigration Collaborative
(915) 704-9819

[Quoted text hidden]

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
To: Alan Dicker <alan@innovationlawlab.org>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Tue, Jul 7, 2020 at 10:40 AM

Good morning,

The case officer for your client's daughter made contact with us. We were able to set up a phone call for them this morning. I will forward your request to have a phone call with your client.

[Quoted text hidden]



image002.gif
24K

Alan Dicker <alan@innovationlawlab.org>

Exhibit 1 Tue, Jul 7, 2020 at 4:38 PM

To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Officer Almanza,

Very glad you were able to set up the call with his daughter. I haven't heard from anyone about the legal call--should I follow up with anyone in particular about it?

Best wishes,

Alan Dicker
Summer Clerk
Innovation Law Lab
El Paso Immigration Collaborative
(915) 704-9819

[Quoted text hidden]

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
To: Alan Dicker <alan@innovationlawlab.org>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Tue, Jul 7, 2020 at 4:42 PM

I forwarded your request, Once I know if the call can be accommodated I will let you know.

[Quoted text hidden]



image002.gif
24K

Estrella Cedillo <estrella@santafedreamersproject.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>
Cc: Alan Dicker <alan@innovationlawlab.org>

Wed, Jul 8, 2020 at 11:44 AM

Hello Officer Almanza,

We have yet to hear from our client. It was my understanding after various conversations with other DO's at Otero and Mr. Acosta that by having a G-28 on file, we would have access to free confidential legal calls with our clients that would be coordinated by the individual's DO. Please schedule a call between our client and Mr. Dicker as soon as possible, as the issue is time sensitive. If you have any questions, you may contact me at 915-525-2650.

Thank you,

Estrella Cedillo
[Quoted text hidden]
[Quoted text hidden]



[Quoted text hidden]

Exhibit E Cedillo Decl.

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
To: Estrella Cedillo <estrella@santafedreamersproject.org>
Cc: Alan Dicker <alan@innovationlawlab.org>

Wed, Jul 8, 2020 at 11:53 AM

Good afternoon,

As I told Mr. Dicker your request for a call was forwarded and I would let him know when the call would be made. I have yet to receive notice if the phone call could be accommodated today. I will forward your request again.

Respectfully,

Lino F. Almanza
Deportation Officer | U.S. Department of Homeland Security
Immigration Enforcement and Removal Operations
26 McGregor Range Road
Chaparral, New Mexico 88081
Lino.F.Almanza@ICE.DHS.GOV
Office: (915) 834-4855
Cell: (915) 238-5759



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Exhibit E Cedillo Decl.

Alan Dicker <alan@innovationlawlab.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Wed, Jul 8, 2020 at 1:21 PM

Good afternoon Officer Almanza,

Just to update you: [REDACTED] I called me just now and used two free 10-minute calls from his barracks, which I'm not sure if this was prompted by your request or not. However, we were not able to get to everything we need to discuss and he was not comfortable speaking about some things on a non-confidential line. We certainly still need a confidential and not time-limited legal call so our client can make informed decisions about his case, which I believe will ultimately enable better communication with ICE.

Please do keep us advised of when we will be afforded a legal call with Mr. [REDACTED].

Thank you,

Alan Dicker
Summer Clerk
Innovation Law Lab
El Paso Immigration Collaborative
(915) 704-9819

[Quoted text hidden]

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
To: Alan Dicker <alan@innovationlawlab.org>
Cc: Estrella Cedillo <estrella@santafedreamersproject.org>

Wed, Jul 8, 2020 at 2:03 PM

Good afternoon,

At this time due to COVID-19 restrictions within the facility detainees are only allowed to use the phone in the dormitory for legal purposes. Exceptions are made as in his case where a facility to facility call was made to speak with his daughter. Also unlimited time on phone calls cannot be granted due to other phone call request. If your client needs to speak with you we can inform him to call you at a time of your choosing. If he needs more time he can be granted a one time free 30 minute phone call. You are also allowed to come to the facility and speak with your client in person.

In addition the G 28 provided does not contain a detainee signature to hold its validity. Please provide a signed G 28 at your earliest convenience to accommodate a 30 minute phone call to you.

[Quoted text hidden]

2 attachments



image002.gif
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[REDACTED] g28_EXECUTED.pdf
578K

Exhibit E Cedillo Decl.

Jonathan Rene Estrada
Immigration and Customs Enforcement
Enforcement and Removal Operations
 (A)SDDO
 Cell 915- 504-5029
 Office 915 834-4824
 26 McGregor Range Road
 Chaparral, NM 88081



From: Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
Sent: Wednesday, July 08, 2020 3:09 PM
To: Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>
Subject: FW: [REDACTED] M; G - 28 and Document Request

Sir,

Please see below.

[Quoted text hidden]

3 attachments



image001.gif
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 [REDACTED]_g28_EXECUTED.pdf
578K

 G28_Certificate_of_Execution_[REDACTED] (1).pdf

Exhibit E Cedillo Decl.

[Quoted text hidden]

Estrella Cedillo <estrella@santafedreamersproject.org> Fri, Jul 10, 2020 at 5:02 PM
To: "Estrada, Jonathan R" <Jonathan.R.Estrada@ice.dhs.gov>
Cc: "maxbrooks@las-americas.org" <maxbrooks@las-americas.org>, "Sanchez, Roberto" <Roberto.Sanchez@ice.dhs.gov>, "epic_otg@innovationlawlab.org" <epic_otg@innovationlawlab.org>, Alan Dicker <alan@innovationlawlab.org>, "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>

Good evening all,

Due to the current pandemic it is not practical for us to get a signed G-28 from our clients. USCIS and ICE at other detention centers around the country including, the El Paso ERO accept our G-28's without a signature. I have provided officers at Otero with documentation as to my client's consent to my representation on his behalf and it is not accepted. As an officer of the court, I did not misrepresent an attorney-client relationship where one does not exist.

Given ICE's statement on their website that: "Detainee access to legal representatives remains a paramount requirement and should be accommodated to the maximum extent practicable," I am sure there is simply a misunderstanding and ICE is not intentionally impeding access to counsel.

There is great urgency in this matter and I hope you will agree and we can quickly resolve a fair, effective mechanism that will provide for individuals to exercise their right to counsel without undue delay.

Sincerely,

Estrella Cedillo

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov> Fri, Jul 10, 2020 at 5:10 PM
To: Estrella Cedillo <estrella@santafedreamersproject.org>
Cc: "maxbrooks@las-americas.org" <maxbrooks@las-americas.org>, "Sanchez, Roberto" <Roberto.Sanchez@ice.dhs.gov>, "epic_otg@innovationlawlab.org" <epic_otg@innovationlawlab.org>, Alan Dicker <alan@innovationlawlab.org>, "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>

Goode evening all,

[REDACTED] was provided a 45 minute legal call today 7/10/2020 at 1030 am and was informed to contact you as requested. Name and telephone number was provided to [REDACTED]

Thank you all and have a good weekend,

Jonathan Rene Estrada

Immigration and Customs Enforcement

Enforcement and Removal Operations

(A)SDDO

Cell 915- 504-5029

Exhibit E Cedillo Decl.

Office 915 834-4824

26 McGregor Range Road

Chaparral, NM 88081



From: Estrella Cedillo <estrella@santafedreamersproject.org>
Sent: Friday, July 10, 2020 5:03 PM
To: Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>
Cc: maxbrooks@las-americas.org; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; epic_otg@innovationlawlab.org; Alan Dicker <alan@innovationlawlab.org>; Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
Subject: Re: FW: [REDACTED] G - 28 and Document Request

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact ICE SOC SPAM with questions or concerns.

Good evening all,

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



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[Quoted text hidden]



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Exhibit E Cedillo Decl.

El Paso, Texas 79923

Tel: (915) 525-2650

Pronouns: she/her/hers/ella

estrella@santafedreamersproject.org

www.santafedreamersproject.org



[Quoted text hidden]

Estrella Cedillo <estrella@santafedreamersproject.org> Fri, Jul 10, 2020 at 5:29 PM
To: "Estrada, Jonathan R" <Jonathan.R.Estrada@ice.dhs.gov>
Cc: "maxbrooks@las-americas.org" <maxbrooks@las-americas.org>, "Sanchez, Roberto" <Roberto.Sanchez@ice.dhs.gov>, "epic_otg@innovationlawlab.org" <epic_otg@innovationlawlab.org>, Alan Dicker <alan@innovationlawlab.org>, "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>

Officer Estrada,

Perhaps there was a glitch in the phone system? Mr. [REDACTED] did call me this morning but the call was cut off by the phone system after one minute.

[Quoted text hidden]
[Quoted text hidden]



[Quoted text hidden]



Estrella Cedillo <estrella@santafedreamersproject.org>

Urgent Request for [REDACTED]

4 messages

Estrella Cedillo <estrella@santafedreamersproject.org>

Tue, Jul 28, 2020 at 3:21 PM

To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>

Cc: Alan Dicker <alan@innovationlawlab.org>

Good afternoon Officer Almanza,

I represent [REDACTED], detained at Otero Processing Center. Please find the attached documents:

- 1. Urgent Request for Parole on Humanitarian Grounds in two parts
- 2. Executed G28

Thank you for your attention. Please feel free to contact me regarding this request.

Sincerely,

--

Estrella Cedillo
 Staff Attorney
 Santa Fe Dreamers Project - El Paso Office
 P.O. Box 3218
 El Paso, Texas 79923
 Tel: (915) 525-2650
 Pronouns: she/her/hers/ella
estrella@santafedreamersproject.org
www.santafedreamersproject.org



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3 attachments

[REDACTED] g28.pdf
849K

[REDACTED] Parole req:7.28.20_pt2.pdf
1717K

[REDACTED] Parole req_7.28.20.pdf
2889K

Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
To: Estrella Cedillo <estrella@santafedreamersproject.org>

Wed, Jul 29, 2020 at 10:24 AM
Exhibit E Cedillo Decl.

Cc: Alan Dicker <alan@innovationlawlab.org>

Good morning,

I spoke with my supervisor this morning about your request to have your client released on recognizance. Due to your client having a final order of removal and being part of a reunification case with his daughter he does not qualify for release. Guatemala is accepting the return of its citizens so your client and his daughter will be flown out together.

Respectfully,

Lino Almanza

From: Estrella Cedillo <estrella@santafedreamersproject.org>
Sent: Tuesday, July 28, 2020 3:21 PM
To: Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
Cc: Alan Dicker <alan@innovationlawlab.org>
Subject: Urgent Request for [REDACTED]

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Good afternoon Officer Almanza,

I represent [REDACTED], detained at Otero Processing Center. Please find the attached documents:

1. Urgent Request for Parole on Humanitarian Grounds in two parts
2. Executed G28

Thank you for your attention. Please feel free to contact me regarding this request.

Sincerely,

--

Estrella Cedillo
Staff Attorney

Exhibit E Cedillo Decl.

Santa Fe Dreamers Project - El Paso Office

P.O. Box 3218

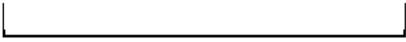
El Paso, Texas 79923

Tel: (915) 525-2650

Pronouns: she/her/hers/ella

estrella@santafedreamersproject.org

www.santafedreamersproject.org



[Quoted text hidden]

Estrella Cedillo <estrella@santafedreamersproject.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>

Thu, Jul 30, 2020 at 3:47 PM

Officer Almanza,

Do you happen to know how we can coordinate so that Mr. [REDACTED] and his daughter will be able to be reunited and flown back to Guatemala together?

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

Estrella Cedillo <estrella@santafedreamersproject.org>
To: "Almanza, Lino F" <Lino.F.Almanza@ice.dhs.gov>

Mon, Aug 3, 2020 at 2:20 PM

Officer Almanza,

I have been asked by Mr. [REDACTED] s daughter's attorney to inform you that she is represented by counsel and they will be seeking joint repatriation. If Mr. [REDACTED] has signed a parental reunification election form, please provide me with a copy of that signed document. If he has not, please have him sign one and provide me with a signed copy. Additionally, I request to have a call with Mr. [REDACTED] for tomorrow Tuesday 8/4 at 9:00 am.

Thank you in advance.

[Quoted text hidden]

Exhibit E Cedillo Decl.

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF ESTRELLA CEDILLO was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

DECLARATION OF MARÍA MARTÍNEZ SÁNCHEZ

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. I have been a licensed attorney in the state of New Mexico since 2008. I am currently a senior staff attorney at the ACLU of New Mexico (ACLU-NM). I have worked at ACLU-NM since 2014.
2. ACLU-NM is dedicated to preserving and advancing the civil rights and legal freedoms of guaranteed by the United States Constitution. My practice at ACLU-NM includes litigation and advocacy in the areas of immigrant rights, LGBT rights, prisoner/detainee rights, free speech rights, and Fourth Amendment protections, among others.
3. In my time at ACLU-NM, I have litigated several cases on behalf of prisoners and detainees, challenging unlawful conditions, unlawful confinement and First Amendment violations. Most recently, I have filed several habeas corpus petitions on behalf of immigrant detainees housed at the Otero County Processing Center.
4. I have firsthand knowledge about the deficient legal call system employed at OCPC.
5. In March 2020, we began to receive reports from legal services providers that they were unable to set up legal calls with their clients at OCPC. Several reputable immigration attorneys reported that while their clients were able to make phone calls out of the facility, those calls were often limited to five minutes, at which point the call automatically disconnected. ACLU-NM had some success scheduling legal calls with detained people at OCPC, but arranging each call involved tremendous effort, including reaching out to multiple Immigration and Customs Enforcement (ICE) officers. Moreover, we observed—and other immigration attorneys also reported—that people were not provided space to make confidential, private attorney-client calls. In some instances, detained individuals were forced to make legal phone calls from an ICE officer’s desk, with an ICE officer in earshot.
6. On March 31, 2020, I sent an email to ICE Assistant Field Office Director (AFOD) Wayne Cox and Warden Dora Orozco reporting these concerns. I asked them to clarify what steps an attorney needed to make to initiate a legal phone call at OCPC and how this procedure was being communicated to the legal community. *See Exhibit A.*

- 1
2 7. AFOD Cox responded that same day. He reported that detained individuals can
3 request a no-cost call through the Staff Detainee Communication system or in
4 writing. He wrote that “[t]he request is evaluated to ensure that the detained client
5 does not have a phone card/credit in his account.” I understood this to mean that if a
6 detainee had money in his account, he would be required to pay for the legal call. He
7 said that there were panels between the telephones located in the dorms and that a
8 detained client can make a request to use an office to make confidential calls. Finally,
9 he said that attorneys could reach out to the assigned deportation officer or any of the
10 supervisors at OCPC to schedule a legal call. He provided email addresses for three
11 supervisors. *See Exhibit A.*
- 12
13 8. ACLU-NM staff attempted to follow the procedure outlined by AFOD Cox to arrange
14 legal calls with our clients, but it never worked without tremendous effort and
15 multiple emails. As detailed in the declaration of ACLU-NM legal assistant Elsa
16 Goossen, to arrange just one phone call, staff were forced to send multiple emails and
17 make multiple calls over the course of eight business days, during which time that
18 one call was rescheduled five times before staff were able to speak with the client.
19 ICE limited the call to 45 minutes.
- 20
21 9. On April 7, 2020, I emailed AFOD Cox and Warden Orozco and reported in detail
22 about the difficulty ACLU-NM staff were having with the reported procedure for
23 arranging a legal call. I explained that with no designated point of contact for legal
24 calls, ACLU-NM staff and other attorneys continued to face substantial barriers in
25 getting calls scheduled. *See Exhibit A.*
- 26
27 10. On April 14, 2020, AFOD Cox sent an email in which he reported that Deputy Field
Office Director (DFOD) Juan Acosta had decided that ICE would “no longer set up
calls with detainees” at OCPC. AFOD Cox wrote “[t]his is for all calls not just
intake.” Instead, attorneys should request that ICE deliver messages to clients asking
them to call. He said “Talton, the phone provider, is already providing short free calls
for detainees on a limited basis.” *See Exhibit B.*
11. On April 15, 2020, I wrote a letter to DFOD Acosta objecting to ICE’s refusal to
arrange free, confidential legal calls at OCPC. I explained that this policy severely
restricted detained immigrants’ access to consistent, confidential, and effective
communication with their counsel and violated the law. I explained that the procedure
provided by OCPC was defective for the following reasons: (1) outgoing calls were
monitored; (2) the “short free calls” typically lasted only 3 to 5 minutes; (3) the

1 procedure did not account for the need to promptly schedule urgent legal calls; and
2 (4) in our experience, ICE would not reliably deliver messages to detained
3 individuals. *See* Exhibit C.

4 12. As explained in the declaration of our legal assistant, Elsa Goosen, ACLU-NM has
5 continued to attempt to schedule legal calls with our clients and potential clients and
6 has continued to face substantial obstacles to communicating with our clients at
7 OCPC.

8 13. As one example, we represented three immigrant detainees held at OCPC who suffer
9 from underlying medical conditions that put them at higher risk of serious illness or
10 death from COVID-19. On April 20, 2020, we have filed a federal lawsuit seeking
11 their release. We had so much difficulty scheduling calls with them that I was forced
12 to approach the Assistant United States Attorney assigned to the lawsuit for help in
13 scheduling calls. Only with her help were we reliably able to schedule necessary legal
14 calls with our clients at OCPC.

15 I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this
16 18th day of August 2020 in Albuquerque, New Mexico.

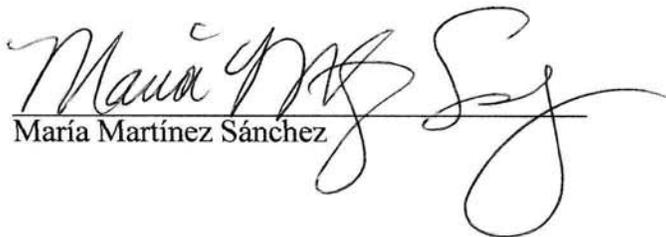
17 
18 María Martínez Sánchez

EXHIBIT A

From: Maria Sanchez <msanchez@aclu-nm.org>
Sent: Tuesday, April 7, 2020 10:16 PM
To: Cox, Wayne D <wayne.d.cox@ice.dhs.gov>; dora.orozco@mtctrains.com
<dora.orozco@mtctrains.com>
Cc: Elsa Goossen <egoossen@aclu-nm.org>; Joachim Marjon <jmarjon@aclu-nm.org>; Leon Howard
<lhoward@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>
Subject: Re: Concerns with detainee access to legal calls

AFOD Cox and Warden Orozco,

Last week I reached out to you about concerns we at the ACLU-NM had regarding the difficulties attorneys are facing in arranging legal calls with detainees at OCPC. You indicated that there were no barriers to arranging such calls and that attorneys should simply follow the process laid out in your e-mail to set them up. Contrary to your assurances, our legal staff have continued to face significant hurdles in their attempts to arrange these calls. As I stated in my previous e-mail, this is unacceptable. Now, more than ever, it is imperative that detainees maintain contact with their attorneys. Below is a synopsis of the difficulties our staff has encountered over the last week in their attempts to arrange merely one phone call with a detainee:

-On 3/26, ACLU legal staff attempted to schedule a call for 3/30 with a detainee. They were informed that DO Almanza would assist them but were given no phone contact info for him. Thirty minutes before the scheduled call, DO Almanza told them that our client's immigration attorney had booked an appointment slot at the same time. Had they known this earlier, they would have been happy to work around the timing conflict.

-On 4/3, ACLU legal staff attempted to reschedule the call for 4/6 at 10am. They received no response and wrote again the morning of their requested call. Again, they received no response.

-After the fact, our staff received a reply that OCPC could facilitate a call at 1pm. We agreed, however, at 1:00 no one called. At that point, we attempted to reach out the facility but could get no one on the phone.

-That afternoon, our staff sent another email and received a reply that Otero could facilitate the call the next morning at 9am. Again, we agreed.

-At 9:00 am the next morning we, again, received no call from the facility.

-Ultimately, our staff called multiple officers and were finally able to secure a call for later in the day, with the caveat that the call could only last 45 minutes.

With no designated point of contact for legal calls, we and other attorneys continue to face substantial barriers in getting them scheduled, with timing conflicts, unresponsiveness, and lack of communication / miscommunications among the officers scheduling and facilitating the calls. Further, putting 45 minute time limits on the calls is unacceptable. This cannot go on like this. It appears there is a lapse in communication and that ICE/MTC staff are not aware of the policy that you outlined in your e-mail last week. Please let me know how you intend to address this situation. If you would like, I would be happy to arrange a call with you and our staff members who have been trying to arrange these calls so that you can hear directly from them.

Sincerely,
Maria Sanchez

María Martínez Sánchez

Senior Staff Attorney | ACLU of New Mexico

(505) 266-5915 ext. 1004

www.aclu-nm.org



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From: Maria Sanchez

Sent: Thursday, April 2, 2020 4:47 PM

To: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; dora.orozco@mtctrains.com
<dora.orozco@mtctrains.com>

Subject: RE: Concerns with detainee access to legal calls

Assistant Field Director Cox,

Thank you for your prompt response to my e-mail and for the clarification on the policy. I have forwarded this message to several attorneys who have recently faced significant obstacles scheduling calls with their clients at OCPC. I have asked them to let me know if the process outlined below does not work so that we can continue to work with you and Warden Orozco to address the issue.

Thank you. And take care and be safe.

Maria

María Martínez Sánchez

Senior Staff Attorney | ACLU of New Mexico

(505) 266-5915 ext. 1004

www.aclu-nm.org



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From: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>

Sent: Tuesday, March 31, 2020 12:01 PM

To: Maria Sanchez <msanchez@aclu-nm.org>; dora.orozco@mtctrains.com

Subject: RE: Concerns with detainee access to legal calls

Ms. Sanchez,

OCPC has never denied a detainee a legal phone call. At times, we have had to reschedule a call due to conflicts with other legal calls. We are willing to work with you and your office to make sure that you are able to speak with your clients.

In general this is the procedure:

From 8 am to 10 pm, a detained client is permitted to make calls from the dorms. If a detained client makes a request for a no-cost call, he request it through the Staff Detainee Communication system or in writing. The request is evaluated to ensure that the detained client does not have a phone card/credit in his account. The ICE ERO El Paso Field Office meets with the American Immigration Lawyers Association (AILA), both the New Mexico and Texas chapters, once or twice a year. In 2020, we met with the NM AILA chapter on February 6, 2020 in Albuquerque, NM and we met with the TX AILA chapter on March 6, 2020 in El Paso, TX. As part of those meetings, we provide them with a updated ICE ERO El Paso Field Office contact list so that they have the direct phone numbers and email addresses to the Deportation Officers handling their client's case, to the Supervisor of that Deportation Officer in case they are having trouble getting a hold of them or getting a response to their question(s) and the same information for the Assistant Field Office Director who supervises that particular program/office. We have always encouraged attorneys to reach out to the Supervisor if the Deportation Officer handling their client's case is not responsive or if there are concerns, such as their client is unable to call them back.

Per the Performance-Based National Detention Standards, 2011, the telephones located within the dorms at both the El Paso Processing Center and the Otero County Processing Center have privacy panels that extend at least 18 inches to prevent conversations from being audible. Detained clients are also permitted to use tablets, located within the dorms, to make calls to their legal representatives and a detained client can make a request to use an office to make a confidential call to their attorney. This request would be made to ICE through the Staff Detainee Communication system or in writing. In addition, an attorney could reach out to the Deportation officer or any of the Supervisor's at Otero to make the proper arrangements.

John.Veloz@ice.dhs.gov

Roberto.Sanchez@ice.dhs.gov

Wayne.D.Cox@ice.dhs.gov

If we setup a confidential call in a office, there is no hard time limit. But at this time, we do have a large number of attorneys requesting confidential calls, and we are limited on office space and phones available. We might limit the call based on scheduling issues.

Let me know if you have any other questions.

Thanks,

Wayne Cox

Assistant Field Office Director

ERO Otero Processing Center

915-834-4802

915-892-0500

From: Maria Sanchez <msanchez@aclu-nm.org>

Sent: Tuesday, March 31, 2020 10:58 AM

To: dora.orozco@mtctrains.com; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>

Subject: Concerns with detainee access to legal calls

Importance: High

Warden Orozco and Assistant Field Office Director Cox,

Good morning. I hope you are both doing well during these perilous times.

I write today to express concerns and request clarification regarding OCPC's policy regarding detainee access to legal phone calls. It has come to our attention that certain legal service providers are unable to set up legal phone calls with their clients at OCPC. Under any circumstances this would be unacceptable. However, given the current health pandemic and the limitations it has placed on legal service providers' abilities to see their clients in person along with the critical need for detainees to be able to maintain contact with their legal representatives, such denial of access to legal calls is intolerable.

We have received word from several reputable immigration attorneys that they are being barred from calling in to OCPC to schedule legal calls with their clients. And while their clients are able to make phone calls out of the facility, those calls are often limited to five minutes, at which point the phone automatically disconnects. This is an insufficient amount of time to have a productive attorney-client conversation and, more importantly, violates the section regarding "Legal Calls" under the PBNDS 5.6, which requires that such calls be no shorter than 20 minutes.

Another significant problem we and other attorneys have witnessed is insufficient space for confidential/privileged attorney-client calls. In some instances, detainees are forced to make legal phone calls from an ICE officer's desk, with the ICE officer in earshot. This is yet another violation of the PBNDS 5.6 which mandates that immigration detention centers provide "a reasonable number of telephones on which detainees can make [legal] calls without being overheard by staff or other detainees." If space is an issue, I am wondering if the attorney booths where detainees conduct in-person meetings with their attorneys can also be used as spaces where privileged attorney-client calls can be made. I know that at least one of those booths is already equipped with a phone and if the others are not, it would not be a stretch to get that done in order to comply with the Performance Based National Detention Standards.

While we at the ACLU have had some success setting up phone calls with detainees at OCPC, each time we endeavor to do so it has been an uphill battle that takes way more time than is called for. In contrast, when requesting the same types of calls with detainees at the Cibola County Correctional Center and the Torrance County Detention Facility, the process has been much smoother and simpler. Additionally, there are several other detention centers, including the West Texas Detention Center, the Wynn Detention Center and the Folkston Detention Center (all immigrant detention centers) where setting up free, confidential attorney-client phone calls has been relatively simple for attorneys. We are perplexed as to why OPCC, specifically, has made setting up such calls so incredibly difficult, especially in a time of such

great need.

As a first step, it would be incredibly helpful for us and other attorneys to know what, exactly, the OCPC legal call policy is and how it is implemented. Some of the questions we would like answered include:

- What are the steps an attorney needs to take to initiate a legal phone call at your facility?
- What are the time limits on legal calls?
- Who can an attorney reach out to if he/she is unsuccessful at scheduling a call?
- How is this information disseminated to the legal community?

Answers to these questions will help us to understand your policy and might even address our concerns. But, at this point, the policy is unclear. We are hopeful that we can address this issue with you promptly given the dire need for continuity in attorney-client communications for individuals in immigration custody. I would be happy to speak with you over the phone regarding these issues. Please feel free to contact me at (505) 480-5688.

Sincerely

Maria Martinez Sanchez

María Martínez Sánchez
Senior Staff Attorney | ACLU of New Mexico
(505) 266-5915 ext. 1004
www.aclu-nm.org

ACLU

New Mexico

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EXHIBIT B

From: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>
Sent: Tuesday, April 14, 2020 1:40 PM
To: Maria Sanchez <msanchez@aclu-nm.org>
Subject: Phone calls

Ms. Sanchez,

I just wanted to let you know that DFOD Juan Acosta has decided to stick to the standard (2011 PBNDS) on phone calls. We will no longer set up calls with detainees. This is for all calls not just intake. Your office can send a request to speak with a detainee, and ICE will pass the information to the detainee. The detainee will have the option to return the call if he desires. If the detainee does not have the funds for a call, he can request a free legal call through ICE. Talton, the phone provider, is already providing short free calls for detainees on a limited basis.

Wayne Cox
Assistant Field Office Director
ERO Otero Processing Center
915-834-4802
915-892-0500

EXHIBIT C



April 15, 2020

Via email to:

Juan Acosta
Deputy Field Office Director
El Paso Field Office
U.S. Immigration and Customs Enforcement
Juan.L.Acosta@ice.dhs.gov

Re: OCPC Legal Call Access

Dear Deputy Field Office Director Acosta,

We are in receipt of Assistant Field Office Director Cox's e-mail in response to the ACLU-NM's recent requests to schedule phone calls with detainees in the Otero County Processing Center ("OCPC"). In his response, Mr. Cox informs us that you have decided that OCPC "will no longer set up calls with detainees." This decision includes "all calls not just intake." Instead, attorneys are instructed to "send a request to speak with a detainee" which, supposedly, will be passed on to the detainee who "will have the option to return the call if he desires." (I am attaching Mr. Cox's e-mail here for ease of reference.)

This policy severely restricts detained immigrants' access to consistent, confidential, and effective communication with their counsel and violates the law. The Due Process Clause of the Fifth Amendment as well as the Immigration and Nationality Act ("INA") guarantees the rights of immigrants to be represented by counsel of their choice. This due process right includes the right to effective assistance of counsel. These guarantees are meaningless if the facilities in which people are detained deprive them of access to that counsel. Telephonic access to counsel is imperative, especially given the current health pandemic and the requirements of social distancing.

The protocol you have put forth for establishing a legal call fails to meet the requirements of the Fifth Amendment. First, outgoing calls by detainees are monitored and are, thus, not privileged. This is unacceptable as those calls must be unmonitored to ensure that attorney-client privilege is protected. Second, in our experience, the "short free calls" (referenced in AFOD Cox's e-mail) that are being offered by Talton, the phone provider at OCPC, only last around 3-5 minutes. This is wholly inadequate and comes nowhere near the amount of time an attorney needs to effectively represent his/her client. Third, there are myriad situations where scheduling a legal call is urgent and cannot wait for the process laid out in your policy whereby an attorney must call in and make a request, wait for the deportation officer to relay that request, and then wait for the detainee to actually make the call, if he is even able to do so. Such a process is unduly burdensome and could easily lead to detrimental effects on the legal representation of a detainee.

Finally, we have no faith that our requests to speak with a detainee would ever even get to that individual. For more than a year we have faced considerable obstacles when attempting to schedule calls with individuals in OCPC. Oftentimes, our requests go unanswered, we are transferred from one deportation officer to the next without our requests ever being fulfilled, and are even met with hostility when attempting to schedule calls.

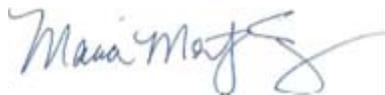
Beyond constitutional and statutory violations, the new policy violates the PBNDS standards themselves – standards upon which you, yourself, purport to base the policy. The standards require that detainees and their counsel be able to effectively communicate with each other, that privacy be ensured for legal calls, that calls be free of charge (regardless of ability to pay) and that “telephone access procedures...foster legal access and confidential communications with attorneys.” *See* PBNDS 2011, 5.6 Telephone Access. The policy you have recently articulated fulfills none of these mandates.

In addition to the rights of detainees, the First Amendment also protects the rights of attorneys to speak with those who may need their legal assistance or have retained their legal services. The current policy prevents attorneys from providing their clients with legal advice over the phone and, thus, violates attorneys’ free speech rights.

In sum, the new policy you have established violates the rights of detainees housed at OCPC under the Fifth Amendment, the INA and the PBNDS. It also violates the First Amendment rights of the attorneys who are attempting to speak with them. The policy is subject to legal challenges. I am attaching a copy of a recent federal court order in which a district court judge granted a temporary restraining order against ICE officials at the Adelanto ICE Processing Center (Adelanto) based on that facility’s improper legal call policy. The policy at Adelanto bears striking resemblance to that of OCPC.

We are hopeful that we can work with ICE to come to an agreement on a legal call policy that protects the rights of detainees at OCPC without having to resort to costly and burdensome litigation. Please contact me at the phone number or e-mail address below as soon as possible to discuss.

Sincerely,



Maria Martinez Sanchez
Senior Staff Attorney
ACLU of New Mexico
505-480-5688
msanchez@aclu-nm.org

CC:

Corey Price
Field Office Director
El Paso Field Office
U.S. Immigration and Customs Enforcement
Corey.A.Price@ice.dhs.gov

Wayne Cox
Assistant Field Office Director
El Paso Field Office
U.S. Immigration and Customs Enforcement
Wayne.D.Cox@ice.dhs.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF MARIA MARTINEZ SANCHEZ was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

DECLARATION OF MAX BROOKS

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. I am an attorney licensed to practice in Maine and Massachusetts. I am a staff attorney at Las Americas Immigrant Advocacy Century (Las Americas) and a legal fellow with the El Paso Immigration Collaborative (EPIC). In that capacity I represent individuals detained at Otero County Processing Center (Otero) and, in particular, people in expedited removal and reinstatement of removal proceedings. I also supervise legal interns, volunteers, summer law clerks, and legal assistants who help in the representation of individuals detained at Otero.
2. In order to arrange legal calls at Otero, we email Immigration and Customs Enforcement (ICE) deportation officers with the detained individual's name, alien registration number, and the date and time we would like to schedule for a call. If we have not confirmed the attorney-client relationship, we will attach a Notice of Entry of Appearance as Attorney, Form G-28, with my signature only. If we have confirmed the attorney client-relationship but have not been able to get an original wet signature for the client (which is often the case), we will do a proxy signature for the client on the G-28. If we have been able to obtain a wet signature, we will attach the signed G-28.
3. It is extremely difficult to speak with people detained at Otero. When trying to reach clients we confront the following problems:
 - a. ICE does not reliably or promptly respond to our requests to arrange telephone calls to our clients. As a result, despite emails and phone calls to ICE officers, ICE does not reliably convey messages to our clients or arrange for phone calls at the time requested.
 - b. Because we cannot rely on ICE to facilitate legal calls on the time and date requested, this limits the volunteers and staff who can work with individuals detained at Otero. We generally cannot use part-time volunteers to take calls from Otero, because they cannot be available at all hours in order to be sure to reach the client or potential client.
 - c. With very few exceptions, ICE does not provide for free legal calls. Therefore, our clients must generally use up their allotted ten-minute free calls trying to contact us. This means that legal calls are too short and/or interrupted every ten minutes. It also means that our clients cannot use their allotted free calls to contact family or anyone else in the outside world. Or clients must contact us with their paid accounts
 - d. ICE does not reliably provide a location for private legal calls or ensure that phone calls are not on a recorded line.

- 1 e. ICE has at times demanded an original Form G-28 signed by the detained
2 individual in order to schedule legal calls. However, before we can agree to
3 represent someone we generally need to conduct a legal intake over the phone.
4 In addition, even where we have formed an attorney-client relationship, given
5 time constraints and limits on in-person visitation, we are sometimes unable to
6 obtain a signed G-28 before an urgent call is necessary.
- 7

8 4. Problems and delays in communicating with detained clients are particularly problematic
9 when representing individuals facing expedited removal or in the reasonable fear phase of
10 reinstatement of removal proceedings—processes that are typically resolved in a matter
11 of days or weeks.
- 12 5. I have attempted to resolve these problems by talking to ICE leadership at Otero. On July
13 1, 2020, I spoke with Supervisory Detention and Deportation Officer (SDDO) Roberto
14 Sanchez to ask how we could maximize our chances of setting up intakes with people
15 who have received out for possible representation. He requested that we send an email
16 the same day we hoped to schedule a call and to include a G-28, even if it not signed by
17 the individual with whom we are trying to speak. We have followed these
18 recommendations and they have not resolved the problems with phone access at Otero. In
19 fact, despite Officer Sanchez’s recommendation, other ICE officers have told us that a
20 signed G-28 is necessary to arrange a legal call.
- 21 6. I provide the following examples to illustrate the problems with communicating with
22 clients at Otero.
- 23 7. In June 2020, we received a referral from a partner organization for a Cuban asylum
24 seeker needing legal representation for a request for reconsideration or re-interview
25 (RFR) to the Asylum Office of a negative credible fear finding. Between June 22, 2020
26 and August 4, 2020, we struggled to maintain contact with this client because of the
27 telephone access problems at Otero. Our case records note that we attempted to contact
our client nine times during that period. On four of those occasions, ICE failed to arrange
for requested calls. At one point, an ICE officer reported that he would not arrange for a
free, confidential legal call because we had not provided an original signed G-28. An
EPIC legal assistant explained that to protect our own health, and the health of the people
at Otero, we are severely restricting our in-person visits which makes obtaining an
original, signed G-28 very difficult. The ICE officer also suggested that our client could
make a free call using the platform provided by Talton, but we understand that this call
would be on a recorded line. Talton is the phone service provider for detained individuals
making calls without ICE facilitation. In one instance, our client was able to make a
telephone call without ICE facilitation, but this call was not confidential and was cut off
every ten minutes. As a result, we had to spend significantly more staff time preparing
this RFR than for individuals detained in other ICE facilities. We also were forced to
conduct legal calls without confidentiality. Relevant emails are in Exhibit A.
8. On July 21, 2020, we learned that a potential client in reinstatement of removal
proceedings had failed his reasonable fear interview and received a copy of his fear
decision documents from his Deportation Officer. Because his removal was imminent,
we quickly analyzed the records provided and, by the next day, decided to offer

1 representation in the individual's Immigration Judge negative reasonable fear review
2 hearing, and, if necessary, a subsequent RFR to the Asylum Office.

- 3 a. On July 22, an EPIC summer law clerk conducted an intake interview which had
4 to be conducted over four short calls, because the first three calls were free ten-
5 minute calls that automatically cut off. Our client paid for the fourth call, which
6 cut off before the intake could be completed. This made it difficult to maintain a
7 conversation, caused confusion, and impeded our law clerk's ability to ask the
8 client a full range of questions that would have strengthened his declaration.
- 9 b. On July 23, we submitted a request for another call with ICE, but received no
10 confirmation and the call did not come through. The law clerk was forced to
11 begin drafting a declaration to support Immigration Judge review filings and RFR
12 without all the necessary information.
- 13 c. On Friday, July 24, I made an urgent request to ICE for a call, noting that
14 Immigration Judge review was scheduled for Monday, July 27. ICE arranged for
15 a call, but Las Americas was forced to pay for a two-hour call. During that call,
16 our law clerk completed the intake and read over most of the draft declaration.
17 The law clerk was unable to finish the declaration or ask follow-up questions.
- 18 d. On July 25, our client called our intern again. Our intern was able to complete the
19 declaration. The law clerk was not able to ask some questions which may have
20 strengthened the declaration before the call had to end.
- 21 e. Over the weekend the law clerk finalized the best version of the declaration we
22 were able to produce given the substantial constraints we were working under. We
23 submitted to the immigration judge on July 27. The immigration judge affirmed
24 the Asylum Office's negative reasonable fear decision, based in part on the
25 declaration that we were forced to complete with inadequate phone access to our
26 client.
- 27 f. On July 29, our client called our intern to finalize a revised declaration for the
RFR, which we submitted on July 30.
- g. On July 31, the Asylum Office denied the client's RFR. Our intern made a
request to ICE to arrange a call with our client, but ICE did not arrange the call.
- h. On August 3, the client called me, and I told him the news.
- i. All of the calls with this client came from a phone in the barracks. Our client did
not have privacy and our intern could hear detainees around him.
- j. These problems communicating with our client inhibited our ability to represent
him. They also left us with less time to prepare our legal arguments. These
problems may have contributed to our lack of success before the IJ and with the
RFR. Relevant emails are in Exhibit B.

9. A Las Americas legal intern whom I supervise had the following problems
communicating with different clients at Otero between June 3, 2020 and July 31, 2020:

- 24 a. On June 3, 2020, she had to complete a legal phone call in a series of ten-minute
25 calls because a client could not afford to pay for the phone call and ICE did not
26 provide a free legal call.
- 27 b. On June 8, 2020, she received a legal call that she had scheduled for the previous
day and had to complete the call in a series of ten-minute calls.
- c. On June 11, 2020, she never received a call that she had scheduled through ICE.

- d. On June 15, 2020, she never received a call that she had scheduled through ICE. She contacted the client's non-detained family members because she was not able to contact the client.
- e. On June 23, 2020, she did not receive a call that she had scheduled through ICE. She was able to reschedule the call for June 26, 2020, but she was forced to complete the call in a series of ten minute calls.
- f. On June 24, 2020, she was forced to conduct a call with a client through a series of ten-minute calls.
- g. On June 30, 2020, she never received a call that she had scheduled through ICE. She attempted to reschedule for July 1, 2020 and did not receive a call.
- h. On July 16, 2020, she was forced to conduct a call with a client through a series of ten-minute calls.
- i. On July 29, 2020, she never received a call that she had scheduled through ICE.
- j. On July 30, 2020, she received a scheduled call one hour and forty minutes late.
- k. On July 31, 2020, she received a scheduled call one hour late and had to complete the call in a series of ten-minute calls.

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of August 2020 in El Paso, Texas.



Max Brooks

EXHIBIT A

8/5/2020

Las Americas Immigrant Advocacy Center Mail - FREE LEGAL CALL: [REDACTED]

at 1:00 PM, Tues. 06/23/2020



Max Brooks <maxbrooks@las-americas.org>

**FREE LEGAL CALL: [REDACTED] at 1:00 PM, Tues.
06/23/2020**

Brianna Callahan <briannacallahan@gwmail.gwu.edu>

Mon, Jun 22, 2020 at 12:55 PM

To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov

Cc: Max Brooks <maxbrooks@las-americas.org>, epic_otg <epic_otg@innovationlawlab.org>

Good afternoon Officers:

I would like to schedule [REDACTED] for a legal intake at the time and to the phone number listed below. I, Brianna Callahan, am an intern working under the supervision of attorney Max Brooks of Las Americas Immigrant Advocacy Center and the El Paso Immigration Collaborative (EPIC), who is cc'd on this email.

This is part of EPIC's intake program and our first time providing legal consultation to this individual. We request that the potential client be situated in an area where he can proceed with a free confidential legal call. Be advised that this call has the potential of lasting between 30 minutes and 1 hour.

Date: June 23, 2020 at 1:00 PM MST

Detained Individual: [REDACTED]

Phone Number (1): (804) 690-5154

If instead, you would like me to call in, please respond to this email with the appropriate phone number. If the call is unable to proceed at the requested time, please provide notice so that I can reschedule. Please confirm receipt of this email.

Attached find a G-28 for Max Brooks.

--

Sincerely,

Brianna Callahan

Deportation Defense Intern

Las Americas Immigrant Advocacy Center

1500 E. Yandell Dr., El Paso, TX 79902

Tel: (915) 544-5126

Fax: (915) 544-4041

briannacallahan@gwu.edu

www.las-americas.org

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 [REDACTED]-28 [REDACTED] (:s: Max Brooks).pdf
734K

8/5/2020

Las Americas Immigrant Advocacy Center Mail - FREE LEGAL CALL: [REDACTED]

at 1:00 PM, Tues. 06/23/2020



Max Brooks <maxbrooks@las-americas.org>

FREE LEGAL CALL: [REDACTED] at 1:00 PM, Tues. 06/23/2020

Brianna Callahan <briannacallahan@gwmail.gwu.edu> Wed, Jun 24, 2020 at 11:58 AM
To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Wayne.D.Cox@ice.dhs.gov, Raul.R.Carrasco@ice.dhs.gov
Cc: Max Brooks <maxbrooks@las-americas.org>, epic_otg <epic_otg@innovationlawlab.org>

Good afternoon Officers,

I never received this call yesterday at the scheduled time of 1PM. Please reschedule the detained individual for a call with me for Friday, 06/26/2020.

Date: June 26, 2020 at 2:30 PM MST

Detained Individual: [REDACTED]

Phone Number (1): (804) 690-5154

If instead, you would like me to call in, please respond to this email with the appropriate phone number. If the call is unable to proceed at the requested time, please provide notice so that I can reschedule. Please confirm receipt of this email.

Please reference the G-28 included in the previous email on this chain. Thank you.

On Mon, Jun 22, 2020 at 12:55 PM Brianna Callahan <briannacallahan@gwmail.gwu.edu> wrote:

Good afternoon Officers:

I would like to schedule [REDACTED] for a legal intake at the time and to the phone number listed below. I, Brianna Callahan, am an intern working under the supervision of attorney Max Brooks of Las Americas Immigrant Advocacy Center and the El Paso Immigration Collaborative (EPIC), who is cc'd on this email.

This is part of EPIC's intake program and our first time providing legal consultation to this individual. We request that the potential client be situated in an area where he can proceed with a free confidential legal call. Be advised that this call has the potential of lasting between 30 minutes and 1 hour.

Date: June 23, 2020 at 1:00 PM MST

Detained Individual: [REDACTED]

Phone Number (1): (804) 690-5154

If instead, you would like me to call in, please respond to this email with the appropriate phone number. If the call is unable to proceed at the requested time, please provide notice so that I can reschedule. Please confirm receipt of this email.

Attached find a G-28 for Max Brooks.

--
Sincerely,
Brianna Callahan
Deportation Defense Intern
Las Americas Immigrant Advocacy Center
1500 E. Yandell Dr., El Paso, TX 79902
Tel: (915) 544-5126
Fax: (915) 544-4041
briannacallahan@gwu.edu

8/5/2020

Las Americas Immigrant Advocacy Center Mail - FREE LEGAL CALL: [REDACTED]

at 1:00 PM, Tues. 06/23/2020

www.las-americas.org

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--

Brianna Callahan

Latin American and Hemispheric Studies

The George Washington University, Class of 2021

briannacallahan@gwu.edu

Tel: (804) 690-5154

G20956905

8/5/2020

Las Americas Immigrant Advocacy Center Mail - Fwd: Request for Legal Call



Max Brooks <maxbrooks@las-americas.org>

Fwd: Request for Legal Call

4 messages

Nora Gonzalez <nora@santafedreamersproject.org>
To: maxbrooks@las-americas.org

Mon, Jul 6, 2020 at 2:59 PM

----- Forwarded message -----

From: **Nora Gonzalez** <nora@santafedreamersproject.org>
Date: Mon, Jul 6, 2020 at 11:58 AM
Subject: Request for Legal Call
To: Sanchez, Roberto <roberto.sanchez@ice.dhs.gov>, <john.veloz@ice.dhs.gov>, <jonathan.r.estrada@ice.dhs.gov>

Good afternoon Officer Sanchez,

My name is Nora Gonzalez and I am a legal assistant for Santa Fe Dreamers Project. I am writing to schedule the following individual for a free and confidential legal call. Please have him call me today, 7/6/2020 at 2:30 PM:

Please call me at (915)519-4912. If you would rather we call you, please let me know which number to call. I have attached a g-28 signed by my supervisor Max Brooks.

Thank you,

--
Nora González
Legal Assistant
Santa Fe Dreamers Project - El Paso Office
[1401 E. Yandell Drive](#)
(915)867-8147

--
Nora González
Legal Assistant
Santa Fe Dreamers Project - El Paso Office
[1401 E. Yandell Drive](#)
(915)867-8147

 **G28** [redacted].pdf
578K

Nora Gonzalez <nora@santafedreamersproject.org>
To: maxbrooks@las-americas.org

Mon, Jul 6, 2020 at 3:26 PM

----- Forwarded message -----

From: **Estrada, Jonathan R** <Jonathan.R.Estrada@ice.dhs.gov>

8/5/2020

Las Americas Immigrant Advocacy Center Mail - Fwd: Request for Legal Call

Date: Mon, Jul 6, 2020 at 3:12 PM
Subject: RE: Request for Legal Call
To: Nora Gonzalez <nora@santafedreamersproject.org>
Cc: Veloz, John <John.Veloz@ice.dhs.gov>

Good afternoon ma am,

Your client was informed to contact you at the time requested.

The G 28 submitted did not have a detainee signature which does not validate representation. Please submit a G 28 with your clients signature to coordinate this phone call.

Your client also has access to a telephone in the dormitory where he can reach you through out the day. In addition, Talton also offers free phone calls on Wednesday of every week.

Do not hesitate to contact me with any questions you may have. You can reach me at 915 834 4824

Thank you,

Jonathan Rene Estrada

Immigration and Customs Enforcement

Enforcement and Removal Operations

(A)SDDO

Cell 915- 504-5029

Office 915 834-4824

26 McGregor Range Road

Chaparral, NM 88081



From: Nora Gonzalez <nora@santafedreamersproject.org>
Sent: Monday, July 06, 2020 2:54 PM
To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Veloz, John <John.Veloz@ice.dhs.gov>; Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>
Subject: Re: Request for Legal Call

8/5/2020

Las Americas Immigrant Advocacy Center Mail - Fwd: Request for Legal Call

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact [ICE SOC SPAM](#) with questions or concerns.

Hello,

I had requested a call with [REDACTED] for today at 2:30 pm but I have not received it. Please let me know if I'll be able to talk to him today. Thank you.

[Quoted text hidden]

[Quoted text hidden]

Nora Gonzalez <nora@santafedreamersproject.org>

Mon, Jul 6, 2020 at 4:32 PM

To: "Estrada, Jonathan R" <Jonathan.R.Estrada@ice.dhs.gov>, maxbrooks@las-amicas.org

Good afternoon Officer Estrada,

Thank you for informing him about my call request. My supervisor Max Brooks talked to Officer Roberto Sanchez on July 1st about phone accessibility issues we've been experiencing while trying to contact our clients at Otero. On that call Officer Sanchez gave Mr. Brooks some helpful practice tips regarding our best chances of talking to our clients when requesting a phone call, and one of them included attaching a g-28 even if the client has not signed it. He let us know that we can attach a g-28 without a client's signature just to give you all confirmation that we are not a family member or spouse. While I understand your concern, it's not feasible to require a signed g-28 while we are not visiting our client's in person due to the pandemic. We have not been visiting our clients to keep all detained folks, Otero staff, and ourselves safe in order to prevent the spread of the virus. It's also important to recognize that we are requesting confidential phone calls, so having our client call us from a recorded Talton line is not in our client's best interest.

Thank you and have a great evening.

[Quoted text hidden]

Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>

Mon, Jul 6, 2020 at 4:34 PM

To: Nora Gonzalez <nora@santafedreamersproject.org>, "maxbrooks@las-amicas.org" <maxbrooks@las-amicas.org>

Hello all,

Good evening, you can reach me at 915 834 4824 with any questions or concerns.

[Quoted text hidden]

8/5/2020

Las Americas Immigrant Advocacy Center Mail - FREE LEGAL CALL: [REDACTED]

tomorrow, Wed. 08/05 at 2:30 PM MST



Max Brooks <maxbrooks@las-americas.org>

FREE LEGAL CALL: [REDACTED] tomorrow, Wed. 08/05 at 2:30 PM MST

3 messages

Brianna Callahan <briannacallahan@gwmail.gwu.edu> Tue, Aug 4, 2020 at 3:18 PM
To: Roberto.Sanchez@ice.dhs.gov, John.Veloz@ice.dhs.gov, Jonathan.R.Estrada@ice.dhs.gov
Cc: Max Brooks <maxbrooks@las-americas.org>, epic_otg <epic_otg@innovationlawlab.org>

Good afternoon Officers Sanchez, Veloz, and Estrada:

I would like to schedule a free legal call with [REDACTED] at the time and to the phone number listed below. My supervisor and Alejandro's attorney, Max Brooks, will be conducting the call.

Please find attached the signed G-28 for Max Brooks.

Date: August 5, 2020 at 2:30 PM MST

Detained Individual: [REDACTED]

Phone Number (1): (617) 971-7321

The call will contain confidential information so please be sure that [REDACTED] is situated in an area where he can conduct a free confidential legal call. Be advised that these calls have the potential of lasting up to an hour. If you prefer that Mr. Brooks calls in please respond to this email with the appropriate contact information.

Thank you for your continued support in this matter.

Sincerely,
Brianna Callahan
Deportation Defense Intern
Las Americas Immigrant Advocacy Center
1500 E. Yandell Dr., El Paso, TX 79902
Tel: (915) 544-5126
Fax: (915) 544-4041
briannacallahan@gwu.edu
www.las-americas.org

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G28_[REDACTED].signed.pdf
1486K

Max Brooks <maxbrooks@las-americas.org> Wed, Aug 5, 2020 at 2:40 PM
To: Brianna Callahan <briannacallahan@gwmail.gwu.edu>
Cc: "Sanchez, Roberto" <Roberto.Sanchez@ice.dhs.gov>, "Veloz, John" <John.Veloz@ice.dhs.gov>, "Estrada, Jonathan R" <Jonathan.R.Estrada@ice.dhs.gov>, epic_otg <epic_otg@innovationlawlab.org>

Officers:

It's 2:39 p.m. and I have not yet received this call. I am [REDACTED]'s lawyer, you have a fully executed G-28 for him, and we made this request well in advance. Please put this call through. You can contact me at 617-971-7321. I have another call from 3 to 3:30, but I could take the call after. I need to speak to [REDACTED] today.

8/5/2020

Las Americas Immigrant Advocacy Center Mail - FREE LEGAL CALL: [REDACTED]

tomorrow, Wed. 08/05 at 2:30 PM MST

Sincerely,

Max

[Quoted text hidden]

--

Max Brooks

He/Him/His/Él

Staff Attorney (HIAS/EPIC Border Fellow)

Las Americas Immigrant Advocacy Center

1500 E. Yandell Dr., El Paso, TX 79902

Tel (Work-From-Home): (617) 971-7321

Tel (Office): (915) 544-5126

Fax: (915) 544-4041

maxbrooks@las-americas.org

www.las-americas.org



Join our fight - [donate today](#).

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Max Brooks <maxbrooks@las-americas.org>

Wed, Aug 5, 2020 at 2:45 PM

To: Brianna Callahan <briannacallahan@gwmail.gwu.edu>

Cc: "Sanchez, Roberto" <Roberto.Sanchez@ice.dhs.gov>, "Veloz, John" <John.Veloz@ice.dhs.gov>, "Estrada, Jonathan R" <Jonathan.R.Estrada@ice.dhs.gov>, epic_otg@innovationlawlab.org

I've just spoken with an officer who assured me the call will be put through at 3:30.

[Quoted text hidden]

EXHIBIT B



Alan Dicker <alan@innovationlawlab.org>

Legal Call - [REDACTED]**Alan Dicker** <alan@innovationlawlab.org>

Thu, Jul 23, 2020 at 9:28 AM

To: "Sanchez, Roberto" <Roberto.Sanchez@ice.dhs.gov>, John.Veloz@ice.dhs.gov, "Estrada, Jonathan R"

<Jonathan.R.Estrada@ice.dhs.gov>

Cc: epic_otg@innovationlawlab.org

Hello Officers:

I am a legal intern working under attorney Max Brooks at Las Americas Immigrant Advocacy Center (see attached G28). My phone number is cleared for confidential legal calls. I would like to schedule the following individual for a legal call at 11:00am today. We need this client to be situated so that he can proceed with a free, unmonitored legal call. Please be advised that the call may last between 30-60 minutes.

Thursday, July 23, 11:00am MT
[REDACTED]

Please contact me at **915-704-9819** for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule.

We request that detainees be asked to bring all paperwork with them to legal visitations.

Thank you for your assistance.

Please confirm receipt of this email.

Best wishes,

Alan Dicker

Summer Clerk

Innovation Law Lab

El Paso Immigration Collaborative

(915) 704-9819

 **G28_A** [REDACTED].pdf
1087K



Alan Dicker <alan@innovationlawlab.org>

URGENT REQUEST FOR LEGAL CALL: [REDACTED] at 1 p.m. or later today to 915-704-9819.

Max Brooks <maxbrooks@las-americas.org> Fri, Jul 24, 2020 at 11:34 AM
To: "De Santiago, Miguel" <Miguel.De-Santiago@ice.dhs.gov>, "Sanchez, Roberto" <roberto.sanchez@ice.dhs.gov>
Cc: Linda Corchado <lindacorchado@las-americas.org>, Alan Dicker <alan@innovationlawlab.org>, epic_otg <epic_otg@innovationlawlab.org>

Hi Officers:

I urgently request that [REDACTED] be provided a confidential legal call this afternoon, at 1 p.m. or later, to the following number: 915-704-9819. Alan Dicker, a summer law clerk working under my supervision, will be fielding the call.

Please acknowledge receipt of this email and let us know as soon as possible when we can expect the call. Please also be aware that we requested a confidential legal call yesterday (see attached) but did not receive a call. Mr. Gomez-Gomez's negative reasonable fear review hearing is at 1 p.m. on Monday. He urgently needs to speak with his legal representatives today.

Also find attached an E-28, an email from the Clerk of the Otero Immigration Court accepting the submission of my E-28, and an executed G-28. Please contact me directly at 617-971-7321 concerning any issues with this request.

Sincerely,

Max Brooks
He/Him/His/Él
Staff Attorney (HIAS/EPIC Border Fellow)
Las Americas Immigrant Advocacy Center
[1500 E. Yandell Dr., El Paso, TX 79902](http://1500.E.Yandell.Dr.,El.Paso,TX.79902)
Tel (Work-From-Home): (617) 971-7321
Tel (Office): (915) 544-5126
Fax: (915) 544-4041
maxbrooks@las-americas.org
www.las-americas.org



Join our fight - [donate today](#).

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4 attachments

[REDACTED] Request for Call.pdf
101K

A [REDACTED] EOIR-28.pdf
128K

Exhibit B Brooks Decl.



Alan Dicker <alan@innovationlawlab.org>

Message for [REDACTED] to complete legal call to 915-704-9819 today.

Alan Dicker <alan@innovationlawlab.org>

Fri, Jul 24, 2020 at 1:56 PM

To: OCPC.CountRoom@mtctrains.com

Cc: epic_otg@innovationlawlab.org

Hello Officers:

I am a legal intern working under the supervision of attorney Max Brooks at Las Americas Immigrant Advocacy Center and the El Paso Immigration Collaborative (EPIC), who is cc'd here. We have had difficulty reaching this individual at Otero for a legal consultation over the past two days. We sent multiple call requests yesterday and today but have not received a call or confirmation of receipt from any DOs. The legal matter we are working on with him is urgent.

I request that you pass a message to the following individual:

[REDACTED]

"Call Alan Dicker from the El Paso Immigration Collaborative at 915-704-9819 for a legal consultation as soon as possible. Request that you be allowed to make the call as a free legal consultation."

Can he please call this number for free? We understand that PBNDS protocols allow detained individuals free confidential calls to legal services providers.

Thank you for your assistance.

Sincerely,

Alan Dicker
Summer Clerk
Innovation Law Lab
El Paso Immigration Collaborative
(915) 704-9819



Alan Dicker <alan@innovationlawlab.org>

Legal Call - [REDACTED]

Alan Dicker <alan@innovationlawlab.org>

Wed, Jul 29, 2020 at 9:23 AM

To: "Sanchez, Roberto" <Roberto.Sanchez@ice.dhs.gov>, John.Veloz@ice.dhs.gov, "Estrada, Jonathan R"

<Jonathan.R.Estrada@ice.dhs.gov>

Cc: epic_otg@innovationlawlab.org

Hello Officers:

I am a legal intern working under attorney Max Brooks at Las Americas Immigrant Advocacy Center (see attached G28). I would like to schedule the following individual for a legal call at 1:00pm today. We need this client to be situated so that he can proceed with a free, confidential legal call. Please be advised that the call may last between 30-60 minutes.

Thursday, July 29, 1:00pm MT
[REDACTED]

Please contact me at **915-704-9819** for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule.

We request that detainees be asked to bring all paperwork with them to legal visitations.

Thank you for your assistance.

Please confirm receipt of this email.

Best wishes,

Alan Dicker

Summer Clerk

Innovation Law Lab

El Paso Immigration Collaborative

(915) 704-9819

 G28_ [REDACTED].pdf
900K



Alan Dicker <alan@innovationlawlab.org>

Legal Call - [REDACTED]

Alan Dicker <alan@innovationlawlab.org>

Mon, Aug 3, 2020 at 10:00 AM

To: "Sanchez, Roberto" <Roberto.Sanchez@ice.dhs.gov>, John.Veloz@ice.dhs.gov, "Estrada, Jonathan R"

<Jonathan.R.Estrada@ice.dhs.gov>

Cc: epic_otg@innovationlawlab.org

Greetings,

I did not receive a call from Wilmer Friday or over the weekend or any confirmation that this request was received. Can you please give my client a legal call with me today?

Thank you,

—

Alan Dicker

Summer Clerk

Innovation Law Lab

El Paso Immigration Collaborative

(915) 704-9819

On Fri, Jul 31, 2020 at 12:38 PM Alan Dicker <alan@innovationlawlab.org> wrote:

Hello Officers:

I am a legal intern working under attorney Max Brooks at Las Americas Immigrant Advocacy Center. I would like to schedule our client listed below for a legal call as soon as possible this afternoon. We need this client to be situated so that he can proceed with a free, confidential legal call. Please be advised that the call may last between 30-60 minutes.

Friday, July 31, as soon as possible.

[REDACTED]

Please contact me at **915-704-9819** for this legal call. If instead, you would like us to call you, please respond to this email with the appropriate phone number. If the call is unable to proceed at the time requested, provide me with notice so that we may reschedule. We have a G-28 on file for this client.

Thank you for your assistance.

Please confirm receipt of this email.

Best wishes,

Alan Dicker

Summer Clerk

Innovation Law Lab

El Paso Immigration Collaborative

(915) 704-9819

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF MAX BROOKS was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

DECLARATION OF IMELDA MAYNARD

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. I am an attorney licensed to practice in the state of Oklahoma. I lead the Legal Services Program at Catholic Charities of Southern New Mexico. In that capacity, I work to meet the growing demand for immigration legal services in New Mexico.
2. Prior to the COVID-19 pandemic, I represented detained individuals at the Otero Processing Center (OPC). In early to mid-April, however, I stopped taking detained cases at Otero. One of the principal reasons for this was the lack of phone access at OPC.
3. I confronted the following problems when attempting to access current and prospective clients at OPC:
 - a. Individuals detained at OPC seeking legal representation could call us on a free, legal line because we are listed as a free legal services provider by the Executive Office for Immigration Review (EOIR). However, the calls would only last for five minutes. After five minutes, the call would automatically be cut off and they would have to call back. Even that five-minute call would be interrupted by a warning that the call was about to end. The average intake takes approximately 30 minutes. It is extremely difficult, if not impossible, to effectively conduct an intake that is continuously interrupted.
 - b. In early April I tried to arrange a call with a client at OPC by contacting Immigration and Customs Enforcement (ICE). I was able to reach an ICE officer, but the officer told me that ICE would pick the time for the call, that the call could not last longer than one hour, and that this would be a “one-time thing.” On the date of the scheduled call, a conflict suddenly arose and I had to cancel the call. I was never able to reach an ICE officer to reschedule.
 - c. As a work around, we would tell clients to call us when they could, but there was no way for us to structure our time. We are a non-profit and this became a big resource suck.
4. My organization contemplated raising money to fund calls from detained individuals using the same phone system they used to call their family and friends. But we could not find a clear answer from the phone service provider webpage about the cost of calls and we have serious concerns that the calls were not confidential and were recorded, so we abandoned the idea.

- 1 5. My office would be far more willing to represent individuals detained at OPC if we
2 had reliable access to our clients by phone, could schedule those calls in advance, and
3 the calls could last more than one hour. This is especially important if we are drafting
4 declarations or preparing our clients to provide testimony for court.

5 I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this
6 17th day of August 2020 in Las Cruces, New Mexico.

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8 _____
9 Imelda Maynard
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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF IMELDA MAYNARD was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

DECLARATION OF ELSA GOOSSEN

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. I am a legal assistant for immigrant rights’ work with the ACLU of New Mexico (ACLU-NM). I have worked at ACLU-NM since January 2019. Prior to this position, I worked at the San Luis Valley Immigrant Resource Center in Alamosa, CO from 2015-2017, and at Annunciation House, a hospitality network in El Paso, TX for people in migration, from 2017-2018. My experience working with asylum seekers and other formerly-detained individuals at Annunciation House helped familiarize me with the El Paso Immigration and Customs Enforcement (ICE) Field Office, including the Otero County Processing Center (OCPC).
2. Among my responsibilities at the ACLU of New Mexico is to arrange legal calls—meaning free and confidential calls—with detained clients and potential clients, including people held at OCPC.
3. Communication with ICE at OCPC to arrange legal calls is often difficult, if not impossible. Consistent with instructions provided by ICE Assistant Field Office Director (AFOD) Wayne Cox, I email requests for legal calls to supervisory ICE officers, sometimes including individual deportation officers. Sometimes I simply never receive a response to my email inquiries. In other instances, the requests are forwarded to additional officers and I end up having to coordinate with multiple people. Miscommunications are common even after ICE confirms a scheduled call because the person facilitating the call was often not the person who had scheduled or confirmed it with me.
4. Furthermore, ICE sometimes forced people in detention to pay for the calls from their own accounts on a monitored line. In those circumstances, we had limited time (sometimes only 10 minutes) to speak with the person before their money ran out.
5. Below are some examples of difficulties I have had attempting to arrange legal calls at OCPC.
6. On March 26, 2020, I emailed Deportation Officers Roberto Sanchez and Sergio Maldonado to request a legal call with Ruben Torres Jauregui for the following Monday (March 30th) at 1 pm. Officer Sanchez wrote that Deportation Officer Lino Almanza would assist with the request. I wrote back to ask for the best number to reach Officer Almanza.

- 1
2 7. By March 30, I still had not received any response or confirmation. I emailed Officer
3 Almanza again at 12:18 pm, indicating that we were still planning on the 1 pm call
4 and would wait for the facility to call us. Officer Almanza wrote back to inform us
5 that our client already had a call scheduled at the same time with his immigration
6 attorney. Officer Almanza did not offer any alternative time for our call. Had we
7 known about this earlier, we would have been happy to work around the timing
8 conflict.
- 9 8. On April 3, after learning that our call had to be rescheduled, I emailed five ICE
10 officers to reschedule the legal call with our client. I suggested a call on April 6 at 10
11 am. By the morning of April 6, I still had not received a response, so I emailed to
12 inquire again. I then exchanged emails with Officer Maldonado, and we confirmed a
13 call for 1 pm that day. Despite confirming, we received no call from the facility at 1
14 pm.
- 15 9. My colleague, Attorney Joachim Marjon, tried to reach the facility that afternoon by
16 telephone but was not able to talk to anyone at the facility. I sent another email that
17 afternoon, and Officer Maldonado replied that OCPC could facilitate the call the next
18 morning at 9 am. Despite confirming, we again received no call from the facility at 9
19 am. Joachim called multiple officers, and ICE finally facilitated a call later that
20 morning but limited the call to 45 minutes.
- 21 10. In total, it took eight business days to schedule this one phone call. It required me to
22 email the facility 9 times and required my colleague Joachim Marjon to make
23 multiple fruitless calls to the facility. My email exchange is attached at Exhibit A.
- 24 11. On April 9, 2020, I attempted to schedule legal calls with two individuals by emailing
25 Officers Maldonado and Sanchez. We needed to speak with these individuals to
26 accomplish intakes for a possible habeas case. Officer Sanchez responded by asking
27 us to provide Form G-28s (Notice of Entry of Appearance as Attorney) for the two
individuals. I wrote back to explain that G-28s are U.S. Citizenship and Immigration
Services (USCIS) documents for immigration attorneys. ACLU attorneys do not
practice immigration law; therefore, G-28s are not applicable to our ability to access
legal calls with detainees. Officer Sanchez responded that a G-28 is required for calls
with detainees regarding their detention, whether related to their immigration case or
issues at the facility.
12. I responded with the following message:

1
2 “The calls we are trying to set up are for initial consults only.
3 Additionally, OCPC has information posted in its own visitors waiting
4 area indicating that USCIS G-28 forms are only required for
5 immigration attorneys, not for other types of attorneys. Generally we
6 have not been asked to file G-28s to access legal calls with detainees -
7 this only seems to happen when we attempt to schedule multiple calls
8 during emergent situations at the facility. If you are following written
9 policy guidance from MTC or ICE, please share a copy with us.
10 Otherwise, please confirm your ability to facilitate these calls at 10am
11 today.”

12
13 13. Later that afternoon on April 10, we received an email from ICE Assistant Field
14 Office Directory (AFOD) Wayne Cox that G-28s would not be required to set up
15 legal calls during the COVID-19 pandemic. I then followed up in my email thread
16 with the other officers to again inquire about our requests to speak with the two
17 original detainees, along with several additional detainees.

18
19 14. By April 13, we had still not successfully managed to schedule the calls. I sent
20 another email to follow up. In total, we needed to speak with eight individuals for
21 initial consults in a possible habeas case. Due to our difficulty getting calls scheduled
22 at the facility we unfortunately had a backlog of people we needed to speak with.

23
24 15. On the afternoon of April 13, I received a phone call from Deportation Officer
25 Jonathan Estrada, who said OCPC could accommodate some calls but not all. On the
26 phone with me, Officer Estrada sounded angry and defensive. He told me to stop
27 sending emails and not to call him back with “20 new names” of detained individuals.
He was only willing to set up calls with two people. I asked when he expected he
might be able to accommodate other calls, and he said not until the end of the week at
the earliest (it was Monday afternoon). He said that our calls would have to be 30
minutes or shorter since OCPC is “trying to accommodate everyone equally.” He told
us that any future correspondence to set up calls should be done via phone (which
conflicted with the legal call protocols we were given earlier by AFOD Cox). The
email exchanges related to attempting to schedule these calls are attached as Exhibit
B.

16. ACLU-NM attorney Maria Martinez Sanchez followed up with AFOD Cox later that
afternoon with our concerns about the scheduling process, the limits on the length and
number of calls.

1
2 17. On the afternoon of June 16, 2020, I wrote to Officer Sanchez and AFOD Cox to
3 request an urgent legal call with a client in active habeas litigation. We were on a
4 tight briefing scheduling and needed to consult with our client several times before
5 filing our reply in support of our motion for temporary restraining order. On the
6 afternoon of June 17, 2020, I still had not received a response, and emailed to ask
7 again. ACLU-NM attorney Maria Martinez Sanchez then copied the Assistant United
8 States Attorney (AUSA) in our pending case to make her aware of the problem. The
9 AUSA counsel informed us that ICE would assist with the call at 1 pm the next day.

10 18. At the time of the scheduled call—1 pm on June 18, 2020—ICE cancelled it for an
11 unknown reason. Later, AFOD Cox wrote that the facility’s private room was not
12 available at the time it was needed. He informed us that the call had been arranged for
13 the following day. The email exchanges regarding my attempt to schedule this call are
14 attached as Exhibit C.

15 I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this
16 19th day of August 2020 in Albuquerque, New Mexico.

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Elsa Goossen

EXHIBIT A

Re: legal call request - Ruben Torres-Jauregui

Elsa Goossen <egoossen@aclu-nm.org>

Mon 4/6/2020 3:45 PM

To: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>

Cc: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>

Thanks for letting us know. We'll plan on 9am tomorrow.

Best,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022



www.aclu-nm.org

From: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>

Sent: Monday, April 6, 2020 3:44 PM

To: Elsa Goossen <egoossen@aclu-nm.org>

Cc: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>

Subject: RE: legal call request - Ruben Torres-Jauregui

I will have him call tomorrow at 9:00.

From: Elsa Goossen <egoossen@aclu-nm.org>

Sent: Monday, April 6, 2020 3:35 PM

To: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>

Cc: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>

Subject: Re: legal call request - Ruben Torres-Jauregui

Hello all,

We were disappointed that this call did not go forward today after multiple attempts to confirm a time. Is it possible to reschedule for tomorrow morning, and is there a way we can prevent these difficulties from occurring in the future?

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

Exhibit A Goossen Decl.



From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Monday, April 6, 2020 11:08 AM
To: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>
Cc: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>
Subject: Re: legal call request - Ruben Torres-Jauregui

Good morning,

Thanks for getting back to us. Yes, 1pm should work. Please call attorney Joachim Marjon (cc'd here) at 505-633-6608 for the appt.

Best,

Elsa Goossen | Legal Assistant | *she/her/ella*
P.O. Box 566 | Albuquerque, NM 87103
505-266-5915 x1022



From: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>
Sent: Monday, April 6, 2020 11:05 AM
To: Elsa Goossen <egoossen@aclu-nm.org>
Cc: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>
Subject: RE: legal call request - Ruben Torres-Jauregui

We can set this call at 1 let me know if this works.

From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Monday, April 6, 2020 9:17 AM
To: Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>
Subject: Re: legal call request - Ruben Torres-Jauregui

Good morning,

Could someone let us know if it's still possible to have this call today at 10am?

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022



New Mexico

www.aclu-nm.org

From: Elsa Goossen <egoossen@aclu-nm.org>

Sent: Friday, April 3, 2020 10:40 AM

To: Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Cc: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Estrada, Jonathan R

<Jonathan.R.Estrada@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon

<jmarjon@aclu-nm.org>

Subject: Re: legal call request - Ruben Torres-Jauregui

Good morning,

I'd like to reschedule this call with Ruben Torres-Jauregui. Could you arrange this call for Monday (4/6) at 10am? The call will be with Joachim Marjon at 505-633-6608.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022



New Mexico

www.aclu-nm.org

From: Elsa Goossen <egoossen@aclu-nm.org>

Sent: Monday, March 30, 2020 12:29 PM

To: Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Cc: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Estrada, Jonathan R

<Jonathan.R.Estrada@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon

<jmarjon@aclu-nm.org>

Subject: Re: legal call request - Ruben Torres-Jauregui

Thank you for this update. We will touch base with Ms. Cerneka and follow up to reschedule our legal call.

Best,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022



From: Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>
Sent: Monday, March 30, 2020 12:27 PM
To: Elsa Goossen <egoossen@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>
Subject: RE: legal call request - Ruben Torres-Jauregui

Good Afternoon,

Ruben Torres-Jauregui [REDACTED] has a phone call scheduled on 3/30/2020 at 1 p.m. with his attorney Heidi Cerneka.

Respectfully,

Lino F. Almanza
Deportation Officer | U.S. Department of Homeland Security
Immigration Enforcement and Removal Operations
26 McGregor Range Road
Chaparral, New Mexico 88081
Lino.F.Almanza@ICE.DHS.GOV
Office: (915) 834-4855
Cell: (915) 238-5759



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From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Monday, March 30, 2020 12:18 PM
To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>; Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>
Subject: Re: legal call request - Ruben Torres-Jauregui

Good afternoon, we are still planning on this 1pm call. I didn't receive a response on how to contact DO Almanza, but we will wait for the facility to call Joachim at 505-633-6608.

Exhibit A Goossen Decl.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU

New Mexico

www.aclu-nm.org

From: Elsa Goossen <egoossen@aclu-nm.org>

Sent: Thursday, March 26, 2020 4:15 PM

To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Cc: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>;

Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim

Marjon <jmarjon@aclu-nm.org>

Subject: Re: legal call request - Ruben Torres-Jauregui

Thank you. What is the best number to reach DO Almanza?

The call will be with attorney Joachim Marjon, who can be reached at 505-633-6608 or alternatively, 505-980-2559.

Best,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU

New Mexico

www.aclu-nm.org

From: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Sent: Thursday, March 26, 2020 3:31 PM

To: Elsa Goossen <egoossen@aclu-nm.org>

Cc: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Almanza, Lino F <Lino.F.Almanza@ice.dhs.gov>;

Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>

Subject: RE: legal call request - Ruben Torres-Jauregui

Elsa Goossen,

DO Almanza will assist on this request.

Respectfully,

Roberto Sanchez
Supervisory Detention and Deportation Officer
DHS/ICE/ERO

Exhibit A Goossen Decl.

Otero County Processing Center
Crisis Negotiation Team
26 McGregor Range Rd
Chaparral, NM 88081
Desk (915) 834 4803
Fax (915) 834-5299

"A winner never stops trying." — Tom Landry



From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Thursday, March 26, 2020 2:17 PM
To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>
Subject: Re: legal call request - Ruben Torres-Jauregui

Good afternoon,

We'd like to set up another legal call with Ruben Torres-Jauregui. Would it be possible to schedule this for next Monday, April 30th at 1pm? Please let me know either way.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*
P.O. Box 566 | Albuquerque, NM 87103
505-266-5915 x1022

ACLU

New Mexico
www.aclu-nm.org

From: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>
Sent: Thursday, March 19, 2020 3:56 PM
To: Elsa Goossen <egoossen@aclu-nm.org>
Cc: Joachim Marjon <jmarjon@aclu-nm.org>
Subject: RE: legal call request - Ruben Torres-Jauregui

We will set up the call tomorrow at 11am.

From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Thursday, March 19, 2020 3:25 PM
To: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>

Exhibit A Goossen Decl.

Cc: Joachim Marjon <jmarjon@aclu-nm.org>

Subject: Fw: legal call request - Ruben Torres-Jauregui

Hello Officer Maldonado,

Thank you for speaking with me just now. Please see our request below to set up a legal call.

Best,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU

New Mexico

www.aclu-nm.org

From: Elsa Goossen

Sent: Tuesday, March 17, 2020 3:33 PM

To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Cc: Joachim Marjon <jmarjon@aclu-nm.org>

Subject: legal call request - Ruben Torres-Jauregui

Good afternoon,

I would like to schedule a legal call with Ruben Torres-Jauregui [REDACTED] for this Friday (3/20) at 11am. Please let me know if that will be possible. The attorney on the call will be Joachim Marjon, who can be reached at 505-633-6608.

Thank you,

Elsa Goossen | Legal Assistant | *she/her*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU

New Mexico

www.aclu-nm.org

EXHIBIT B

Re: Additional legal call requests

Elsa Goossen <egoossen@aclu-nm.org>

Mon 4/13/2020 1:01 PM

To: Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Nia Rucker <nrucker@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>

Hello Officer Estrada,

Thank you for being in touch. I just left a voicemail for you - please call me back on my cell phone at 785-215-3531 when you get a chance.

Best,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

cid:image001.png@01D4A34B.DFCAC6B0

www.aclu-nm.org

From: Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>

Sent: Monday, April 13, 2020 12:31 PM

To: Elsa Goossen <egoossen@aclu-nm.org>; Joachim Marjon <jmarjon@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Nia Rucker <nrucker@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>

Subject: RE: Additional legal call requests

Ms. Goossen,

Good afternoon ma am, hope to find you doing well. Please reach me at 915 834 4824 so discuss details in regard to your request.

You can reach me at 915 834 4824.

Thank you,

Jonathan Rene Estrada
Immigration and Customs Enforcement
Enforcement and Removal Operations
(A)SDDO
Cell 915- 504-5029
Office 915 834-4824
26 McGregor Range Road
Chaparral, NM 88081



From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Monday, April 13, 2020 12:24 PM
To: Joachim Marjon <jmarjon@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Nia Rucker <nrucker@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>
Subject: Re: Additional legal call requests

Good afternoon all,

I'm following up to request a response regarding these urgent legal calls (listed again here for your convenience). **Please let us know as soon as possible if we can schedule the calls for this afternoon and/or tomorrow (4/14).**

Attorney Joachim Marjon would like to speak with the following individuals, with the first two (Espinoza and Balderas) taking priority. His contact info is (505) 980-2559; jmarjon@aclu-nm.org.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Attorney Nia Rucker would like to speak with the following individuals. Her contact info is (575) 993-2930; nrucker@aclu-nm.org.

- [REDACTED]
- [REDACTED]

Attorney Zoila Alvarez Hernandez would like to speak with the following individuals. Her contact info is (505) 550-8887; zalvarez@aclu-nm.org.

- [REDACTED]
- [REDACTED]

Attorney Maria Martinez Sanchez would like to speak with the following individuals. Her contact info is (505) 480-5688; msanchez@aclu-nm.org.

- [REDACTED]

Thank you, and please let us know if you have any questions.

Elsa Goossen | Legal Assistant | *she/her/ella*
P.O. Box 566 | Albuquerque, NM 87103
505-266-5915 x1022
cid:image001.png@01D4A34B.DFCAC6B0
www.aclu-nm.org

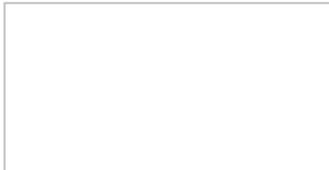
From: Joachim Marjon <jmarjon@aclu-nm.org>
Sent: Monday, April 13, 2020 9:17 AM
To: Maria Sanchez <msanchez@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Nia Rucker <nrucker@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>; Elsa Goossen <egoossen@aclu-nm.org>
Subject: Re: Additional legal call requests

Officer Sanchez,
I just wanted to clarify one name and add another.
The clarification is [REDACTED] who is to be scheduled for a legal call with Zoila Alvarez Hernandez.

As well, I would like for you to add to my calls [REDACTED].

We appreciate your attention to this matter and again press upon you the urgency of these phone calls.
Regards,
Joachim Marjon

Joachim Marjon
Immigrants' Rights Attorney | ACLU of New Mexico
(505) 266-5915 ext. 1007
www.aclu-nm.org



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From: Maria Sanchez <msanchez@aclu-nm.org>
Sent: Sunday, April 12, 2020 8:19 AM
To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>; Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>; Nia Rucker <nrucker@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>; Elsa Goossen <egoossen@aclu-nm.org>
Subject: Re: Additional legal call requests

Officer Sanchez,

Thank you for your message. It is urgent that we speak with these individuals soon. Can you please let us know what times would be available to speak with the following detainees tomorrow (Monday, 4/12 or Tuesday 4/13)? Below is a list of the individuals. Please disregard the previous list we sent you. Also, the ACLU attorneys who wish to speak with these individuals and their contact information is included
Exhibit B Goossen Decl.

below as well. (They are also copied on this e-mail.) Please let us know as soon as possible when these legal calls can happen. We very much appreciate your assistance.

Attorney Joachim Marjon would like to speak with the following individuals, with the first two (Espinoza and Balderas) taking priority. His contact info is (505) 980-2559; jmarjon@aclu-nm.org.

- [REDACTED]
- [REDACTED]
- [REDACTED]

Attorney Nia Rucker would like to speak with the following individuals. Her contact info is (575) 993-2930; nrucker@aclu-nm.org.

- [REDACTED]
- [REDACTED]

Attorney Zoila Alvarez Hernandez would like to speak with the following individuals. Her contact info is (505) 550-8887; zalvarez@aclu-nm.org.

- [REDACTED]
- [REDACTED]

Attorney Maria Martinez Sanchez would like to speak with the following individuals. Her contact info is (505) 480-5688; msanchez@aclu-nm.org.

- [REDACTED]

Thank you, Officer Sanchez. Please let us know if you have any questions.

Sincerely,
Maria Martinez Sanchez

María Martínez Sánchez
Senior Staff Attorney | ACLU of New Mexico
(505) 266-5915 ext. 1004
www.aclu-nm.org

cid:image003.png@01D5D12B.CC954070

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From: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Sent: Saturday, April 11, 2020 8:07 PM
To: Elsa Goossen <egoossen@aclu-nm.org>
Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>; Estrada, Jonathan R <Jonathan.R.Estrada@ice.dhs.gov>
Subject: RE: Additional legal call requests

Elsa Goossen,

I would like to inform you that on Sunday we don't have any ICE personnel on duty at OCPC. Also Monday at 11 am, MTC might not be able to do it. That's when they start lunch.

Exhibit B Goossen Decl.

Respectfully,

Roberto Sanchez
Supervisory Detention and Deportation Officer
DHS/ICE/ERO
Otero County Processing Center
Crisis Negotiation Team
26 McGregor Range Rd.
Chaparral, NM 88081
Desk: (915) 834-4803
Fax (915) 834-5299

"A winner never stops trying.:" — Tom Landry



From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Friday, April 10, 2020 4:54 PM
To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>
Subject: Re: Additional legal call requests

Hello all,

We heard from Mr. Cox this afternoon that G-28s will not be required to set up legal calls while the COVID-19 situation continues. Thank you for letting us know, and for facilitating these calls. I'd like to set up several additional calls, including the ones we've already requested. They can be done in groups of two or three back-to-back calls. If possible, I'd like to suggest the following schedule. If it's easier for the facility to group these calls by pod, we are open to that. (Apologies that I don't know the A# for everyone listed.)

Sunday, 4/12 (if possible) - Would 3pm work for the facility?

- [REDACTED]
- [REDACTED]
- [REDACTED]

Monday morning, 4/13 - Would 11am work for the facility?

- [REDACTED]
- [REDACTED]
- [REDACTED]

Monday afternoon, 4/13 - Would 3pm work for the facility?

- [REDACTED]
- [REDACTED]

Please copy attorney Joachim Marjon (jmarjon@aclu-nm.org) on all correspondence here, as he will be the attorney on the calls. He can be reached at 505-633-6608.

Thanks so much in advance for helping us get these calls set up.

Best,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU

New Mexico

www.aclu-nm.org

From: Elsa Goossen <egoossen@aclu-nm.org>

Sent: Friday, April 10, 2020 9:53 AM

To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>; Joachim Marjon <jmarjon@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>

Subject: Re: Additional legal call requests

Good morning,

The calls we are trying to set up are for initial consults only. Additionally, OCPC has information posted in its own visitors waiting area indicating that USCIS G-28 forms are only required for immigration attorneys, not for other types of attorneys. Generally we have not been asked to file G-28s to access legal calls with detainees - this only seems to happen when we attempt to schedule multiple calls during emergent situations at the facility.

If you are following written policy guidance from MTC or ICE, please share a copy with us. Otherwise, please confirm your ability to facilitate these calls at 10am today.

Thank you for your time,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU

New Mexico

www.aclu-nm.org

From: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Sent: Friday, April 10, 2020 8:25 AM

To: Elsa Goossen <egoossen@aclu-nm.org>

Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Leano, Gabriela <Gabriela.Leano@ice.dhs.gov>

Subject: RE: Additional legal call requests

Good morning,

Exhibit B Goossen Decl.

As per OCC, a G-28 is required if you are going to speak with a detainee regarding his detention whether anything related to his immigration case or issues at the facility.

Respectfully,

Roberto Sanchez
Supervisory Detention and Deportation Officer
DHS/ICE/ERO
Otero County Processing Center
Crisis Negotiation Team
26 McGregor Range Rd.
Chaparral, NM 88081
Desk: [\(915\) 834-4803](tel:(915)834-4803)
Fax: [\(915\) 834-5299](tel:(915)834-5299)

"A winner never stops trying." — *Tom Landry*



Sent with BlackBerry Work
www.blackberry.com

From: Elsa Goossen <egoossen@aclu-nm.org>
Date: Thursday, Apr 09, 2020, 4:47 PM
To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>, Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>, Joachim Marjon <jmarjon@aclu-nm.org>, Maria Sanchez <msanchez@aclu-nm.org>
Subject: Re: Additional legal call requests

Hello Officer Sanchez,

G-28s are USCIS documents for immigration attorneys. ACLU attorneys do not practice immigration law; therefore, G-28s are not applicable to our ability to access legal calls with detainees.

Unfortunately I do not have the A# yet for [REDACTED]. I believe he is in pod [REDACTED].

Please confirm your ability to facilitate these calls tomorrow at 10am.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*
P.O. Box 566 | Albuquerque, NM 87103
505-266-5915 x1022



From: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Sent: Thursday, April 9, 2020 3:57 PM
To: Elsa Goossen <egoossen@aclu-nm.org>
Cc: Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>; Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>
Subject: RE: Additional legal call requests

Elsa Goossen,

Please provide a G-28 for the detainees in custody and provide the alien registration number on the second person from your list.

Respectfully,

Roberto Sanchez
Supervisory Detention and Deportation Officer
DHS/ICE/ERO
Otero County Processing Center
Crisis Negotiation Team
26 McGregor Range Rd.
Chaparral, NM 88081
Desk: (915) 834-4803
Fax: (915) 834-5299

["A winner never stops trying."](#) — [Tom Landry](#)



From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Thursday, April 9, 2020 2:03 PM
To: Maldonado, Sergio <Sergio.Maldonado@ice.dhs.gov>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>
Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>
Subject: Additional legal call requests

Good afternoon,

In addition to our scheduled legal call request today at 2pm (with Julian Ulises Espinosa Ramirez), we would like to request calls with the following individuals:



[REDACTED]

We would like to schedule back-to-back legal calls if possible. Would you have availability to facilitate those calls for **tomorrow morning (4/10) at 10am**? Please let us know. The calls will be with attorney Joachim Marjon, who can be reached at 505-633-6608.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU

New Mexico

www.aclu-nm.org

EXHIBIT C

RE: Urgent legal call request - [REDACTED]

Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>

Thu 6/18/2020 4:40 PM

To: Elsa Goossen <egoossen@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>; Lyman, Christine (USANM) <christine.lyman@usdoj.gov>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>

Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>

Ms. Goossen,

The call has been arranged for tomorrow. We had to cancel today because the private room was not available at the time that we needed it.

Thanks,

Wayne Cox
Assistant Field Office Director
ERO Otero Processing Center
915-834-4802

From: Elsa Goossen <egoossen@aclu-nm.org>

Sent: Thursday, June 18, 2020 3:59 PM

To: Maria Sanchez <msanchez@aclu-nm.org>; Lyman, Christine (USANM) <christine.lyman@usdoj.gov>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>

Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>

Subject: Re: Urgent legal call request - [REDACTED]

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact [ICE SOC SPAM](#) with questions or concerns.

Good afternoon,

The call that ICE was scheduled to facilitate with our client at 1pm today was cancelled for an unknown reason. We still urgently need to speak with our client, and would appreciate a call with him tomorrow morning (6/19) at 10am on an unmonitored line. Please confirm if that will be possible. The call will be with attorney Joachim Marjon, who can be reached at 505-980-2559.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU
New Mexico

www.aclu-nm.org

Exhibit C Goossen Decl.

From: Maria Sanchez <msanchez@aclu-nm.org>
Sent: Wednesday, June 17, 2020 2:42 PM
To: Lyman, Christine (USANM) <Christine.Lyman@usdoj.gov>; Elsa Goossen <egoossen@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>
Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>
Subject: Re: Urgent legal call request - [REDACTED]

Great, thank you so much for your help. We appreciate it.

Maria

María Martínez Sánchez

Senior Staff Attorney | ACLU of New Mexico

(505) 266-5915 ext. 1004

www.aclu-nm.org

cid:image003.png@01D5D12B.CC954070

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From: Lyman, Christine (USANM) <Christine.Lyman@usdoj.gov>
Sent: Wednesday, June 17, 2020 2:39 PM
To: Maria Sanchez <msanchez@aclu-nm.org>; Elsa Goossen <egoossen@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>
Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>
Subject: RE: Urgent legal call request - [REDACTED]

Hi Ms. Sanchez,

According to ICE counsel, ERO will assist with the call tomorrow provided [REDACTED] is willing to make the phone call (which I am assuming he is). Please let me know if you need anything else and I am always happy to try to help in any way I can.

Best,
Christine

From: Maria Sanchez <msanchez@aclu-nm.org>
Sent: Wednesday, June 17, 2020 2:29 PM
To: Lyman, Christine (USANM) <CLyman@usa.doj.gov>; Elsa Goossen <egoossen@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>

Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>

Subject: Re: Urgent legal call request - [REDACTED]

Thank you, much appreciated.

María Martínez Sánchez

Senior Staff Attorney | ACLU of New Mexico

(505) 266-5915 ext. 1004

www.aclu-nm.org

cid:image003.png@01D5D12B.CC954070

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From: Lyman, Christine (USANM) <Christine.Lyman@usdoj.gov>

Sent: Wednesday, June 17, 2020 2:26 PM

To: Maria Sanchez <msanchez@aclu-nm.org>; Elsa Goossen <egoossen@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>

Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>

Subject: RE: Urgent legal call request - [REDACTED]

Hi Ms. Sanchez,

I am sorry you are having these difficulties. I have reached out to ICE El Paso regional counsel to see if he can help with getting your call scheduled. I will let you know when I hear back from him.

Best,
Christine

From: Maria Sanchez <msanchez@aclu-nm.org>

Sent: Wednesday, June 17, 2020 2:23 PM

To: Elsa Goossen <egoossen@aclu-nm.org>; Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>

Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>; Lyman, Christine (USANM) <CLyman@usa.doj.gov>

Subject: Re: Urgent legal call request - [REDACTED]

I am cc'ing ICE's counsel here to see if she can assist us in getting this call scheduled.

Ms. Lyman, the difficulties we are facing in scheduling a legal call with our client are unacceptable given the briefing schedule that we are on. It is critical that your client provide us with access to him on a secure line. Anything you could do to assist us with this would be much appreciated.

Exhibit C Goossen Decl.

Sincerely,
Maria Sanchez

María Martínez Sánchez

Senior Staff Attorney | ACLU of New Mexico

505) 266-5915 ext. 1004

www.aclu-nm.org

cid:image003.png@01D5D12B.CC954070

This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.

From: Elsa Goossen <egoossen@aclu-nm.org>

Sent: Wednesday, June 17, 2020 2:12 PM

To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>

Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>

Subject: Re: Urgent legal call request - [REDACTED]

Good afternoon,

I'm writing to follow up on this urgent request (below). We didn't receive any response yesterday or today. We would like to speak with our client at **1pm tomorrow (6/18)** if possible. Please let us know if you're able to set this up. The call will be with attorney Joachim Marjon, who can be reached at 505-980-2559.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

ACLU
New Mexico

www.aclu-nm.org

Exhibit C Goossen Decl.

From: Elsa Goossen <egoossen@aclu-nm.org>
Sent: Tuesday, June 16, 2020 4:25 PM
To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>
Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>
Subject: Re: Urgent legal call request - [REDACTED]

Good afternoon,

I'm writing to request another urgent legal call with Jhonny Jorge Jesus Acosta Ortega (A# 095-753-047). We would like to speak with him at **1pm tomorrow (6/17)** if possible. Please let us know if you're able to set this up. The call will be with attorney Joachim Marjon, who can be reached at 505-980-2559.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022



www.aclu-nm.org

From: Elsa Goossen
Sent: Tuesday, June 16, 2020 10:26 AM
To: Sanchez, Roberto <Roberto.Sanchez@ice.dhs.gov>; Cox, Wayne D <Wayne.D.Cox@ice.dhs.gov>
Cc: Joachim Marjon <jmarjon@aclu-nm.org>; Zoila Alvarez Hernandez <zalvarez@aclu-nm.org>; Maria Sanchez <msanchez@aclu-nm.org>
Subject: Urgent legal call request - [REDACTED]

Good morning,

I'm writing to request an urgent legal call with [REDACTED] We would like to speak with him at 2:15pm today if possible. Please let us know if you're able to set this up. The call will be with attorney Joachim Marjon, who can be reached at 505-980-2559.

Thank you,

Elsa Goossen | Legal Assistant | *she/her/ella*

P.O. Box 566 | Albuquerque, NM 87103

505-266-5915 x1022

Exhibit C Goossen Decl.

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF ELSA GOOSSEN was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

DECLARATION OF JOACHIM MARJON

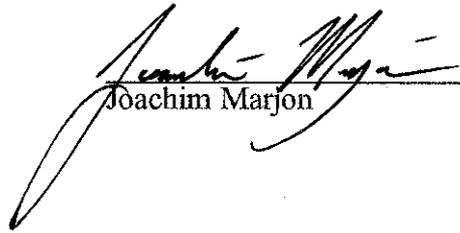
Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. I am an attorney licensed to practice in New Mexico and Minnesota. I am an immigrants' rights attorney with the ACLU of New Mexico (ACLU-NM). Before joining the ACLU-NM in January 2020, I spent 7 years as a public defender in both New Mexico and Minnesota. I also have experience managing a private practice focused on criminal defense and civil rights work.
2. In March 2020, as soon as scope of the COVID-19 pandemic and the risk to detained individuals became clear, the ACLU-NM began exploring bringing litigation seeking release of medically vulnerable individuals detained at Otero County Processing Center (OCPC). To monitor the conditions within OCPC and identify people who were at particular risk of serious illness or death it was necessary for me to be able to access clients and potential clients over the phone. In-person visits were too dangerous.
3. As detailed in the declarations of ACLU-NM legal assistant Elsa Goossen and senior staff attorney María Martínez Sánchez, Immigration and Customs Enforcement (ICE) failed to put in place any reliable system for scheduling free, confidential legal calls. Elsa, who is responsible for setting up the legal calls for our office, had significant difficulty arranging legal calls at OCPC. As detailed in her declaration, Elsa would e-mail ICE supervisors and line deportation officers, but would frequently receive no response. Attempting to schedule each call required many emails and calls over many days, often without success.
4. In mid-April 2020, to make sure that I remained in contact with my clients and prospective clients, I had to create a work-around. The only way I could gather information on the conditions in the facility were through phone calls. These calls were also the only mechanism I had for outreach to let those in detention know of work we were doing. I began asking detainees to call me every day to check in. My potential clients and clients had to make these calls using their own funds and the calls were on a recorded line. At the beginning of each call I would say that it was a legal call and ask whoever was listening to stop listening and delete the calls. I never received confirmation whether the call was recorded. This was completely

1 unsatisfactory and provided no meaningful protection to the attorney-client privilege
2 and relationship.

- 3 5. In addition to the problems with confidentiality, the calls were not private. My clients
4 and potential clients had to make these calls from the dormitory and other people
5 were often within earshot. This was especially problematic because I sought
6 information about their medical history and conditions.
- 7 6. In March and April 2020, I spoke with more than twelve people detained at OCPC for
8 the purpose of representation or potential representation in federal lawsuits seeking
9 their release. These individuals would call me often several at a time using their own
10 funds. In these calls I had to gather information about their medical condition and
11 conditions at OCPC. I had to build a trusting attorney-client relationship over the
12 phone, which would be challenging under any circumstances. At OCPC, however, it
13 was incredibly difficult, because people had to spend their own money to speak to
14 over a phone line with an automated message saying that line was recorded.
- 15 7. At least two potential clients simply stopped calling me in part because of the expense
16 and difficulty of reaching me.
- 17 8. In the end we were able to represent four people in two separate lawsuits seeking
18 their release from OCPC because they suffered from underlying medical conditions
19 including asthma, diabetes, and high blood pressure. On April 20, 2020, we filed a
20 lawsuit on behalf of Rando Betancourt Barco, Michel Fuentes Luis, and Luis Alfonso
21 Mejia in the U.S. District Court of New Mexico. On May 29, 2020, we filed a second
22 lawsuit on behalf of Jhonny Ortega.
- 23 9. To prepare for filing, I was forced to draft declarations in a short timeframe. Because
24 I could not schedule free, confidential legal calls with clients, I had to draft
25 declaration over a series of short phone calls. I had to work as quickly as possible,
26 because our clients were was paying for the calls. As a result, the declaration lacked
27 the detail I would otherwise have wanted to include to strengthen his claims.
10. After we filed our lawsuit, ICE released two clients and deported a third client. Our
 remaining client, Jhonny Ortega, is still held at OCPC. We are waiting for the district
 court's decision on our request for a temporary restraining order.

1 I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this
2 16 day of August 2020 in Albuquerque, New Mexico.

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Joachim Marjon

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF JOACHIM MARJON was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

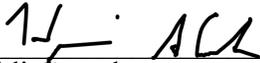
DECLARATION OF HEIDI CERNEKA

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. I am an attorney licensed to practice in the state of Illinois. I am a member of the detained representation team at Las Americas Immigrant Advocacy Center. In that capacity, I represent individuals detained at the Otero County Processing Center (Otero).
2. In Otero, a request for a legal call frequently gets no response from the officer designated for us for requesting calls. Initially responses varied from placing the call to saying that the client already had one call that week and could not receive another. Because I need to speak to my clients, I resorted to requesting that ICE inform my client that I need to speak to him. Then he would be required to call me at his own cost. As a result, these calls have not been confidential (for each call there is a recorded message saying the call may be recorded) and are expensive.
3. In general, detained individuals can only place a call to their attorney if they have money in their commissary account. The cost of these calls is sometimes prohibitive for our indigent clients. While clients can place a ten-minute free call, if they use that call to contact their attorney then they cannot use it to maintain contact with their family or anyone else. Also, a ten-minute call is generally inadequate to accomplish what needs to be accomplished on a legal call, such as drafting declarations, discussing an upcoming hearing, or preparing testimony). Moreover, as mentioned above, these free calls are not confidential—there is a recorded message that the call may be recorded.
4. As a result of these practices, I have been unable to set up confidential legal calls with my client Ruben Torres Jauregui to help prepare him from his removal proceedings. Mr. Torres Jauregui had his merits hearing on June 30, 2020 and is now in the process of appealing the removal order. He remains at Otero.
5. Here is another example to illustrate the difficulty people at Otero have making free, confidential legal calls. On May 26, 2020, I took the case of a man from Mexico who was seeking asylum. He was initially held at El Paso Service Processing Center, but he was transferred to Otero at some point in early June. On June 10, 17, 23, and 29, I asked ICE to schedule a legal call for him (in other words, place a legal call for him that would be free and confidential) or, in the alternative, to deliver a message to him to call me. ICE never arranged for a free, confidential legal call. Instead, my client had to make paid calls on a recorded line. ICE also never confirmed receipt of my

1 requests unless I followed up with a supervisor. My client could only afford to
2 contact me because he had family members who could deposit money for phone calls.
3 We requested a hearing for voluntary departure which the court granted quickly. Then
4 I had to scramble to get messages to him to call me so that we could prepare for the
5 hearing and get a declaration from him regarding the voluntary departure. I worried
6 throughout my representation because our calls were recorded.

7 I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this
8 17th day of August 2020 in El Paso, Texas.

9 
10 _____
11 Heidi Cerneka

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF HEIDI CERNEKA was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

SUPPLEMENTAL DECLARATION OF DAVID JACKSON

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. This declaration supplements my May 13, 2020 declaration in this case. I write to explain the current limits on telephone access for the purpose of legal intakes at Otero County Processing Center (Otero).
2. I am a paralegal with Las Americas Immigrant Advocacy Center. Las Americas is a non-profit organization dedicated to serving the legal needs of low-income immigrants, including refugees and asylum seekers, victims of crime, and families seeking reunification. Among the many populations we serve are individuals detained at Otero. We represent detained individuals in expedited removal proceedings, full removal proceedings, bond hearings, habeas petitions, parole requests, and affirmative applications for immigration benefits (such as U and T visas).
3. In addition, in response to the COVID-19 pandemic, we conduct wellness checks for people in ICE custody. We gather information about their health and safety and the conditions within the particular detention facility. We use this information to advocate on behalf of detained individuals. In particular, we use this information to advocate for those with underlying medical conditions or traits that make them more vulnerable to serious illness in a congregate setting. As part of our response to COVID-19, we have represented members of the *Frailhat v. ICE*, No. 19-cv-01546-JGB (C.D. Cal.) class in seeking custody redeterminations pursuant to the nationwide injunction.
4. As the Supervising Intake Specialist, I am responsible for scheduling phone calls with detained individuals for the purpose of conducting legal intakes. We cannot represent a detained individual without completing a thorough legal intake. Las Americas conducts legal intakes through a team of volunteer attorneys and staff.
5. Beginning in March 2020, we stopped conducting in-person legal intakes because of the COVID-19 pandemic. I established contact with an Immigration and Customs Enforcement (ICE) Officer Roberto Sanchez at Otero, who agreed to an informal process where I emailed him directly to arrange free legal intake calls with potential clients. Because we are an Executive Office for Immigration Review (EOIR) approved legal services provider, calls to our main office line should be free. However, calls to our staff and our volunteer attorney phone lines are not free. Officer Sanchez would respond and “cc” the deportation officer (DO) assigned to the potential client in order to arrange a phone call. In this way I accumulated email addresses for several DOs at Otero.
6. This informal process was unreliable and resulted in many missed intake calls, as discussed in my May 13, 2020 declaration. But even this informal process has stopped working. At some point in May, Officer Sanchez stopped answering my phone calls and emails. I tried emailing all the DO contacts I had at Otero, but ICE largely stopped responding to my emails. Since sometime in May, because the process was so burdensome and ineffective we have been unable to schedule legal intake calls through ICE.

- 1 7. Because ICE largely stopped facilitating free legal intake calls at Otero, in May, Las
2 Americas began to pay for legal intake calls for potential clients detained at Otero. We
3 currently spend between \$10 to \$15 for each legal intake call. Under our current system,
4 when an individual detained at Otero calls our main office line, we immediately schedule
5 them for an intake phone call, because we don't know if we will be able to find that
6 person again. If they cannot afford the phone call, I put money into their account so that
7 they can make a phone call. We also provide the potential client with the personal phone
8 number for the volunteer intake attorney. The potential client then places the call either
9 from their dormitory or from the general phone booths.
- 10 8. There are several problems with our current system. Because ICE is not arranging for
11 legal intake calls, potential clients are forced to call from settings where they lack any
12 privacy. As a result, legal intakes are often not confidential or private.
- 13 9. In addition, I have spent at least \$400 on legal intake calls for detained individuals in
14 Otero. This takes money away from our other free legal services and is not financially
15 sustainable.
- 16 10. Finally, we do not have the financial resources to pay for the majority of non-intake calls.
17 The above temporary procedure only applies to the initial intake call.
- 18 11. Las Americas provides representation at the following other immigration detention
19 facilities: El Paso Service Processing Center, Torrance County Detention Facility, Aurora
20 Contract Detention Facility, Adams County Detention Center, Folkston ICE Processing
21 Center, Joe Corley Detention Facility, West Texas Detention Facility, and Jackson Parish
22 Correctional Center. Otero is the only facility where we have been forced to arrange legal
23 intake calls without the assistance of ICE. It is the only facility where we have had to
24 divert funding to pay for legal intake calls.

17 I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this
18 17 day of August 2020 in El Paso, Texas.

19 
20 _____
21 David Jackson

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF DAVID JACKSON was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone

DECLARATION OF MARGARET BROWN VEGA

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury as follows:

1. My name is Margaret Brown Vega. I coordinate Advocate Visitors with Immigrants in Detention (AVID), a volunteer-run organization that supports people held in Immigration and Customs Enforcement (ICE) detention and connects them with legal representation and other resources. I am also a partially accredited Department of Justice representative with Catholic Charities of Southern New Mexico and a volunteer legal assistant with the ACLU of New Mexico.
2. Prior to the suspension of visits to ICE facilities (as of March 13, 2020), in my role as volunteer for the ACLU of New Mexico, I had private, unmonitored legal visits with individuals on a weekly basis at the Otero County Processing Center (OCPC).
3. Since suspension of face-to-face visits, I have received many calls made through regular phones, or through the tablets, from OCPC. However, these calls suffer from a range of problems, including excessively short calls, dropped calls, and sound quality so poor that it is difficult to understand the caller. In general, these are paid calls in which individuals call me using their commissary funds.
4. Individuals make calls to my personal phone number, which is shared by word of mouth among those detained at OCPC, or through my account on Getting Out, the tablet application. I receive these calls in my capacity as a coordinator with AVID. ICE does not help arrange for these calls. People call me asking for assistance finding legal representation, getting general help with their situation, and to convey concerns about conditions in detention.
5. Through my work I have observed multiple systemic problems with phone access at OCPC.

Phone and Tablet Service Completely Unavailable or Severely Restricted

6. In just the past six months, phone and/or table services have been unavailable, or severely restricted, on many occasions.
7. On April 7, 2020, Individual 1 indicated that calls and any use of the tablets were being restricted by facility staff.
8. On April 13, 2020, at 9:10 AM, Individual 1 called by telephone and told me the tablets were turned off.
9. On May 13, 2020, Individual 2 reported that only one of the two phones in his dorm, B-3, was working.
10. On June 9, 2020, Individual 3 called from the tablets and reported to me that none of the telephones were working. He indicated they were all “mudos” (silent).

- 1 11. On June 10, 2020, Individual 4 called but the sound on the phone kept cutting out. In
2 another call that day, Individual 2 reported that the telephones were not working and
3 that everyone in OCPC was disconnected. They could only use the tablets to make
4 phone calls. There are 4 tablets for 50 people, and it was not enough for everyone to
5 try to make phone calls.
- 6 12. On June 11, 2020 at 9:45 AM, Individual 5 made a free call to me that was
7 disconnected. He called back using a tablet. He reported that there was no phone
8 service, and he understood the phone lines had been cut. That same day at 1:20 PM,
9 Individual 7 made a free call from the tablet and reported that the phones were not
10 working.
- 11 13. On June 12, 2020, Individual 1 called and reported that the phones were recently
12 connected midday the day before, June 11, 2020.
- 13 14. On June 15, 2020, Individual 5 called from the tablets and indicated that the phones
14 were not working.
- 15 15. On June 23, 2020, Individual 6 called from a phone and reported to me that phone
16 lines and the tablets had not been working up until that point. He was taking
17 advantage of this moment to call me because the phones seemed to be working
18 momentarily, but not the tablets. That same day I received a call from an unknown
19 person at OCPC but the call dropped. Also on June 23, Individual 7 reported that
20 phone access was really bad now. There were no tablets and the phones were only
21 working sometimes. We did the best we could to coordinate on the final preparation
22 of his documents.
- 23 16. On June 24, 2020, Individual 6 called and said the phones were working now but the
24 connection was still very bad, and it was difficult to hear everything he said. That
25 same day Individual 2 called to apologize for not calling sooner but the phones had
26 not been working.
- 27 17. Given these repeated service failures, in June 2020, AVID sent several emails to the
28 congressional offices of Rep. Xochitl Torres Small and Rep. Veronica Escobar about
29 phone access problems at OCPC.
 - 30 a. On June 9, 2020, AVID contacted staffers from these offices informing them
31 that phone service was out at OCPC, and calls could only be made via the
32 tablets. AVID informed them that call quality is very poor on the tablets
33 without a pair of headphones with a microphone. It is our understanding that
34 headphones costs \$17 in the commissary.
 - 35 b. On June 10, 2020, I followed-up again with these congressional offices to
36 report that the phones were still out. Because most people could not purchase
37 \$17 headphones with a microphone, there was no way to drown out other
38 noise or hear people speaking clearly. I informed them that the sound on the
39 calls kept cutting out.

- 1 c. I reported that while speaking to an individual I could hear other
2 conversations in the background, including other tablets that were ringing. I
3 was trying to translate over the phone for him a document he mailed to me
4 that was given to him in English. Because the facility fails to comply with
5 standards relating to interpretation, these types of calls are often how language
6 access takes place at OCPC. The poor quality hindered this workaround.
7 Everyone was waiting to use the few tablets available and things sounded
8 chaotic in a way that I have not experienced in speaking to people on the
9 phone over the last two years or so.
- 10 d. I also expressed special concern for those in solitary confinement, as they do
11 not have access to the tablets. I relayed a recent example to their office: I was
12 trying to help someone translate their asylum application into English, and we
13 arranged to clear up some details by phone before I mailed it back to him. He
14 was unable to reach out to me until he got out of solitary confinement, four
15 days after his court date when he needed to submit the form.
- 16 e. On June 23, 2020, I again notified staffers with these congressional offices
17 about the phones and tablets being completely out on June 22, 2020 and only
18 working sporadically this day. The phone did not work again until June 24,
19 2020, but the connection was so bad I could not understand several
20 individuals.
- 21 f. In response to our requests, Representatives Torres Small and Escobar
22 submitted a complaint to the Department of Homeland Security Office for
23 Civil Rights and Civil Liberties (CRCL). In a letter dated August 13, 2020,
24 they demanded “[a]ccess to functioning telephones and private spaces for
25 legal consultation,” as well as access to free stamps and to language services.
- 26 g. My emails with staff from the offices of Representatives Torres Small and
27 Escobar is attached as Exhibit A. The letter to CRCL is attached as Exhibit B.

Poor Call Quality, Calls of Insufficient Length, Dropped Calls

18. Even when people can make calls from OCPC, they are too short, of poor sound
quality, sometimes prohibitively expensive, and drop frequently and abruptly.
19. On April 13, 2020, at 10:40 AM, Individual 1 called me to assist four Spanish-
speakers, all of whom had been forced to sign papers stating they were seeking
asylum (prolonging their stay) when they had already signed deportation papers and
wanted to be deported. The call dropped, and Individual 1 called back to relay the rest
of the information for the other individuals. The four individuals did not have funds
to make calls, but Individual 1 did.

- 1 20. On April 22, 2020, Individual 8 made a free call to me that dropped. He called back. I
2 asked him to follow the instructions that ICE officials had given to the ACLU of New
3 Mexico for setting up an unmonitored legal call between us to discuss an abuse he
4 suffered. He made the request through the Staff Detainee Communication system as
5 instructed and it was never arranged. That same day, Individual 10 called back with a
6 free 5-minute call because an earlier call ended automatically.
- 7 21. On May 7, 2020, Individual 9 made a free 10-minute call to me that ended
8 automatically. We were not able to finish speaking and he indicated he would call
9 back. Individual 9 made another free call, but the call dropped and we were
10 disconnected. Individual 9 called back again and we were able to speak for 10
11 minutes before the free call ended. Two calls were necessary to provide me with
12 background information on his case, convey grievances, and describe conditions.
13 Individual 10 made a free 5-minute legal call to me that ended automatically.
14 Individual 10 called back with a free 10-minute call.
- 15 22. On May 24, 2020, Individual 1 passed the phone to Individual 11, who had no money
16 to make a phone call. Individual 11 was given a document with errors on it, including
17 the wrong name, but he did not understand the document. I had difficulty
18 understanding what he was saying and told him I would refer him to El Paso
19 Immigration Collaborative (EPIC) in the hopes they could have a better conversation
20 with him.
- 21 23. On June 3, 2020, Individual 7 called, but there was no sound on the call. The call
22 eventually dropped.
- 23 24. On June 8, 2020, Individual 12 called using commissary funds indicating he needed
24 assistance with funds for making calls because he did not have any free calls
25 available.
- 26 25. On June 22, 2020, Individual 6 placed a free call to me. He was hard to hear, and I
27 could not make out anything he was saying, and then the call dropped.

Lack of Information About Free Calls

- 21 26. ICE has not given detained individuals clear information about when free calls are
22 available and how many free calls they have. It is my understanding that the only way
23 to check their free phone call balance is to use the tablets, but no one instructs
24 detained individuals on how to use those tablets, and the tablets are all in English.
- 25 27. On May 5, 2020, at 8:15 pm, Individual 3 reported to me that he was receiving 30
26 minutes per week of free calls.
- 27 28. On May 7, 2020, Individual 13 made a free call to me and reported that they receive 9
calls that are 9 minutes per week. That same day Individual 10 reported that once a
week they have free phone calls, but that sometimes the facility doesn't give them. He
stated that facility staff do not tell them when they do have free minutes. Rather, their

1 account shows that they have a balance to make phone calls. They try every day to
2 make calls, and they know they have minutes because the calls go through. Other
3 days the calls don't go through. He said they try every Thursday because staff don't
4 announce when people will get free calls.

- 5 29. On June 9, 2020, Individual 7 called and the connection was very bad, making it
6 difficult to understand him. He was calling to coordinate regarding his documents for
7 court. He indicated that on Wednesdays people get free calls.

8 **Inability to Place Calls from Solitary Confinement**

- 9 30. People placed in solitary confinement after testing positive for COVID-19 found it
10 especially difficult to make calls.
- 11 31. On May 10, 2020, Individual 3 called me from solitary confinement, where he was
12 placed for testing positive for COVID-19. He reported having difficulty accessing a
13 phone. A phone was brought to the window in the door where he could use it.
- 14 32. On May 12, 2020, Individual 3 indicated they were not being provided with free
15 phone calls in solitary confinement, but he had to use their funds to make calls. They
16 have no access to tablets.
- 17 33. On May 14, 2020, Individual 14 called me from solitary confinement, where he was
18 placed for testing positive for COVID-19. He spoke on a phone passed through the
19 window in the cell door. The phone connection was very bad and he was very
20 difficult to hear.
- 21 34. On June 15, 2020 at 9:30 AM, Individual 13 called to say that he had been recently
22 released from solitary confinement, where he was held because he tested positive for
23 COVID-19. He said that while he was in solitary, a note came from staff saying that
24 he should call his legal representative. He had been unable to call his legal
25 representative and asked me if I could reach out to the legal representative to give her
26 an update on his papers for a release request.

27 **Burdens on Indigenous Language Speakers**

- 28 35. In my experience doing in-person visits to OCPC, there are frequently several
29 indigenous language speakers detained at the facility. From my communications with
30 individuals detained at OCPC, I understand that there are virtually no resources to
31 assist indigenous language speakers. Instead, these individuals have to rely on the
32 support of other detained people and attempt to communicate as best they can.
- 33 36. On June 3, 2020, Individual 15 called, but the call dropped. He called back, seeking
34 help finding legal representation. Individual 15 called back on behalf of Individual
35 16, who only speaks an indigenous language and cannot communicate to ask for
36 assistance. Individual 16 was seeking legal representation.

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2 **People Unable to Contact the Outside World, Including Attorneys, Reporters,**
3 **and Class Counsel**

- 4 37. As a result of the phone access problems at OCPC, many people have had difficulty
5 making contact with the outside world, including their attorneys, reporters, and a
6 court-ordered legal hotline.
- 7 38. On March 24, 2020, I called OCPC to arrange a legal call with Individual 2. A staff
8 member at the facility took my name and phone number and said they would pass
9 Individual 2 the message to call me. It took Individual 2 a day to receive the message.
10 He was only allowed a very brief free call that lasted a few minutes. For a longer call,
11 Individual 2 had to use his own funds, which he did not have at the time.
- 12 39. On March 26, 2020, I sent an email to an attorney at a local legal services provider
13 regarding a client I had spoken to who was unsure whether he was represented by that
14 provider. The attorney asked me how I was able to communicate with the client and
15 stated that she asked because they were unable to communicate with their clients. She
16 asked me if I could help them communicate with her detained client.
- 17 40. On April 13, 2020, Individual 17 reported to me that in the afternoon he attempted to
18 call two journalists more than three times, but the calls would not go through. I was
19 able to call the same individuals without problem from my personal phone. The
20 following day in the morning and afternoon Individual 17 continued to try to call the
21 reporters but the calls would not go through to those numbers.
- 22 41. On May 21, 2020, Individual 18 called me to report that her brother, Individual 19,
23 was concerned with talking on the tablets in OCPC. He understood that tablet
24 conversations were recorded and he did not want to communicate via the device. He
25 was in dorm C-2 in quarantine.
- 26 42. On May 29, 2020, Individual 2 reported that he had difficulty reaching his attorney.
27 He was being given free calls.
43. On June 4, 2020, Individual 7 called back indicating that he had not received any
calls from legal service providers. He said he planned to represent himself and needs
help with translation of documents.
44. On June 9, 2020, Individual 5 made a free call stating he had just been taken out of
solitary confinement after two weeks. He had been unable to speak to potential
attorneys, nor follow-up on the postings he saw related to the *Fraihat v. ICE*
litigation, in which a federal court entered an injunction related to individuals
vulnerable to COVID-19.
45. On June 11, 2020, at 10 AM, Individual 12 called to tell me that he had spoken to
Texas Rio Grande Legal Aid and Diocesan Migrant and Refugee Services about legal
representation, but that they did not want to take his case. He expressed that he could
not speak to them the way he wanted to on the phone. He wanted to converse

1 privately and is embarrassed to have to talk in front of others in public about his
2 situation.

3 46. On June 19, 2020, Individual 5 made a free call and reported that he had been unable
4 to call the 1-800 number for the *Fraihat* litigation because the call disconnects. The
5 call automatically ended. Individual 5 made another free call to continue our
6 conversation. As he was explaining to me how testing was being done for COVID-19,
7 referring to superficial nose swabs, the call was terminated abruptly. Individual 5
8 made another free call and indicated to me that he could not use the tablets well
9 because everything is in English.

10 47. On July 14, 2020, Individual 7 was not able to get through to the *Fraihat* hotline
11 number.

12 I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this
13 19 day of August 2020 in Las Cruces, New Mexico.



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Margaret Brown Vega

EXHIBIT A



AVID in the Chihuahuan Desert <civicl16@gmail.com>

Phones at OCPC not presently working

23 messages

Nathan Craig <n8craig@gmail.com>

Tue, Jun 9, 2020 at 5:57 PM

To: "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, Felipe Galvis-Delgado <felipe.galvis-delgado@mail.house.gov>, Nayomi Valdez <nayomi.valdez@mail.house.gov>

Cc: Susie Byrd <susie.byrd@mail.house.gov>, AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Dear Representatives Escobar and Torres Small,

We write to thank you for your [June 5 letter](#) expressing concerns regarding the significant barriers to phone access experienced by individuals in ICE custody at EPSPC and OCPC. I also want to inform you that today June 9 we received three reports from persons detained at OCPC who told us that *the phone lines are not working*. At present the only mechanism to reach out of the facility is to "call" out on the tablets.

The tablet call quality is extremely poor. The only way to improve it is for a person to spend \$17 for a pair of headphones with a microphone. As you know, ICE's exploitative \$1 work program means that a person in detention would have to work for more than half a month to afford these headphones. Many of the people calling us are making their five minute free calls, and they don't have the money to pay for the overpriced headphones.

We felt it important you know that the phones are currently not working at OCPC. We are sad to report that outages like this are common. We urge you to pressure FOD Corey Price and Warden Orozco to resolve the situation immediately.

Thank you in advance for your attention to this matter.

Nathan and Margaret

Galvis-Delgado, Felipe <Felipe.Galvis-Delgado@mail.house.gov>

Wed, Jun 10, 2020 at 2:32 PM

To: Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Cc: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Hey Nathan,

Thank you for letting us know about this situation. We will be sure to bring this up with MTC.

[Quoted text hidden]

AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Wed, Jun 10, 2020 at 3:28 PM

To: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>

Cc: Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, "Byrd, Susie" <Susie.Byrd@mail.house.gov>

Dear Felipe,

Today I received two more calls indicating that the regular phones in the whole facility are out, and people are only able to make calls via the tablets. Because most people have not purchased \$17 headphones with a mic, there is no way to drown out other noise or hear people speaking clearly. The sound on the calls keeps cutting out. I spoke with a man who told me that in his dorm there are 4 tablets and 50 people (social distancing impossible). While speaking to him I could hear other conversations in the background, including other tablets that were ringing. I was trying to translate over the phone for him a document he mailed to me that was given to him in English. Because the facility fails to comply with standards relating to interpretation, these types of calls are often how language access takes place at Otero. Now even this workaround is hampered. Everyone was waiting to use the few tablets available and things sounded chaotic in a way that I have not experienced in speaking to people on the phone over the last two years or so.

I am especially concerned for those in solitary confinement, as they do not have access to the tablets. I'm trying to help someone translate their asylum application into English, and we arranged to clear up some details by phone before I mailed it back to him. He is now unable to reach out to me until he is out of solitary, 4 days after his court date when he needs to submit the form. This is just one example of the problems lack of phone access results in no due process for individuals detained at Otero. Non-working phones are creating even more severe problems for accessing attorneys, or calling out to friends and family, or advocates.

If there is anything that can be done to remedy this situation immediately, those inside would be grateful. It's hard enough inside right now.

Sincerely,
Margaret

Exhibit A Vega Decl.

[Quoted text hidden]

--
Advocate Visitors with Immigrants in Detention
P.O. Box 214
Las Cruces, NM 88004
avid@chihuahuan.org
Webpage: http://avid.chihuahuan.org/
Find out about the Dignity Not Detention Movement in New Mexico: http://dignity.chihuahuan.org/

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Byrd, Susie <Susie.Byrd@mail.house.gov> Wed, Jun 10, 2020 at 4:33 PM
To: AVID in the Chihuahuan Desert <avid@chihuahuan.org>, "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>
Cc: Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Nathan:

We have followed up with ICE. I'll let you know what we hear back.

Susie

--

Susie Byrd

District Director

Office of Congresswoman Veronica Escobar (TX-16)

Wells Fargo Plaza. [221 N. Kansas Street, Suite 1500](#)
El Paso, TX 79901
Phone: (915) 541-1400
susie.byrd@mail.house.gov
www.escobar.house.gov



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[Quoted text hidden]

Byrd, Susie <Susie.Byrd@mail.house.gov> Wed, Jun 10, 2020 at 4:41 PM
To: AVID in the Chihuahuan Desert <avid@chihuahuan.org>, "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>
Cc: Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Nathan:

ICE responded that maybe the phones were down yesterday but they are working now. Is there anyway to confirm?

--

Susie Byrd

District Director

Office of Congresswoman Veronica Escobar (TX-16)

Wells Fargo Plaza. [221 N. Kansas Street, Suite 1500](#)
El Paso, TX 79901
Phone: (915) 541-1400
susie.byrd@mail.house.gov
www.escobar.house.gov



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[Quoted text hidden]

AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Wed, Jun 10, 2020 at 5:17 PM

To: "Byrd, Susie" <Susie.Byrd@mail.house.gov>

Cc: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Hi Susie,

I just sent a text to someone to ask. If someone calls me I will let you know. But I can tell you that as of 1 pm today they were not working.

Margaret

[Quoted text hidden]

AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Wed, Jun 10, 2020 at 7:37 PM

To: "Byrd, Susie" <Susie.Byrd@mail.house.gov>

Cc: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Hi Susie,

I just received a text from detention. As of 7:30 pm the phones are still not working. Only the tablets.

Margaret

[Quoted text hidden]

Byrd, Susie <Susie.Byrd@mail.house.gov>

Fri, Jun 12, 2020 at 11:14 AM

To: AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Cc: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Thank you.

[Quoted text hidden]

AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Fri, Jun 12, 2020 at 2:27 PM

To: "Byrd, Susie" <Susie.Byrd@mail.house.gov>

Cc: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Dear Susie and all,

The phones finally came back on line yesterday afternoon, well after 1 pm.

As an aside, I spoke to one man who desperately wants to give the details of his asylum claim to an attorney, but intakes are being done on the phones in the dorms, or this last week on tablets. There is no privacy and no confidentiality. He does not want others in his dorm to hear the details, so he has not provided them to legal representatives to whom he has spoken. He is embarrassed. As a result, he has not been able to secure legal representation, because he cannot share the details of his claim. I know your offices have drawn attention to the horrible problem of phone access, and are seeking to address the issue. This additional example underscores the need for individuals to have private calls with attorneys as soon as possible.

Thank you,

Margaret

[Quoted text hidden]

Byrd, Susie <Susie.Byrd@mail.house.gov>

Fri, Jun 12, 2020 at 2:32 PM

To: AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Cc: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Thank you for the update.

[Quoted text hidden]

Valdez, Nayomi <Nayomi.Valdez@mail.house.gov>

Fri, Jun 12, 2020 at 2:38 PM

To: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Cc: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Thank you for keeping us posted, Margaret.

Nayomi Valdez

District Director

Rep Torres Small NM02

240 S. [Water St. Las Cruces NM, 88001](#)

O: 575-323-6384

Exhibit A Vega Decl.

M: 575-997-7646

O: 575-323-6384 M: 575-997-7646

From: Byrd, Susie <Susie.Byrd@mail.house.gov>

Sent: Friday, June 12, 2020 2:32 PM

To: AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Cc: Galvis-Delgado, Felipe <Felipe.Galvis-Delgado@mail.house.gov>; Nathan Craig <n8craig@gmail.com>; Calixtro, Mariajose <Mariajose.Calixtro@mail.house.gov>; Valdez, Nayomi <Nayomi.Valdez@mail.house.gov>

[Quoted text hidden]

[Quoted text hidden]

 **Outlook-O_ 575-323**
711K

AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Tue, Jun 23, 2020 at 3:08 PM

To: "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Cc: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Dear Congressional offices,

We write to again notify you of problems with phones at the Otero County Processing Center in Chaparral, New Mexico. Today we received three calls from OCPC. All individuals indicted that the phones were completely out yesterday (6/22/2020), and that today, phones were working sporadically. In fact, we answered one call in which there was just silence, without the typically introductory recording, and then the call ended. We were told that as of yesterday the tablets are not working, and they remain nonfunctional today. While tablets are used for phone calls and accessing very limited applications, they are also used internally for handling requests (medical, ICE, staff) and complaints. We wonder if there are problems with phone/internet infrastructure in OCPC, and ask your office to inquire as to the cause of these problems, and request that ICE and MTC immediately correct the situation.

We also want to underscore that with the second-wave outbreak now occurring at OCPC, people are more desperate than ever. Reaching out to attorneys, advocates, and family members is critical now. To be frank, what is happening inside OCPC right now is quite alarming. We want to follow-up with a more formal letter regarding conditions inside OCPC. But we want to immediately bring your attention to the ongoing problems with phone access at the facility so that they might be resolved quickly.

Thank you for your attention to this continuing problem.

Sincerely,
Margaret Brown Vega
[Quoted text hidden]

 **Outlook-O_ 575-323**
711K

Nathan Craig <n8craig@gmail.com>

Tue, Jun 23, 2020 at 4:55 PM

To: "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, "Byrd, Susie" <Susie.Byrd@mail.house.gov>, "Galvis-Delgado, Felipe" <Felipe.Galvis-

Delgado@mail.house.gov>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Cc: AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Dear All,

Since Margaret raised the issue of the electronic requests system, I do want to point out a serious flaw with this system. It is my understanding that under this electronic request system, detained persons have no mechanism to print out physical retainable copies of their requests or responses to them. I've directly asked several people detained at OCPC if they can print out a record of their requests and responses. Everyone I asked told me that the tablets were not connected to a printer, they could not insert a USB stick to save a copy, and there was no mechanism to email themselves a copy for future reference. This means that other than the tablets themselves, detained persons have no way to keep a record of requests and responses. This is a massive problem.

Written requests to staff are covered under ICE's PBNDS section 2.13.V.b and sub-section 1 which states that a response should come "no longer than three (3) business days of receipt." Failure to provide timely responses to written requests has been a pervasive and chronic problem at OCPC, both on the part of ICE and MTC. For example, over the past year alone, widespread failures to respond to requests to speak with DO's has been the cause of multiple protests including hunger strikes, going "plantado", and serious acts of self harm.

In the past, physical copies of paper requests and their responses either by ICE or MTC have been central to reporting concerns to entities like the DHS's Office of Inspector General or Civil Rights/Civil Liberties. While MTC lauds the streamlined process of electronic requests and responses, outside of the tablets that MTC controls and occasionally takes away, the requester has absolutely zero mechanism of maintaining a record of those requests and responses. In short, the revamped request system is a black box completely controlled by MTC and perhaps its telecommunications subcontractors. On top of that, when the tablets aren't working the request system is gummed up.

I hope the lines of communication can be brought up again soon and for there to be some means for people to keep physical copies of their requests.

Thank you for your time,
Nathan

[Quoted text hidden]



Galvis-Delgado, Felipe <Felipe.Galvis-Delgado@mail.house.gov>

Wed, Jun 24, 2020 at 1:10 PM

To: AVID in the Chihuahuan Desert <avid@chihuahuan.org>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>

Cc: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Hi Margaret,

Thank you for letting us know. I did not receive a response to my last inquiry with MTC on the phones but I will bring it up again today. We'll keep you posted on what we learn.

Best,
Felipe

From: AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Sent: Tuesday, June 23, 2020 5:09 PM

To: Valdez, Nayomi <Nayomi.Valdez@mail.house.gov>

Cc: Byrd, Susie <Susie.Byrd@mail.house.gov>; Galvis-Delgado, Felipe <Felipe.Galvis-Delgado@mail.house.gov>; Nathan Craig <n8craig@gmail.com>;

Calixtro, Mariajose <Mariajose.Calixtro@mail.house.gov>

Subject: Re: Phones at OCPC not presently working

Dear Congressional offices,

We write to again notify you of problems with phones at the Otero County Processing Center in Chaparral, New Mexico. Today we received three calls from OCPC. All individuals indicated that the phones were completely out yesterday (6/22/2020), and that today, phones were working sporadically. In fact, we answered one call in which there was just silence, without the typically introductory recording, and then the call ended. We were told that as of yesterday the tablets are not working, and they remain nonfunctional today. While tablets are used for phone calls and accessing very limited applications, they are also used internally for handling requests (medical, ICE, staff) and complaints. We wonder if there are problems with phone/internet infrastructure in OCPC, and ask your office to inquire as to the cause of these problems, and request that ICE and MTC immediately correct the situation.

We also want to underscore that with the second-wave outbreak now occurring at OCPC, people are more desperate than ever. Reaching out to attorneys, advocates, and family members is critical now. To be frank, what is happening inside OCPC right now is quite alarming. We want to follow-up with a more formal letter regarding conditions inside OCPC. But we want to immediately bring your attention to the ongoing problems with phone access at the facility so that they might be resolved quickly.

Thank you for your attention to this continuing problem.

Sincerely,

Margaret Brown Vega

On Fri, Jun 12, 2020 at 2:44 PM Valdez, Nayomi <Nayomi.Valdez@mail.house.gov> wrote:

Thank you for keeping us posted, Margaret.

Nayomi Valdez

District Director

Rep Torres Small NM02

[240 S. Water St. Las Cruces NM, 88001](#)

O: 575-323-6384

Exhibit A Vega Decl.

M: 575-997-7646



[Quoted text hidden]

[Quoted text hidden]

AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Wed, Jun 24, 2020 at 1:49 PM

To: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>

Cc: "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, "Byrd, Susie" <Susie.Byrd@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Hi Felipe,

Is it normal for an entity like MTC to not respond to a congressional office? Since Rep. Torres-Small is the chairwoman of the DHS subcommittee on Oversight, Management, and Accountability, their silence to such a query is troubling.

Please let us know what their response is, and if they will address the problem.

Sincerely,
Margaret

[Quoted text hidden]

Galvis-Delgado, Felipe <Felipe.Galvis-Delgado@mail.house.gov>

Wed, Jun 24, 2020 at 2:01 PM

To: AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Cc: "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, "Byrd, Susie" <Susie.Byrd@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Hi Margaret,

Before this, they had actually been pretty responsive to our inquiries. I reached out again and will keep you posted.

[Quoted text hidden]

Byrd, Susie <Susie.Byrd@mail.house.gov>

Fri, Jun 26, 2020 at 6:00 PM

To: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>, AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Cc: "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Any news here?

--

Susie Byrd

District Director

Office of Congresswoman Veronica Escobar (TX-16)

Wells Fargo Plaza. [221 N. Kansas Street, Suite 1500](#)

El Paso, TX 79901

Phone: (915) 541-1400

susie.byrd@mail.house.gov

www.escobar.house.gov



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[Quoted text hidden]

Galvis-Delgado, Felipe <Felipe.Galvis-Delgado@mail.house.gov>

Sat, Jun 27, 2020 at 6:12 PM

To: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Cc: "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Hey all,

Yes, MTC said they had some issues with the phone lines, but claimed the issues have been resolved. They said they have a technician from Talton (their detainee phone contract provider) that comes in weekly and services the phones and the tablets.

On the stamps issue, they said indigent detainees are provided stamps and Warden Orozco continues to verify this to be the case.

On the PRFs issue, they said legal mail is logged in by staff and then opened in the presence of the detainee. They are not aware of any incidents where legal mail has been lost.

I will continue to stay in communication with their representatives on these issues and please keep us informed of any developments.

[Quoted text hidden]

AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Sun, Jun 28, 2020 at 10:15 PM

To: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>

Cc: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>

Hi all,

On Wednesday the phones started to work again, but the connection was so bad I could barely understand several individuals. I think the tablets are now working, because I received a text yesterday (Saturday) via tablet. The larger, and continuing issue, is that I believe attorneys still cannot have unmonitored calls with their clients or potential clients. Tremendous barriers to legal access remain at Otero. I know of several individuals who were deported this last week, who never received legal orientation, and who tried but couldn't contact legal services in time to assist with their cases. Their time to try to find help was cut short by being in quarantine (no access to law library) and then by testing positive for COVID-19. This included a 58-year old man, who due to his age and underlying medical conditions should have been released. Instead he spent 18 days in solitary confinement until he presumably recovered. During this time he could not reach out, not to mention the psychological torture he experienced. With attorneys still having trouble arranging legal calls, and recurring problems where phones do not function properly or at all, those in detention at Otero effectively do not have access to legal services.

On the stamps issue, free stamps for those who are indigent is supposed to be true. We've heard reports that stamps are only distributed so often. They are not available on demand. Staff are less enthused about interacting with detained individuals right now, and there is also a staffing shortage, contributing to numerous delays in the facility. Judges do not care if an individual was delayed a week in sending out critical documents to an attorney or advocate because they had to wait several days for stamps. Perhaps you can help by ensuring individuals receive stamps on demand, when they need them, since delays have serious consequences. The other issue is that several individuals to whom I spoke had no idea how to send letters. Staff never explained to them how to do it, and for those in quarantine it was especially unclear to them how they could send a letter. These are basic facility operations about which everyone is supposed to be informed. It is clear staff are not doing this orientation.

I also encountered, through the advocacy of their fellow podmates, two individuals who speak indigenous languages (Acateco and Quichua) who were just completely lost about any procedures or how to reach out. They don't really speak or understand Spanish. They just happened to be with other individuals who do, and who also speak their indigenous language, and who interpreted for them. Language access continues to be a problem at Otero, and has been raised directly with the Civil Rights/Civil Liberties arm of DHS in the past, specifically regarding Punjabi and Hindi speakers. It is a problem not unique to Otero, but likely more widespread. I am in touch with a few individuals from Nepal who are detained at Winn Correctional Center in Louisiana. One has been in detention for well over a year, and has learned some English and Spanish. He interprets for fellow Nepalis. ICE officials routinely ask him to sign paperwork or speak to him in English, and never use Nepali interpretation. The Performance Based National Detention Standards 2011 (Revision 2016) were, among other things, "crafted to...increase access to legal services [and] improve communication with detainees with no or limited English proficiency." Neither ICE, nor MTC (or LaSalle Corrections), are compliant regarding these two issues. What steps can be taken by congressional offices to ensure ICE and their contractors are held accountable for violations of facility standards, and civil rights?

Sincerely,
Margaret

[Quoted text hidden]

Galvis-Delgado, Felipe <Felipe.Galvis-Delgado@mail.house.gov>

Mon, Aug 17, 2020 at 3:08 PM

To: AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Cc: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, Nathan Craig <n8craig@gmail.com>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Sanchez, Jacqueline" <Jacqueline.Sanchez@mail.house.gov>

Exhibit A Vega Decl.

Nathan and Margaret,

I hope you are doing well.

We'd like to share the attached letter that Reps. Torres Small and Escobar sent last week to the DHS Civil Rights and Civil Liberties requesting it to include some of the concerns you raised with us in their ongoing investigation of Otero.

Again, thanks so much for your advocacy.

[Quoted text hidden]

 **Letter_Addendum to CRCL Investigation into Otero Request_FINAL.pdf**
136K

Nathan Craig <n8craig@gmail.com>

Mon, Aug 17, 2020 at 7:24 PM

To: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>

Cc: AVID in the Chihuahuan Desert <avid@chihuahuan.org>, "Byrd, Susie" <Susie.Byrd@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Sanchez, Jacqueline" <Jacqueline.Sanchez@mail.house.gov>

Dear Felipe,

Thank you very much for sharing this.

[Quoted text hidden]

Nathan Craig <n8craig@gmail.com>

Mon, Aug 17, 2020 at 7:57 PM

To: "Galvis-Delgado, Felipe" <Felipe.Galvis-Delgado@mail.house.gov>

Cc: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Sanchez, Jacqueline" <Jacqueline.Sanchez@mail.house.gov>, AVID in the Chihuahuan Desert <avid@chihuahuan.org>

I do want to raise one point of clarification. In the first sentence of the CRCL complaint it indicates the facility in question as the "Otero County Correctional Center". To the best of my knowledge, there is no facility by that name. The names are many and confusing, but also have meaning.

There is the Otero County Prison Facility and the Otero County Processing Center. These are county owned and managed by MTC. There is also an Otero County Detention Center, that too is county owned but managed by Otero County. The ICE facility is the Otero County Processing Center.

Though immigration detention is by definition not punitive, ICE does in certain settings keep some people in facilities that have "corrections" in their name. However, those are non-dedicated facilities like the Ciobla County Correctional Center. ICE run facilities or dedicated facilities are typically called "processing centers" following the naming convention of the first processing centers established in the 1980's during the Mariel boatlift. OCPC operates under a dedicated intergovernmental service agreement which is why it is termed a processing center. At least, that's how I understand it.

Thank you again for raising concerns about the Otero County Processing Center, and thank you also for keeping us in the loop. Hopefully, we will soon have a new administration that is ready to address some of these deeply entrenched problems like processing centers generally.

Nathan

[Quoted text hidden]

Galvis-Delgado, Felipe <Felipe.Galvis-Delgado@mail.house.gov>

Tue, Aug 18, 2020 at 7:32 AM

To: Nathan Craig <n8craig@gmail.com>

Cc: "Byrd, Susie" <Susie.Byrd@mail.house.gov>, "Valdez, Nayomi" <Nayomi.Valdez@mail.house.gov>, "Calixtro, Mariajose" <Mariajose.Calixtro@mail.house.gov>, "Sanchez, Jacqueline" <Jacqueline.Sanchez@mail.house.gov>, AVID in the Chihuahuan Desert <avid@chihuahuan.org>

Hi Nathan,

You are absolutely correct, just made that edit. Thanks for taking a look and for always keeping us in the loop on AVID's work.

Best,
Felipe

Exhibit A Vega Decl.

[Quoted text hidden]

EXHIBIT B

Congress of the United States
Washington, DC 20515

August 13, 2020

Ms. Cameron Quinn
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Ms. Quinn:

We write to thank you for initiating an investigation into the Otero County Correctional Center (Otero), as requested in the correspondence you received dated May 19, 2020. We also request that you include in your investigation's scope of review the concerns described below, which have recently been alleged by individuals detained at Otero.

As described in the initial letter requesting an investigation into the facility, reports from Otero detainees and their attorneys suggest that the facility has not followed proper quarantine procedures, which has increased the viral exposure of detainees and staff. In fact, as of the drafting of this letter, there have been at least 150 confirmed positive cases of COVID-19 among detainees at Otero.¹

Furthermore, while the virus has presented new issues in ensuring detainee and staff safety, it has also exacerbated issues that existed prior to the COVID-19 pandemic at the Otero facility, particularly barriers to legal representation. We have recently received numerous complaints alleging several problems that thwart legal representation at Otero. Such issues include:

- **Access to functioning telephones and private spaces for legal consultation:** On multiple occasions during June 2020, detainees reported phones at the Otero facility were either inoperable or had continuous unreliable connection. While MTC acknowledged it had problems with its phone lines and that such issues were resolved, detainees claim it is a continuing issue. Additionally, when phones are working, individuals allege they do not have access to private spaces to have unmonitored communications with their attorneys, which prevent them from confidentially discussing sensitive information relevant to their immigration cases. These issues have been heightened since individuals have little to no access to the law library and those who have tested positive for the virus or are symptomatic are often sent to solitary confinement.
- **Access to mail services:** According to groups representing individuals in Otero, indigent individuals are not receiving free stamps and those who are able to purchase stamps at the commissary can face up to 10 days to receive their purchased stamps. Furthermore,

¹ U.S. Immigration and Customs Enforcement. "ICE Guidance on COVID-19." <https://www.ice.gov/coronavirus>

because staff are minimizing interactions with detainees to avoid viral exposure, stamps are not available on demand and detainees are not receiving orientation on how to send mail. These allegations are concerning since detained individuals need to send their documents to legal service providers and immigration judges in a timely manner.

- **Access to language services:** Individuals at Otero without English proficiency are often not offered access to language services. This is particularly acute within populations that speak indigenous languages since other detainees typically do not speak their language and cannot interpret for them. As aforementioned, due to minimizing staff and detainee interaction, individuals are not receiving language services orientation.

As you know, due to the COVID-19 pandemic, attorneys have had little to no access to in-person visits, making these issues even more problematic. Without full access to functioning telephones, mail, and language services, individuals' time in detention will likely be prolonged, which is deeply concerning given Otero's record on containing the virus.

We have also relayed several of these allegations and other outstanding issues to U.S. Department of Homeland Security Acting Secretary Chad Wolf and U.S. Immigration and Customs Enforcement Acting Director Matthew Albence in a letter dated June 5, 2020². We encourage you to review this letter for more information on the longstanding legal representation issues at Otero and their exacerbation due to COVID-19.

We thank you again for your prompt attention in initiating an investigation into Otero and appreciate your consideration in including these additional issues into your ongoing investigation.

Sincerely,



Xochitl Torres Small
Member of Congress



Veronica Escobar
Member of Congress

² "Escobar, Torres Small Demand DHS and ICE Answers About Detainees Telephone Accessibility." June 8, 2020. https://escobar.house.gov/uploadedfiles/06.05.20_letter_on_espse_and_otero_phone_access_issues.pdf

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a true and correct copy of the foregoing DECLARATION OF MARGARET BROWN VEGA was served with the Clerk of the Court by using the CM/ECF system, which provided an electronic notice and electronic link of the same to all attorneys of record through the Court's CM/ECF system.

Dated: August 26, 2020

By: /s/ Paige Pavone