

# EXHIBIT

6

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<u>Ángel Alejandro Heredia Mons et al.</u>	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	Civ. No.: 1:19-cv-01593
	)	
Kevin K. McALEENAN et al.	)	
	)	
<i>Defendants/Respondents.</i>	)	
	)	

**DECLARATION OF S.U.R.**

I, S.U.R., declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am a Nicaraguan asylum seeker detained at the Adams County Correctional Center (“Adams”) in Natchez, Mississippi. I am native Spanish Speaker and I speak no other languages. I turn sixty (60) years old next week. I suffer from hypertension and a systolic heart murmur. I have been detained under the custody of Immigration and Customs Enforcement (“ICE”) for thirteen (13) months.

**Synopsis of Past Persecution**

2. I am fleeing violent persecution in Nicaragua due to my political opinion against Daniel Ortega, whom I consider to be a fascist communist dictator akin to Fidel Castro. On or about April 23, 2018 I participated in peaceful demonstrations against the Ortega regime in Managua, Nicaragua. That day, I was beaten by Nicaraguan paramilitary officers. They also shot me twice resulting in injuries to my left arm and my genitals.

3. Thereafter, I was hospitalized. When I recovered, I went into hiding, moving from place to place. Conditions in the country grew worse as Ortega made every effort to destroy media, journalism and human rights organizations in our country. My nephew suffered similar mistreatment due to his political opinion and participation in peaceful protests. Afraid we would be tracked down and killed, we decided to leave and seek safe safety in the United States (“US”). We left Nicaragua together on or about September 24, 2018.

### **Journey to the United States**

4. We traveled through Honduras and Guatemala until we reached the Mexican border. It was difficult to obtain permission to travel through Mexico. After crossing over, armed criminal factions kidnapped us and held us for ransom. However, our families had no money to pay these men. I was sure we would be killed. They finally dumped us naked and deprived of our belongings, leaving us for dead in the mountains.
5. Eventually we made our way to the US - Mexico border at El Chaparral in Tijuana. We had no money and had to work various small jobs to survive. We sought help from volunteers at an organization called Al Otro Lado. We were told that we would have to wait in line to seek asylum in the US. We were assigned numbers to wait on or about January 23, 2019. We crossed into the US at the San Ysidro port of entry on or about February 25, 2019.

### **Frustration of Access to Parole**

6. After being processed at the border, we were kept in temporary holding cells known as *hieleras* for about eight (8) days. On or about March 3, 2019 we were transferred to the San Luis Regional Detention Center in Arizona. On or about March 11, 2019 we were

transferred to the to the Tallahatchie County Correctional Facility (“Tallahatchie”) in Mississippi.

7. While detained in Tallahatchie, I was provided a credible fear interview. About two weeks later, I was given the positive determination results along with documents informing me of my right to apply for parole. However, three or four days later, I was given a letter in English denying me parole without my having applied for it. The English language denial letter checked off a box indicating that ICE had determined I was a “flight risk,” without offering any explanation as to how they made this determination.
8. On or about April 11, 2019 we were transferred to the River Correctional Facility in Ferriday, Louisiana. By this time, I was able to get more help from my primary sponsor, a US citizen woman named Suzi residing in Spokane, Washington with her US citizen husband. My nephew and I met Suzi while she was volunteering in Tijuana with Al Otro Lado. She took a great interest in helping us after learning of our story.
9. With Suzi’s help, I secured an attorney to represent me in my asylum claim and to request release through parole. Suzi provided a sponsor affidavit, a letter from her husband, evidence of their US citizenship, copies of their tax returns showing their significant wealth, documentation of the housing they offered to me and my nephew and copies of my identity documents. In addition, we gathered letters of support from our cousins living in New York and Miami. However, I was never provided a parole interview nor any decision on the request.
10. On or about November 11, 2019, we were transferred to Adams. My sponsor and attorneys had no luck in pursuing my parole request. We focused our efforts on my asylum case. Despite my testimony, medical records evidencing my serious injuries, and corroborating

letters, the judge denied my case. With the help of my lawyers, I filed an appeal and it is currently pending before the Board of Immigration Appeals.

### **Conditions of Confinement**

11. I cannot describe the pain I felt the day the judge denied my case. He said he did not believe me that I was shot, despite the medical records I presented and the visible scar on my arm. While I broke down in tears, he stated that the scar on my left arm appeared, in his opinion, to be from a cigar burn and not a bullet wound.
12. About twenty-four days ago, they transferred my nephew to the LaSalle Detention Center. This has caused me great despair. He was in an accident as a child and as a result only has one functioning kidney. I am terrified that they will deport him, and he will be killed in Nicaragua or that he will contract COVID-19 and die in that jail. I am also scared for my life and well-being in this facility.
13. My dorm alone holds two-hundred and forty (240) men. We all breathe the same contained air. Our beds are less than a meter apart. We are forced to share six (6) toilets, twelve (12) sinks, twelve (12) showerheads, all in close proximity. To make matters worse, the quality of the food here is terrible. Anyone who does not have money to buy more food in commissary is very sick or malnourished. Most of the men here have diarrhea. The bathrooms are always occupied. We have to stand in line to use the toilet.
14. We are each provided one small square of soap about every eight (8) days. The square of soap cannot weigh more than two (2) ounces. In order to stay clean, you have to buy your own soap in the commissary. One bar of soap costs about one dollar and fifty cents (\$1.50). Many do not have the money to purchase items and remain dirty. Our clothes are all comingled and washed together.

15. We are also provided a very small, travel-size, tube of toothpaste about every eight (8) days. Sometimes the soap and toothpaste are not available for several days longer. It is not sufficient and, people supplement by buying toothpaste from the commissary, if they can afford it. The guards and officers here do not wear gloves or masks. We are not being provided any health information or explained precautionary measures that should be taken in light of the COVID-19 pandemic.
16. There are many men at high risk in my dorm. At least a dozen men in my dorm are over the age of fifty-five (55). There are men with diabetes, asthma and hypertension like me. My friend, a Venezuelan asylum seeker in my dorm, is sixty-three (63) years old and suffers from both diabetes and hypertension.
17. Worse still, rumors are growing that there are already a few cases of COVID-19 and that those men are supposedly in isolation. People are growing desperate to be released to avoid getting very sick or dying in here. The officers here do not care about our safety or health. They yell at us for everything. If we ask questions or plead for help, they yell and reprimand us. If we engage in peaceful protest of any kind, they punish us. I have already endured so much to escape death in my country. I pray I will not meet death in this jail.

**Plans if Granted Release on Parole**

18. Suzi has promised to continue helping me financially once I am released. I will also rely on my family in the US for emotional and financial support. If I am granted release on parole, I will live in the housing that Suzi offered and continue to fight my appeal. I will self-quarantine in that home to avoid infection from coronavirus and I will seek help to secure my nephew's release so he may do the same.

VERIFICATION

I, S [REDACTED] J [REDACTED] U [REDACTED] Rojas, am the individual referred to as S.U.R. in the attached declaration. I declare under penalty of perjury that the foregoing is true and correct.

I have authorized my legal counsel in the *Heredia Mons* litigation to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. I am also foregoing the option to sign documents sent by mail due to the urgency of the COVID-19 situation and due to reasonable fear of destruction of mail or retaliation by officials at this facility. If required to do so, I will provide a signature when I am able.

A handwritten signature in black ink, appearing to be 'MPG', written over a horizontal line.

---

Michelle P. Gonzalez, Esq.  
*On behalf of witness Silvio Urbino Rojas*

Date: March 24, 2020

CERTIFICATION

I, Michelle P. Gonzalez, declare that I am proficient in the English and Spanish languages. On March 24, 2020, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish over a telephonic call with the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

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

Executed on March 24, 2020

A handwritten signature in black ink, appearing to be 'MPG', is written over a horizontal line.

---

Signature