

**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 Y.P.T.

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

Biographical Information

1. My initials are Y.P.T. I was born in Cuba, and I am thirty years old.
2. I am a native Spanish-speaker. I understand a very small amount of English from my time in immigration detention in the United States (US).
3. I am an asylum-seeker and have been in immigration detention since August of 2019. I was forced to flee Cuba due to persecution at the hands of the Cuban police. For refusing to participate in political activities, I was threatened, beaten, detained, and physically and sexually assaulted. In October 2018, I flew from Cuba to Guyana, and from Guyana I made my way to the US by foot and by bus. Along my journey, I passed through nine countries, and while in the jungles of Colombia and Panama, I remember seeing the bodies of immigrants that died trying to make the same journey north.
4. On or around May 10, 2019, I arrived at the US-Mexico border and was assigned a number. I was forced to wait in a makeshift encampment for over three months, surviving off the

donations from churches, until my number was called. At this time, I presented myself to immigration authorities and asked for asylum at the Del Rio, Texas port of entry.

Time in ICE Custody

5. After presenting myself at a port of entry in August 2019, I was immediately detained in a very cold cell known as the “hielera.” I was then transferred to a detention center in Texas. About six days later, I was transferred to Tallahatchie County Correctional Facility (Tallahatchie) in Tutwiler, Mississippi.
6. About a week after arriving at Tallahatchie that I was provided a credible fear interview (CFI). About a week after my CFI, I received a positive credibility finding and a parole advisal. About three days after receiving the parole advisal, I received a parole-denial letter in English stating I was a “flight risk.” No officer explained to me the denial’s significance. I was not given an opportunity to submit parole documents, and I was not provided a parole interview.
7. About twenty days later, in or about September 2019, I was transferred to Bossier Medium Security Facility (Bossier) in Plain Dealing, Louisiana.
8. Bossier was a living hell. There, I experienced psychological and physical mistreatment. At Bossier, they would keep us indoors without access to the yard for months at a time, they would wake us up every day at 4:00 am, and we were not provided adequate nutrition. When we would request medical treatment, we were told to drink water. Officials withheld information, they yelled at us, and they put us in solitary confinement without just cause. Once, I was put in solitary confinement in Bossier because I complained that the food was too spicy, and it was too cold in my dorm. I was sent to solitary confinement four times without just cause. Some of my bunkmates had been sprayed with tear gas and put in

solitary confinement for requesting information about parole and refusing to eat their food. I met immigrants in Bossier who arrived healthy and left the facility with severe mental health problems.

Impediments to Parole Access After the September Preliminary Injunction

9. At Bossier, I received a second parole advisal in English. I only learned about the meaning of this document when a representative of the Southern Poverty Law Center, came to Bossier near the end of September 2019 and explained to me the meaning of the document.
10. Now understanding it was my right to request a parole redetermination, I submitted a parole request in December 2019 by putting my request in a box labeled “ICE” as I had been instructed. When I received no receipt or reply for about two weeks, I handed in another copy of my request directly to an ICE officer. This request contained all the necessary documentation about my sponsor, my clean criminal record from Cuba, letters of support, and other evidence. ICE already had my passport in its custody. In response to my parole request, I received another parole denial letter. Again, the letter stated that I was determined a “flight risk” despite meeting all of ICE’s enumerated parole requirements. No further explanation was provided.
11. I was transferred to River Correctional Center (River) in January 2020. It was in River that I had my asylum hearing on January 10, 2020. I was denied asylum. I decided to appeal the decision because I was not provided a fair hearing, and I simply cannot return to Cuba.
12. In River, near the end of January, I requested a parole redetermination with additional documents, including more proof of community support and updated information demonstrating my cousin’s financial stability and ability to care for me.

13. I was transferred to Catahoula Correctional Center (Catahoula) in February 2020. Here, an officer physically showed me a copy of a parole advisal in English, but he did not provide me a copy, even after I asked for one. I was provided a brief parole interview, during which an ICE officer asked me about my sponsor and support if released on parole. About two weeks later, I once again received a letter in English denying me parole.
14. The letter again cited me as a “flight risk” and another box was checked off that I cannot understand because I don’t read English. I was never provided any explanation as to why ICE had determined me a flight risk or what documentation I could provide to demonstrate otherwise. Additionally, ICE never took into consideration that I would be able to seek additional relief from removal by applying for a green card under the Cuban Adjustment Act a year after my release on parole. I requested another parole interview, but I never received a response.
15. In Catahoula, while I was walking back to the dorm from the yard, I fell because the ground was wet from the rain, and I fractured my foot. My foot was very inflamed and painful, and I requested various times to be taken to the hospital. When I was finally taken to the hospital, about a week after the fall, officers put handcuffs on my swollen foot and ankle. Since the hospitalization, I requested pain medication but was only provided ibuprofen. After the incident, I was confined to a wheelchair for several weeks, before they took the wheelchair away from me. I continue to be in a lot of pain. I was told by the doctor at Catahoula that my fracture was not healing properly. I know I need more specialized tests to figure out what is wrong, but I have no way of taking my health into my hands here.

16. On April 10, 2020, my sponsor submitted a new parole request via e-mail to Diane Witte and Quincy Hodges. When we heard no response, she also sent in the parole request via fax. I never received any response to my new parole request.
17. A couple weeks ago, another dorm at Catahoula was protesting the lack of information and hygienic materials provided to us during the coronavirus pandemic. After seeing detained immigrants be transported out of the facility on stretchers and in wheelchairs, another bunk began to sit and refuse to eat or stand up, demanding information and better conditions. Detention center officers responded by pepper-spraying the dorm. My dorm began a hunger strike, refusing to eat due to the treatment of the immigrants in the other dorm. To try to end our strike, officials told us ICE would be coming to tend to our cases and review our custody over the weekend. ICE never came that weekend, and when they finally came to our dorm the following week, the only information they shared with us was that a flight was planned for deportations back to Cuba in a few days.
18. On or around April 21, 2020, I was transferred to Winn Correctional Center (Winn) in Winnfield, Louisiana, which already had confirmed cases of COVID-19. Since arriving at Winn, I have submitted five written requests, asking for the opportunity to be considered for parole. I have received no response to my written requests. A couple days after my arrival at Winn, a local advocate helped my sponsor submit my parole request via fax and FedEx. A couple days ago, I handed a correctional officer the only hard copy of this request I have in my possession. I did so, asking the officer to please help me make a copy, so that I may also submit one in-person to my new DO here, once I figure out who that is.
19. There is no list in my dorm of the DO assignments, and just like in other centers, the ICE officers that have come to our dorm do not answer our questions. The original and copy of

my parole request have still not been returned to me, and I don't know if I they will be. This new parole request is very thorough and contains copies of: my Cuban passport and birth certificate; my clean criminal history document; a new letter of support from my Lawful Permanent Resident cousin and proposed sponsor; her income information and other supporting documentation, including various letters of support from US citizen and permanent resident community members in Florida who are eager to support me once if released from ICE custody. It also contains an article about the Preliminary Injunction in the *Heredia Mons* case and articles about the risk of COVID-19 for detained people and individuals living in Louisiana. I continue to await any response from ICE.

Fear of Continued Detention and Plans if Released on Parole

20. I am very scared for my health here, and despite my struggles these last eight months, I maintain high hopes for a fair evaluation of my April 10th parole request. Especially since the coronavirus pandemic began, I worry every day about my survival. I have seen the ways that ICE puts our lives in jeopardy. Without any apparent regard for the potential human consequences, ICE continues to transfer immigrants between facilities both with and without confirmed cases of the virus. In Catahoula and Winn, I have been completely unable to practice social distancing due to the conditions of confinement.

21. At Catahoula, my dorm was completely full, with over 100 people, and only about three feet of space between each of us at any given time. Currently at Winn there are six dorms, and the majority of them are under quarantine. There are a lot of sick people here. Along with my fractured foot, I also suffer from hypertension, depression, and anxiety, for which I have to take medication. I feel so unwell, and I am anxious to be in the home of my

cousin, where I can self-quarantine and see a doctor about my fractured foot that continues to hurt intensely.

22. By patiently waiting for three months at the US-Mexico border until my number was called to present myself at the port of entry, I feel that I have shown that I am committed to following all legal procedures asked of me. I have an attorney representing me in my appeal, which further shows my commitment to my case and that I am not a flight risk. As a survivor of wrongful detention, abuse, and sexual assault in my home country, being confined has served only to retraumatize me, but I will do whatever I have to do to fight my legal case and fight for my safety and liberty.

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 Y.P.T. 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