

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

J.E.F.M., a minor, by and through his Next Friend, Bob Ekblad, et al.,

Plaintiff-Petitioners,

v.

Eric H. HOLDER, Attorney General of the United States, et al.,

Defendants-Respondents.

Case No. 14-cv-01026-TSZ

**DECLARATION OF JOJO ANNOBIL, ESQ.**

I, Jojo Annobil, Esq., declare as follows:

1. I submit this declaration in support of Plaintiffs' Reply in Support of Motions for Preliminary Injunction and Class Certification. I have personal knowledge of the facts set forth herein, and, if called as a witness, I could and would testify competently as follows:

2. I am the Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society ("Legal Aid"), located at 199 Water Street, New York, New York 10038. In that capacity, I and two supervising attorneys oversee the work of nineteen attorneys, six paralegals, and one social worker. Maria Navarro, supervising attorney, supervises two attorneys who represent children in the New York immigration courts. At any given time, these two attorneys represent approximately 90-120 children in immigration proceedings. As part of my job, I have knowledge of the scheduling and case management practices of the New York immigration courts that handle children's cases, as that schedule determines the workload of my staff and largely dictates the deadlines I have for my supervisory work.

1 3. Since the late 1990's The Legal Aid Society has provided representation to undocumented  
2 and unaccompanied children in removal proceedings before the New York Immigration Court. In  
3 2002, Legal Aid established the Immigration Youth Representation Project to provide free  
4 comprehensive legal services to undocumented and unaccompanied children. Since August 2014,  
5 Legal Aid's Immigration Law Unit has worked with Juvenile Docket partner agencies, Catholic  
6 Charities Community Services Archdiocese of New York, The Door, the Safe Passage Project (New  
7 York Law School), and the American Immigration Lawyers Association (NY Chapter), to address  
8 the urgent need for counsel on the expedited juvenile dockets in New York.

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10 4. In August 2003, the Executive Office for Immigration Review (EOIR), with the support of  
11 The Legal Aid Society established a Juvenile Docket in New York City. The Juvenile Docket is a  
12 hearing session exclusively for youth under seventeen and one half years who are in removal  
13 proceedings without a parent or legal guardian. Since its inception, The Legal Aid Society has  
14 provided legal screenings to children on the docket.

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16 5. Since 2003, the Juvenile Docket has expanded significantly because of the increase in the  
17 number of children in removal proceedings. Service providers now also include Catholic Charities of  
18 the Archdiocese of New York, The Door, the American Immigration Lawyers Association (AILA),  
19 and the Safe Passage Project. The Juvenile Docket providers each staff a monthly docket of  
20 approximately 15-25 new cases. The providers screen all children without counsel and provide  
21 advice and/or legal representation to children.

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23 6. For cases accepted for representation, each organization utilizes a different model of  
24 representation. Because I work closely with these organizations, I am familiar with their  
25 representation models and practices. The Legal Aid Society and The Door each accept cases for  
26 direct representation by staff and also co-counsel cases with *pro bono* attorneys from New York City  
27

1 law firms. The Safe Passage Project places cases with *pro bono* attorneys throughout the state and  
2 pairs trained students with cases and then mentors attorneys throughout the representation. Catholic  
3 Charities conducts group orientations at detention facilities and provides some direct representation  
4 through a law student-based *pro bono* representation model, leveraging its representation capacity  
5 with law students who work on cases under strict staff supervision. AILA recruits attorney-member  
6 volunteers to screen cases and represent some of the children *pro bono*.  
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8 7. The collective goal of the Juvenile Docket legal service providers is to ensure that all  
9 children without counsel are screened for potential relief, and that those with viable claims for  
10 immigration relief are provided with legal representation.  
11

12 8. Based on my conversations with Executive Office for Immigration Review staff at the New  
13 York Immigration Court, in May 2014, approximately six thousand (6,000) children's cases were  
14 pending on the Juvenile Docket, in most of which the children are unrepresented.

15 9. At the end of July 2014, I and other Juvenile Docket providers were informed by EOIR staff  
16 that they had scheduled a new juvenile docket, to begin in August 2014, to expeditiously process  
17 children released to parents or other sponsors in New York.  
18

19 10. Concerned about the due process rights of these vulnerable children, The Legal Aid Society  
20 and Catholic Charities Community Services Archdiocese of New York, The Door, the Safe Passage  
21 Project (New York Law School), and AILA (NY Chapter) established the Immigrant Children  
22 Advocates' Relief Effort (ICARE) Project and developed a plan to staff the expedited dockets and  
23 provide Know Your Rights presentations to all children and individualized screenings for the  
24 children without counsel. This was extremely difficult, as each of the Juvenile Docket providers was  
25 already operating at capacity in July 2014.  
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1 11. Notwithstanding serious resource constraints, each Juvenile Docket provider made a  
2 commitment to staff the sixteen expedited dockets scheduled for August 2014 to ensure that every  
3 child could have a legal consultation. To date, the Juvenile Docket providers, supported by *pro bono*  
4 lawyers, students, and community members, have managed to ensure coverage—i.e., Know Your  
5 Rights presentations and legal screenings, not direct representation—for all children on the  
6 expedited dockets.  
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8 12. From August 13, 2014, through August 22, 2014, the New York Immigration Court  
9 scheduled four single-docket days with an average of 30 children per docket; three double-docket  
10 days with an average of 62 children per day; and one docket with 25 families with children.  
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12 13. As of Thursday August 21, 2014, the ICARE partners, with support from volunteers, have  
13 provided Know Your Rights presentations to approximately 250 children, screened 108 children, and  
14 determined that approximately 60-80 percent were eligible to apply for Special Immigrant Juvenile  
15 Status (SIJS) and/or Asylum. Approximately half of the children who appeared for their master  
16 calendar hearings had counsel.  
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18 14. On Friday, August 15, 2014, the ICARE partners decided to continue providing Know Your  
19 Rights presentations and screening on the expedited juvenile dockets until September 12, 2014.  
20 Currently there is no plan for ensuring coverage of the expedited docket after September 12, 2014.  
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22 15. The New York Immigration Court personnel have informed the ICARE partners agencies  
23 that the number of children assigned to the expedited docket is expected to skyrocket. On September  
24 3, 2014, there will be three dockets presided over by two immigration judges with an estimated 105  
25 children. Screening this number of children on an ongoing basis is impossible given the current  
26 severe resource constraints of The Legal Aid Society and its ICARE partners. Absent an infusion of  
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1 new funding, we will not be able to continue to staff the expedited dockets as well as the regular  
2 monthly dockets.

3 16. In my experience supervising cases involving children in immigration proceedings, I have  
4 seen that children—regardless of whether they currently are in the custody of a family member—are  
5 a vulnerable population with special needs. They are susceptible to being overwhelmed and confused  
6 by immigration court proceedings because of their youth, competence, language abilities, and  
7 cognitive abilities. Without counsel, it is virtually impossible for most children to successfully  
8 pursue the immigration relief for which they may be eligible.

9  
10 17. To the best of my knowledge, only one child represented by The Legal Aid Society has been  
11 appointed a child advocate under the William Wilberforce Trafficking Victims Protection  
12 Reauthorization Act of 2008 (TVPRA) during the eleven years that I have worked in the  
13 Immigration Law Unit.  
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15 18. During the same time frame, I also do not recall ever having seen or heard of a case in which  
16 an unrepresented child has successfully appealed an Immigration Judge decision to the Board of  
17 Immigration Appeals (BIA) or filed a petition for review with a Court of Appeals.  
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19 I declare under penalty of perjury of the laws of the State of New York and the United States  
20 that the foregoing is true and correct to the best of my knowledge and belief.  
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23 Executed this 25th day of August, 2014 in New York, New York.

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27 JOJO ANNOBIL, ESQ.