

## DECLARATION OF SHELLEY WITTEVRONGEL

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

1. I am an attorney in private practice in Boulder, Colorado. My business address is: Shelley Wittevrongel, Attorney at Law, P.C., 1547 Quince Avenue, Boulder, Colorado, 80304. My practice is ninety percent (90%) immigration and nationality law. I have represented clients in immigration proceedings for approximately nineteen years.

2. From July [REDACTED] 2014 to August [REDACTED] 2014, I traveled to and from the Artesia Family Detention Center in Artesia, New Mexico to provide pro bono legal assistance and representation to mothers and children detained in that facility. The driving distance between Boulder, CO and Artesia, NM is approximately 590 miles one way. My travel and lodging costs were approximately \$1,925.00 (\$ 140.00 for gas; \$1,785.00 for hotel) plus wear and tear on my car.

3. I estimate that during my time in Artesia, I saw between 22 and 24 women, some of whose children also had separate claims. Based on my experience as an immigration practitioner, most of the women and children have valid credible fear and asylum claims.

4. I met with detainees daily from [REDACTED] 4 through [REDACTED] [REDACTED]. In general, I spent the whole day at the detention center, interviewing and preparing clients, waiting to see detainees, representing them at credible fear interviews before asylum officers, and appearing with them at hearings before Immigration Judges reviewing negative credible fear findings.

5. When I arrived at Artesia, I had two clients whose families had requested help from colleagues of mine, and I had agreed to help another colleague who also had a client detained there. Within a day, I had lists of names of women who were requesting legal consults, along with their alien registration numbers. My three existing clients brought me the lists. Eventually, as time passed, other women would slip me papers with their names and alien registration numbers, including in the bathroom. Occasionally, in open view of U.S Customs and Immigration Enforcement (ICE) officials, women would make eye contact with me, and I would write down their names and alien registration numbers so that an attorney could call them for a consult; however, ICE reprimanded me for this, claiming that I was soliciting clients. I explained to ICE officials that what I was doing was not solicitation because I would not be paid, and that clients had a right to an attorney. On or about [REDACTED] Officer Ralph Alcantar refused my demand to let detainees know that attorneys, including myself, were available to represent them pro bono. From then on, he refused to allow me to take the names and alien registration numbers of detainees who wanted representation. I asked for clarification, and he stated that I would not be allowed to solicit clients.

6. While I was at the detention facility in Artesia, I saw ICE officials delay attorney access to detainees. The facility is located at the Federal Law Enforcement Training Center (FLETC), in a group of double wide trailers converted to a detention center. In terms of access, this means that I (like other attorneys) was required to check-in with FLETC at the entrance, have a photograph taken, and receive a badge. I also had to present a driver's license daily and wait for FLETC to print a name tag every day. This process took anywhere from 5 minutes to 20 minutes. After obtaining the badge and name tag, I would wait for ICE to transport me from the entrance to the detention facility "law library." I frequently waited between 30 minutes to an hour for ICE transport to arrive. At the law library, the guard for the day at times delayed calling detainees for consultations. Once, I waited from 2:25pm to 4:25pm to see my first clients.

7. The "law library" is the front half of a double wide trailer divided longwise. In the first eleven days I was at Artesia, the "back" half of this double wide trailer was the waiting room for mothers and children who had court or who had credible fear interviews with asylum officers. The front half was an all-purpose room which contained the guard station (a desk manned by an ICE official with a radio), two small cubicles for interviewing clients; a desk and teleconference hook up; two desks each with a desktop computer with legal information related to removal processes, a refrigerator and a credenza. There was constant traffic between the law library door and the door to the back room.

8. In my experience at Artesia, children were required to attend their mothers' credible fear interviews. This practice was extremely distracting and concerning to the mothers, who were dealing with complex questions, with telephonic interpretation with frequently faulty connections. Without attorney representation, mothers had no way of knowing which facts were important to reveal or highlight. In addition, mothers were grappling with delicate issues that they did not want to speak about in front of their children. For example, I spoke with women who had been raped, who were afraid but who wanted to protect their children from exposure to the mother's fears, death of a father, or threats on the children's lives. I witnessed how difficult it was for mothers to testify at credible fear interviews while keeping their young children entertained, and I witnessed mothers whose children needed to use the bathroom in the middle of an interview. I witnessed a young child crawl up on her mother's lap and reach her hand into the mother's shirt seeking to breast feed during the interview. The child's attempts were repeated throughout the interview.

9. In addition, children were required to be with mothers during an Immigration Judge's review of a negative credible fear finding conducted via videoconferencing. I personally saw a young boy, approximately 3 years old, walking back and forth in front of the video screen, fascinated by the Immigration Judge's image and the other half image of the mother and her attorney. The child spent some time marching back and forth with his hand raised. He also tried to engage his mother for a long time. The mother was torn between paying attention to the proceedings, which were critical to her fate, and the hyperactivity of her young son. Her responses were laced with her calling out her son's name with an authoritative voice which prevented any major upheaval.

10. Children also were required to be with their mothers during their consultations with attorneys, which made conversations difficult because of the distraction and because of the sensitive nature of the claims.

11. The threat of deportation in Artesia was palpable because of the ongoing consular interviews, some of which I personally witnessed, and the deportation of other women (in the same "dorm"). Many of my clients reported to me that ICE officers came into their dorm in the early morning hours between 1:00 am and 3:00 am and ordered specific women and children out of bed and onto buses for deportation. From a client I saw on [REDACTED] I heard the story that in the early hours of [REDACTED] around 1:00 am, ICE woke sleeping women and children and ordered them onto a bus. The bus took them to an airplane, and 79 of the 80 women and children were deported. According to my client, one woman, who was not deported, was the source of this information. This woman was taken to the plane but her name was not on the list for the flight so ICE returned her to Artesia. The women were terrified.

12. On [REDACTED] the law library was totally chaotic. Besides the asylum officers coming to take women and children to credible fear interviews, ICE had set up a teleconference with another country's consulate (I believe it was Guatemala). The women and children from that country were seated in rows of folding chairs—as I recall four rows about 6-8 seats deep. Each detainee was called one at a time for an interview for travel papers, which took place in front of the 4 rows of other detainees. The interview was completely open and not confidential. The consular officer's voice boomed through the room. The ICE officer controlling access to the interview was a second booming voice. The women were frequently urged to speak louder so they could be heard. At one point, I saw three women weeping together; one of them told me they believed they would be deported that night.

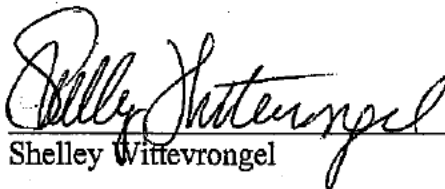
13. On that day, attorney Elizabeth Ferrell and I were seeing clients, as were an immigration consultant and two legal assistants from an attorney's office. There were not enough cubicles for each of us so some of us were seeing clients huddled against the desk where the law library computer was located. I was concerned that we had no way to file a Notice of Entry of Appearance of Attorney (Form G-28) with ICE or with an asylum officer. I had repeatedly asked the guard about this; however, he denied having any authority and refused to accept my appearance form. I told the ICE officer I wanted to speak to the supervisor-in-charge because I could not establish a reliable means of filing an entry of appearance, the most basic part of securing a client's right to an attorney. Without an attorney's Form G-28 on file, neither ICE officers nor asylum officers had to recognize that an individual is represented by counsel. In response to my request to see a supervisor, Officer Henry Davila, escorted by the ICE officer, came into the room to where I was standing outside an attorney cubicle. Officer Davila stood directly in front of me and vociferously and loudly proclaimed to me (and everyone in the room) that "I want you to know that all of these people are going to be deported" and that "Our job is to get them deported and there's maybe one in 1,000 entitled to stay in the United States, and the rest are going to go."

14. Also [REDACTED] witnessed a heartbreaking consular interview in which a woman began sobbing hysterically and begged not to be deported and stated the basis of her fear. Her testimony was so loud and compelling that I was unable to continue the client interview I was doing in one of the small, non-private attorney spaces. I assume she already had been through the credible fear process because she was being processed for travel papers. I was paralyzed not knowing what intervention I could make at that point.

15. Given the emotional content in the room, as one would expect, the children were hyperactive as well.

16. My ability to represent individuals was impeded by the lack of notice of credible fear review hearings and the lack of any means to send documents to the immigration court in Arlington, VA. While in Artesia, ICE officers told me that I was not allowed access to the Immigration Court's docket to find out when clients had hearing dates because of privacy issues. One officer told me that I could not have the telephone number of the ICE Chief Counsel in Artesia because the officer claimed he did not have it, although he showed me the spelling of the counsel's name on his cellphone. While I was there, initially there was no fax machine on the premises; however, at some point a fax machine was available in the law library for several days until it ran out of toner. Initially, there was no copy machine. There was no ability to scan. In the Town of Artesia, there is no Kinko's or other place that provided business office services. I paid \$25.00 to my motel to file documents by facsimile with the Immigration Court and Office of Chief Counsel in Arlington, VA on July 30, 2014.

Executed this 14<sup>TH</sup> day of August, 2014 in Boulder, Colorado.

  
Shelley Wittevrongel