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13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 15 **WESTERN DIVISION**

16 IMMIGRANT DEFENDERS LAW
 17 CENTER, *et al.*,

18 Plaintiffs,

19 v.

20 U.S. DEPARTMENT OF
 21 HOMELAND SECURITY, *et al.*,

22 Defendants.

Case No. 2:21-cv-00395-FMO-RAOx

**DECLARATION OF DIANA
 TAFUR, WITNESS FOR
 PLAINTIFFS**

Pre-Trial Conference and Hearing on
Motions in Limine: August 11, 2023 at
 2:00 pm

Trial Date: August 14, 2023 at 9:00
 am

Judge: Hon. Fernando M. Olguin

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DECLARATION OF DIANA TAFUR

I, **Diana Tafur**, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 of the laws of the United States the following is true and correct. I make this declaration based upon personal knowledge and a review of records related to my position as a supervising attorney of the Children’s Program at the Refugee and Immigrant Center for Education and Legal Services (“RAICES”):

1. The facts contained in this declaration are known personally to me and, if called as a witness, I could and would testify competently thereto under oath.

2. I am an attorney licensed to practice law in the state of New York and Texas. I received my J.D. from American University, Washington College of Law in 2011.

I. EMPLOYMENT BACKGROUND AND RESPONSIBILITIES

3. I have been practicing immigration law for over 10 years, specializing in immigration cases involving unaccompanied immigrant children (“unaccompanied children”). As defined in the Immigration and Nationality Act, these are children under 18 years old without lawful immigration status, and who have no parent or guardian to care and provide for them in the United States. 6 U.S.C. § 279(g)(2).

4. Prior to joining RAICES, I worked for the National Immigrant Justice Center from 2013 to 2017, including in their Children’s Program.

5. I started working for RAICES in July 2017 as a supervising attorney for our Children’s Program (“Program”).

6. I initially began working with our Program’s Corpus Christi office to oversee our grant requirements. While there, I worked personally with unaccompanied children and oversaw our team responsible for serving unaccompanied children. This included providing Know Your Rights presentations, legal consultations, appearing as a Friend of Court before the Houston Immigration

1 Court (the immigration court that previously had jurisdiction over all detained
2 unaccompanied children in the Corpus Christi area; although now most cases are
3 heard by the Harlingen Immigration Court), and providing legal representation in
4 immigration matters to the unaccompanied children who were released locally from
5 one of the Department of Health and Human Services (“HHS”) Office of Refugee
6 Resettlement (“ORR”) shelters we service.

7 7. In 2018, I was transferred to work as a supervising attorney for our
8 Program’s San Antonio office where I continued to supervise and provide direct
9 legal services to detained and formerly detained unaccompanied children.

10 8. In this role, my job responsibilities include supervising attorneys on
11 their immigration cases, as well as maintaining a caseload of my own. But my role
12 dramatically changed once our Program started providing legal services to
13 unaccompanied children who had previously been subjected to the Migrant
14 Protection Protocols (“MPP”) and then later reentered the United States without a
15 parent or legal guardian (“MPP-unaccompanied children”).

16 **II. RAICES’S INITIAL CONFUSION REGARDING MPP-** 17 **UNACCOMPANIED CHILDREN**

18 9. RAICES started providing legal services to MPP-unaccompanied
19 children around September 2019, but I didn’t learn about this until around
20 November 2019 during our weekly attorney program meetings when an attorney put
21 the issue on our agenda to discuss how to best navigate this population. Initially, we
22 were perplexed and confused as to how we could confirm if a child had in fact been
23 subjected to MPP or how to assist children in this procedural posture because the
24 government did not provide us with any information about a child’s prior enrollment
25 in MPP. Based on guidance published by the Department of Homeland Security
26 (“DHS”),¹ I was under the impression unaccompanied immigration children were

27 ¹ For example, DHS’s MPP FAQs stated “Unaccompanied alien children and
28 aliens in expedited removal proceedings will not be subject to MPP.”

1 exempt from MPP. As I came to observe, many aspects of MPP-unaccompanied
2 children’s cases diverged in material ways from DHS’s and ORR’s typical practices
3 as to unaccompanied children, as well as my understanding—as an attorney
4 specializing in immigration cases involving unaccompanied children—of what
5 rights these kids are owed under the Trafficking Victims Protection Reauthorization
6 Act (“TVPRA”).

7 *a. RAICES’s Typical Expectations and Practices for Non-MPP*
8 *Unaccompanied Children*

9 10. As to detained unaccompanied children who had not been placed in
10 MPP, the services we usually provide to children in ORR custody consist of a Know
11 Your Rights presentation, a legal screening, and sometimes a legal consultation to
12 inform the child of any immigration legal relief for which they may be eligible.
13 RAICES attorneys, including myself, will not typically enter representation for most
14 detained unaccompanied children, due to the fast rate at which these children are
15 generally released out of our service areas from the ORR shelters.

16 11. In some instances, RAICES, including myself, will appear as a Friend
17 of Court for detained unaccompanied children who have been detained for several
18 months. This is because, in my experience, DHS usually waits several months
19 before filing an unaccompanied child’s charging document, otherwise known as the
20 Notice to Appear (“NTA”), which triggers the start of their immigration case. This
21 extended time period allows the child to adjust to their current situation, possibly
22 start receiving counseling and social services, as well as provide us time to build
23 rapport with the child before having to proceed in any capacity on their immigration

24 _____
25 <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>; CBP’s
26 Guiding Principles for MPP stated that noncitizens “in the following categories are
27 not amenable to MPP: Unaccompanied alien children.”
28 “[https://www.cbp.gov/sites/default/files/assets/documents/2019-
Jan/MPP%20Guiding%20Principles%201-28-19.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP%20Guiding%20Principles%201-28-19.pdf).”

1 case. Additionally, in my experience—prior to the implementation of MPP—ORR
2 and DHS typically provide us with the relevant information associated with the
3 child’s case, including the posture of the case, venue, and any updates on the child’s
4 release from ORR custody. In my years of practice, my team and I have relied on
5 this information to properly prepare ourselves and the children for any hearings
6 and/or filings.

7 12. When I have appeared as Friend of Court, and when my supervisees
8 have appeared as Friend of Court, the immigration judges typically implement child-
9 sensitive practices in the child’s 240 removal proceedings. These include allowing
10 for continuances for the child to be released from custody before they have to apply
11 for immigration relief or get counseling, orienting them to the courtroom, asking
12 them simple questions, allowing them to color during the hearing, waiving some
13 children’s appearances, allowing continuances so the child may be assigned a
14 Young Center child advocate,² considering the best interests of the child, and many
15 other ways, in my experience, that factor in the age and sensitivity of
16 unaccompanied children. In ten years of practice, I have observed that these
17 hearings run most effectively where counsel, the child, the judge, and Immigration
18 and Custom Enforcement’s (“ICE”) Office of the Principle Legal Advisor
19 (“OPLA”) are all informed as to the information material to the proceedings,
20 including the location of the court and the posture of the proceedings.

21 13. All of the Children’s Program practices are based on our expectation of
22 the process and protections unaccompanied children are guaranteed by the TVPRA,
23 and that non-MPP-unaccompanied children routinely receive without issue. This
24 expectation is based on our understanding of what the TVPRA requires, the
25 processes DHS has employed to implement TVPRA requirements, and years of

26 ² A Young Center Child Advocate is an attorney or social worker appointed as
27 guardian *ad litem* by the Department of Health and Human Services who advocates
28 for the best interest of the child.

1 practice in which DHS has treated unaccompanied children consistent with our
2 understanding and expectations.

3 14. Thus, in my over 10 years of immigration practice representing
4 detained and released unaccompanied children, family units, and adult immigrants, I
5 have seen how the system protects—and is required to protect—unaccompanied
6 children more than adults and family units. For example, I have seen how
7 unaccompanied children, even when they are in removal proceedings, have years to
8 file their asylum applications—whereas adults and children in family units have to
9 file their applications within one year of their entry. My understanding is that this
10 special protection recognizes how trauma impacts children more acutely, and how
11 children may not have the capacity or even competency to articulate an asylum
12 claim and therefore should be allotted the time to process their trauma or gain a
13 better understanding of their reasons for their flight from their home country. For
14 this very reason, all of my non-MPP-unaccompanied child clients have been allowed
15 to file for asylum before the U.S. Citizenship and Immigration Services (“USCIS”)
16 Asylum Office. As such, they have not had to undergo an adversarial process of
17 applying for asylum in defensive proceedings before the immigration court. This is a
18 critical protection: in the dozens of asylum interviews I have attended and the many
19 more that I have supervised, unaccompanied children interact with a trauma-
20 informed asylum officer who asks open-ended questions and is incredibly patient
21 with child clients, showing important trauma-informed and culturally-sensitive
22 interviewing techniques. That is not the case when my adult clients have had to
23 proceed before the immigration court. Instead, I have observed and supervised cases
24 in which the OPLA and immigration judges interrupt clients’ answers, ask questions
25 that re-victimize them, and employ other adversarial tactics.

26 15. Another special protection afforded to unaccompanied children is the
27 right to counsel to the greatest extent practicable, which adults or family units are
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1 not afforded. This protection has enabled RAICES to serve as many unaccompanied
2 children as we do and forms the basis of our mission, which includes defending the
3 rights of immigrants by providing unaccompanied children with the best possible
4 counsel.

5 *b. DHS's Divergent Practices for MPP-Unaccompanied Children*

6 16. But, as I began to observe, DHS and ORR do not engage in the above
7 practices with MPP-unaccompanied children. With MPP-unaccompanied children,
8 even something as simple as the NTA charging document, our usual starting point in
9 unaccompanied children's immigration cases, causes me and my staff confusion,
10 due to DHS's service of charging documents that do not represent the child's actual
11 proceedings. For example, sometimes ORR or DHS will provide us with the NTA
12 reflecting when DHS designated the child as unaccompanied. But this charging
13 document will not reflect the ongoing MPP proceedings to which the child is still
14 being subjected, or any pleadings or removal orders associated with that case.

15 17. DHS also fails to timely inform us if they issue the child more than one
16 NTA, where the child's hearing is venued, or about the procedural posture of the
17 child's MPP case. For instance, they do not tell us if the child is scheduled to appear
18 for their first or third court hearing, if the child has missed a court hearing and been
19 ordered removed *in absentia*, if the child has already been provided an individual
20 merits hearing and ordered removed on the merits, or if the child has an appeal
21 pending. They also do not provide us with the MPP case file related to the child,
22 such that we have no way of knowing what was pled, adjudicated, or ordered in the
23 case through which they continue to prosecute the now-unaccompanied child.
24 Additionally, for children who missed their MPP court hearing and were ordered
25 removed *in absentia* as part of a family unit, we begin with no information as to the
26 circumstances that caused the child to miss their court date.

1 18. This means that during case discussions and team meetings, my staff
2 and I are under-informed while preparing the most effective strategy and informing
3 the children of the next steps of their case, their eligibility for various types of relief,
4 and other legal rights within the immigration system. For example, in one case, we
5 informed a pair of siblings they were waiting for their NTAs to be filed with the
6 immigration court and they could wait until they were released from ORR custody
7 to begin searching for an immigration attorney to represent them in their
8 applications for immigration relief. Then, days later, we discovered that the
9 government was proceeding under the siblings' prior MPP NTA—of which we had
10 been unaware. We then had to tell them that the NTA had actually previously been
11 filed, they had an order of removal, DHS was working to remove them, and ORR
12 was not working on their release from its custody.

13 19. By February of 2020 staff at RAICES, myself included, started to
14 notice a pattern during our attorney weekly meetings after discussing the cases and
15 reviewing our clients' files. This pattern reflected three categories of children each
16 of which required RAICES to develop divergent and nuanced strategies to protect
17 their TVPRA rights: (1) children who had final orders of removal through MPP
18 before they were placed in ORR custody; (2) children who had been ordered
19 removed through MPP, but either had reserved their rights for an appeal or a Notice
20 of Appeal was pending with the Board of Immigration Appeals (“BIA”) from before
21 they were placed in ORR custody; and (3) children whose immigration proceedings
22 were still pending but, although they were now in ORR custody, DHS was still
23 treating them as if they were in MPP and living in Mexico with their parent(s), for
24 example by keeping those children's cases on the MPP docket instead of
25 transferring them to the juvenile docket.

1 **III. RAICES RESTRUCTURED ITS CHILDREN’S PROGRAM TO**
2 **ADDRESS DHS’S TREATMENT OF MPP-UNACCOMPANIED**
3 **CHILDREN**

4 20. When my team and I began to observe that DHS was treating MPP-
5 unaccompanied children differently than other unaccompanied children, I realized
6 that in order to represent these children in a manner consistent with our mission,
7 RAICES’s processes had to change.

8 21. As a supervising attorney in the Program, I started identifying the
9 additional training my team members required, the resources that needed to be
10 created for my team, and what legal steps and legal strategies we could deploy to
11 protect these children’s ability to access the immigration relief that the TVPRA
12 typically enables through its substantive and procedural protections. This was
13 critical to RAICES’s mission.

14 22. In response to our observations of DHS’s and ORR’s lack of
15 protections for MPP-unaccompanied children, my team and I started researching
16 MPP to better understand it, including attending MPP trainings, reading lawsuits,
17 and studying court decisions related to MPP. MPP became a repeat agenda item and
18 discussion in our weekly attorney roundtables which I attended. I stopped working
19 on other unaccompanied child clients’ cases. I stopped supervising team members in
20 their unaccompanied child cases. My main responsibility became to train, create
21 resources for, and assist my team members with MPP-unaccompanied children’s
22 cases exclusively.

23 23. In February 2020 I created a policy to enable our team to handle MPP-
24 unaccompanied children’s cases with prior MPP removal orders, reviewed and
25 approved by Pablo Rodriguez, one of our Program Directors. This policy laid out
26 the additional responsibilities and steps legal assistants and attorneys must take
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1 when they encounter an MPP case, including additional data entry requirements and
2 considering emergency motion practice.

3 24. When meeting with my colleagues, I learned and observed that most of
4 our team members had never previously filed a motion to reopen or been trained on
5 such motions to reopen. This is because unaccompanied children are generally
6 thought to be entitled to new immigration proceedings when they arrive
7 unaccompanied that take into account their legal status as “unaccompanied
8 children,” and so their attorneys do not need to move to “reopen” prior proceedings.
9 But, MPP-unaccompanied children are not given the same opportunity and instead
10 are still being subjected to the immigration proceedings and orders that began when
11 they were part of a family unit. To address this knowledge and experience gap, I
12 created template motions for my team, including Motions to Reopen *In Absentia* and
13 Motions to Reconsider.

14 25. But the policy and templates I created proved insufficient to
15 compensate for the challenges my team and I faced in these cases. Based on my own
16 motion practice and experience supervising my team members, I know that, even
17 when we file a motion to reopen or reconsider, that does not necessarily stay an
18 order of removal or extend an appeal deadline. Thus, as I observed and
19 experienced, DHS would attempt to remove MPP-unaccompanied children to their
20 home country in a matter of days either before those motions could be filed or even
21 while they were pending. This truncated timeline forces us to file these motions as
22 soon as possible or risk the child’s removal—even if that means filing a motion with
23 limited information. This practice conflicts with our mission to provide the highest
24 quality legal representation to our clients. It further undermines our mission
25 because, in immigration court, noncitizens are only permitted to file one motion to
26 reopen—and these children are, essentially, forced to use it before their attorneys
27 (my team) have the time to obtain all the relevant evidence that would allow them to
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1 prepare the most informed motion. This is another experience that my team and I
2 have not had with non-MPP unaccompanied children.

3 26. Second, the new policy I created could not address the harm DHS's
4 policy was causing the children. By definition, RAICES' Children's Program clients
5 are immigrant children who are not with a parent or legal guardian who can provide
6 them security, safety, or consistency. What I and my team members have been
7 trained on, and what I have routinely observed from the children I have directly
8 represented, is that most of these children are struggling with depression, anxiety,
9 trauma, and/or post-traumatic stress disorder. For this reason, I routinely attend
10 trainings on common indicators of trauma, the effects of trauma on children, how
11 children may manifest that trauma, and how trauma may impact a child's ability to
12 share information or prepare for their immigration case. In my years of experience,
13 many of my clients have had to go to counseling or complete a psychological
14 evaluation; almost all of them are diagnosed with at least one of these mental health
15 issues.

16 27. I observed that MPP-unaccompanied children were especially
17 struggling because they *did* initially come to the United States with a parent or legal
18 guardian, but had just recently been separated from their parents, often in
19 traumatizing ways. For example, one child whose case I supervised was kidnapped
20 with his father in Mexico. In reviewing his case file, I learned the father was able to
21 obtain enough money to pay the kidnappers to release his son (our client), but not
22 for himself—resulting in their separation.

23 28. An especially emotionally trying case I supervised involved a sibling
24 group who entered the United States with their mother and stepfather and were sent
25 back to Mexico and placed in MPP. A man who lived in the same Mexican border
26 town attempted to recruit the 16-year-old girl into prostitution and the 14-year-old
27 boy into drug trafficking. One day in October 2019, the children's stepfather, who in
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1 reality was the only real father the children had ever known, disappeared, and about
2 a month later, their mother disappeared. Fearing for their lives in Mexico and
3 effectively orphaned, with no means to provide for themselves, the children turned
4 themselves over to U.S. immigration authorities.

5 29. It deeply troubles me that DHS continues to prosecute these children
6 under the MPP proceedings that preceded these traumatic events—including when
7 no real proceedings even took place, as safety and kidnapping issues often resulted
8 in MPP *in absentia* removal orders.

9 30. These types of traumas present incredibly difficult experiences to ask
10 any child to overcome and explain in time for us to file the necessary filings. In the
11 cases mentioned above, before our MPP-unaccompanied child clients entered ORR
12 custody, they had been living in unstable housing, experienced extortion by law
13 enforcement, and finally witnessed U.S. government officials turn them away at the
14 border to return them to another country where they had no connections or
15 community. Once in ORR custody, although these MPP-unaccompanied children
16 are finally housed in safe conditions, they are nonetheless in government custody,
17 away from their parents, with no sense of security, privacy, consistency, or control.
18 As I have observed in the MPP-unaccompanied children I work with, the trauma
19 they have experienced before entering ORR custody can last a long time.

20 31. I observed this dynamic hinder MPP-unaccompanied children's ability
21 to work on their immigration cases—for example, by not being able to explain to us
22 the difficult circumstances that might qualify them for asylum or other immigration
23 relief. Yet DHS's apparent policy towards MPP-unaccompanied children—keeping
24 them in their MPP proceedings and seeking to remove them very quickly on MPP
25 removal orders—demands that these children overcome their trauma to participate
26 in their immigration cases or, if they cannot, face the threat of immediate removal
27 within a matter of days.

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1 32. In light of these challenges, I expanded our new MPP policy into an
2 MPP manual. I spent weeks centralizing the MPP resources and templates I had
3 gathered and created. The manual I drafted outlines additional duties and
4 responsibilities that attorneys and legal assistants must complete when they
5 encounter an MPP case, no matter the case category. Some of these additional
6 responsibilities include:

- 7 • mandatory attorney follow-ups when RAICES staff suspect that an
8 unaccompanied child may have been previously subjected to MPP;
- 9 • mandatory filing of Freedom of Information Act (“FOIA”) requests in
10 all MPP cases for the child’s MPP case file so we might eventually
11 obtain the information being used to prosecute them;
- 12 • additional data input to track the child’s case; and
- 13 • representation of the child beyond our typical practice as required by
14 the needs of the case, for example filing a motion to reopen, an appeal,
15 a motion to sever, a motion to change venue, or some other litigation
16 tactics to protect the child’s rights based on three categories of MPP-
17 unaccompanied children we had previously identified.

18 33. This policy and manual are still in effect today.

19 34. Moreover, RAICES staff must execute these extraordinary tasks on a
20 uniquely fast timeline, to minimize the risk these children are removed before they
21 can access the child-sensitive procedures to which they are entitled under the
22 TVPRA, as well as any potential relief to which they could be entitled.

23 35. Some of the templates I created—required by and in response to DHS’s
24 policy towards MPP-unaccompanied children—included a: 1) Motion to Reopen (on
25 the merits of the case); 2) Motion to Reopen *In Absentia*; 3) Motion to Reconsider;
26 4) Motion to Terminate; 5) Motion for Stay; 6) Motion to Withdraw From
27 Representation Before the Executive Office for Immigration Review (“EOIR”);
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1 7) Motion to Withdraw From Representation Before the BIA; 8) BIA Brief
2 Extension Request; 9) Notice of DHS' Non-opposition Motion to Reopen; 10)
3 Letter to BIA Notifying Child Released From ORR custody; 11) *Pro se* Notice of
4 Appeal from Decision of an Immigration Judge; 12) *Pro se* asylum skeletal
5 application cover letter; 13) *Pro se* Asylum Instructions to Child; and 14) Master
6 Document in which we collect all the legal issues we have identified and been
7 required to argue before the EOIR and BIA. Again, all of these templates were
8 necessitated by DHS's policy towards MPP-unaccompanied children and are
9 utilized specifically for this population.

10 36. I created and managed an internal messaging channel, so our team had
11 a central place to discuss and memorialize any MPP issues in real time. I found it
12 was critical to create a place where staff could ask questions, share information, and
13 brainstorm ideas, considering that these cases presented novel issues not usually
14 experienced by lawyers representing unaccompanied children, including a lack of
15 transparency beyond what we typically encounter.

16 37. I trained staff in each RAICES office on MPP: how it affects
17 unaccompanied children, MPP-specific resources available to them, and how to file
18 a Motion to Reopen. Eventually, we added MPP trainings to our onboarding
19 requirements, and still require them as part of our onboarding process for new staff
20 in the Children's Program.

21 38. The Children's Program, through me, started consulting with our
22 Litigation Department almost every time our team encountered an MPP-
23 unaccompanied child; holding interdepartmental meetings specifically to address
24 this differently-treated population; asking the Litigation Department to assist us in
25 strategizing case action or drafting emails; and creating interdepartmental messaging
26 channels on MPP-unaccompanied children's cases—all things we don't typically do
27 in our non-MPP unaccompanied children's cases.

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1 39. Training our staff on MPP and creating MPP resources is not the only
2 way MPP diverts my attention from other responsibilities. Because of the
3 complexity of these cases and the incredibly short turnaround DHS provided the
4 MPP-unaccompanied children to file for relief, a motion, or an appeal, the most time
5 intensive component affecting our Program is my role in working up MPP-
6 unaccompanied children’s cases. This includes legal consultations; team meetings to
7 discuss case strategy and next steps; researching and collecting evidence; writing
8 affidavits; filing applications for immigration relief such as asylum application or
9 petitions for Special Immigrant Juvenile Status (“SIJS”); filing FOIA requests for
10 MPP case files; coordinating with stakeholders; conducting country research to
11 support an asylum application; translating documents; drafting motions and notices
12 of appeal; and all of the mechanics of filing and serving those documents.

13 40. From September 2019 to the present, the RAICES’ Children’s Program
14 has seen over 100 MPP-unaccompanied children whose cases I am responsible for
15 supervising; to date, we continue to represent several MPP-unaccompanied children.

16 **IV. RAICES EXPERIENCES FRUSTRATIONS WHEN**
17 **REPRESENTING MPP-UNACCOMPANIED CHILD CLIENTS**

18 41. Once our extended intake questions indicate that a case may be an
19 MPP-unaccompanied child’s case, the first hurdle our team has to overcome is to
20 confirm whether the child was in fact enrolled in MPP—this takes time and a lot of
21 outreach to DHS and ORR stakeholders who may or may not inform us.

22 42. Once we confirm a child has been placed in MPP as part of a family
23 unit, our next step is to identify the procedural posture of the case, such as:

- 24 • has the NTA been filed with the immigration court?
 - 25 • what is the venue?
 - 26 • is the child scheduled for an upcoming hearing?
 - 27 • how many previous immigration court hearings did the child attend?
- 28

- 1 • what happened at those hearings?
- 2 • what, if any, filings have been submitted to the immigration court?
- 3 • has the child been ordered removed?
- 4 • what was the basis for the removal order?
- 5 • if the child was ordered removed, was appeal reserved?
- 6 • has the appeal window lapsed?

7 *a. Frustrations in Obtaining Necessary Information From DHS*

8 43. To ascertain the above-mentioned critical information for any MPP-
9 unaccompanied child, I supervise my team in reaching out to DHS, specifically
10 OPLA and the Immigration and Customs Enforcement Field Office Juvenile
11 Coordinator (“FOJC”) to ask them to provide the information to us. But most of the
12 time these efforts prove futile.

13 44. For example, in some of the outreach I have supervised, the FOJC
14 initially told us they were going to process the children consistent with our
15 expectations under the TVPRA, only to reverse course later, informing us instead
16 they were going to remove the children under a previous MPP removal order. A
17 removal order of which we were never informed nor provided a copy. An example
18 of this is reflected in the attached email correspondence between FOJC Francisco
19 Carranco and RAICES attorney Nerie Pagan dated November 18, 2020. Ex. 169.³

20 45. In order to adequately represent any of these children, however, my
21 team and I needed a copy of their immigration files.

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26 ³ All citations to Exhibits in this declaration refer to the exhibits in the Pretrial
27 Exhibit Stipulation filed pursuant to Dkt. 41 at 5. True and correct copies of
28 documents introduced by this declaration—and which Plaintiffs have not previously
filed with the Court—are appended to this declaration.

1 ***b. Frustrations in Obtaining the Record of Proceedings and Investigating***
2 ***the Case***

3 46. Realizing neither DHS nor ORR would timely provide us a child’s
4 MPP records, even while DHS continued to prosecute or seek to remove our clients,
5 I direct our team to investigate as best we can to piece together the records ourselves
6 in order to competently represent the children.

7 47. Obtaining the MPP case information is crucial to filing any motion or
8 appeal to help the child access relief as an unaccompanied child. Without it, we risk
9 failing to preserve issues or making irrelevant arguments. Realistically, without this
10 information we cannot formulate a basis for a motion to reopen, reconsider, or
11 appeal.

12 48. That is why for almost all of our MPP-unaccompanied children’s cases
13 we file a FOIA request to obtain a copy of the child’s MPP file. However, ***of the***
14 ***over 100 cases we saw, not one of the FOIA responses was returned to us before***
15 ***we had to submit a filing on behalf of the child.*** This means that, in every MPP-
16 unaccompanied child’s case in which we have appeared, we have been forced to
17 submit a filing without ever having seen the child’s MPP file—all while DHS
18 continues to subject these children to their prior MPP cases and removal orders.

19 49. For that reason, we also attempt to get a copy of the child’s MPP record
20 by submitting a request to review the Records of Proceedings (“ROP”) to the
21 immigration court. To review the ROP, an attorney has to physically go to the
22 courthouse to review the file or wait for the court to mail the ROP. In any event, in
23 all but for one case, these requests were also not processed in time. In that one case,
24 an attorney I supervised had to spend four hours driving from Corpus Christi to
25 Harlingen, Texas and back (about 140 miles each way) in order to review the record.
26 This trip alone took him an entire workday.

1 50. In short, in almost all situations we are forced to file motions or
2 applications before we are able to learn of all the legal issues in the case or risk the
3 imminent removal of the child; essentially, submitting MPP-unaccompanied
4 children’s court filings with one hand tied behind out back. This forces us to fall far
5 short of RAICES’s mission to defend immigrants’ rights, which includes providing
6 competent representation and informed legal counsel to the vulnerable children we
7 represent.

8 51. In my experience and during my time supervising my RAICES team
9 members, we have not encountered these same hurdles with non-MPP
10 unaccompanied children, who benefit from the extended timelines to investigate
11 their cases and devise informed legal strategy.

12 *c. Challenges Seeking Information Directly From MPP-Unaccompanied*
13 *Children and Their Families*

14 52. As has become our standard practice in MPP-unaccompanied child
15 cases, my supervisees or I follow up with our MPP-unaccompanied child clients
16 several times to ask them a variety of questions related to their immigration
17 proceedings. However, the children rarely know or understand the process they have
18 just undergone.

19 53. Based on my experience, with all unaccompanied children, it is critical
20 to build rapport with the child in order to learn from them information that might be
21 relevant to their ability to obtain immigration relief. This usually takes months. But
22 with MPP-unaccompanied children, DHS’s policy requires us to submit filings
23 within days or weeks of meeting a child, or risk adverse rulings or even summary
24 removal pursuant to the now-separated family unit’s old MPP cases. This
25 necessarily gives us an incredibly short amount of time to build rapport—far less
26 than the timeline on which we rely to manage our expected caseload; to ensure a
27 child feels safe; and to adequately obtain important information. In some cases, we
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1 are able to get children to open up to us; in others, we are not. This is yet another in
2 a series of challenges we do not experience with our non-MPP unaccompanied child
3 cases.

4 54. But to fully investigate an immigration claim, we do not just rely on
5 our client. I also advise my team, with consent of our unaccompanied child client, to
6 conduct corroboration calls with potential witnesses. My supervisees attempt to
7 speak with the child's sponsor in the United States, but since the sponsor was not
8 present at the border or hearing, they are rarely able to provide us the information
9 we need about the child's history and prior proceedings.

10 55. With MPP-unaccompanied children, we typically find that the
11 individual who has the most relevant information on the reasons for the child's
12 journey, including the circumstances that led to missing their MPP hearing or what
13 happened during their MPP hearings, is usually the parent with whom the child had
14 traveled: the parent from whom the child has become separated and whose location
15 is often unknown. This makes investigating an MPP-unaccompanied child's case in
16 a matter of days an almost impossible task.

17 56. In some situations, we are able to contact a parent in Mexico. Although
18 this tends to be more helpful than having no contact with the parents, due to the
19 complexity of the immigration system, language barriers, and other obscuring
20 factors, they similarly struggle to give us accurate and complete information we
21 need related to any MPP proceedings that DHS still subjects their now-
22 unaccompanied children to.

23 *d. Deviation From Best Practices Results in Additional Frustrations to*
24 *RAICES's Mission*

25 57. In many MPP-unaccompanied children's cases, my staff and I have to
26 deviate from national best practices for working with immigrant children, further
27 undermining RAICES's mission.

28

1 i. Deviations from Best Practices in Preparing and Filing
2 Affirmative Asylum Applications

3 58. For example, national best practices recommend attorneys first gather
4 evidence in a child’s asylum case and then file the affirmative asylum application
5 with USCIS. Unaccompanied children are not subject to the one-year deadline that
6 bars other immigrants from applying for asylum after a year of their arrival to the
7 United States; the TVPRA recognizes that this deadline should not apply to
8 unaccompanied children. The longer timeline means that counsel can prepare the
9 case at the child’s pace based on the child’s comprehension ability, mental capacity,
10 and considering any trauma or post-traumatic stress the child may be
11 experiencing—all consistent with RAICES’s mission in serving this population.

12 59. It also gives the attorney and child time to search for and find resources
13 the child may need, such as counseling, before the attorney must begin working up
14 their asylum case. But in MPP-unaccompanied children’s cases, my supervisees and
15 I are forced to file the application for relief—or risk the child’s rapid deportation on
16 an MPP removal order—before we have developed a strong rapport with the child;
17 before we have been able to assist the child in attending to their mental health needs;
18 before we have been able to fully investigate the case or gather any evidence.
19 RAICES and the child discuss that, while this strategy could lead to issues in the
20 filing, it is the best way we can preserve their rights to the process at all. It also
21 requires our staff to delay working up other cases in order to work solely on one
22 MPP-unaccompanied child’s case, given the emergency posture DHS’s policy
23 imposes. The emergency posture also risks re-victimization of the child and burnout
24 of staff. Everything about this undermines RAICES’s mission to defend the rights of
25 immigrants, empower individuals, and advocate for justice, including building a
26 world where survivors have access to the care they need.

1 supervisor (including reviewing our case file, correspondence with ICE, court
2 filings, and during our team meetings on the case). The cases involve three
3 Honduran boys who were fifteen, seven, and three when they initially entered the
4 United States with their mother and father in August 2019. After the family turned
5 themselves in to Customs and Border Protection (“CBP”) agents, CBP inexplicably
6 divided them: CBP processed the father with the middle child separately from the
7 mother and other two siblings. This created two different immigration cases before
8 two different immigration judges with two different hearing dates. CBP then
9 returned the family to Mexico to await those proceedings.

10 63. While in Mexico, the siblings’ father abandoned the family, and the rest
11 of the family experienced abuse.

12 64. Unable to access counsel or evidence, the mother and two of the
13 siblings proceeded *pro se* in their immigration case—initially at a master calendar
14 hearing and ultimately at their individual merits hearing. At the mother’s hearing,
15 the immigration judge did not allow the children to file their own independent
16 claims for asylum and failed to independently screen the children for other forms of
17 immigration relief, including Special Immigrant Juvenile Status. The mother and
18 two children were ordered removed.

19 65. While we were initially unaware of this history when we encountered
20 these siblings in ORR care in September 2020, our extended screening suggested
21 that they may have been subjected to MPP. However, the NTAs RAICES received
22 had no such indication—rather, they were consistent with their recent entry as
23 unaccompanied children. Later, their ORR case manager informed us the children
24 had been subjected to MPP. She also informed us that the FOJC had asked ORR to
25 stop the process of releasing the children to a sponsor because two of the three
26 siblings had an MPP order of removal that DHS planned to execute.

1 66. We immediately attempted to persuade DHS not to remove those two
2 children right away on their MPP removal order. We were unsuccessful: the FOJC
3 told us he was going to begin the process in one to two days and “with any luck
4 have them issued by the consulate the first part of next week.” Email
5 correspondence between N. Pagan and F. Carranco dated Sep. 23, 2020, Ex. 192 &
6 170. The FOJC then indicated he would try to have two of the three siblings on a
7 flight in *seven to nine calendar days*. Ex. 192.

8 67. In my ten years of practicing immigration law in the United States, I
9 have never had to put an entire case together in seven calendar days. Due to the
10 complexity and fast turnaround, our Children’s Program had no other option but to
11 pull other attorneys from their regular caseloads to assemble a team to work on these
12 cases—something we do not typically do in non-MPP unaccompanied immigrant
13 child cases.

14 68. I started meeting with the three brothers, building rapport as best I
15 could to investigate what happened at their court hearing and screen them for
16 eligibility. The oldest, still only 16 years old, struggled to understand my questions
17 related to CBP processing and what happened at his individual merits hearing. The
18 youngest, who was only four years old, seemed to have less of an understanding of
19 what led to their departure from Honduras or their removal order. But the children
20 started to open up to me, and each meeting they divulged a little more information.

21 69. The oldest was a quiet boy. Most of the times I met with him he
22 seemed to me to be preoccupied with his mother’s wellbeing, as he and his siblings
23 could no longer contact her. He also told me he worried that, in coming to the
24 United States, they would be separated, with the middle brother staying behind in
25 the United States (because he did not have an MPP removal order) while he and the
26 youngest brother could be deported to Honduras (because they had MPP removal
27 orders), where they would be returned to no one. It was difficult for me to get him to
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1 focus on his affidavit, which I observed to be because of these concerns and the
2 sense of responsibility he bore for his younger siblings.

3 70. Although I knew there was still information the children had not yet
4 shared with me about their father, their life in Mexico, and their life in Honduras, we
5 assessed the children were eligible for SIJS and asylum.

6 71. Over the course of those seven days, I and a team I managed
7 (consisting of two supervising attorneys, two staff attorneys, and a legal assistant)
8 worked nearly round-the-clock to complete the Herculean effort required to attempt
9 to safeguard these children's rights as unaccompanied children, including:

- 10 • I continued to meet with the brothers to fill out their Form I-589
11 Applications for Asylum and draft their affidavits. I then focused on
12 gathering the evidence I could in support of their case, including hours
13 of country research. Then I started co-writing their Motion to Reopen;
- 14 • Another attorney prepared all the supporting documents for the state
15 court predicate order needed to apply for SIJS, prepared their SIJS
16 applications, found an aunt in the United States, and drafted an affidavit
17 with the aunt. When this attorney had obtained all the necessary
18 documents, she started helping me in co-writing the Motion to Reopen;
- 19 • Another staff attorney within the Children's Program filed the petition
20 for the state court predicate order and represented the children in the
21 state court hearing;
- 22 • Another supervisor assisted in reviewing the state court documents; and
- 23 • A legal assistant assisted us in translating documents and putting the
24 filings together.

25 72. With this unusually large team working unusually long hours, we
26 managed to file the necessary documents in seven days. Typically, non-MPP
27 unaccompanied children's cases require only one attorney and possibly a legal
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1 assistant. But even with relief pending and the motion filed, ORR would not release
2 the three brothers.

3 73. As it has become the necessary practice for MPP-unaccompanied
4 children, I continued to inform our Litigation Department about the case; eventually,
5 the Litigation Department needed to file in federal court for a temporary restraining
6 order and order of mandamus on behalf of these kids.

7 74. About a month after we filed the Motion to Reopen, an immigration
8 judge denied it as well as the siblings' request for a stay of removal.

9 75. I supervised and assisted in drafting our filing of the Notice of Appeal
10 to the BIA and another Motion for a Stay of Removal. Fortunately, the BIA granted
11 our Motion for a Stay of Removal, and the brothers were finally released from
12 custody and allowed to live with their aunt.

13 76. But our work on the brothers' MPP case did not end with their release:
14 I had to brief the appeal before the BIA. The other lawyers most familiar with the
15 case could no longer assist—they had to return to their regular obligations
16 supporting all detained unaccompanied children and unaccompanied children
17 released in the local area. I had to assemble another team consisting of myself, a
18 staff attorney, and a legal assistant, to properly address the novel needs of the
19 brothers' MPP case, working diligently and tirelessly.

20 77. Eventually, USCIS granted the children's petitions for SIJS, opening
21 the door for my team and me to draft and file a Motion to Remand. Our long hours
22 and diversion of numerous resources fortunately resulted in the BIA reopening the
23 case and remanding to the immigration judge.

24 78. But the siblings' cases were not consolidated and they were venued
25 before two different immigration courts. It was not until December 2022 that the
26 MPP immigration court granted our motion to change venue to the court closest to
27 where the children reside but still did not consolidate the cases.

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1 79. Two years, two supervising attorneys, three staff attorneys, two legal
2 assistants, support from our Litigation Department, and countless filings and hours
3 later, these three brothers are still not in the same position as our other
4 unaccompanied child clients.

5 80. It should also be noted that, long after we had to file the Motion to
6 Reopen, the BIA appellate brief, and applications for relief, we finally received the
7 FOIA results—which still did not include the immigration court transcript.

8 81. Had the government treated these three brothers like our non-MPP
9 unaccompanied child clients, we would not have had to retraumatize the children,
10 we would have been able to follow best practices, we would have been able to wait
11 to review their records, we would not have had to stop working up our other cases,
12 and would not have had to prepare the number of filings or spend the number of
13 hours we did on this case.

14 *b. The Cases of the ML Siblings*

15 82. I personally supervised and worked on the ML Siblings' case. I learned
16 the following by talking to the children directly, personally investigating the case,
17 preparing documents, reviewing our case file (including court filings and
18 correspondence with DHS and ORR), and during our team meetings on the case.
19 The ML Siblings are a group of three siblings who initially fled to the United States
20 with their father when they were thirteen, twelve, and seven years old. The thirteen-
21 year-old girl is fleeing sexual abuse. The entire family is fleeing gang violence.
22 When the family initially entered in December 2019, CBP placed them in MPP as a
23 family unit, issued them an NTA, and sent them to await their case in Mexico. The
24 immigration court scheduled them for a March 2020 hearing date.

25 83. While in Mexico, the family lived in a shelter for several days until it
26 was declared uninhabitable due to a chicken pox outbreak. A couple of days before
27 their initial hearing, the World Health Organization officially classified the global
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1 COVID-19 outbreak as a pandemic. Although the immigration court was still open
2 and operating at the time, on the day of their hearing, Mexican immigration officials
3 refused to allow the family to cross into the United States at the designated port of
4 entry, claiming that the immigration courts were closed due to the pandemic. As a
5 result, the family missed their hearing, and the immigration court ordered them
6 removed *in absentia*.

7 84. While forced to live in Mexico, the ML siblings' father was beaten
8 several times by individuals the family believes were Mexican law enforcement. On
9 another occasion, they pointed a gun to his head. Fearing for their lives in Mexico,
10 the three children fled to the United States and entered unaccompanied in October
11 2020.

12 85. When my team and I first encountered the ML Siblings, the NTA that
13 CBP had issued them was consistent with their arrival as unaccompanied children.
14 However, our extended intake questions suggested they may have been enrolled in
15 MPP—which was not reflected on their new NTA. Eventually, the ORR case
16 manager informed us that the FOJC reached out to them to tell ORR that these
17 children each had two different alien numbers, one from MPP and one from their
18 entry as unaccompanied children. ICE planned to merge the two numbers and
19 remove the ML Siblings on their *in absentia* MPP removal orders. Neither the
20 children nor RAICES was provided with a copy of the ML Siblings' MPP files or
21 removal orders.

22 86. When we reached back out to the FOJC to ask him why he was
23 planning to remove the children, he stated that per OPLA guidance, the children
24 would be removed. *See* email correspondence between F. Carranco and N. Pagan
25 dated November 18, 2020, Ex. 169. The FOJC, Mr. Carranco, also informed us that
26 ICE would be requesting the travel documents in the next few days and was
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1 planning to schedule the ML Siblings for an outbound trip within the next few
2 weeks. *Id.*

3 87. RAICES once again had to divert our resources to assemble a large
4 team to properly address the novel needs of the ML Siblings' MPP case. A staff
5 attorney again represented the children in their state court proceedings to obtain the
6 predicate order. Another staff attorney prepared their SIJS petitions, their
7 applications for asylum, gathered and prepared evidence in support of their
8 applications for immigration relief, and co-wrote their motion to reopen. Another
9 supervising attorney and I again assisted in supervising the case while I also assisted
10 in obtaining country conditions evidence and co-writing the Motion to Reopen.

11 88. The ML Siblings expressed that they were worried about their father
12 and their future. The oldest was still only 14 years old; she told me and my team
13 members how much her father had been a role model to her and that she really
14 feared returning to her home country where she had faced sexual abuse. Other
15 members of my team shared how her trauma seemed to impede her ability to work
16 on her immigration case. I personally observed how she had trouble with memory
17 and would often get sad in her affidavit sessions, struggling to focus on the case. We
18 had an even harder time building rapport with the other two siblings. Because we
19 could not obtain enough information from these other two siblings in the short
20 amount of time we had, we could not draft an affidavit with them in support of their
21 applications for relief.

22 89. By again working the ML Siblings' case as a team, nearly round-the-
23 clock, we were able to file the children's applications for asylum, obtain a state
24 court predicate order, file their petitions for SIJS, file their Motions to Reopen, file
25 their Motions for a Stay, and file their Motions for a Fee Waiver in about two
26 weeks.

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1 90. Happily, the children were released from custody. But then we learned
2 the immigration judge denied our Motion to Reopen on a novel conclusion, raised
3 *sua sponte*, that treated individuals enrolled in MPP as *per se* barred from filing
4 motions to reopen. This decision did not consider the TVPRA or its application.
5 This required me to conduct extensive legal research on a legal issue not applicable
6 to unaccompanied children and outside my expertise.

7 91. Because the court denied our Motion on a ground not argued, in order
8 to preserve the issue for appeal RAICES had to file a motion to reconsider for both
9 siblings. The other attorneys on the team had to return to the regular work they had
10 put on hold, and so I researched the legal issues, prepared and gathered the evidence
11 needed for the Motion to Reconsider, and wrote and filed the motions on my own.

12 92. Unfortunately, the immigration judge denied our Motion to Reconsider.

13 93. In the meantime, I was assigned another staff attorney and a legal
14 assistant to help me prepare the Notice of Appeal of the immigration judge's denial
15 of the ML Siblings' Motion to Reopen and, separately, to appeal his denial of their
16 motions to reconsider which I personally reviewed and assisted in drafting.

17 94. Eventually, USCIS approved the ML Siblings' petition for SIJS,
18 necessitating that we research and file a motion to remand with the BIA.

19 95. Although DHS had initially opposed the Motion to Reopen, the Motion
20 to Reconsider, and filed a Motion for Summary Affirmance, in September 2021, I
21 began to relentlessly advocate to OPLA *again* to join us in a Motion to Reopen and
22 dismiss the children's MPP case. After writing, calling, and advocating with OPLA
23 on behalf of the children repeatedly for several months, OPLA finally agreed to join
24 our Motion, which the BIA granted in April 2022.

25 96. It took RAICES almost two years from the time the ML Siblings
26 entered as unaccompanied children to be able to actualize the TVPRA rights that
27 should have been automatically afforded to them the moment CBP designated them
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1 as unaccompanied children. This required RAICES to devote two supervising
2 attorneys, three staff attorneys, two legal assistants, a series of filings, legal
3 research, and unwavering advocacy to overcome the hurdles no other
4 unaccompanied child has to overcome in order to secure their rights within the
5 immigration system.

6 *c. Similar Examples Are Numerous*

7 97. These are not the only cases for which RAICES has had to prepare
8 Motions to Reopen, Motions to Reconsider, appeals, or other filings. Each filing
9 present its own challenges and frustrations, some of which I personally wrote. Each
10 case we prepared underscores the injustice of subjecting unaccompanied children to
11 MPP.

12 98. For example, one appeal I prepared involved a pair of indigenous
13 siblings from Guatemala whose first and primary language is Mam. Although they
14 communicated to the immigration court that their primary language was Mam, the
15 immigration court forced the siblings to proceed in Spanish via video
16 teleconference. Although one of the children informed the judge she wished to
17 testify on her own behalf, the court declined. The court ordered the siblings
18 removed. RAICES attempted to represent the children as best we could, but the
19 limited time and unavailable records constrained our best efforts. The BIA
20 dismissed their appeal. The two siblings still have an MPP removal order hanging
21 over their heads, *which ICE could execute any day*.

22 99. Sadly, in serving over 100 MPP-unaccompanied children, similar
23 examples are numerous, as were our motions and appeals.

24 100. The costs of this resource diversion are immeasurable. When we
25 require an unusually large team to undertake unusually time-consuming, emergency
26 efforts to protect MPP-unaccompanied children, this necessarily diverts our capacity
27 from the routine work that we do every day. For example, when I first began
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1 representing MPP-unaccompanied children, I stopped drafting a different policy
2 manual that relates to our more typical practice; I still have not had the time to
3 return to the policy manual project. Cases I was assigned came to a standstill,
4 hurting the rapport I had built with my clients; team members I supervised on their
5 cases were delayed in making strategy decisions.

6 101. There was a period in 2020 when I was routinely working over 40-hour
7 weeks due to the time requirements of MPP-unaccompanied children's cases. 2021
8 was even more demanding in that I had to work over 40-hour weeks for several
9 months in a row. I even had to work on some holidays due to the relentless and
10 demanding nature of these cases. While my work has always been challenging and
11 demanding, routinely working over 40 hours per week and through holidays is not
12 the norm at RAICES, and risks staff burnout and turnover.

13 **VI. RECENT MPP-UNACCOMPANIED CHILDREN WITH**
14 **REMOVAL ORDERS CONTINUE TO DIVERT MY TIME AND**
15 **UNDERMINE RAICES'S MISSION**

16 102. DHS continues to treat children who were initially subjected to MPP
17 and who then entered without a parent or legal guardian differently from other
18 unaccompanied children. Accordingly, RAICES's mission continues to be
19 frustrated.

20 *a. The Cases of the HC Siblings*

21 103. The HC Siblings presented another case I supervised and personally
22 worked on, including communicating directly with the siblings, their mom, ICE, and
23 ORR. The HC Siblings are two boys ages 16 and 13 who were ordered removed *in*
24 *absentia* in 2019 after being placed in MPP as part of a family unit. According to the
25 HC Siblings, when they traveled to the border to present themselves for their court
26 hearing, they were informed their hearing had been canceled. The children remained
27 in Mexico, unable to get registered in school and living in squalid conditions. After
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1 the two boys were threatened at gunpoint in Mexico and warned to leave or be
2 killed, they separated from their mother to save their lives and entered the United
3 States unaccompanied in January 2022.

4 104. In the first week of January 2022, I received a phone call from one of
5 RAICES’s BIA accredited representatives. I remember thinking she seemed
6 confused and overwhelmed. She explained to me that, before she even had a chance
7 to review the HC Siblings’ intake, an ORR caseworker informed her that the
8 siblings had an MPP removal order. She also stated that FOJC had already met with
9 the siblings and told them that they were going to be removed.

10 105. As documented in our contemporaneous case notes, our BIA accredited
11 representative immediately contacted the FOJC, Mr. Carranco, who told her that he
12 was seeking guidance on the case. Over the phone, Mr. Carranco told us that the
13 children were a “priority for removal.” Email correspondence between D. Tafur, J.
14 Mungia, and F. Carranco dated Jan. 11, 2022 (Dkt. 95-4), Ex. 28. Based on my
15 review of my team’s internal case notes, a couple of days later, the FOJC told her on
16 the phone that DHS planned to remove the HC Siblings on their MPP *in absentia*
17 removal orders unless RAICES filed a motion to reopen ***in the next two days***.

18 106. I was shocked. After two years, these MPP-unaccompanied children’s
19 cases seemed never-ending—even though DHS had stopped new MPP enrollments.
20 To be frank, I was not sure if I had another all-nighter in me. Especially because at
21 this point, I had given birth to my first child—not only making the around-the-clock
22 work on MPP-unaccompanied children’s cases especially difficult, but unraveling a
23 new sense of desperation in me that, frankly, I have trouble articulating. It is hard
24 for me to overstate the importance of protecting such vulnerable children who now
25 face a government policy that revictimizes them and strips them of their rights. My
26 baby was nine months old when I learned the HC siblings needed our help in
27 January 2022.

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1 107. But press we must; and press we did. I immediately scheduled another
2 interdepartmental meeting with three team members from the Children’s Program
3 and four team members from the Litigation Department to create a plan on how to
4 best restore the HC Siblings’ TVPRA rights and prevent their imminent removal
5 without any further process. The team and I started working up the applications for
6 SIJS and affirmative asylum; drafting the Motion to Reopen; and planning to
7 advocate with DHS for more time to file.

8 108. In an email, Mr. Carranco told us that his supervisor had “instructed”
9 him to “proceed with the removal.” Email correspondence between F. Carranco to
10 N. Perez dated Jan. 11, 2022 (Dkt. 95-3), Ex. 27. My team and I immediately began
11 an advocacy campaign, explaining that only having a day to file a motion would
12 prejudice the children; that we needed time to obtain evidence and to fully
13 investigate the case before we could even start drafting. *Id.* As I recall, and is
14 documented in RAICES’s contemporaneous case log, the FOJC told me that his
15 “supervisors want them out” and he therefore had to remove them as soon as
16 possible. Finally, the FOJC conceded it would probably take him a week to execute
17 the removal order and we should aim to have everything filed by Friday, with the
18 caveat that ICE could remove the HC Siblings sooner. Ex. 28. This new timeline
19 only extended our time from two days to three days.

20 109. Frantic, I reached back out to our Litigation Department for their help,
21 hoping that our involvement in the instant litigation might be an avenue to
22 circumvent ICE’s policy. In the meantime, I continued drafting the motion to reopen
23 and the BIA accredited representative continued working on the applications for
24 relief. We pulled in another Children’s Program supervising attorney to assist us in
25 representing the HC Siblings in state court so we could submit the petition for SIJS.

26 110. Only after engaging outside counsel in the above-captioned case, who
27 then contacted the Assistant U.S. Attorney on this case, did DHS relent. Email
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1 correspondence dated Jan. 11, 2022 (Dkt. 95-5, 95-7), Ex. 29, 31. Finally, DHS
2 stated in a call I attended that they were putting the HC Siblings' case on hold, and
3 they would not go forward with the siblings' removal. Email correspondence dated
4 Jan. 12, 2022 (Dkt. 95-8), Ex. 32.

5 111. But our representation did not end with the HC Siblings' release
6 outside our service area, as it typically would. Due to their MPP ties, RAICES
7 continues to represent and assist the HC Siblings.

8 112. After DHS confirmed what I had observed and suspected for two
9 years—its disregard for the TVPRA rights of MPP-unaccompanied children—I
10 knew it meant this would not be the end of MPP cases. In response, I spent
11 additional time providing another program-wide training on MPP and updating
12 RAICES's MPP Policy Manual.

13 *b. The Case of ECG*

14 113. I learned the following information by directly working on and
15 supervising the case of ECG.

16 114. In December 2022, another FOJC informed my team that ICE planned
17 to remove another unaccompanied child with an MPP removal order. Email
18 correspondence Between N. Perez and O. Ortiz dated Dec. 16 to 21, 2022, Ex. 138.

19 115. In December 2022, DHS placed ECG in the care and custody of an
20 ORR shelter in San Antonio. The day after ECG arrived, we provided him with a
21 Know Your Rights presentation and legal intake. But even with RAICES's extended
22 screening questions to identify MPP-unaccompanied children, nothing flagged this
23 case as an MPP case. In reviewing his NTA, it looked like any other unaccompanied
24 child's NTA, reflecting his entry in December 2022. Because this child was going to
25 be released outside of our service area, we did not think we needed to offer any
26 other services.

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1 116. Our assessment was forced to change when, on December 9, 2022, a
2 Friday, an ORR case manager notified us that ECG had not only previously been
3 subjected to MPP but had an MPP removal order. For that reason, ORR was not
4 going to continue the process of reunifying ECG with a sponsor until they received
5 guidance from the FOJC and the ORR Federal Field Specialist (“FFS”). When we
6 followed up the next week, the ORR case manager informed us that, although they
7 had received all other documentation necessary to reunify ECG with his sponsor and
8 release him from custody, they were still awaiting FOJC and FFS guidance because
9 of ECG’s MPP removal order.

10 117. Aware that I was struggling with burnout from the influx of MPP cases
11 and struggling to balance other program commitments, the senior attorney from the
12 Litigation Department quickly scheduled a team call to discuss strategy. During our
13 meeting, I realized we needed more information because ECG was a particularly
14 closed-off child. Our BIA accredited representative explained he was not
15 comfortable opening up or answering our questions. This is an issue my supervisees
16 and I encounter frequently with traumatized children—but only becomes a serious
17 problem with MPP-unaccompanied children, who are threatened with immediate
18 removal and thus are not provided the extended timeframe to build trust and,
19 therefore, build their case.

20 118. We immediately attempted to learn everything we could: our BIA
21 accredited representative met with ECG again, contacted his parents, and contacted
22 ORR and FOJC. We began an interdepartmental messaging channel between the
23 Children’s Program and our Litigation Department to share information.

24 119. On Friday December 16, 2022, the FOJC responded to our email,
25 informing us they planned on removing ECG, stating “[a]t this point we do not have
26 any idea as to when that will be.” *See* Exhibit 138. RAICES thus had to act as
27 though removal could be imminent.

1 120. I was already on vacation with my family, but the case required that I
2 be available and able to provide support and supervision.

3 121. Similarly, the BIA accredited representative assigned to the case was
4 also about to go on vacation. For these reasons I asked our Program Director to
5 reassign the case. He assigned the case to himself as most of our staff were already
6 off on vacation for the winter holidays.

7 122. This case felt impossible: we did not have a case file, we did not know
8 the procedural history of the case, our client was not able to collaborate effectively,
9 we had no evidence, due to the holiday we had no one available to prepare his case,
10 and the child was at imminent risk of removal. Considering these complications, our
11 Litigation Department reached out to our outside counsel regarding ECG's case and
12 asked them for help.

13 123. On December 22, 2022, the FOJC let us know that DHS had changed
14 course and they were now going to allow ECG to keep his NTA reflecting his entry
15 as an unaccompanied child and provide him with another opportunity to see the
16 immigration judge. It seemed that, only due to the intervention of our counsel on the
17 above-captioned case, the child would be safe from immediate removal and I, along
18 with my colleagues at RAICES, would be able to enjoy the rest of our vacation with
19 our families and not have to prepare emergency filings.

20 124. Yet ECG still was not released until December 25, 2022, missing
21 Christmas Eve with his uncle. Our hearts were heavy while we were with our loved
22 ones, knowing ECG was still prevented from being with his family.

23 *c. The Problem Continues This Year*

24 125. ECG was not the last MPP unaccompanied child with an MPP removal
25 order for whom our organization provided legal services. Just weeks later, in
26 January 2023, one of our BIA accredited representatives reached out to me, another
27 supervising attorney, our law fellow, and one of our senior staff attorneys in the
28

1 Litigation Department to inform us of another minor in ORR care with an MPP
2 removal order. Again, our team had to scramble to assess and address the needs of
3 an MPP-unaccompanied child.

4 126. As our recent cases have proven, MPP-unaccompanied children
5 continue to arrive even after the end of MPP. And, although the frequency is—
6 thankfully—less than it was in 2020, it remains a continual organizational burden to
7 train all staff on MPP, to screen all unaccompanied children for MPP ties, and to
8 continue to represent the MPP-unaccompanied children we’re already serving. It is
9 further an enormous burden each time we encounter even one MPP-unaccompanied
10 child, usually diverting most of my department for weeks.

11 127. For these reasons our Program continues to operate on high alert and
12 screen for MPP cases.

13 **VII. MPP-UNACCOMPANIED CHILDREN WITHOUT REMOVAL**
14 **ORDERS ALSO DIVERT OUR RESOURCES**

15 128. As taxing as it is to protect the TVPRA rights of MPP-unaccompanied
16 children with MPP removal orders, RAICES experiences similar frustrations with
17 MPP-unaccompanied children with pending MPP proceedings, who are also denied
18 TVPRA protections as a result of DHS’s policy.

19 129. As stated above in paragraph 11, DHS does not usually file the NTA’s
20 of unaccompanied children in ORR custody until about 60 to 90 days after a child’s
21 apprehension. It is my understanding that this policy was enacted for important
22 reasons:

- 23 • First, it has been nationally recognized that children in ORR custody
24 are undergoing an adjustment period and are less likely to disclose the
25 circumstances that led to their departure from their home country and to
26 the United States. Instead, the children are usually hyper-focused on
27 their release and being reunited with someone they know and trust.

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- 1 • Second, it unburdens the immigration court system: due to the high
2 numbers of children being released to sponsors outside the initial
3 court's jurisdiction, the courts experience an immense backlog in
4 processing Motions to Change Venue, Changes of Venue, and Change
5 of Address forms.
- 6 • Third, it unburdens stakeholders like RAICES, who know that they can
7 wait to enter representation of a child until it seems they will remain in
8 ORR custody long-term, or that they will be released in our service
9 area, avoiding the entry and withdrawal of representation of children
10 who will soon depart.

11 130. But for unaccompanied children who had previously been placed in
12 MPP as part of a family unit, they entered the custody of ORR with pending court
13 hearings, and therefore the 60-90 day waiting period before RAICES must begin
14 work on an active immigration case does not apply.

15 131. In supervising and directly working on these cases, I learned that in
16 most of these cases, neither DHS nor ORR informed RAICES of the date and
17 location of any upcoming hearing. Instead, for all these cases we had to check the
18 EOIR system to confirm if the child had any upcoming hearings, an extra step we
19 would not normally need to take. In some situations, the information EOIR
20 provided was incredibly confusing as to which court should be contacted to assist in
21 having venue changed from the MPP docket to the appropriate juvenile docket. The
22 process was a logistical nightmare, attempting to change venue, get cases transferred
23 to the juvenile docket, and in some cases, we actually had to appear before the MPP
24 immigration judge on these cases.

25 *a. The Case of ESCC*

26 132. While supervising the case of ESCC, I learned he initially entered the
27 United States with his father. CBP subjected them to MPP in September 2019. But
28

1 ESCC was forced to separate from his father and entered by himself in December
2 2019. Although ESCC was released from ORR care on January 25, 2020, to his
3 uncle, our detained team deviated from our typical practice and appeared as Friend
4 of Court on February 12, 2020, before the MPP Immigration Judge in order to
5 protect ESCC’s TVPRA rights and to advocate for a change of venue to the juvenile
6 docket. The judge refused, however, keeping this unaccompanied child on the MPP
7 docket.

8 133. As the detained team no longer had capacity to continue assisting on
9 the case, RAICES’s Children’s Program Director of our released services personally
10 appeared and formally entered her appearance as ESCC’s attorney for the February
11 20, 2020, MPP court hearing. Due to her intervention and advocacy, the judge
12 finally agreed to grant our motion to change venue to the juvenile docket.

13 134. This is one example of the many frustrations we experienced in similar
14 cases. It takes significant time and preparation to appear on behalf of a vulnerable
15 child in court hearings. All of this diverts RAICES’s resources each time we have to
16 engage in representation and motion practice merely to restore the basic rights each
17 unaccompanied child should be able to take for granted—before we can even
18 attempt to seek relief for these children.

19 135. Moreover, our ability to do so successfully is significantly impaired
20 where we lack the operative MPP file, record exhibits, previous motions, and any
21 understanding of the case posture or what happened in prior MPP hearings—which
22 we cannot obtain in MPP court cases. This means that every time we appeared at an
23 MPP court hearing, we walked into that courtroom facing a significant informational
24 disadvantage. This, in turn, undermines RAICES’s mission to provide adequate
25 legal services to unaccompanied children.

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1 **VIII. CONTINUED EFFECT OF DHS’S POLICY TOWARD MPP-**
2 **UNACCOMPANIED CHILDREN ON ME AND OUR TEAM**

3 136. Since we first began identifying them in 2019, MPP-unaccompanied
4 children’s cases have taken a hard toll on me and my team. Legal Assistants were
5 being pulled from their main responsibilities of providing Know Your Rights
6 presentations and conducting intakes to put together FOIA requests and requests for
7 ROP’s—efforts that were ultimately in vain, as we would not get the requested
8 information back in time to substantiate our filings. Our legal assistants were also
9 required to complete additional data entry and take on additional responsibilities in a
10 short time frame, frustrating their other shelter responsibilities.

11 137. Aside from the sheer magnitude of the harm, particularly at the height
12 of arrivals of MPP-unaccompanied children in 2020–21, DHS’s policy continues to
13 undermine RAICES’s mission and cause us to divert resources to address this
14 problem, in several respects:

15 138. First, the policy takes an enormous toll on every staff member who
16 serves MPP-unaccompanied children. Each time a new case comes in, however
17 frequent, the toll it inflicts is great. One attorney who I supervised on an MPP-
18 unaccompanied child appellate brief had a panic attack about the case while
19 attempting to work on the case, in a case check in meeting with me. The attorney
20 had no familiarity with MPP, he did not have a copy of the record, and felt at a loss
21 on how to start writing the appellate brief, even with templates and my support. Not
22 only was this case outside his experience, but the stakes for MPP-unaccompanied
23 children, alone and without their families, are so high. In the end, he missed our
24 internal deadline and I had to draft the appellate brief in one night to file it on time.

25 139. During the MPP trainings I lead, everyone expresses avoidance and
26 fear of getting assigned an MPP case. This reaction is completely understandable to
27 me, as the agencies with which we routinely work seem to have changed the rules of
28

1 the game, but without ever announcing the new rules. DHS’s treatment of MPP-
2 unaccompanied children feels like Russian roulette for our team—any child at the
3 shelter assigned to an attorney could turn out to be an MPP case, upending that
4 attorney’s caseload and sending them into a stressful emergency at any time.

5 140. I also witness Legal Assistants’ and Attorneys’ fear; they absorb the
6 fear of children at risk of being returned to a country where they have no one to
7 house them, care for them, or love them. And, the RAICES team knows that if DHS
8 executes an MPP-unaccompanied child’s MPP removal order—as they still threaten
9 to do each time one arrives—this sends the child back to a country where they may
10 be haunted by the reasons they initially had to flee their home—this time without the
11 protection of their parents. This frightening future might have become a reality for
12 numerous MPP-unaccompanied children had we not diverted our resources to
13 protect their access to the child-centric rights under the TVPRA—the same rights
14 received by all other unaccompanied children. Sadly, this frightening future is still a
15 real possibility for the children with MPP removal orders.

16 141. My team does not rest when we work on MPP cases. Similarly, I try to
17 balance the needs of these MPP-unaccompanied child cases with my need for sleep.
18 In reflecting back on these almost four years during which I have directly worked on
19 and supervised MPP-unaccompanied children’s child cases, I am still devastated for
20 what these children have had to overcome and have to continue to overcome.

21 142. Second, RAICES’s mission continues to be undermined as a result of
22 all of the MPP-unaccompanied children whose TVPRA rights we have not been able
23 to protect. Because, although we were able to help some of the over 100 MPP-
24 unaccompanied children we served, that was not the case for many. Most of our BIA
25 appeals were dismissed. A lot of our Motions to Reopen were denied. Although we
26 would have wanted to continue to help these children once we received these
27 denials, we could not; we do not have the capacity. This means that children fall
28

1 through the cracks. RAICES has former MPP-unaccompanied child clients, outside
2 our service area, still at risk of imminent removal on MPP removal orders and being
3 denied their TVPRA rights because of DHS’s treatment of this especially vulnerable
4 subset of children. This continues to impede our mission.

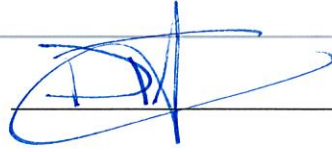
5 143. Finally, although the volume of children arriving is smaller than at its
6 peak, because DHS’s policy is ongoing and because the population of potential
7 MPP-unaccompanied children is still expected to be in the hundreds, if not
8 thousands, RAICES continues to suffer from the policy. RAICES continues to
9 deploy extended screening procedures to attempt to identify any MPP-
10 unaccompanied child in the shelters we serve. We continue to serve existing MPP-
11 unaccompanied child clients in extraordinary efforts to restore the rights they should
12 have had upon arrival as unaccompanied children. And for each new MPP-
13 unaccompanied child who arrives, it immediately throws my team into an
14 emergency posture and brings much of our other work to a standstill, requiring
15 emergency practice and more labor-intensive extra work that is beyond the scope of
16 what we expect to provide to unaccompanied children. In general, whereas a non-
17 MPP unaccompanied child’s case typically follows a predictable pattern over an
18 extended period of months and years, an MPP-unaccompanied child’s case is like
19 having several cases for one child, at least one of which is on an emergency basis,
20 requires extra filings and a relentless advocacy campaign.

21 144. Considering I have seen reporting stating that the Biden administration
22 has attempted this year to negotiate with Mexico to reinstate MPP for a third time
23 our team remains concerned MPP could be reimplemented at any time—regardless
24 of court order—and the numbers of MPP-unaccompanied children would grow
25 higher still. Therefore, RAICES must remain on high alert, knowing that more
26 MPP-unaccompanied children could arrive any day, further diverting our team.

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This declaration was executed on June 16, 2023, in Dallas, Texas.



Diana Tafur

EXHIBIT 15:

RAICES

Pablo Rodriguez <pablo.rodriguez@raicestexas.org>

Fwd: Southwest Key Casa Blanca minor

Ortiz, Omar A <Omar.A.Ortiz@ice.dhs.gov>
To: Pablo Rodriguez <pablo.rodriguez@raicestexas.org>
Cc: Nadia Perez <nadia.perez@raicestexas.org>

Wed, Dec 21, 2022 at 6:34 AM

Good Morning Pablo,

Yes I understand, it is now my understanding that he will keep the NTA he was issued and go before an Immigration Judge

If that change we will let you know

Omar Ortiz

Deportation Officer/Juvenile Coordinator

San Antonio Field Office

Enforcement and Removal Operation

U S Immigration and Cu tom Enforcement

210 978 4979 Cell

[Omar A Ortiz@ICE DHS GOV](mailto:Omar.A.Ortiz@ICE.DHS.GOV)

From: Pablo Rodriguez <pablo.rodriguez@raicestexas.org>
Sent: Tuesday, December 20, 2022 4:29 PM
To: Ortiz, Omar A [Omar A Ortiz@ice dh gov](mailto:Omar.A.Ortiz@ice.dhs.gov)
Cc: Nadia Perez <nadia.perez@raicestexas.org>
Subject: Re: Southwest Key Casa Blanca minor

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Good Afternoon Officer Ortiz,

I am jumping in while Nadia is out. We are receiving conflicting information.

Have there been any updates on this? Is the child still scheduled for removal?

----- Forwarded message -----

From: **Ortiz, Omar A** <Omar.A.Ortiz@ice.dhs.gov>
Date: Fri, Dec 16, 2022 at 10:46 AM
Subject: RE: Southwest Key Casa Blanca minor
To: Nadia Perez <nadia.perez@raicestexas.org>

Ma'am

I reached out for legal guidance and I finally got it last night. It appears we will be removing him. At this point we do not have any idea as to when that will be.

I'm on leave until Wednesday of next week and will look at it closer.

Thank you

Omar

Sent with BlackBerry Work
(www.blackberry.com)

From: Nadia Perez <nadia.perez@raicestexas.org>

Date: Friday, Dec 16, 2022 at 9:26 AM

To: Ortiz, Omar A <omar.a.ortiz@ice.dhs.gov>

Subject: Southwest Key Casa Blanca minor

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Good morning Officer Ortiz,

We hope this email finds you well. ORR just informed us they are awaiting FFS guidance on [REDACTED]. This child initially entered with a parent in 2019, placed in MPP removal proceedings. However, the child subsequently entered unaccompanied on December 5, 2022. At that point, DHS designated him an unaccompanied immigrant child, issued a new NTA pursuant to the TVPRA, and placed him in the care and custody of the Office of Refugee Resettlement ("ORR").

We wanted to confirm if you will be filing the TVPRA December 2022 NTA with the immigration court? If not, does DHS have any plans to reopen the case or will they be seeking to remove the child? If DHS is planning to remove the child, do you have any information related to when you plan on executing removal?

Thank you for your time

Regards ,

Nadia S. Perez

DOJ Accredited Representative

Refugee and Immigrant Center
for Education and Legal Services-RAICES

5121 Crestway Dr., Suite 105

San Antonio, Texas 78239

Office Phone (210) 226 7722 ext 71

Direct Phone and Fax [\(210\) 446 3815](tel:2104463815)

nadia.perez@raicetexas.org
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--

Pablo N. Rodriguez

Director of Detained Unaccompanied Children Services

Refugee and Immigrant Center
for Education and Legal Services (RAICES)
5121 Crestway Drive, #105
San Antonio, TX 78239

Pronouns: he/him/his

Digital Tel. and Fax: (210) 390-6168
pablo.rodriguez@raicestexas.org
www.raicestexas.org

| | | | |

EXHIBIT 169

1/7/2021

RAICES Mail - [REDACTED] - Siblings

RAICES

Nerie Pagan <nerie.pagan@raicestexas.org>

M [REDACTED] - Siblings

Nerie Pagan <nerie.pagan@raicestexas.org>
To "Carranco, Francisco" Francisco.Carranco@ioe.dhs.gov

Wed, Nov 18, 2020 at 1:35 PM

Thank you for the information.

On Wed, Nov 18, 2020 at 1:33 PM Carranco, Francisco <Francisco.Carranco@ioe.dhs.gov> wrote:

As the central/south America region has just endured a devastating hurricane, we are on temporary stand by for scheduling flights to the area, we will request a Travel document in the next few days and schedule an outbound trip within the next few weeks, no definitive date.

Francisco Carranco

Deportation Officer / FOJC
San Antonio Field Office
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
1777 NE Loop 410
San Antonio, TX 78217
210-283-4755 Ofc.
210-336-5200 Cell.
francisco.carranco@ioe.dhs.gov

From: Nerie Pagan <nerie.pagan@raicestexas.org>
Sent: Wednesday, November 18, 2020 1:23 PM
To: Carranco, Francisco <Francisco.Carranco@ioe.dhs.gov>
Subject: Re: M [REDACTED] - Siblings

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Could you please tell me when DHS is planning to remove the kids?

On Wed, Nov 18, 2020 at 1:20 PM Carranco, Francisco <Francisco.Carranco@ioe.dhs.gov> wrote:

This was before the fact that they had prior MPP cases was discovered, once this fact came to light, per JFRMU and OPLA, ICE will proceed with the removal based on the original MPP final orders.

Francisco Carranco

Deportation Officer / FOJC
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San Antonio, TX 78217
210-283-4755 Ofc.
210-336-5200 Cell.
francisco.carranco@ioe.dhs.gov

From: Nerie Pagan <nerie.pagan@raicestexas.org>
Sent: Wednesday, November 18, 2020 1:17 PM
To: Carranco, Francisco <Francisco.Carranco@ioe.dhs.gov>
Subject: Re: M [REDACTED] - Siblings

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I am referring to the following email:

"As the case files were not received at the SNA resident office from Border Patrol until 10/30/20, they were not filed until that day. Being that the 30th was a Friday, they are probably in the process of being set for a court date as of this date."

Thank you for the copy of the removal orders.

On Wed, Nov 18, 2020 at 12:58 PM Carranco, Francisco <Francisco.Carranco@ioe.dhs.gov> wrote:

I don't know which prior email you would be referring to, as with all the prior MPP cases we have discussed, these MPP cases with final orders will be processed for removal as per guidance from OPLA and JFRMU, that is our standing order and will be enforced on this and all future MPP cases with final orders.

Francisco Carranco

Deportation Officer / FOJC
San Antonio Field Office
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
1777 NE Loop 410

1/7/2021

RAICES Mail - [REDACTED] - Siblings

San Antonio TX 78217
210-283-4755 Ofc.
210-336-5200 Cell.
francisco.carranco@ice.dhs.gov

From: Nerie Pagan <nerie.pagan@raicestexas.org>
Sent: Wednesday, November 18, 2020 12:54 PM
To: Carranco, Francisco Francisco Carranco@ice.dhs.gov
Cc: Andree, David M <David.M.Andree@ice.dhs.gov>
Subject: Re: M [REDACTED] - Siblings

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I had understood from a previous email that DHS were going to file the M [REDACTED] Siblings NTAs with the EOIR System. When DHS is planning to remove the M [REDACTED] Siblings? Also, could you please provide me with their removal orders.

Thank you.

On Wed, Nov 18, 2020 at 12:07 PM Carranco, Francisco <Francisco.Carranco@ice.dhs.gov> wrote:

The [REDACTED] series A#s were filed as MPP cases and have been ruled upon, per JFRMU guidance, these UACs will be removed using the existing orders found in the earlier [REDACTED] series case files.

Francisco Carranco

Deportation Officer / FOJC
San Antonio Field Office
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1777 NE Loop 410
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210-283-4755 Ofc.
210-336-5200 Cell.
francisco.carranco@ice.dhs.gov

From: Nerie Pagan <nerie.pagan@raicestexas.org>
Sent: Wednesday, November 18, 2020 12:04 PM
To: Carranco, Francisco Francisco Carranco@ice.dhs.gov
Subject: M [REDACTED] - Siblings

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Hi Francisco,

I hope you are doing well. I am writing to you regarding the M [REDACTED] Siblings. I have been looking at the EOIR System but it does not show their hearings yet. Please confirm which set of the following NTAs were filed with the EOIR System:

[REDACTED]

or

[REDACTED]

Also, these kids have a potential sponsor, however it seems that due to this confusion the process has stopped

Thank you for clarifying.

Respectfully,

-



Nerie Ann Pagán-Correa

Staff Attorney

Pronouns: she/her/hers

Refugee and Immigrant Center for Education and Legal Services (RAICES)

5121 Crestway Dr., Ste. 105
San Antonio, Texas 78239

Direct Phone and Fax: (210) 307-4395

nerie.pagan@raicestexas.org
www.raicestexas.org

1/7/2021

RAICES Mail - [REDACTED] - Siblings

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Nerie Ann Pagán-Correa

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Nerie Ann Pagán-Correa

Staff Attorney

Pronouns: she/her/hers

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1/7/2021

RAICES Mail - [REDACTED] - Siblings

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EXHIBIT 172

9/23/2020

RAICES Mail - [REDACTED] NTAs



Nerie Pagan <nerie.pagan@raicestexas.org>

E [REDACTED] and R [REDACTED] NTAs

Carranco, Francisco <Francisco.Carranco@ice.dhs.gov>
To: Nerie Pagan <nerie.pagan@raicestexas.org>

Wed, Sep 23, 2020 at 12:37 PM

I will be following instructions from JFRMU and OCC which direct me to execute the existing final order in both of these cases

Sent with BlackBerry Work
(www.blackberry.com)

From: Nerie Pagan <nerie.pagan@raicestexas.org>
Date: Wednesday, Sep 23, 2020, 12:17 PM
To: Carranco, Francisco <Francisco.Carranco@ice.dhs.gov>
Subject: Emin's and Rodrigo's NTAs

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact [ICE SOC SPAM](#) with questions or concerns.

[Quoted text hidden]

EXHIBIT 192

9/23/2020

RAICES Mail - E [REDACTED] and R [REDACTED] NTAs



Nerie Pagan <nerie.pagan@raicestexas.org>

E [REDACTED] and R [REDACTED] NTAs

Carranco, Francisco <Francisco.Carranco@ice.dhs.gov>
To: Nerie Pagan <nerie.pagan@raicestexas.org>

Wed, Sep 23, 2020 at 12:57 PM

The files were just received and merged with their temporary files yesterday, I will submit the packages for the Electronic Travel Documents probably on 9/24 or 9/25, and with any luck have them issued by the consulate the first part of next week, if at all possible I will try to get them on either the Wednesday 9/30 or Friday 10/2 ICE Leave flight. Please understand that these dates are tentative and subject to change based on the issuance of the eTDs and flight availability.

Francisco Carranco

Deportation Officer / FOJC

San Antonio Field Office

1777 NE Loop 410

San Antonio, TX 78217

210-283-4755 Ofc.

210-336-5200 Cell.



[Quoted text hidden]