

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

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

DECLARATION OF L.P.C.

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

Biographical Information

1. I am a 26-year-old asylum seeker from Cuba. I am a native Spanish-speaker. I do not speak any other languages. I studied pharmacology in Cuba. I completed my degree in or about July 2016.
2. Upon graduating, I was instructed that I was obligated to sign up for government service by September of that year. However, I am strongly against the Cuban government's use of medical workers as pawns for their corrupt agenda. When the time came, I refused to comply with my designated assignment. Consequently, my degree was invalidated, I was beaten in front of my family by the police and wrongfully detained for over 24 hours without food or water, wherein I was assaulted further by a prisoner.
3. Fearing for my life, my safety and the well-being of my family, I fled the island at the age of twenty-two (22) on or about December 23, 2016. I had a long and perilous journey across several countries before I made it to the United States (US) border to request asylum.

4. I arrived at the Mexico–Texas border on or about August 5, 2019. There I was told that I would not be processed until my number was called. I was finally allowed to request asylum in the US after I was processed by US border authorities at the Presidio, Texas port of entry on or about October 15, 2019. Soon after, I was detained under the custody of Immigration and Customs Enforcement (“ICE”).

Impediments to Parole Access

5. After being processed by border authorities I was immediately transferred to the West Texas Detention Facility in Sierra Blanca, Texas (“Sierra Blanca”). Shortly after, I received a credible fear interview (CFI). While in Sierra Blanca awaiting the results of my CFI, I witnessed ICE Deportation Officers (DOs) providing parole interviews to other women who had received their positive CFI determinations. I also witnessed women who were denied parole being told by DOs what additional information they needed to submit in order to secure their release on parole. I witnessed women being released on parole after they submitted further documentation as requested by the DOs.
6. In or around early November 2019, I was transported from Sierra Blanca to the South Louisiana Correctional center in Basile, Louisiana (“S. Louisiana”) where I remain detained.
7. Upon receiving my positive CFI results, my US citizen cousins and my US citizen aunt quickly mailed me documents, including a sponsor affidavit, letters of support, copies of bills, copies of tax returns (evidencing an annual income of over \$100,000, jointly), proof of their identity, proof of their US citizenship, a copy of my Cuban national photo-identification card, and a copy of my clean criminal record. As soon as the documents

arrived, I attempted to submit them to my assigned DO at the time, Officer Silva, in support of my parole request.

8. DO Silva refused to accept my documents and told me I would just have to wait until my court date before the judge. He said that parole is simply not granted in Louisiana. Since Officer Silva would not accept my parole request, I put my whole packet of documents into the box designated for communications with ICE.
9. I waited, hoping for an interview. On or about December 17, 2019, without being provided any interview, I received a form parole denial letter in English. The only explanation given for my denial was a box checked, indicating that I am a “flight risk.” There was no further explanation of why ICE had determined me to be a flight risk, and even though Officer Silva spoke Spanish, neither he nor any other officers ever explained the denial to me.
10. After receiving my first parole denial, my assigned DO changed. It is very difficult to know who my assigned DO is at any given moment because they change about every 45 days, and we have such limited contact with ICE agents here. Even though they come to my dorm sometimes, they don’t answer any questions. It was only much later, in February, that they posted a list of DO assignments in my dorm. After that, they did not update this list, however. Up until two days ago, we had only one DO reviewing our cases at this facility for about a month because ICE officers left their posts due to the coronavirus pandemic.
11. Later in December 2019, I learned that I was now assigned to DO Junter, a blonde woman. I submitted a parole-redetermination request to Officer Junter. At the end of that month, ICE made all of the women detained here gather in the food hall and sign a notice

about parole in English and Spanish. We were not given time to read the document before being told to sign and provide our fingerprints confirming we received them. Around this same time, Officer Junter took me from my dorm to a small room where she said she would interview me. Instead, she gave me a sheet of questions about my sponsors for me to answer in writing. The form was in English. She does not speak Spanish and no interpreter was provided.

12. On or about January 5, 2020, I was denied parole again for the same reason: ICE had determined me to be a “flight risk.” I was crushed. With my cousins and my aunt, all of whom are US citizens, serving as my sponsors, I did not understand why ICE continued to label me a flight risk. Additionally, if ICE released me on parole, I would be eligible to adjust status as a Lawful Permanent Resident under the Cuban Adjustment Act within just one year.
13. Each time we ask the ICE officers here what we need to submit in order to convince ICE that we are not a flight risk, we are given a different response. Sometimes they tell us only those with immediate family members (mother, father, spouse, sister, brother) will be granted release on parole. Other times, they tell us only those who are pregnant or suffering grave illness such as stage-four cancer will be released. Other times they tell us it is out of their hands, that their supervisors make the decisions and they do not know why we are determined to be a flight risk.
14. I submitted a third parole request in January 2020 with more supporting documents. Once again, I was not provided a parole interview, but rather a form to fill out answering questions without the assistance of an interpreter. Here, we rely on the women that are detained who have some English proficiency to translate documents or serve as

interpreters when we communicate with officials. On or about January 31, 2020, I was once again provided a boilerplate denial letter stating that ICE considers me to be a flight risk without further explanation.

Incidents in March 2020

15. In March 2020, several dorms, including mine, were placed under quarantine due to an outbreak of H1N1 influenza. During this time, I attempted to file a fourth parole request with a fresh packet of documents, including extensive evidence from my first cousin who is a US citizen living in South Florida, where my other cousins and aunt reside. I was not able to drop the packet off in the mailbox.
16. An ICE officer approached the door of our dorm, and I asked her to please accept my packet of documents in support of my parole-redetermination request. She did not want to be near us, so she cracked open the door and ordered me to place it on the floor. She then proceeded to kick it across the floor with her boots to the other side of the room. Luckily, I had placed all of the documents in a sealed envelope. It was very upsetting to watch. Worse still, when I spoke with my newly assigned DO days later, he told me he did not receive the packet and had not seen it anywhere. That packet was lost, and I had to collect the documents all over again.

Incidents in April 2020

17. A few days ago, I once again submitted a parole packet with additional evidence requesting a redetermination. I handed it in to ICE around 2 or 3 PM on a Friday. That same evening, a private-prison guard returned my packet to my dorm. The packet remained sealed and unopened, and a DO had placed a sticky note on top of the packet

with the following words handwritten on it “Has to be an Immediate Relative. Mother, Brother, Papa, Sister. You have been denied 3 times and served your denial notice.”

18. Last night, approximately 12 women in total were released from the facility. It appears that five were released on arriving alien parole and seven were released on humanitarian parole due to medical conditions, some of whom were not arriving aliens with previously filed parole requests.
19. The five women who were released on arriving alien parole did not have anything particular in common and at least two of them did not have immediate relatives serving as their sponsors. In fact, of the few women that have been released on parole from this facility, some have used uncles and in-laws as sponsors. One used a boyfriend. There does not seem to be any consistency in who ICE decides will be the lucky few to be released of the approximately 300 to 400 women that are detained here at any given time.
20. Today I was finally able to retain an attorney to represent me in my case. She is planning to submit a parole-redetermination request on my behalf and represent me in my asylum claim before the Immigration Judge.

Fear of Continued Detention and Plans if Released on Parole

21. I have now endured over six months of detention in ICE custody. I suffer from chronic gastritis and ulcer issues. I am also missing sufficient cartilage in my knee and it requires operating. Additionally, due to high level of anxiety, stress, fear and poor nutrition in detention, my face is covered with marks, the inside of my mouth is covered in sores, and externally on my lips, I have visible blisters. I am not provided any medication for these chronic issues.

22. Last month the director of this facility expressly told us that he would continue to transfer new people into the detention center despite our fears of contracting COVID-19. Even as a few more women are released, more are transferred in from Texas facilities and elsewhere. There are 72 beds in my dorm and currently only two remain empty.
23. Each day that passes, my fear of getting gravely ill or dying in this facility increases. Under these circumstances, it feels like mental torture continuously asking for release and submitting documents without any explanation as to why I am considered a flight risk or what evidence would be sufficient to satisfy ICE.
24. In addition to the aforementioned parole documents, ICE has in its possession my original birth certificate and my original “carnet”—a Cuban national photo identification card. They also have photocopies of both as well as a photocopy of my Cuban passport.
25. Despite the length of my detention, I had my first court hearing before Immigration Judge Pedro Espinal, who sits in Puerto Rico, via video teleconference just last week. I explained my repeated, failed efforts to secure release on parole and the difficulty we face in accessing the law library to work on our cases as well as the loss or destruction of evidence our families mail to us at this facility. The Judge told me that if he had the authority, he would grant me a \$5,000 bond on the spot but that unfortunately he does not have jurisdiction over my custody as an arriving alien.
26. If I am granted release on parole, I plan to live with my first cousin and proposed US citizen sponsor in South Florida. I plan to self-quarantine to keep safe and to rely on the assistance of my several US citizen family members in the area to continue pursuing my asylum claim. I plan to continue working with my recently retained lawyer and to comply with any conditions of release. I plan to go to any and all appointments or hearings

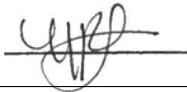
scheduled in my case. Finally, I plan to do all I can to survive this pandemic, to avoid infecting others, to obey the laws of the US and to recover from the emotional trauma I have endured with the emotional support of my family.

CERTIFICATION

I, Michelle P. Gonzalez, declare that I am proficient in the English and Spanish languages. On April 22, 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 22, 2020

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

Signature

VERIFICATION

I, [REDACTED], am the individual referred to as L.P.C. 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.



Michelle P. Gonzalez, Esq.
On behalf of witness [REDACTED]

Date: April 22, 2020