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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

INNOVATION LAW LAB and LUIS
JAVIER SANCHEZ GONZALEZ by
XOCHITL RAMOS VALENCIA as next
friend,

Plaintiffs-Petitioners,

v.

KIRSTJEN NIELSEN, Secretary, Department
of Homeland Security, THOMAS HOMAN,
Acting Director, Immigration and Customs
Enforcement, ELIZABETH GODFREY,
Acting Field Office Director, Seattle Field
Office of ICE, JEFFERSON BEAUREGARD
SESSIONS, III, U.S. Attorney General,
HUGH J. HURWITZ, Acting Director,
Federal Bureau of Prisons, JOSIAS
SALAZAR, Warden, FCI Sheridan Medium
Security Prison, in their official capacity only,

Defendants-Respondents.

Case No. 3:18-cv-01098-SI

**DECLARATION OF STEPHEN W.
MANNING ACCOMPANYING
PLAINTIFFS' NOTICE OF VOLUNTARY
DISMISSAL**

I, Stephen W. Manning, declare as follows:

1. This declaration supplements my declaration of November 1, 2018 filed in this matter.

2. I write this declaration to explain why in this case, like every other case where the government exercises its detention power against noncitizens, access to counsel was so important.

3. Access to counsel improved the pace, nature, and quality of the proceedings in many ways. It is my experience that the Department of Homeland Security has resisted granting access to counsel because it is seen as slowing or degrading the process. In fact, the President of the United States has tweeted that lawyers and access to counsel are antithetical to his vision of immigration policy. Here, though, that plainly was not true. Working in good faith, the pro bono lawyers from the Innovation Law Lab proceeded with all due deliberate speed in preparing clients for credible fear proceedings, which were able to rapidly conclude. During the detained removal portion of the cases, access to counsel enabled the resolution of several cases without any immigration court involvement, and other cases with minimal immigration court involvement, thus saving previous court time and resources for an already overburdened and underfunded system. While that was never really a consideration for the Law Lab pro bono lawyers, it plainly was an ancillary benefit of access to counsel: by letting the lawyers in, the entire system improved.

4. In many ways, the client outcomes speak for themselves in the importance of access to counsel. There was a 100% passage rate for credible fear findings—a breathtaking statistic, actually, that underscores the importance of providing the ability of individuals in the complex immigration system to access counsel. Ninety-seven percent of the men were released

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PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL**

after Law Lab pro bono counsel articulated a legal basis for the release, thus insuring adherence to important norms about liberty, dignity, and due process. These men have now moved onward in their immigration court cases in a non-detained setting.

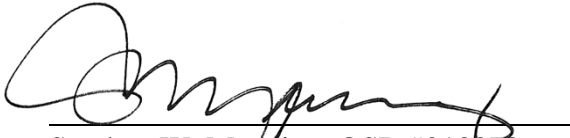
5. On November 26, 2018, Law Lab pro bono attorneys presented full asylum hearings before the Portland Immigration Court under the terms of this court's preliminary injunction. The proceedings were fair, open, and permitted an immigration judge to weigh the evidence and make the best decision the judge could—exactly the point of having noncitizens represented. At the conclusion of one hearing, the Immigration Court granted asylum in a final decision accepted by all parties. That individual was released. In the other proceeding, the Immigration Court took the case under advisement for consideration of the arguments and evidence. That individual was transferred, by agreement, to the detention center in Tacoma, Washington. Although the Immigration Court later denied asylum in that matter, the pro bono lawyers continue to represent the individual and are assessing appellate options under the normal course.

6. Sheridan is now empty of the immigrant detainees.

7. In the first declaration that I filed in this case, I made several predictions about what I anticipated would happen if the lawyers were allowed in and if the proceedings that were conducted were fair. Looking back, it is important to note—not so much for my predicative abilities but more so about the singular fact of access to justice—that every prediction actually became the reality. The temporary restraining order and the preliminary injunction that created a framework for that access to justice mattered a great deal.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 4th day of December, 2018.



Stephen W. Manning, OSB #013573

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PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL**