

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Ángel Alejandro Heredia Mons et al.)

Plaintiffs,)

v.)

Kevin K. McALEENAN et al.)

Defendants/Respondents.)

Civ. No.: 1:19-cv-01593

DECLARATION OF A.P.E.

I, A.P.E., declare under penalty of perjury that the following is true and correct to the best of my knowledge:

Biographical Information

1. My initials are A.P.E., and I was born in Cuba.
2. I am a native-Spanish speaker. I do not speak English.
3. I am an asylum-seeker and have been in immigration detention since June 2019. I was forced to flee Cuba due to my opposition to the Cuban government. After being forced to serve in the Cuban army, my small agricultural business was taken away by the government due to my political opinion. I was wrongfully detained by police who threatened my life.
4. In February 2019, I decided I had no choice but to flee the country to save my life. I flew to Nicaragua, and from Nicaragua I took buses to get to the Mexico-United States (US) border. I arrived at the border in April 2019. I had to wait almost two months for my name to be called, at which time I presented myself to immigration authorities at the port of entry in Presidio, Texas on or around June 24, 2019. I was immediately detained and transferred to the custody of Immigration and Customs Enforcement (ICE). I spent time at detention

centers in Texas and New Mexico before being transferred to Tallahatchie Correctional Facility (Tallahatchie), in Tutwiler, Mississippi, in or about the beginning of July 2019.

Impediments to Parole Access

5. About three weeks after I arrived at Tallahatchie, I was provided a credible fear interview (CFI). I received a positive finding of my CFI on or around July 22, 2019. Around this time, I received a packet of papers, but I did not understand them because it was written entirely in English. I asked a fellow bunkmate to translate it for me. The documents explained that I could apply for parole and provide documents in support of a parole request but that I only had three days to do so. In such a short time, I could barely get any documents together.
6. Although it was difficult, my US citizen sponsor collected all the documents she could, and on July 30, 2019, she tried to fax them to my Deportation Officer (DO) based on the fax number I had been provided. She repeatedly received error messages, but she did not know any other fax numbers to use to attempt sending the documents. At Tallahatchie, I was never provided a parole interview, and I received a parole denial letter in English about three days after trying to submit my initial parole request. There were two boxes checked explaining why I had been denied. My bunkmates tried to help me understand what they stated. They told me I had been denied for not submitting documents and because ICE couldn't be sure I would attend my hearings and check-ins if released.
7. On or around August 2, 2019, I was transferred from Tallahatchie to Allen Parish Public Safety Complex (Allen Parish) in Oberlin, Louisiana. During my first month and a half at Allen Parish, I never received any information from ICE about the parole process. Everyone in my dorm at Allen Parish told me that parole was never granted at that facility.

However, I decided to hire an attorney and submit a parole redetermination request. Neither she nor I ever got a response to this request.

Incidents After the Preliminary Injunction

8. In or about mid-September 2019, ICE gave everyone some documents discussing parole and about the new order in the *Heredia Mons* case. After consulting with my attorney, she again submitted a parole redetermination request by mail to ICE on my behalf. The request for parole contained all necessary documentation, including an affidavit of support from my US Citizen sponsor and evidence of her trucking company, through which she earns over \$500,000 annually—more than enough to support me fully while I proceed with my immigration case.
9. My attorney followed up on my parole request numerous times by phone, but to this day, I have not received a parole determination or parole interview in response to this request. Neither my attorney nor I have never even received any document confirming receipt of my parole request. My family members have called ICE numerous times, and they have never been able to get any answers about my pending parole request.
10. Since being detained at Allen Parish, I have had very limited interactions with ICE officers even though they come to our dorm about once or twice a week. All the ICE employees speak English only, and almost none of us detained here speaks English. ICE agents refuse to use any interpretation or translation services. They won't answer any specific questions. All of this makes communication with ICE nearly impossible.
11. On January 22, 2020, I was forced to present myself alone before the Immigration Judge because I was not able to find an attorney willing to represent me at this small, rural facility. I was denied asylum. I am currently pursuing an appeal of that decision before the Board

of Immigration Appeals. Just last week, I was able to secure an attorney to help me submit my appeal brief.

12. I also submitted a new parole-determination request today with the help of my attorney, since we never received a response to the last request. The new request again includes copies of my identity documents, a new letter of support from my sponsor as well as other letters of support from friends in Houston, Texas, where I will live if released. It also includes tax documents and bills of my sponsor, a letter of support from the Cuban Human Rights Foundation, a copy of my clean criminal history, articles about the *Heredia Mons* and *Fraihat* preliminary injunction orders, and articles about COVID-19 and the comorbidity between COVID-19 and hypertension, from which I suffer.

13. My attorney submitted this new request on April 28, 2020 via Fedex overnight, fax, and email. All I can do now is keep waiting, just like I have been doing since September, when I thought things were going to change. Additionally, ICE should consider that if they granted me parole, I would be eligible to apply for a green card under the Cuban Adjustment Act one year after my release on parole.

Fear of Continued Detention and Plans if Released on Parole

14. More than ever before, I am desperate to be fairly considered for parole. The coronavirus pandemic is terrifying, and as someone who suffers from hypertension, I know that I am at a high risk for complications if I become infected. My hypertension requires me to take medication daily in detention, and even with medication, I still suffer symptoms like dizziness and discoloration of my extremities.

15. Conditions here are not good. Our bunks are right next to each other, so social distancing is not possible. I know from the news and through other detained people that there are

already many confirmed cases of COVID-19 in detention centers across Louisiana, and I worry because ICE continues to transfer immigrants between facilities and guards come and go to work. Immigrants here are not provided with masks or gloves to protect ourselves and officers here don't wear them. Our health is truly in their hands.

16. I really hope that I will hear a response to my parole request, and fast, this time. If I am released, I will go to live with my US citizen sponsor at her home in Houston, Texas, where I will be able to self-quarantine. I have demonstrated to ICE that I am committed to following all legal procedures requested of me, and I will continue to do so if released to the care of my sponsor. I just hope to survive this pandemic in order to keep fighting my immigration case and fighting for my freedom and safety.

CERTIFICATION

I, Jaclyn Cole, declare that I am proficient in the English and Spanish languages. On April 28, 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 April 28, 2020



Signature

VERIFICATION

I, [REDACTED], am the individual referred to as A.P.E. in the attached declaration. I declare under penalty of perjury that the foregoing is true and correct.

I have authorized a legal agent for Plaintiffs 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.



Jaclyn Cole
On behalf of witness [REDACTED]

Date: April 28, 2020