

DECLARATION OF JULIA BRAKER

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

1. I am an attorney licensed and admitted to the bar in the State of Oregon. I am an attorney in the law firm, Immigrant Law Group, where my practice is exclusively focused on U.S. immigration and nationality law, including asylum, withholding of removal, and relief under the U.N. Convention Against Torture.
2. From August [REDACTED] 2014 to August [REDACTED] 2014, I was present in Artesia, New Mexico, as a member of a volunteer team of approximately 12 attorneys, paralegals and interpreters who were attempting to provide pro bono legal assistance to the women and children from Central America detained at the Federal Law Enforcement Training Center (FLETC) in Artesia. All of the women with whom I came into contact were from El Salvador, Honduras or Guatemala. My airline ticket to and from Artesia cost approximately \$700, and my lodging expenses were around \$500.
3. During the 11 days I was in the detention center in Artesia, I met with approximately 40 female detainees. In my opinion, the vast majority of them have valid asylum claims. However, in my opinion, as explained below, the conditions in FLETC which these woman and children are enduring, forces individuals either to give up or makes it extremely difficult for them to prevail on their asylum claims. The last few days I spent in Artesia were extremely difficult. I began feeling depressed, stressed, lost weight and became physically sick. Each individual's asylum claim requires time to understand, prepare and document, yet the process moves so quickly in Artesia that there is never enough time. The workload is not sustainable and, by the time I left Artesia, I felt completely exhausted—mentally, physically and emotionally.
4. While in Artesia, I interacted with many guards employed by U.S. Immigration and Customs Enforcement (ICE) and asylum officers employed by U.S. Citizenship and Immigration Services (USCIS). The vast majority of the ICE guards were men, and all the supervising officers and "law library" guards were men. This made it difficult for many female detainees to interact with the guards in general—for example, to ask to use the phone—because many of them had fled violent acts by men. The ICE guards seemed indifferent. In one particular conversation I had with an ICE guard, the guard commented that the women in Artesia did not realize that they are not here to "hang out."
5. Some of the women I interviewed told me that ICE guards had told them that they would be detained for a long time if they tried to seek asylum.
6. Many of the women I interviewed had signed forms that they could not understand because they were written in English and not explained to them in Spanish.
7. Nearly all the women were stressed, depressed and felt guilty that their children were ill or losing weight because of not eating, having diarrhea, and suffering from the flu or cough.
8. The women I assisted did not have even a basic understanding of the asylum process.

9. ICE officers routinely woke women and children around 5:30 am to appear for credible fear interviews before asylum officers and often did not tell them where they were being taken. Many of the women with whom I met indicated that they did not know in advance that ICE officers were bringing them either to their credible fear interview or to meet with a lawyer. Because they did not know this, many of the women did not bring their documents with them to the interview, which impacted their ability to present their claims or explain their situation to a lawyer.

10. My ability to represent clients was severely curtailed in Artesia. For example, the space in the "law library" that we used was too small for the number of attorneys trying to meet with clients. Consequently, I always encountered confidentiality problems because the meeting spaces were so close together that conversations between my client and me could be overheard by others, including ICE guards. In addition, I often had clients come to the "law library" without their immigration paperwork because the ICE officers did not tell them where they were being taken. As a result, it took me longer to figure out the status of their cases, which used up precious interview time. Furthermore, I was not permitted to use my cell phone in the detention facility. This prevented me from calling family members or friends who could support my clients' claims and from verifying that they had private counsel. I also encountered problems in sending faxes to the immigration court in Arlington, Virginia. I had to give the documentation to ICE officers to send the fax, and often receipt was delayed.

11. Conditions in the facility also impede a detainee's ability to help herself. The "law library" has no books, and the two computers there do not allow detainees to access email or Facebook, which would enable them to contact family and friends inside or outside the country. I observed that some women were reluctant to ask male guards to use the phone in the law library; many of these women had suffered domestic violence at the hands of their fathers, spouses, partners or rapists.

12. One of my clients was extremely distracted by her [REDACTED] boys during the Immigration Judge's review of the asylum officer's negative credible fear determination. One of the boys was an infant, and the woman had to breastfeed him while she was speaking to the Immigration Judge, who was a man. Meanwhile, the other child, who was four or five years old, was running around the "courtroom," pulling his mom's hair and then trying to sit on her lap. At one point, after she had stopped breastfeeding the infant, the infant started to toddle around and banged his head on a metal desk. The hearing continued. At this point, I, the attorney, who needed to concentrate on the hearing, had to tend to the infant to make sure he was okay. While all of this was happening, the Immigration Judge continued to ask my client questions about her asylum claims, which were serious and sensitive in nature.

13. While in Artesia, I reviewed many documents detailing the questions and answers in credible fear interviews. In my opinion, in nearly every case I reviewed involving a negative credible fear determination, a credible fear should have been found. In one case, the asylum officer made a negative credible fear finding where a woman claimed that the man who murdered the father of her [REDACTED] had threatened to murder her children. The woman did not reveal all the details of the threats because the boys were in the room with her at the time.

14. In at least one case I worked on, the asylum officer's failure to ask whether the child had her own credible fear claim resulted in an erroneous denial, which, but for my intervention,

likely would not have been reconsidered. In that case, the woman's [REDACTED] year-old daughter had been threatened with rape.

15. While in Artesia, I helped [REDACTED] women seek review of negative credible fear findings before an immigration judge. In one of the cases, we did not have proper notice of the time and date of the hearing. The previous attorney's written notes indicated, and the client stated from memory that the hearing would take place on August 11, 2014. The hearing notice stated the hearing would take place at 11:30pm on a different date, August 7, 2014. The 1-800 Executive Office for Immigration Review (EOIR) hotline stated that the hearing would take place at 1:30pm on August 7, 2014. I was in the middle of prepping my client for her hearing, which I thought was scheduled for 1:30pm, when ICE officers told us we had to go "right now." It turns out the EOIR hotline was giving the hearing time based on Eastern Standard Time, where the Immigration Judge was sitting. This was confusing because Artesia, New Mexico operates on Mountain Standard Time. In most other cases, hearing times and dates for my clients were not locatable via the EOIR hotline system.

16. It was challenging for me to explain to my client that the Immigration Judge's review was a court proceeding, partly because the screen was so small one could hardly see the Immigration Judge and the "courtroom" was just a small room.

17. Overall, the conditions in Artesia are so oppressive that some clients told me that they did not know how much longer they could endure them. I am deeply disappointed and disturbed at the conditions there.

Executed this 15th day of August, 2014 at El Paso, TX.



Julia Braker