

DECLARATION OF LORILEI WILLIAMS

I, Lorilei Williams, make the following declaration based on my personal knowledge and declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

Introduction

1. I am a senior staff attorney for the Southeast Immigrant Freedom Initiative (“SIFI”) of the Southern Poverty Law Center (“SPLC”). SIFI provides *pro bono* representation to detained immigrants in proceedings before the Executive Office for Immigration Review and U.S. Immigration and Customs and Enforcement (“ICE”). SIFI prioritizes representing detained individuals in seeking their release from ICE custody. SIFI also represents some individuals in the merits phase of their removal proceedings before the immigration courts and in appeals to Board of Immigration Appeals (“BIA”). In addition, SIFI provides *pro se* support to detained individuals in their custody and merits proceedings before ICE and the immigration courts.
2. SIFI represents individuals confined inside the following detention centers in Louisiana and Georgia: the LaSalle Detention Center (“LaSalle”) in Jena, Louisiana; the Pine Prairie ICE Processing Center (“Pine Prairie”) in Pine Prairie, Louisiana; the Irwin County Detention Center (“Irwin”) in Ocilla, Georgia; the Folkston ICE Processing Center (“Folkston”) in Folkston, Georgia; and the Stewart Detention Center (“Stewart”) in Lumpkin, Georgia.
3. I have worked at SPLC since September 2019. In my capacity as senior staff attorney, I provide SIFI staff with training, mentoring, and professional development support, and I contribute to the development of our *pro se* resources and participate in other projects and litigation relevant to our work. Additionally, I served as the Interim Lead Attorney for SIFI’s Ocilla office from September 2019 until March 2020.
4. Since early March 2020, SIFI has been acutely aware that the COVID-19 pandemic poses a grave threat to the health and safety of everyone connected to the immigration detention centers where we work. Given the grossly inadequate medical care, unsanitary conditions, and inability to accomplish social distancing at these facilities, we were

concerned that COVID-19 would spread quickly among the detained population and the surrounding communities. Our concerns include the grave impacts COVID-19 outbreaks will have on the under-resourced, rural communities the detention centers we serve are a part of. It became clear and necessary for our staff to seek the immediate release of detained immigrants with certain medical conditions who are particularly vulnerable to complications arising of COVID-19. SPLC partnered with Asian Americans Advancing Justice-Atlanta and Kilpatrick, Townsend, & Stockton LLP (collectively, “Habeas Counsel”) to seek immediate release on behalf of numerous individuals with such conditions. I am a member of SPLC’s litigation team on these matters and an attorney of record for the matters referenced below.

5. On April 7, 2020, Habeas Counsel filed a Petition for Writ of *Habeas Corpus* and Complaint for Declaratory and Injunctive Relief along with a Motion for Temporary Restraining Order on behalf of three petitioners detained at Stewart and five petitioners detained at Irwin. That case, *Sanchez Martinez v. Donahue*, Case No. 7:20-CV-62 (CDL), is pending in the Middle District Court of Georgia.
6. On April 8, 2020, Habeas Counsel filed a Petition for Writ of *Habeas Corpus* and Complaint for Declaratory and Injunctive Relief along with a Motion for Temporary Restraining Order on behalf of three petitioners detained at Folkston. That case, *Benavides vs. Gartland*, Case No. 4:20-cv-00069-RSB-CLR, is pending in the Southern District Court of Georgia.
7. In our ongoing work on the above matters, Habeas Counsel have experienced extreme difficulty communicating with detained individuals at Stewart, Irwin, and Folkston through in-person visitation as well as by phone and video teleconference (legal phone calls and video-teleconferencing are hereinafter referenced as “remote legal visits”).

COVID19 Conditions at Stewart and Irwin that necessitated Habeas Filing

8. The conditions at Stewart and Irwin necessitated Habeas Counsel’s immediate action on behalf of the medically vulnerable individuals detained there. Individuals at these

facilities are unable to adequately socially distance *Sanchez Martinez*, Case No. 7:20-CV-62, Dkt. 1-12 ¶¶60, are not provided access to items necessary for personal hygiene (*Id.* at ¶¶63) and are forced to live in flagrantly unsanitary conditions. *Id.* at ¶¶61. The facilities are understaffed (*Id.* at ¶¶71) and provide inadequate medical care. *Id.* at ¶¶71.

9. Those conditions are still ongoing. In filing a Motion for Emergency Inspection and Expedited Preliminary Injunction Hearing on May 1, Habeas Counsel raised the following: Inadequate care and response to symptomatic individuals (regularly ignored or receive only Tylenol); failure to implement and maintain social distancing; inadequate cleaning, disinfecting, and hand hygiene; inadequate communication and education regarding COVID-19 prevention; inadequate use of PPE (inconsistent use by staff and detained people often do not receive PPE at all); inadequate pre-entry screening. *Sanchez Martinez v. Donahue*, Case No. 7:20-CV-62, Dkt.32 (CDL).

Preparing Habeas Petitions (and subsequent filings) during COVID-19 Pandemic

10. In order to litigate Habeas Counsel's petitions, members of our team need to schedule remote legal visits with existing and potential petitioners to discuss the scope of representation; personal, medical, and legal history; and other relevant matters. Legal visits must be remote due to ICE's personal protective equipment (PPE) requirement for attorney visitation, the applicable shelter-in-place and stay-at-home orders, restrictions on travel, and medical vulnerabilities of members of Habeas Counsel. Habeas Counsel must also be able to send and receive documentation from petitioners, such as retainers, releases, medical records and other legal documents. Due to the rapidly deteriorating health of petitioners and the particular danger they face, Habeas Counsel has rushed to expedite our filings, creating a critical need for quick, reliable access to our clients.
11. Remote legal visitation is requested at Irwin and Stewart in similar manners. Counsel may send a request via email to the designated scheduling contact for the detention center. The detention center typically schedules our request for a one-hour appointment one to three days after our original request. Generally, visitation is limited to one hour, even when an interpreter is needed for the remote legal visit. Third party interpretation

must be coordinated and provided by Habeas Counsel. There is no ability to request a remote legal visit for the weekend or in the evening. There is also no ability to schedule an expedited remote legal visit for any reason.

12. In my experience, when Irwin finally responds to a request for a remote legal visit, Irwin routinely provides very short notice of the selected time and day and does not give Habeas Counsel any opportunity to reschedule due to conflicts. As exemplified below, Irwin often offers remote legal visits to attorneys on a take-it or leave-it basis, meaning that if the requesting attorney is unavailable to take the call at Irwin's selected time, the request for a legal call is effectively denied.
13. Because of the difficulty of scheduling remote legal visits with petitioners, we have relied heavily on petitioners' ability to call us using the same phones they use to call loved ones, which are located in open, shared spaces that do not allow for confidential conversations. On numerous occasions, petitioners have reported an inability to access these phones either because phones in their pods or units have been disconnected or because their ability to access phones located outside of their pods or units has been limited. Their inability to call us has greatly interfered with our ability to act expeditiously.
14. SPLC has requested that several phone numbers of SPLC staff who regularly provide legal assistance to detained individuals at Irwin and Stewart be placed on a do-not-monitor list. While we have received verbal confirmation that these phone numbers have been placed on a do-not-monitor list for detained individuals at Stewart, Warden Paulk has refused to confirm whether our calls with detained individuals at Irwin are unmonitored.
15. Additionally, at Irwin, if the library video-teleconference station is used for the remote legal visit, detention center staff frequently interrupt our visit by entering the library and answering calls on a phone placed just a few feet away from the detained individual.

16. Petitioners who require the services of an interpreter to speak with Habeas Counsel generally require more than twice as many hours of legal visitation but are subject to the same time constraints discussed above.
17. Below are but a few of the additional barriers my co-counsel and I have encountered in trying to communicate effectively with clients and potential petitioners in this case.
18. On April 15, 2020, Victoria Mesa requested a remote legal visit with one of our petitioners detained at Irwin by emailing the designated contact at Irwin. Ms. Mesa sent several emails following up on this request. Irwin did not respond until April 17, 2020.
19. On April 15, 2020, Hillary Li also requested a remote legal visit with a potential plaintiff detained at Irwin by emailing the designated contact at Irwin. Ms. Li followed up multiple times on this request to which Irwin failed to adequately respond. Ultimately, this remote legal visit was never scheduled. As a result, Habeas Counsel was unable to interview this individual for potential inclusion in our litigation. Similar restrictions have negatively impacted the Habeas Team's ability overall to identify, communicate with, and ultimately include potential petitioners at these facilities in our litigation.
20. On April 15, 2020, I requested remote legal visits for two of our petitioners detained at Irwin by emailing the designated contact at Irwin. I sent emails following up on this request on April 16 and 17. On April 17, I received an unexpected Skype call from one of the petitioners. Irwin had failed to confirm the date and time of this remote legal visit. While I was able to answer the call, I was unprepared for the visit and was unable to accomplish everything I had planned to address during our visit. On April 17, I sent an additional follow up email inquiring as to the status of the request for the second petitioner. This visit was scheduled for April 20, 2020, five days after the date of my original request.
21. On April 22, 2020 at 2 pm, Ms. Mesa was scheduled for a remote legal visit with one of our petitioners detained at Irwin. Irwin never presented our petitioner for the visit. Irwin

represented to Ms. Mesa that our petitioner did not want to speak with her. Ms. Mesa subsequently spoke with our petitioner's immigration counsel and family, who informed Ms. Mesa that our plaintiff was told that Ms. Mesa was an attorney trying to "poach" her. Irwin's interference with Ms. Mesa's remote legal visit was grossly inappropriate.

22. On approximately April 20 and 21, one of our petitioners detained at Irwin was taken to the hospital for stress tests and an MRI. When he came back to his cell, several items were missing. He had been working on a drawing of the layout and conditions of his pod to assist Habeas Counsel with this litigation. The drawing was not in his cell when he returned, and in his experience only guards take personal items away from detained people at Irwin without notice. On information and belief, guards or other staff at Irwin knew about Petitioner Thompson's participation in this litigation. On information and belief, guards or other staff at Irwin confiscated the drawing.

23. In addition to the access issues related to remote legal visits, Habeas Counsel have been unable to exchange documents with petitioners in an expeditious manner. Before the pandemic, we typically exchanged documents and obtained signatures during in-person legal visits. Now, with in-person visitation effectively prohibited, the only means for documents exchange is postal mail, which is a slow and unreliable process. We are unable to include stamps in our written correspondence with petitioners because stamps are banned by the detention centers. This forces us to deposit funds into petitioners' commissary accounts or break social distancing protocols and stay-at-home orders to obtain prepaid envelopes that can be used by petitioners to return documents to us.

24. Additionally, as far as I know, we are unable to send faxes to any of our detained petitioners at Stewart or Irwin. We are able to receive faxes from our petitioners detained at Irwin, but we are unable to receive faxes from our petitioners detained at Stewart.

Conclusion

25. Since the implementation of COVID-19 related restrictions on in-person legal visits, communication with clients and potential petitioners at Irwin, Stewart, and Folkston

detention centers has been severely limited and rendered ineffective. Remote legal visitation is difficult and sometimes impossible to schedule. When it is scheduled, it often raises confidentiality issues, as our clients are not in private settings. Exchanging documents and obtaining client signatures—ordinary necessities in direct immigration representation—is also slow and unreliable at the facilities.

26. My co-counsel and I are deeply concerned for the lives of our petitioners as we witness detention center conditions deteriorate rapidly as they await completion of their civil immigration matters. We are very disappointed in ICE's continued failure to respect the lives and dignity of detained migrants and callous disregard for the urgent humanitarian crisis unfolding before us as COVID-19 wreaks havoc throughout our society.

27. We are especially alarmed by ICE's continued refusal to re-assess and release significant numbers of immigrants that is required to meet social distancing guidelines within these spaces of confinement; refusal to adequately educate and inform detained individuals on critical information relating to COVID-19; continued transfer of detained individuals who are medically vulnerable or who have been exposed to COVID-19; disturbing refusal to provide basic hygiene supplies for detained individuals; and, failure to provide treatment and testing to those exhibiting COVID-19 symptoms.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, memory, and belief.

Executed on the 5th day of May, in the year 2020, in the city of Stone Mountain, Georgia.



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