

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

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**Ángel Alejandro Heredia Mons et al.** )  
)  
*Plaintiffs,* )  
**v.** )  
**Kevin K. McALEENAN et al.** )  
)  
*Defendants/Respondents.* )

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

**DECLARATION OF M.B.**

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

**Biographical Information**

1. My initials are M.B. and I was born in Guinea.
2. I am a native French-speaker. I also speak Portuguese. I understand little English. In order to understand anything written or spoken in English, I require translated materials or an interpreter.
3. I am an asylum-seeker and have been in immigration detention for about six months. I had to flee my country of Guinea after I was persecuted for years and beaten unconscious due to my sexual orientation. Being gay is illegal in Guinea, so I couldn't go to the police for help or otherwise I could be imprisoned. From Guinea, I went to Brazil seeking asylum, but after two years, I realized there was no path to asylum for me there. I also survived multiple armed robberies and received regular threats to my life, and my partner was stabbed to death in the favela in which we lived. I had no choice but to flee in search of safety.

4. I traveled to Central America where I continued to face harassment and assault due to my sexual orientation. In Honduras I was raped. When I was able to present myself and ask for asylum at the Hidalgo, Texas port of entry in November 2019, I was grateful to have survived the long and difficult journey from South America.
5. Upon presenting myself to immigration officials, I was immediately detained and was then transferred to a facility in Texas for about eight days, and shortly after I was moved to Tallahatchie County Correctional Facility (Tallahatchie) in Tutwiler, Mississippi. About a month later, I was transferred to River Correctional Center (River) in Ferriday, Louisiana. Around January 2020, I was transferred to LaSalle ICE Processing Center (LaSalle) in Jena, Louisiana, which is where I remain detained.

#### **Impediments to Parole Access**

6. While I was detained at Tallahatchie, I was provided a credible fear interview (CFI). After about two weeks, I received a positive finding of my CFI. I was given a packet of documents in English containing my CFI results, but I could not understand the documents. At this point, I did not know anything about my right to parole. I never saw or received a notice explaining to me my right to apply for parole.
7. After giving me the packet of documents, an ICE officer told me I had two days to submit documents from the person waiting to receive me in the United States. I tried to explain to the officer in my limited English that my cousin was traveling, and I would not be able to submit his documents with such short notice. No interpreter was provided so that we could better communicate. The officer did nothing to change my document due date.
8. Two days later, I received a parole denial letter. The letter was in English. No translation was provided, and no officer explained to me the meaning of the document. When I figured

out the meaning of the document by talking to others in my dorm, I was confused and frustrated because I never had a chance to submit any documents. I felt shocked and helpless. Twice while at Tallahatchie I submitted requests to speak to my assigned Deportation Officer (DO), and I did not receive a response to either request.

9. Once I was moved to River, I never once heard about parole. At River, just like at Tallahatchie, I submitted two requests to speak to my DO, and I never received a response. Based on what the ICE officer had told me at Tallahatchie, I knew I had to provide documents from my cousin, but I still didn't understand how this related to the parole process. My cousin sent me documents proving his identity, immigration status as a United States citizen, and financial circumstances, but I did not receive those documents at River because I was suddenly moved to LaSalle. My cousin had to resend me the documents to LaSalle in January 2020.
10. At LaSalle, my bunkmates told me about the Southern Poverty Law Center's parole hotline, where I was able to call and get information about parole and about the lawsuit against the New Orleans ICE Field Office, due to the practice of mass parole denials.
11. Once I had all my documents prepared and was ready to submit them, I was unable to find out who my assigned DO was. At that time, there was no list in my dorm that explained DO assignments. None of the bunkmates I had spoken with here knew who their assigned DO was at that time and we didn't know how to find out the names of the DOs assigned to us. ICE officers come by our dorm, but they do not answer our questions about parole or DO assignments. Because I could not determine my DO at LaSalle, in early February 2020, I sent copies of my parole request to three different addresses, in the hopes that one of these requests would arrive to the appropriate person.

12. On or around February 25, 2020, I was able to speak to an ICE officer at LaSalle, but he did not identify himself as my DO. He told me that there is no parole here. He told me that there is a 99 percent denial rate. He told me to forget about parole. Because I am not eligible for bond since I am classified as an “arriving alien,” I pray that what this ICE agent told me is false because I need to get out of detention to properly pursue my asylum case.
13. After submitting my parole request to the three addresses, I waited for about three weeks without a reply from ICE. On or around February 28, 2020, I received a receipt of my parole request and a list of questions about my sponsor and where I would live if granted parole. All of the documents I received were in English only. At this time, an ICE officer, who I believe is a supervisory DO at LaSalle, also conducted a short interview with me. The officer did not speak French, and when I told him I could not conduct the interview in English, he said “well you are speaking English right now.”
14. I told him that my English is not good and I needed an interpreter. He said I couldn’t have one. I asked if my bilingual bunkmate could come interpret for me in the interview, but the ICE officer said no one could help me. During the interview I made a mistake because I couldn’t understand what I was being asked in English. After the interview, the ICE agent left me a copy with my answers to the questions he had asked me. When I got back to the dorm, I asked my bilingual bunkmate to help explain to me what had been asked and what responses the officer had recorded. At this point I realized the mistake that had occurred. I had misunderstood a question about which identity documents I had submitted to ICE.
15. I had no way to correct the error. I made a written request to correct any errors, but I never received a response. After a week, I asked the DO about my parole request, and he said I

might not get a response for up to a month about my parole decision. About ten days after the interview, I received a parole denial letter from ICE.

16. The parole denial letter I received had several boxes checked, denoting the reasons for my denial. Once again, I relied on the assistance of bunkmates who understand more English. The first reason is that ICE said I had not established my identity to their satisfaction. The letter also states that I am a flight risk and that “imposition of a bond or other conditions of parole would not ensure, to ICE’s satisfaction, [my] appearance at required immigration hearings.”
17. The denial letter also states that I failed to establish substantial ties to the community and that I did not provide a valid U.S. address at which I will reside, but that is not true. I had included bills of my U.S. Citizen sponsor, as well as an affidavit from him stating his address and offering to provide housing as well as financial and emotional support. The final reason given for my denial is that I was previously denied parole and had not submitted any new evidence in support of my parole request. This last reason seems especially unfair because I had not had any time to submit documents to ICE before receiving my first parole denial.
18. This letter was only provided to me in English, and no ICE officer ever explained the document to me. I also did not receive any additional information, specific to my case, about why I was denied parole and what I would need to submit to prove that I merit a grant of parole.
19. Near the end of February 2020, ICE hung up a new list of DO assignments in my dorm. I now know that my assigned DO’s name is Hanson.

20. On March 20, 2020, I presented myself before the Immigration Judge for my asylum hearing alone because I was not able to find an attorney from this isolated detention center. After asking me about five questions, the judge denied me asylum. I was never provided time to explain my case thoroughly, and I was crushed.
21. I am so grateful because with the help of some local advocates, I was able to secure an attorney for my appeal and for a parole redetermination request. My attorney resubmitted my parole request with additional documents on April 21, 2020.

**Fear of Continued Detention and Plans if Released on Parole**

22. I am eager to get a response to my parole request because things have been very tough here since the COVID-19 virus began spreading in the area. Sometimes we go days without access to soap here, and we are not provided gloves.
23. We have not been provided information about coronavirus and how to protect ourselves, and there is no way to practice social distancing here. Three people in my dorm have suspected cases of coronavirus, and my dorm has been in quarantine for three weeks now. I am terrified for my life. My attorney included information about coronavirus in my recent parole request. I pray that ICE will thoroughly consider my evidence this time.
24. If I am released, I will go to live with my U.S. Citizen, cousin-sponsor in Binghamton, New York. There, I will keep fighting my immigration case while self-quarantining and begin to heal from the traumatic experience of being detained after so much suffering to get to the United States.

## CERTIFICATION

I, Jaclyn Cole, affirm that on April 23, 2020, a Telephone Interpretation Services interpreter was utilized to translate the preceding declaration from English to French for the above listed declarant. The declarant indicated his understanding of the contents as the interpreter translated its contents. 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 23, 2020



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Signature

VERIFICATION

I, [REDACTED], am the individual referred to as M.B. 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.



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Jaclyn Cole

On behalf of witness [REDACTED]

Date: April 23, 2020