

Keith Ketterling, OSB No. 913368
Email: ketterling@stollberne.com
Nadia H. Dahab, OSB No. 125630
Email: ndahab@stollberne.com
STOLL STOLL BERNE LOKTING & SHLACHTER P.C.
209 SW Oak Street, Suite 500
Portland, Oregon 97204
Telephone: (503) 227-1600

Mathew W. dos Santos, OSB No. 155766
Email: mdossantos@aclu-or.org
Kelly K. Simon, OSB No. 154213
Email: ksimon@aclu-or.org
ACLU FOUNDATION OF OREGON, INC.
PO Box 40585
Portland, OR 97240
Telephone: (503) 227-3186

Attorneys for Plaintiffs-Petitioners

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

**DECLARATION OF LUIS GARCIA IN
SUPPORT OF PLAINTIFFS-
PETITIONERS' EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

I, Luis Garcia, declare as follows:

1. I am an attorney licensed to practice in the State of Oregon and am a member in good standing of the Oregon State Bar and the United States District Court for the District of Oregon. My Oregon State Bar number is 093627. I am over 18 and have personal knowledge of the facts described herein.

2. I am an attorney with Marandas Sinlapasai, P.C., a law firm that has long represented individuals, families, and businesses in immigration and family court proceedings. We routinely visit immigration detention facilities to meet with and screen immigration detainees to determine whether they may be eligible to receive legal representation in their removal proceedings.

3. On Thursday, June 14, 2018, I visited the Federal Correctional Institution Sheridan ("FCI Sheridan"). I was part of a visit made by the Consulate of Mexico to meet with immigration detainees who were Mexican nationals and being held at FCI Sheridan.

4. I was able to speak with five immigration detainees, all Mexican nationals, held at Sheridan: Damian Santiallan Galvan; Luis Javier Sanchez Gonzalez, Ulises Daniel Bailon Arzeta, Javier Ballon Archeta, and Rafael Camarillo Paz.

5. Each of the five detainees had been detained at the border and had requested asylum. They were asked questions by an officer after they were detained at the border but were not informed and did not otherwise know whether the officer was an asylum officer and whether their requests for asylum had been recorded in any manner.

6. None of the five detainees was asked whether they wanted to speak with the Mexican consulate (all did). They were made aware of the June 14, 2018, visit from the Mexican Consulate only by word of mouth from other inmates within the prison.

PAGE 1 - DECLARATION OF LUIS GARCIA IN SUPPORT OF PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER

7. Since they have been detained, none of the five has had any contact or ability to contact counsel, and only two have had any contact with their family. Two of the men arrived at the border with their families but were immediately separated from their families once they were detained. Damian arrived with his wife and two-year-old son; Luis came with his wife, his five-year-old son and 18-month-old daughter. During my meeting with these men on June 14, 2018, they told me they had no contact with their families and had no idea where their families were located. They were extremely worried and desperate for any information as it has been “months.”

8. As of my meeting on June 14, 2018, four of the men were in need of urgent medical attention and had received no treatment. Two were shot while leaving Mexico and still have the bullets lodged in their bodies.

9. None of the men knew whether they had alien registration (“A”) numbers, so it was unclear whether and how they are being accounted for within the Immigration and Custom Enforcement (“ICE”) system. They each had prison identification cards for FCI Sheridan; those cards were in the possession of the FCI Sheridan prison guards who did not have them available to share.

10. Initially, I was told that I was not allowed to share any documents with the five men. When I asked again, the guard gave me permission to share information from the Mexican Consulate and the hotline number that had been set up for questions and to obtain legal representation.

11. Each of the five men indicated that they wanted legal representation.

12. On June 14, 2018, my colleague Stephen Manning sent an email to ICE officer Chad Allen requesting clearance to meet with thirteen immigration detainees at FCI Sheridan on June 15, 2018. I understand that Officer Allen asked for a list of the team, which Mr. Manning

PAGE 2 - DECLARATION OF LUIS GARCIA IN SUPPORT OF PLAINTIFFS’ EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER

provided. Five of us were planning to visit FCI Sheridan: myself, Stephen Manning, Chanpone Sinlapasai, Mat dos Santos, Elena CaJacabo, and an interpreter (together, the “Team”). On June 14, 2018, Mr. Allen approved the visit by email, and sent a reminder that the Team should bring our bar cards.

13. On Friday, June 15, 2018, I began my trip to Sheridan in the early morning: it is a long drive and I wanted to get there as early as possible. At about 8 a.m., Mr. Manning received an email from Officer Allen, indicating that the Bureau of Prisons (“BOP”) had informed him that none of us would be allowed access to the Sheridan facility. I understand the reason we were not allowed to see people was because FCI Sheridan was allowing social visits until 4 p.m. and there was no space for attorneys to meet with potential clients. I understand that the earliest we might get access would be 4:45 p.m.

14. We decided to plan a visit for the next available day. I understood from conversations with my colleagues that FCI Sheridan did not allow weekend legal visits, so we planned to visit again on Monday, June 18, 2018. On June 18, 2018, at around 10:30 a.m., my colleague Chanpone Sinlapasai confirmed with ICE Officer Michael T. Louie that the visitation hours that day would be 12:30-3:30 p.m. Our Team, given the distance, was already in transit to the facility. Officer Louie then wrote back around 11:00 a.m. that FCI Sheridan would not allow access to the facility on June 18, 2018, because “Mondays and Fridays are reserved for prison social visits.”

15. After two consecutive business days where we were told that we were being denied access after confirming the visits with the ICE officers, and while already in route to FCI Sheridan, Officer Louie – without any such reference or suggestion previously - conveyed by

email at 11:07 a.m. on June 18, 2018, that attorney visits to Sheridan would be limited to Tuesdays, Wednesdays and Fridays, from 12:30-3:30 p.m.

16. The immigration detainees at FCI Sheridan do not have phone access or other means to retain counsel. With the highly restrictive and abnormal limitations on attorney visitation, I am deeply concerned about the absence of any legal assistance to any of the immigration detainees at FCI Sheridan. Based on my extensive experience as an immigration attorney, I know that access to legal assistance is critical for many immigration detainees. Immigration law is incredibly complex, and many detainees do not know how to properly identify potential defenses or claims for relief or adequately prepare their cases. In my experience, representation is often the single most important factor in whether an immigration detainee is able to prevail in their immigration case. I believe that, as a result of the government's limitation and repeated denials of attorney access to FCI Sheridan, the fateful consequence is that immigration detainees face a real and imminent risk of being deported or their cases adjudicated without the legal assistance they need.

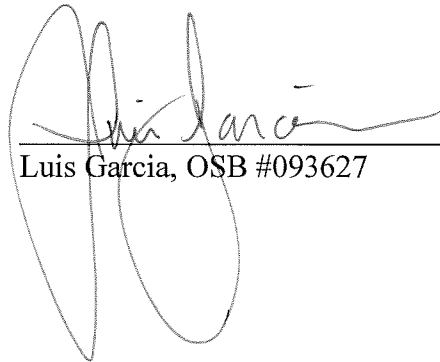
17. I have agreed to represent clients, as needed, through the Sheridan Pro Bono Project (the "Sheridan Project"). I understand that dozens of detainees have now contacted the Sheridan Project or been referred by the Federal Public Defender's office. I am concerned that these cases could be adversely affected, if I am unable to contact clients regularly. I would like to consult with my clients on their cases, and how to best prepare for their asylum hearing, and parole or bond eligibility. From my years of experience as an immigration attorney, I know it is critical that I regularly communicate with clients about their cases to ensure the best possible outcome.

PAGE 4 - DECLARATION OF LUIS GARCIA IN SUPPORT OF PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER

18. I have been prepared and am ready to drive down to FCI Sheridan as soon as I am granted access to meet with clients. I am planning to meet with my clients to have the basic information necessary to put together a parole package. If they have any upcoming court hearings, I need to be prepared to appear and represent them in court or ensure that they have proper representation. My clients cannot receive legal relief if they are denied access to counsel in any form.

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 21st day of June, 2018.



Luis Garcia, OSB #093627