

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
666 Broadway, 7th Floor
12 New York, NY 10012
13 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

* *pro hac vice forthcoming*

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
25 United States, in his official capacity, *et*
al.,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
CLASS CERTIFICATION**

Hon. Ruth Bermudez Montenegro
Hearing Date: July 28, 2025
Courtroom: 5B

**NO ORAL ARGUMENT UNLESS
ORDERED BY THE COURT**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
(DC Bar No. 426323)
3 *rmanoso@mofo.com*
2100 L Street, NW, Suite 900
4 Washington, DC 20037
Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
rcassler@immcouncil.org
8 Suchita Mathur (DC Bar No. 90013156)
smathur@immcouncil.org
9 PMB2026
2001 L Street, NW, Suite 500
10 Washington, DC 20036
Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
aguisado@ccrjustice.org
14 Adina Marx-Arpadi
(NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, on July 28, 2025, or as soon thereafter as the
3 matter may be heard in the United States District Court for the Southern District of
4 California, at the Edward J. Schwartz United States Courthouse, 221 W. Broadway,
5 San Diego, California 92101, Courtroom 5B, before the Honorable Ruth Bermudez-
6 Montenegro, Plaintiffs will and hereby do move to certify (i) a class of all noncitizens
7 who, on or after January 20, 2025, have sought or will seek to present themselves at
8 a Class A port of entry (“POE”) on the U.S.-Mexico border to seek asylum; who were
9 or will be prevented from accessing the U.S. asylum process by or at the direction of
10 Defendants based on the Proclamation or the Asylum Shutdown Policy; who
11 continue to seek access to the U.S. asylum process; and who are not physically
12 present in the United States (the “Asylum Class”); and (ii) a subclass of all
13 noncitizens who received appointments through the CBP One app to present
14 themselves at a Class A POE on the U.S.-Mexico border; whose appointments were
15 canceled by Defendants on January 20, 2025; who continue to seek access to the U.S.
16 asylum process; and who are not physically present in the United States (the “CBP
17 Subclass”), pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2).

18 This Motion is made following the conference of counsel that took place on
19 June 17, 2025.

20 In support of their Motion, Plaintiffs rely on this Notice of Motion and Motion,
21 the accompanying Memorandum of Points and Authorities, the Declaration of Eric
22 M. Acker, including the exhibits thereto, the Declaration of Baher Azmy, the
23 Declaration of Brian Netter, the Declaration of Melissa Crow, and the Declaration of
24 Michelle Lapointe.

25 Pursuant to Rule III.B of the Court’s Chambers Rules, the hearing date does
26 not indicate a date when appearances are necessary.

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Dated: June 25, 2025

Respectfully Submitted,

MORRISON & FOERSTER LLP

s/ Eric M. Acker

Attorney for Plaintiffs
Email: eacker@mofa.com
Eric M. Acker
Krista S. deBoer
Robert W. Manoso

CENTER FOR GENDER AND
REFUGEE STUDIES

Melissa Crow
Blaine Bookey
Robert Pauw
Peter Habib

CENTER FOR CONSTITUTIONAL
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Michelle Lapointe
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DEMOCRACY FORWARD
FOUNDATION

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1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
666 Broadway, 7th Floor
12 New York, NY 10012
Telephone: 212.614.6464
13 Facsimile: 212.614.6499

CENTER FOR GENDER AND
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Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

14
15 *Additional Attorneys for Plaintiffs Listed*
16 *on Next Page*

** pro hac vice forthcoming*

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IN SUPPORT OF THEIR
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Hon. Ruth Bermudez Montenegro
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1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
(DC Bar No. 426323)
3 *rmanoso@mofo.com*
2100 L Street, NW, Suite 900
4 Washington, DC 20037
Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
rcassler@immcouncil.org
8 Suchita Mathur (DC Bar No. 90013156)
smathur@immcouncil.org
9 PMB2026
2001 L Street, NW, Suite 500
10 Washington, DC 20036
Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
aguisado@ccrjustice.org
14 Adina Marx-Arpadi
(NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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1 **I. INTRODUCTION**

2 On January 20, 2025, Defendants unlawfully blocked access to the U.S.
3 asylum process at Class A ports of entry on the U.S.-Mexico border (“POEs”) and
4 canceled all pending CBP One appointments. Defendants’ actions are preventing
5 Individual Plaintiffs and all similarly situated individuals from exercising their
6 shared statutory right to seek asylum in the United States and leaving them stranded
7 permanently in Mexico, where they face an ongoing risk of kidnapping, murder,
8 torture, rape, and other targeted violence.

9 Individual Plaintiffs Maria Doe, Jessica Doe, Fernando Doe, Ali Doe, Eduardo
10 Doe, Jean Doe, Rous Doe, Diana Doe, Nikolai Zolotov, Anahi Doe, and Dragon Doe
11 (collectively, “Individual Plaintiffs”), alongside Organizational Plaintiffs Al Otro
12 Lado, Inc. (“AOL”) and Haitian Bridge Alliance (“HBA”),¹ seek certification of a
13 class consisting of:

14 All noncitizens who, on or after January 20, 2025, have sought or will
15 seek to present themselves at a Class A POE on the U.S.-Mexico border
16 to seek asylum; who were or will be prevented from accessing the U.S.
17 asylum process by or at the direction of Defendants based on the
18 Proclamation² or the Asylum Shutdown Policy³; who continue to seek
19 access to the U.S. asylum process; and who are not physically present
20 in the United States.

21 (“Asylum Class”).

22 Further, Individual Plaintiffs Maria Doe, Jessica Doe, Fernando Doe,
23 Ali Doe, Eduardo Doe, Jean Doe, and Rous Doe (collectively, “CBP One
24 Individual Plaintiffs”) seek certification of a subclass consisting of:

25 All noncitizens who received appointments through the CBP One app
26 to present themselves at a Class A POE on the U.S.-Mexico border;
27 whose appointments were canceled by Defendants on January 20, 2025;
28 who continue to seek access to the U.S. asylum process; and who are

25 ¹ Individual Plaintiffs and Organizational Plaintiffs are collectively referred to herein
26 as “Plaintiffs.”

27 ² “Proclamation” refers to Proclamation No. 10888, 90 Fed. Reg. 8333 (Jan. 20,
28 2025).

³ “Asylum Shutdown Policy” refers to Defendants’ decisions to effectively close
southern border POEs to people seeking asylum, as defined by ECF No. 1 at ¶ 13.

1 not physically present in the United States.
2 (“CBP One Subclass”). Plaintiffs easily meet the requirements of Rules 23(a)
3 and 23(b)(2) as to the putative class and subclass.

4 **First**, the proposed class and subclass exceed the numerosity requirement. The
5 CBP One Subclass alone includes at least 30,000 people who are geographically
6 dispersed along the U.S.-Mexico border, and the Asylum Class is even larger, making
7 joinder in a single proceeding impractical.

8 **Second**, all putative class and subclass members assert a common set of legal
9 claims based on a common nucleus of operative facts. Questions capable of common
10 proof for both the class and subclass include whether Defendants unlawfully
11 prevented the class members from presenting themselves at a POE to seek asylum
12 and whether Defendants’ actions violate the Immigration and Nationality Act
13 (“INA”), the Administrative Procedures Act (“APA”), and/or are ultra vires. For the
14 CBP One Subclass, questions capable of common proof include whether Defendants’
15 decision to cancel CBP One appointments (“CBP One Cancellation”) was arbitrary
16 and capricious or otherwise violated the APA.

17 **Third**, all Individual Plaintiffs assert claims that are typical of the proposed
18 class and, where relevant, the proposed subclass, including violations of the INA and
19 the APA, and the ultra vires nature of Defendants’ actions.

20 **Fourth**, the Individual Plaintiffs will fairly and adequately protect the interests
21 of both the proposed class and subclass. They are represented by qualified counsel
22 with extensive experience in class actions and complex litigation, including
23 challenges to Defendants’ immigration policies, who have dedicated significant
24 resources to litigating this matter. Moreover, none of the Individual Plaintiffs have
25 antagonistic or conflicting interests.

26 **Finally**, Plaintiffs seek relief that will provide a complete remedy for all
27 proposed class and subclass members: restoration of access to the U.S. asylum
28 process as guaranteed by law.

1 **II. FACTS COMMON TO THE PUTATIVE CLASS AND SUBCLASS**

2 Individual Plaintiffs and proposed class members’ claims are premised on a
3 simple, cohesive set of facts that are subject to common proof. Following Defendant
4 Trump’s inauguration, Defendants illegally shut down the asylum process at POEs
5 on the U.S.-Mexico border. Defendants also canceled all pending CBP One
6 appointments and CBP One’s scheduling functionality. As a result of Defendants’
7 unlawful actions, Individual Plaintiffs and proposed class members have experienced
8 and continue to experience irreparable harm.

9 **A. On Inauguration Day, Defendants Canceled All Pending CBP One**
10 **Appointments and Shut Down Access to Asylum at Ports of Entry**
11 **Along the Southern Border.**

12 At noon on January 20, 2025, Defendants abruptly canceled some 30,000
13 pending CBP One appointments that individuals waiting in Mexico had secured to
14 present themselves at POEs to access the U.S. asylum process. *E.g.*, Ex. A, Maria
15 Doe Decl. ¶ 11; Ex. B, Rous Doe Decl. ¶ 16; Ex. C, Fernando Doe Decl. ¶¶ 14–15.⁴
16 At the same time, Defendants began turning away asylum seekers with CBP One
17 appointments who presented themselves at POEs on their designated appointment
18 date and time. *E.g.*, Ex. D, Jean Doe Decl. ¶¶ 13–14; Ex. E, Eduardo Doe Decl. ¶¶ 9–
19 11. Shortly thereafter, CBP posted an announcement on its website indicating that,
20 as of January 20, 2025, all pending CBP One appointments had been canceled and
21 the CBP One scheduling functionality was no longer available.⁵

22 Later that evening, Defendant Trump issued the “Securing Our Borders”
23 executive order (the “Executive Order”) directing the Secretary of Homeland
24 Security to stop using CBP One “as a method of paroling or facilitating the entry of

25 ⁴ Exhibits citations refer to the contemporaneously-filed Declaration of Eric M.
26 Acker in Support of Plaintiffs’ Motion for Class Certification and Motion to Proceed
Pseudonymously.

27 ⁵ *CBP One™ Mobile Application*, U.S. Customs & Border Protection,
28 <https://web.archive.org/web/20250120180218/https://www.cbp.gov/about/mobile-apps-directory/cbpone> (archived Jan. 20, 2025).

1 otherwise inadmissible [noncitizens] into the United States.” 90 Fed. Reg. 8467, 8468
2 (Jan. 20, 2025). Defendants’ decision to cancel scheduled CBP One appointments
3 and remove the app’s scheduling functionality effectively eliminated the only method
4 that had been available to noncitizens to seek asylum at the U.S.-Mexico border since
5 May 2023. *See* Ex. L, Laura St. John Decl. (“FIRRP Decl.”) ¶ 8; Ex. M, Jennifer
6 Babaie Decl. (“Las Americas Decl.”) ¶ 12; Ex. V, Tracey Horan Decl. (“KBI Decl.”)
7 ¶¶ 14, 21–23.

8 The same evening, Defendant Trump issued the Proclamation. The
9 Proclamation vaguely asserts that there is an “invasion” at the Southern border, with
10 no definition of what that means. Invoking INA §§ 212(f) and 215(a)(1), 8 U.S.C.
11 §§ 1182(f), 1185(a)(1), the Proclamation indefinitely “suspend[s] the physical entry”
12 of noncitizens “engaged in the invasion” or who “fail[,] before entering the United
13 States, to provide Federal officials with sufficient medical information and reliable
14 criminal history and background information as to enable fulfillment of the
15 requirements of” 8 U.S.C. § 1182(a)(1)–(3) on or after January 20, 2025. 90 Fed.
16 Reg. 8335 (Jan. 20, 2025). Relying on the same statutory provisions, the
17 Proclamation also indefinitely “restrict[s noncitizens’] access to provisions of the
18 INA that would permit their continued presence in the United States, including, but
19 not limited to,” 8 U.S.C. § 1158, the right to apply for asylum. *Id.*

20 Subsequently, CBP issued written guidance applicable to the CBP Office of
21 Field Operations, which operates POEs. The guidance implements the documentation
22 requirements under Section 3 of the Proclamation that purport to fulfill the
23 requirements of 8 U.S.C. § 1182(a)(1)–(3) and memorializes the Asylum Shutdown
24 Policy. *See* ECF No. 1 at Ex. A, USA00022-33. The guidance states that noncitizens
25 subject to the Proclamation “shall not be permitted to cross the international
26 boundary” for inspection at POEs, even if they “claim or manifest a fear at the
27 international boundary line.” *Id.* at USA00024.

28

1 **B. Defendants’ Conduct Has Irreparably Harmed and Continues to**
2 **Irreparably Harm Individual Plaintiffs, the Asylum Class, and the**
3 **CBP One Subclass.**

4 **1. Asylum Class Members Have Been Unlawfully Denied**
5 **Access to the Asylum Process.**

6 On January 20, Individual Plaintiffs and thousands of members of the proposed
7 Asylum Class had been waiting in Mexico for an opportunity to present themselves
8 at a POE to seek asylum.⁶ The Proclamation, Asylum Shutdown Policy, and CBP
9 One Cancellation deprived Individual Plaintiffs and those similarly situated of their
10 statutory right to seek asylum and left them stranded in Mexico under precarious
11 conditions. Ex. A, Maria Doe Decl. ¶¶ 10–13; Ex. B, Rous Doe Decl. ¶¶ 16, 20–21;
12 Ex. C, Fernando Doe Decl. ¶¶ 16–18; Ex. D, Jean Doe Decl. ¶¶ 13–15; Ex. E,
13 Eduardo Doe Decl. ¶¶ 11–14; Ex. F, Dragon Doe Decl. ¶¶ 10–12; Ex. G, Anahi Doe
14 Decl. ¶¶ 10–12; Ex. H, Ali Doe Decl. ¶¶ 10–12; Ex. I, Jessica Doe Decl. ¶¶ 15–19;
15 Ex. J, Diana Doe Decl. ¶¶ 9–11; Ex. K, Nikolai Zolotov Decl. ¶¶ 8–13.⁷

16 Like the Individual Plaintiffs, members of the proposed Asylum Class had
17 been waiting, often for months, for the opportunity to present themselves at a POE to
18 access the U.S. asylum process. *E.g.*, Ex. K, Nikolai Zolotov Decl. ¶¶ 8–10 (waiting
19 in Mexico since March 21, 2024); Ex. J, Diana Doe Decl. ¶¶ 8–9 (waiting in Mexico
20 since March 2024); Ex. I, Jessica Doe Decl. ¶¶ 12–13, 15 (waiting in Mexico since
21 June 19, 2024); Ex. F, Dragon Doe Decl. ¶ 8 (waiting in Mexico since November 20,
22 2024). Due to the Proclamation and the Asylum Shutdown Policy, the Individual
23 Plaintiffs and Asylum Class members have no hope of accessing the U.S. asylum

24 ⁶ See Camilo Montoya-Galvez, *About 270,000 migrants waiting to enter U.S. through*
25 *app Trump has vowed to end, estimates show*, CBS News (Jan. 19, 2025),
26 <https://www.cbsnews.com/news/270000-migrants-waiting-to-enter-u-s-through-cbp-one-app-trump-has-vowed-to-end/>.

27 ⁷ See Julie Watson & Megan Janetsky, *Migrants stranded when thousands of*
28 *appointments to enter the US are canceled as Trump takes office*, AP News (Jan. 20,
2025), <https://apnews.com/article/trump-immigration-cbp-one-border-app-652854b5f2a4e6ccd6ee2ccc729cbb55>.

1 process at a POE absent action from this Court.

2 **2. Pursuant to Defendant’s Instructions, Members of the CBP**
3 **One Subclass Obtained CBP One Appointments, Which**
4 **Defendants Canceled at the Eleventh Hour.**

5 Approximately 30,000 of those waiting in Mexico on January 20, including
6 Individual Plaintiffs Maria Doe, Jessica Doe, Fernando Doe, Ali Doe, Eduardo Doe,
7 Jean Doe, Rous Doe, and the rest of the CBP One Subclass, had obtained CBP One
8 appointments pursuant to Defendants’ instructions.⁸ Those appointments were
9 scheduled to occur between January 20, 2025 and February 2025. *E.g.*, Ex. A, Maria
10 Doe Decl. ¶ 11 (appointment scheduled for Feb. 9, 2025); Ex. B, Rous Doe Decl. ¶
11 13 (Jan. 23, 2025); Ex. C, Fernando Doe Decl. ¶ 14 (Jan. 25, 2025); Ex. D, Jean Doe
12 Decl. ¶ 13 (Jan. 20, 2025); Ex. E, Eduardo Doe Decl. ¶ 9 (Jan. 21, 2025); Ex. H, Ali
13 Doe Decl. ¶ 10 (Jan. 23, 2025); Ex. I, Jessica Doe Decl. ¶ 15 (Feb. 9, 2025). In
14 reliance on Defendants’ explicit representations that they could present themselves
15 at the designated POE on the date and time of their CBP One appointments to seek
16 asylum, CBP One Subclass members expended significant sums of money and risked
17 increased exposure to physical harm to travel to the border as their appointments
18 approached. *E.g.*, Ex. B, Rous Doe Decl. ¶¶ 14–17 (kidnapped on her way to CBP
19 One appointment in Nogales); Ex. C, Fernando Doe Decl. ¶¶ 14–15 (spent all his
20 funds paying for extortion fees, release from kidnappers, and travel to Nogales for
21 CBP One appointment); Ex. H, Ali Decl. ¶ 10 (spent 9,000 Mexican pesos,
22 approximately \$450, to travel to Nogales for CBP One appointment).

23 Despite CBP One Subclass members’ reliance on the CBP One app and
24 Defendants’ representations related thereto, Defendants canceled their
25 appointments—without notice or explanation—and provided no alternate method for

26 ⁸ See Thomas Graham, *US asylum seekers in despair after Trump cancels CBP One*
27 *app: ‘Start from zero again,’* The Guardian (Jan. 23, 2025),
28 <https://www.theguardian.com/us-news/2025/jan/23/trump-cbp-one-app-canceled-mexico> (“Roughly 30,000 appointments that had already been scheduled also have been canceled.”).

1 accessing the U.S. asylum process. *E.g.*, Ex. M, Las Americas Decl. ¶ 14 (“[T]he
2 most common sentiment expressed, even beyond their widespread fear, is a profound
3 sense of betrayal: asylum seekers did everything possible to follow the
4 U.S. government’s complex and often unfair procedural hurdles to apply for asylum
5 in the way the government asked them to . . .”).

6 **3. Asylum Class Members Face a Myriad of Harms in Mexico,**
7 **Including Violence, Torture, Kidnapping, and**
8 **Discrimination.**

9 As a result of Defendants’ actions, Individual Plaintiffs and proposed class
10 members face a persistent threat of violence in Mexico. For example, Maria Doe
11 suffered brutal beatings and continues to be relentlessly pursued by a Mexican cartel
12 such that she and her husband rarely venture out of the shelter where they live, have
13 changed their phone numbers, and do not make contact with family or friends. Ex. A,
14 Maria Doe Decl. ¶¶ 9–12. Eduardo Doe, who was previously kidnapped and tortured
15 by members of a Mexican cartel, fears that the same thing could happen again. Ex. E
16 ¶¶ 8–9, 12. Other Individual Plaintiffs face similarly harrowing risks while stranded
17 in Mexico, emblematic of the experiences of other class members. *E.g.*, Ex. B, Rous
18 Doe Decl. ¶¶ 14–17 (kidnapped and held hostage for seven weeks); Ex. C, Fernando
19 Doe Decl. ¶¶ 12, 16, 19 (after advocating against the Venezuelan regime, masked
20 men in Mexico with possible links to narco-trafficking syndicates and Maduro
21 threatened him with photographs of dead bodies; he faced extortion, kidnapping,
22 severe beatings, and nearly died from internal organ damage); Ex. I, Jessica Doe
23 Decl. ¶¶ 14 (suffered beatings and extreme food deprivation after being kidnapped
24 by human traffickers); Ex. K, Nikolai Zolotov Decl. ¶ 12 (faced threats and
25 harassment, fears being in public, and witnessed cartel violence).

26 The dangers that the Individual Plaintiffs face are consistent with public reports
27 of the dangers to migrants in Mexico. Civil society organizations have documented
28 widespread risks of kidnapping, extortion, and violence against migrants in Mexico.
Ex. O, José Alberto Argüelles Aviles Decl. (“AAMX Decl.”) ¶ 14 (asylum seekers

1 in Mexico “experience extortion, kidnappings, disappearances, swindles and fraud,
2 and sexual and gender-based violence.”), ¶ 20 (“[Asylum seekers] face severe
3 deprivations of their fundamental rights and have been subject to untold violence at
4 the hands of cartels and other organized crime.”); Ex. L, FIRRP Decl. ¶ 11 (families
5 experience extortion and kidnapping); Ex. M, Las Americas Decl. ¶ 12 (migrants “are
6 routinely kidnapped, arrested or detained by Mexican police and organized criminal
7 groups”); Ex. V, KBI Decl. ¶ 13 (78% of migrants arriving at Kino Border Initiative’s
8 Migrant Outreach Center in 2024 reported that violence was their primary reason for
9 migration); Ex. P, Sophia Genovese Decl. (“NMILC Decl.”) ¶¶ 11–13, 15–16, 18
10 (migrants face violence and extortion); Ex. Q, Nicole Elizabeth Ramos Decl. (“AOL
11 Decl.”) ¶ 19 (“[C]lients in Mexico frequently report facing rape, kidnapping,
12 extortion, and other forms of violence on a regular basis.”); Ex. U, Guerline Jozef
13 Decl. (“HBA Decl.”) ¶¶ 13–14 (Community of asylum seekers HBA serves in
14 Mexico “routinely face violence and discrimination from criminal organizations and
15 local authorities and are often subject to robbery, rape, and physical assault.”).

16 Human Rights First has tracked reports of over 2,500 asylum seekers and other
17 migrants who survived kidnapping, murder, torture, rape, and other serious harms
18 while they were stranded in Mexico. *See* Ex. R, Human Rights First, at 136.
19 Moreover, the U.S. State Department has recognized that armed groups frequently
20 limit the movements of migrants within Mexico and that human smuggling
21 organizations hold significant power throughout the country. *See, e.g.*, Ex. S, U.S.
22 Department of State’s Mexico Travel Advisory at 190. People seeking asylum from
23 countries other than Mexico face threats of deportation back to their persecutors in
24 their home countries, while asylum seekers from Mexico are forced to remain in the
25 country where they face persecution. *E.g.*, Ex. K, Nikolai Zolotov Decl. ¶ 11 (fears
26 Mexican officials who could detain or deport him); Ex. U, HBA Decl. ¶ 10 (“Black
27 migrants report to HBA that they now fear approaching U.S. ports of entry without a
28 CBP One appointment because of ubiquitous stories of INM [*Instituto Nacional de*

1 *Migración*, the Mexican immigration agency] or CBP harassment, arrest, relocation,
2 deportation, or worse.”). They also face Mexican military, law enforcement, and
3 immigration officials who are hostile to their presence in the country and engage in
4 extortion, violence, and arbitrary detention. *E.g.*, Ex. E, Eduardo Doe Decl. ¶ 12
5 (fears approaching a port of entry due to Mexican border officials detaining people
6 and sending them to southern Mexico where the risk of kidnapping is high); Ex. Q,
7 AOL Decl. ¶ 25 (AOL’s clients in Mexico experience “violence at the hands of . . .
8 Mexican officials”); *see also* Ex. T, Hope Border Institute/Jesuit Refugee Service
9 Mexico, at 230 (noting Mexican authorities’ involvement in 30% of kidnapping cases
10 surveyed).

11 In addition to these dangers, Individual Plaintiffs and class members must
12 endure pervasive discrimination and dire economic straits. *E.g.*, Ex. B, Rous Doe
13 Decl. ¶ 21 (finding a job as a trans woman in Mexico is “almost impossible”); Ex. C,
14 Fernando Doe Decl. ¶ 18 (can barely afford food and pay for rent); Ex. E, Eduardo
15 Doe Decl. ¶ 13 (struggling to survive because he is paid less than half of what his
16 co-workers receive due to migrant status); Ex. G, Anahi Doe Decl. ¶ 12 (as a
17 transgender woman in Mexico, lives in constant fear and has suffered discrimination
18 in seeking employment); Ex. H, Ali Doe Decl. ¶ 12 (feels unsafe in Mexico due to
19 lack of support); Ex. I, Jessica Doe Decl. ¶ 18 (barely makes enough money to
20 survive); Ex. K, Nikolai Zolotov Decl. ¶ 13 (struggling both emotionally and
21 financially; unable to work due to lack of legal status in Mexico and lack of Spanish
22 proficiency); Ex. Q, AOL Decl. ¶ 19 (“[M]any work in jobs where they receive far
23 below the minimum wage, endure conditions that are exploitative and unsafe, and
24 face housing and food insecurity”); Ex. U, HBA Decl. ¶¶ 13–14 (detailing economic
25 harms, dire health risks, and discrimination against Black migrants).

26 The persistent, credible threats to their personal security also make it extremely
27 difficult for non-Mexican Individual Plaintiffs and members of the proposed Asylum
28 Class to access the Mexican asylum system. Ex. Q, AOL Decl. ¶¶ 17–20 (asylum

1 seekers forced to wait in Mexico “face grave dangers and live under precarious
2 conditions”); Ex. B, Rous Doe Decl. ¶ 20 (“I do not want to stay in Mexico because
3 I am afraid of being kidnapped again or suffering more violence for being a trans
4 woman.”); Ex. C, Fernando Doe Decl. ¶ 18 (“I cannot hope for security in a place
5 where I am not safe at all.”); Ex. J, Diana Doe Decl. ¶ 10 (her partner was assaulted
6 in Mexico and she is “scared to even go out in the street”).

7 Moreover, Mexico has a strict 30-day deadline to file an asylum claim;
8 securing an exception to that deadline is nearly impossible to overcome, particularly
9 without a lawyer. At the same time, most people seeking asylum in Mexico lack
10 counsel. Ex. O, AAMX Decl. ¶¶ 5–8 (noting the 30-day deadline and explaining the
11 need for representation for asylum seekers in Mexico “far outstrips capacity”). The
12 30-day deadline may be excused for “good cause,” but whether good cause exists is
13 at the discretion of COMAR, the Mexican asylum agency. *Id.* ¶ 6. COMAR has made
14 clear that missing the deadline because a person intended to apply for asylum in the
15 United States through CBP One does not amount to good cause. *Id.*

16 Most non-Mexican Individual Plaintiffs and class members already in Mexico
17 missed the 30-day deadline to apply for asylum there when they relied on the promise
18 of access to the U.S. asylum process through a CBP One appointment. *E.g.*, Ex. D,
19 Jean Doe Decl. ¶ 12 (missed the 30-day deadline because a COMAR official told him
20 he could not apply for asylum in Mexico while waiting for a CBP One appointment);
21 Ex. U, HBA Decl. ¶ 9 (“[I]ndividuals, relying on the promise of access to the U.S.
22 asylum process, have long since bypassed Mexico’s 30-day asylum application
23 deadline and are currently stuck in Mexico”). They are now likely ineligible for such
24 relief. *See* Ex. Q, AOL Decl. ¶ 18 (“If an asylum seeker applies late and their
25 justification for missing the deadline is deemed insufficient, they risk deportation.”).

26 All Individual Plaintiffs are now stranded in Mexico in legal limbo, unable to
27 return home for fear of persecution and deprived of access to asylum in both the
28 United States and Mexico.

1 **III. LEGAL ARGUMENT**

2 **A. Plaintiffs Satisfy the Requirements of Rule 23(a).**

3 Rule 23 “creates a categorical rule entitling a plaintiff whose suit meets the
4 specified criteria to pursue his claim as a class action.” *Shady Grove Orthopedic*
5 *Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 398 (2010). To proceed as a class,
6 Plaintiffs must satisfy Rule 23(a)’s requirements—numerosity, commonality,
7 typicality, and adequacy—and show that the proposed class fits into one of the three
8 types of classes authorized by Rule 23(b). *Ms. L. v. U.S. Immigration and Customs*
9 *Enforcement*, 331 F.R.D. 529, 535 (S.D. Cal. 2018).

10 Plaintiffs readily meet these requirements.⁹ The number of class and subclass
11 members demonstrates that joinder is impracticable, and both the class and subclass
12 exceed common numerosity thresholds. Both the class and subclass assert a common
13 set of claims based on a common set of facts. The legality of the Proclamation, the
14 Asylum Shutdown Policy, and the CBP One Cancellation are common questions that
15 will generate common answers. Moreover, Plaintiffs seek relief that will restore
16 access to the asylum process for all proposed class and subclass members and thereby
17 remedy the harm they have suffered. The Individual Plaintiffs’ claims are typical of
18 the proposed class and subclass that they seek to represent, and each Individual
19 Plaintiff will fairly and adequately represent the interests of the class and subclass.
20 For the reasons detailed below, and consistent with prior decisions from the Ninth
21 Circuit and this District certifying classes challenging federal immigration policies,

22
23
24 _____
25 ⁹ When analyzing class certification, “[t]he court may consider whether the plaintiff’s
26 proof is, or will likely lead to, admissible evidence.” *Sali v. Corona Reg’l Med. Ctr.*,
27 909 F.3d 996, 1006 (9th Cir. 2018). “But admissibility must not be dispositive.
28 Instead, an inquiry into the evidence’s ultimate admissibility should go to the weight
that evidence is given at the class certification stage.” *Id.* (concluding that district
court abused its discretion by refusing to consider a declaration purely on
admissibility grounds).

1 the putative class and subclass should both be certified.¹⁰

2 **1. The Proposed Class and Subclass Are so Numerous that**
3 **Joinder Is Impracticable.**

4 Rule 23(a)(1) requires that the class be “so numerous that joinder of all
5 members is impracticable.” Fed. R. Civ. P. 23(a)(1). “Impracticability does not mean
6 impossibility” but only “the difficulty or inconvenience of joining all members of
7 [the] class.” *Astiana v. Kashi Co.*, 291 F.R.D. 493, 501 (S.D. Cal. 2013) (citation
8 omitted).

9 Plaintiffs “need not state the exact number of potential class members; nor is a
10 specific minimum number required.” *Ms. L.*, 331 F.R.D. at 536. However, “courts
11 find numerosity when the class includes at least forty members.” *Gomez v. Rossi*
12 *Concrete, Inc.*, 270 F.R.D. 579, 588 (S.D. Cal. 2010) (citations omitted); *In re*
13 *Facebook, Inc., PPC Adver. Litig.*, 282 F.R.D. 446, 452 (N.D. Cal. 2012), *aff’d sub*
14 *nom. Fox Test Prep v. Facebook, Inc.*, 588 F. App’x 733 (9th Cir. 2014). Because
15 Plaintiffs seek to certify a Rule 23(b)(2) class, “the numerosity requirement is relaxed
16 and plaintiffs may rely on the reasonable inference arising from plaintiffs’ other
17 evidence that the number of unknown and future members of [the] proposed

18 ¹⁰ See *Gonzalez v. U.S. Immigration & Customs Enforcement*, 975 F.3d 788, 807–08
19 (9th Cir. 2020) (affirming certification of class of individuals raising Fourth
20 Amendment claims concerning detention pursuant to a detainer); *Walters v.*
21 *Reno*, 145 F.3d 1032 (9th Cir. 1998) (affirming certification of nationwide class of
22 individuals challenging adequacy of notice in document fraud cases); *Ms. L.*, 331
23 F.R.D. at 541 (certifying class of parents who were detained in immigration custody
24 and separated from their children); *Al Otro Lado v. Wolf*, 336 F.R.D. 494 (S.D. Cal.
25 2020) (“*AOL v. Wolf*”) (certifying class of people seeking access to the asylum
26 process at POEs); *Al Otro Lado, Inc. v. McAleenan*, 423 F. Supp. 3d 848, 878 (S.D.
27 Cal. 2019) (“*AOL v. McAleenan*”) (provisionally certifying a subclass of people who
28 had been metered while trying to access the asylum process at POEs); see also *Al*
Otro Lado v. Wolf, 952 F.3d 999, 1002 (9th Cir. 2020) (denying the government’s
motion for a stay pending appeal of the district court’s order enjoining enforcement
of the challenged rule against the subclass provisionally certified in *AOL v.*
McAleenan, 423 F. Supp. 3d 848).

1 subclass . . . is sufficient to make joinder impracticable.” *Sueoka v. United States*,
2 101 F. App’x 649, 653 (9th Cir. 2004).

3 Plaintiffs easily satisfy the numerosity requirement, as the number of class
4 members far exceeds the minimum requirement. Before January 20, 2025,
5 Defendants gave out 1,450 CBP One appointments per day, which were scheduled
6 roughly three weeks in advance.¹¹ Approximately 30,000 individuals had pending
7 CBP One appointments that Defendants summarily canceled on January 20.¹² The
8 proposed CBP One Subclass thus includes, at minimum, 30,000 members, and the
9 broader Asylum Class likely includes thousands more people who were or will be
10 seeking asylum at a POE.¹³

11 Here, joinder is impracticable because “general knowledge and common sense
12 indicate that [the class] is large.” *Johns v. Bayer Corp.*, 280 F.R.D. 551, 556 (S.D.
13 Cal. 2012) (citation omitted). In two motions involving classes similar to those
14 proposed here, the defendants conceded, and the Court agreed, that the classes
15 satisfied Rule 23(a)(1)’s numerosity requirement. *AOL v. Wolf*, 336 F.R.D. at 500–
16 02 (finding that a class of “all noncitizens who seek or will seek to access the U.S.

17
18 ¹¹ *CBP One™ Appointments Increased to 1,450 Per Day*, U.S. Customs & Border
19 Protection,
20 <https://web.archive.org/web/20250619202852/https://www.cbp.gov/newsroom/national-media-release/cbp-one-appointments-increased-1450-day> (June 30, 2023).

21 ¹² See Thomas Graham, *US asylum seekers in despair after Trump cancels CBP One*
22 *app: ‘Start from zero again’*, The Guardian (Jan. 25, 2025),
23 <https://www.theguardian.com/us-news/2025/jan/23/trump-cbp-one-app-canceled-mexico>. (“Roughly 30,000 appointments that had already been scheduled also have
24 been canceled.”).

25 ¹³ Camilo Montoya-Galvez, *About 270,000 migrants waiting to enter U.S. through*
26 *app Trump has vowed to end, estimates show*, CBS News (Jan. 19, 2025),
27 <https://www.cbsnews.com/news/270000-migrants-waiting-to-enter-u-s-through-cbp-one-app-trump-has-vowed-to-end> (“Approximately 270,000 migrants are
28 estimated to be waiting on the Mexican side of the U.S.-Mexico border, hoping to get an appointment to enter the U.S. through a system that President-elect Donald Trump has vowed to end”).

1 asylum process by presenting themselves at a Class A [POE] on the U.S.-Mexico
2 border, and were or will be denied access to the U.S. asylum process by or at the
3 instruction of [CBP] officials on or after January 1, 2016,” satisfied Rule 23(a)(1));
4 *see also AOL v. McAleenan*, 423 F. Supp. 3d at 869–70 (finding that a class of “all
5 non-Mexican noncitizens who were denied access to the United States [a]sylum
6 process before July 16, 2019 as a result of the Government’s metering policy and
7 continue to seek access to the U.S. asylum process” also satisfied Rule 23(a)(1)).

8 Here, the proposed class and subclass each contain thousands of individuals
9 who are geographically dispersed throughout Mexico, which is “large enough on its
10 face” to satisfy Rule 23(a)(1). *AOL v. McAleenan*, 423 F. Supp. 3d at 870 (finding
11 Rule(a)(1) satisfied for a class of 26,000 individuals dispersed along the U.S.-Mexico
12 border).

13 **2. Individual Plaintiffs’ Claims Present Common Questions of**
14 **Law and Fact.**

15 Rule 23(a)(2) requires that there be “questions of law or fact common to the
16 class.” Fed. R. Civ. P. 23(a)(2). “What matters to class certification . . . is not the
17 raising of common questions—even in droves—but rather, the capacity of a
18 class-wide proceeding to generate common *answers* apt to drive the resolution of the
19 litigation.” *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011) (internal
20 quotation marks omitted). Therefore, a question is common to the class when “it is
21 capable of classwide resolution—which means that determination of its truth or
22 falsity will resolve an issue that is central to the validity of each one of the claims in
23 one stroke.” *Id.*

24 The requirements of Rule 23(a)(2) have been construed permissively, and one
25 significant common question of law or fact will satisfy the rule. *See Ms. L.*, 331
26 F.R.D. at 536, 538. Critically, commonality is satisfied where a “lawsuit challenges
27 a system-wide practice or policy that affects all of the proposed class members.”
28 *Armstrong v. Davis*, 275 F.3d 849, 868 (9th Cir. 2001); *see also Ms. L.*, 331 F.R.D.

1 at 538 (holding that plaintiffs met commonality because, *inter alia*, “the focus of this
2 litigation is on the Government’s practice of separating migrant parents and
3 children”); *Chhoeun v. Marin*, No. SACV 17-01898-CJC(GJSx), 2018 WL 6265014,
4 at *5 (C.D. Cal. Aug. 14, 2018) (commonality satisfied where “[t]he central question
5 in [the] case is whether the Government’s policy of revoking proposed class
6 members’ release and re-detaining them without any procedural protections is
7 unlawful”); *Inland Empire - Immigrant Youth Collective v. Nielsen*, No. EDCV
8 17-2048 PSG (SHKx), 2018 WL 1061408, at *9 (C.D. Cal. Feb. 26, 2018)
9 (commonality satisfied where plaintiffs “challenge[d] Defendants’ common
10 termination policies and practices as categorically violating the APA and the Due
11 Process Clause—not the agency’s ultimate exercise of discretion with respect to each
12 recipient.”) (internal quotation marks omitted).

13 “[I]ndividual factual differences among class members pose no obstacle to
14 commonality.” *Rosas v. Baca*, No. CV 12-00428 DDP (SHx), 2012 WL 2061694, at
15 *3 (C.D. Cal. June 7, 2012); *see also Bloom v. City of San Diego*, No. 3:17-cv-02324-
16 AJB-MSB, 2021 WL 8053533, at *5 (S.D. Cal. June 8, 2021) (finding that plaintiffs
17 satisfied the commonality requirement, despite “some inevitable individual
18 questions,” citing *Rosas*).¹⁴

19 Plaintiffs’ suit raises numerous legal questions common to the proposed
20 Asylum Class. All class members assert four claims challenging the validity of the
21 Proclamation and/or the Asylum Shutdown Policy, all of which turn on the same
22 underlying issue, *i.e.*, whether Defendants’ actions are unlawfully preventing
23 members of the proposed Asylum Class from presenting themselves at a POE to seek
24 asylum. ECF No. 1 at ¶¶ 169–192, 208–212 (Causes of Action Nos. 1–3, 6).
25 Plaintiffs’ claims raise common legal questions regarding whether Defendants’

26 ¹⁴ Slight variations in how class members experience the government’s failure to
27 comply with the law do not defeat class certification. In fact, this Court has certified
28 similar classes despite variations in how the class members were impacted by a
government policy. *See AOL v. Wolf*, 336 F.R.D. at 502–03.

1 actions violate the INA, the APA, and/or are ultra vires. The CBP One Subclass
2 asserts two additional claims challenging the legality of the CBP One Cancellation,
3 which turn on (1) whether Defendants complied with the APA when they summarily
4 canceled some 30,000 CBP One appointments with no notice or explanation, and (2)
5 on whether Defendants’ cancellation of putative CBP One Subclass members’
6 appointments despite their significant reliance interests was arbitrary and capricious.
7 *Id.* ¶¶ 193–207 (Causes of Action Nos. 4, 5). Any of these common legal issues
8 standing alone is sufficient to satisfy Rule 23(a)(2)’s commonality requirement. *See*
9 *Ms. L*, 331 F.R.D. at 536–37 (finding that plaintiffs satisfied the commonality
10 requirement because, *inter alia*, they asserted “the same legal claim, namely whether
11 Defendants’ practice of separating proposed class members from their minor
12 children” violated the Due Process Clause). Plaintiffs thus satisfy Rule 23(a)(2).

13 Moreover, whether an agency is correctly interpreting and enforcing laws and
14 regulations is a common question of law and fact sufficient for class certification. In
15 *AOL v. McAleenan*, before another court in this District, plaintiffs sought provisional
16 class certification for a putative class of asylum seekers turned away before the
17 effective date of a new asylum eligibility rule and later inspected and processed while
18 that rule was still in effect. 423 F. Supp. 3d at 871. The court found that commonality
19 existed because the court could determine “in one fell swoop” whether the
20 government was “improperly construing” its own regulation to apply to those who
21 were turned back before the regulation’s promulgation. *See id.*; *see also Parsons v.*
22 *Ryan*, 754 F.3d 657, 679 (9th Cir. 2014) (affirming class certification and finding
23 commonality where “all members of the class are subject identically to those same
24 policies and practices, and the constitutionality of any given policy and practice . . .
25 can be answered in a single stroke”).

26 Plaintiffs’ claims also raise at least the following common questions of fact:
27 (1) whether Defendants’ actions prevent Asylum Class members who have sought or
28 will seek to present themselves at a Class A POE on the U.S.-Mexico border from

1 accessing the U.S. asylum process; and (2) whether Defendants rendered the CBP
2 One Subclass unable to seek asylum when Defendants canceled putative CBP One
3 Subclass members’ appointments despite their significant reliance interests. *See, e.g.*,
4 *Parsons*, 754 F.3d at 679.

5 **3. Individual Plaintiffs’ Claims Are Typical of the Claims of**
6 **the Proposed Class and Subclass.**

7 Rule 23(a)(3) requires that “the claims or defenses of the representative parties
8 are typical of the claims or defenses of the class.” Fed. R. Civ. P. 23(a)(3). “The test
9 of typicality is whether other members have the same or similar injury, whether the
10 action is based on conduct which is not unique to the named plaintiffs, and whether
11 other class members have been injured by the same course of conduct.” *Ms. L.*, 331
12 F.R.D. at 539 (citation omitted). “Under the rule’s permissive standards,
13 representative claims are ‘typical’ if they are reasonably coextensive with those of
14 absent class members; they need not be substantially identical.” *Parsons*, 754 F.3d at
15 685 (internal citation omitted).

16 Individual Plaintiffs’ claims are coextensive with those of the rest of the class
17 and subclass. For the Asylum Class, the named Plaintiffs and each proposed class
18 member are suffering the same injury (they were or will be unlawfully prevented
19 from seeking asylum at a POE on the U.S.-Mexico border); and the injury arises from
20 the same conduct by Defendants (the Proclamation and Asylum Shutdown Policy and
21 Defendants’ actions implementing them). Likewise, for the CBP One Subclass, the
22 CBP One Individual Plaintiffs—Maria Doe, Jessica Doe, Fernando Doe, Ali Doe,
23 Eduardo Doe, Jean Doe, and Rous Doe—and all proposed CBP One Subclass
24 members are also suffering the same injury (their CBP One appointments were
25 abruptly canceled, preventing them from seeking asylum despite their reliance on
26 Defendants’ instructions, and leaving them stranded under dangerous conditions in
27 Mexico); the injury arises from the same conduct by Defendants (their categorical
28 cancellation of all scheduled CBP One appointments); and Defendants’ actions

1 similarly violate their statutory right to seek asylum. *E.g.*, Ex. A, Maria Doe Decl.
2 ¶¶ 10–13; Ex. B, Rous Doe Decl. ¶¶ 16–21; Ex. C, Fernando Doe Decl. ¶¶ 15–20;
3 Ex. D, Jean Doe Decl. ¶¶ 13–15; Ex. E, Eduardo Doe Decl. ¶¶ 10–14; Ex. H, Ali Doe
4 Decl. ¶¶ 10–12; Ex. I, Jessica Doe Decl. ¶¶ 16–19.

5 Because “the claims of the named Plaintiffs and the claims of class members
6 are so interrelated that the interests of the class members will be fairly and adequately
7 protected in their absence,” Plaintiffs meet Rule 23(a)(3)’s typicality requirement.
8 *See Ms. L.*, 331 F.R.D. at 539 (finding that plaintiffs satisfied the typicality
9 requirement because, *inter alia*, “Plaintiffs’ claims are the same as those raised by
10 absent class members, namely the Government’s practice . . . violates their right to
11 due process [and] the injuries suffered by the named Plaintiffs are the same as those
12 suffered by members of the proposed class”) (internal quotation marks omitted).

13 **4. Individual Plaintiffs Will Fairly and Adequately Protect the**
14 **Interests of the Proposed Class and Subclass.**

15 Rule 23(a)(4) requires a showing that “the representative parties will fairly and
16 adequately protect the interests of the class.” Fed. R. Civ. P. 23(a)(4). “A
17 representative is adequate where (1) there is no conflict of interest between the
18 representative and its counsel and absent class members, and (2) the representative
19 and its counsel will pursue the action vigorously on behalf of the class.” *Arnott v.*
20 *U.S. Citizenship & Immigration Servs.*, 290 F.R.D. 579, 588 (C.D. Cal. 2012)
21 (citation omitted). “[O]nly a conflict that goes to the very subject matter of the
22 litigation will defeat a party’s claim of representative status.” 7A Mary Kay Kane,
23 *Federal Practice & Procedure* § 1768 (4th ed. 2023).

24 Federal Rule of Civil Procedure 23(g) is designed to “guide the court in
25 assessing proposed class counsel as part of the certification decision.” Fed. R. Civ. P.
26 23(g) advisory committee’s note (2003). Rule 23(g)(1)(A) provides that, in
27 appointing class counsel, a court “must consider” the following: “(1) the work
28 counsel has done in identifying or investigating potential claims in the action,

1 (2) counsel’s experience in handling class actions, other complex litigation, and the
2 types of claims asserted in the action, (3) counsel’s knowledge of the applicable law,
3 and (4) the resources that counsel will commit to representing the class.”

4 Individual Plaintiffs will fairly and adequately protect the interests of the
5 proposed Asylum Class because, as discussed, Individual Plaintiffs and proposed
6 class members have identical claims that all arise from Defendants’ same unlawful
7 conduct. Ex. A, Maria Doe Decl. ¶¶ 12–13; Ex. B, Rous Doe Decl. ¶¶ 16–17, 20–21;
8 Ex. C, Fernando Doe Decl. ¶¶ 13, 16–19; Ex. D, Jean Doe Decl. ¶¶ 14–15; Ex. E,
9 Eduardo Doe Decl. ¶¶ 11–12, 14; Ex. F, Dragon Doe Decl. ¶¶ 11–12; Ex. G, Anahi
10 Doe Decl. ¶¶ 11–124; Ex. H, Ali Doe Decl. ¶¶ 10–12; Ex. I, Jessica Doe Decl. ¶¶ 17–
11 19; Ex. J, Diana Doe Decl. ¶¶ 9–11; Ex. K, Nikolai Zolotov Decl. ¶¶ 10–13. Likewise,
12 Individual Plaintiffs Maria Doe, Jessica Doe, Fernando Doe, Ali Doe, Eduardo Doe,
13 Jean Doe, and Rous Doe will fairly and adequately protect the interests of the
14 proposed CBP One Subclass because they—like all members of the Subclass—were
15 additionally harmed by the unlawful cancellation of scheduled CBP One
16 appointments. Ex. A, Maria Doe Decl. ¶¶ 11; Ex. I, Jessica Doe Decl. ¶¶ 13–16;
17 Ex. C, Fernando Doe Decl. ¶¶ 14–15; Ex. H, Ali Doe Decl. ¶¶ 10–12, 14; Ex. E,
18 Eduardo Doe Decl. ¶¶ 9–10, 16; Ex. D, Jean Doe Decl. ¶¶ 13–14, 17; Ex. B, Rous
19 Doe Decl. ¶¶ 13–16.

20 Through this action, Individual Plaintiffs seek vacatur and declaratory and
21 injunctive relief that would allow them, and proposed class members, to access the
22 U.S. asylum process. Individual Plaintiffs will pursue this action vigorously on behalf
23 of the class. Ex. A, Maria Doe Decl. ¶ 15; Ex. B, Rous Doe Decl. ¶ 23; Ex. C,
24 Fernando Doe Decl. ¶ 22; Ex. D, Jean Doe Decl. ¶ 17; Ex. E, Eduardo Doe Decl.
25 ¶ 16; Ex. F, Dragon Doe Decl. ¶ 14; Ex. G, Anahi Doe Decl. ¶ 14; Ex. H, Ali Doe
26 Decl. ¶ 14; Ex. I, Jessica Doe Decl. ¶ 21; Ex. J, Diana Doe Decl. ¶ 13; Ex. K, Nikolai
27 Zolotov Decl. ¶ 15 (each Individual Plaintiff attesting commitment to being a class
28 representative). Individual Plaintiffs do not seek any unique or additional relief that

1 would make their interests different from those of the putative Asylum Class
2 members, and the CBP One Subclass Plaintiffs do not seek any relief that is distinct
3 from that sought for the CBP One Subclass. Accordingly, there is no conflict of
4 interest between Individual Plaintiffs and the putative class or subclass members.
5 *Ms. L.*, 331 F.R.D. at 540.

6 Collectively, Plaintiffs’ counsel in this action have extensive experience in
7 complex litigation and class actions, including prior challenges to federal
8 immigration policies and Defendants’ implementation of those policies. Declaration
9 of Eric Acker in Support of Plaintiffs’ Motion for Class Certification and Motion to
10 Proceed Pseudonymously (“Acker Decl.”) ¶¶ 4–6; Declaration of Melissa Crow
11 (“Crow Decl.”) ¶¶ 3–6, 8–9, 12–13; Declaration of Brian Netter (“Netter Decl.”)
12 ¶¶ 6–7, 10–11; Declaration of Baher Azmy (“Azmy Decl.”) ¶¶ 3–8; Declaration of
13 Michelle Lapointe (“Lapointe Decl.”) ¶¶ 4, 7–8, 10, 12. Leading up to and continuing
14 into this litigation, Plaintiffs’ counsel have spent significant time and resources
15 investigating, documenting, and analyzing the current state of asylum processing at
16 POEs along the southern border in the wake of the Proclamation, the Asylum
17 Shutdown Policy, and the CBP One Cancellation. Acker Decl. ¶ 16 Crow Decl. ¶ 14;
18 Netter Decl. ¶ 15; Azmy Decl. ¶ 10; Lapointe Decl. ¶ 13.

19 Notably, courts in this District have found many of the same counsel qualified
20 to represent classes of asylum seekers in previous actions. *AOL v. McAleenan*, 423
21 F. Supp. 3d at 872; *AOL v. Wolf*, 336 F.R.D. at 505. Class counsel also have sufficient
22 resources to litigate this matter to completion. Acker Decl. ¶ 7; Crow Decl. ¶ 14;
23 Netter Decl. ¶ 15; Azmy Decl. ¶ 10; Lapointe Decl. ¶ 13. Plaintiffs are aware of no
24 conflict of interest between Plaintiffs, proposed class members, and class counsel.
25 Acker Decl. ¶ 18; Crow Decl. ¶ 15; Netter Decl. ¶ 16; Azmy Decl. ¶ 9; Lapointe Decl.
26 ¶ 14. Together, the class action and subject matter expertise of Plaintiffs’ counsel
27 qualify them to represent the proposed class and subclass. Because “[t]here is no
28 conflict between Plaintiffs’ counsel and the members of the proposed class, and

1 counsel have demonstrated they will prosecute the case vigorously on behalf of the
2 class . . . the requirement of Rule 23(a)(4) is met.” *Ms. L.*, 331 F.R.D. at 540.

3 **B. Plaintiffs Satisfy the Requirements of Rule 23(b)(2).**

4 Class certification pursuant to Rule 23(b)(2) requires that “the party opposing
5 the class has acted or refused to act on grounds that apply generally to the class, so
6 that final injunctive relief or corresponding declaratory relief is appropriate
7 respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). “The key to the
8 [Rule 23](b)(2) class is ‘the indivisible nature of the injunctive or declaratory remedy
9 warranted—the notion that the conduct is such that it can be enjoined or declared
10 unlawful only as to all of the class members or as to none of them.’” *Wal-Mart*, 564
11 U.S. at 360 (citation omitted); *see AOL v. McAleenan*, 423 F. Supp. 3d at 872
12 (Rule 23(b)(2) applies “when a single injunctive or declaratory judgment would
13 provide relief to each member of the class” (internal citation omitted).); *Ms. L.*, 331
14 F.R.D. at 540. Thus, class certification is appropriate where the party opposing the
15 class “has acted in a consistent manner towards members of the class so that [its]
16 actions may be viewed as a part of a pattern of activity, or has established or acted
17 pursuant to a regulatory scheme common to all class members.” *Westways World*
18 *Travel, Inc. v. AMR Corp.*, 218 F.R.D. 223, 240 (C.D. Cal. 2003) (quoting Wright,
19 Miller & Kane, *Federal Practice and Civil Procedure* § 1775.). “Even if some class
20 members have not been injured by the challenged practice, a [Rule 23(b)(2)] class
21 may nevertheless be appropriate.” *Walters*, 145 F.3d at 1047.

22 The mere existence of factual differences among some class members will not
23 defeat a motion to certify a Rule 23(b)(2) class because the focus of Rule 23(b)(2) is
24 the relief sought, not the factual circumstances of each class member. *See Unknown*
25 *Parties v. Johnson*, 163 F. Supp. 3d 630, 643 (D. Ariz. 2016) (rejecting argument that
26 plaintiffs were “challeng[ing] . . . various practices amongst [multiple] facilities,”
27 because plaintiffs identified the “systemic nature of the conditions” at those detention
28 facilities) (internal quotation marks omitted); *Walters*, 145 F.3d at 1047 (“[T]he

1 government’s dogged focus on the factual differences among the class members
2 appears to demonstrate a fundamental misunderstanding of the rule.”). The relevant
3 question for purposes of Rule 23(b)(2) is “the ‘indivisible’ nature of the claim alleged
4 and the relief sought.” *Ms. L.*, 331 F.R.D. at 541 (certifying Rule 23(b)(2) class);
5 *Lyon v. U.S. Immigration & Customs Enforcement*, 308 F.R.D. 203, 214 (N.D. Cal.
6 2015) (rejecting argument that ICE facilities had different attributes, because “these
7 differences do not negate the fact that Plaintiffs seek relief that is applicable to . . .
8 the entire class”). This is because Rule 23(b)(2) “focuses on the defendant and
9 questions whether the defendant has a policy that affects everyone in the proposed
10 class in a similar fashion.” 2 William B. Rubenstein, *Newberg and Rubenstein on*
11 *Class Actions* § 4:28 (6th ed. 2023).

12 For example, in *Jane Doe I v. Nielsen*, a group of eighty-seven Iranian
13 Christians sued DHS for denying them entry into the United States. 357 F. Supp. 3d
14 972, 980–81 (N.D. Cal. 2018). Those plaintiffs argued that the government’s
15 “uniform response” to their applications to enter the United States was “sufficient to
16 satisfy Rule 23(b)(2).” *Id.* at 992. The court reasoned that, in the face of the
17 government’s apparent uniform action, the “declaratory and injunctive relief sought
18 [would] appl[y] equally to all members of the proposed class and thus conform[ed]
19 to Rule 23(b)(2).” *Id.*

20 Similarly, in *AOL v. Wolf*, the Court held that Rule 23(b)(2)’s requirements
21 were “plainly met,” because, *inter alia*, “Plaintiffs allege that CBP officers refused
22 to process asylum-seekers, an act which they claim is unlawful regardless of the
23 grounds for the refusal.” 336 F.R.D. at 506. The court concluded, “[t]he officers’
24 refusal to process asylum-seekers, therefore, is the generally applicable ground for
25 class-wide relief under Rule 23(b)(2).” *Id.* The Rule 23(b)(2) basis for class
26 certification here is equally strong; all of the Asylum Class members were or will be
27 denied access to POEs to seek asylum by Defendants, and Defendants canceled all
28 the CBP One Subclass members’ scheduled CBP One appointments on January 20,

1 2025.¹⁵

2 The relief that Individual Plaintiffs seek is applicable to and indivisible from
3 that sought by the proposed Asylum Class. Plaintiffs ask the Court to declare the
4 Proclamation and the Asylum Shutdown Policy unlawful, vacate the Asylum
5 Shutdown Policy, and enjoin Defendants from enforcing both. A single ruling
6 granting this relief would necessarily provide relief to *all* Individual Plaintiffs and
7 putative Asylum Class members, who have been and continue to be, or will be
8 deprived of access to the U.S. asylum process as a result of Defendants’ unlawful
9 actions. Likewise, the CBP One Subclass Plaintiffs ask the Court to set aside the CBP
10 One Cancellation and restore subclass members’ access to the U.S. asylum process.
11 A single ruling granting this relief would necessarily provide relief to *all* Individual
12 Plaintiffs seeking to represent the CBP One Subclass and all Subclass members, who
13 obtained CBP One appointments in reliance on Defendants’ representations but were
14 prevented from presenting themselves at POEs after Defendants canceled their
15 appointments. Because Defendants’ conduct is “applicable to [the Class and
16 Subclass] generally, rendering injunctive and declaratory relief appropriate to the
17 class as a whole,” the requirements of Rule 23(b)(2) are satisfied. *Ms. L.*, 331 F.R.D.
18 at 541.

19 **IV. CONCLUSION**

20 For the foregoing reasons, Plaintiffs respectfully request that the Court:

21 (i) certify the Asylum Class and CBP One Subclass, defined as follows:

22 **Asylum Class.** All noncitizens who, on or after January 20, 2025, have
23 sought or will seek to present themselves at a Class A POE on the
24 U.S.-Mexico border to seek asylum; who were or will be prevented from
25 accessing the U.S. asylum process by or at the direction of Defendants
based on the Proclamation or the Asylum Shutdown Policy; who
continue to seek access to the U.S. asylum process; and who are not

26 ¹⁵ As another court in this District previously found, ascertainability is
27 not a requirement for certification of a Rule 23(b)(2) class. *See AOL v. McAleenan*,
28 423 F. Supp. 3d at 872–73 (collecting cases).

1 physically present in the United States.

2 **CBP Subclass.** All noncitizens who received appointments through the
3 CBP One app to present themselves at a Class A POE on the
4 U.S.-Mexico border; whose appointments were canceled by Defendants
5 on January 20, 2025; who continue to seek access to the U.S. asylum
6 process; and who are not physically present in the United States.

7 (ii) appoint all Individual Plaintiffs as representatives of the Asylum Class;

8 (iii) appoint the CBP One Individual Plaintiffs as representatives of the CBP

9 One Subclass; and

10 (iv) appoint Plaintiffs' counsel as Class Counsel.

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Dated: June 25, 2025

Respectfully Submitted,

MORRISON & FOERSTER LLP

s/ Eric M. Acker

Attorney for Plaintiffs

Email: eacker@mofo.com

Eric M. Acker

Krista S. deBoer

Robert W. Manoso

CENTER FOR GENDER AND
REFUGEE STUDIES

Melissa Crow

Blaine Bookey

Robert Pauw

Peter Habib

CENTER FOR CONSTITUTIONAL
RIGHTS

Baher Azmy*

Angelo Guisado*

Adina Marx-Arpadi

AMERICAN IMMIGRATION
COUNCIL

Michelle Lapointe

Rebecca Cassler

Suchita Mathur

DEMOCRACY FORWARD
FOUNDATION

Brian Netter

Sarah M. Rich

Adnan Perwez

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
666 Broadway, 7th Floor
12 New York, NY 10012
Telephone: 212.614.6464
13 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

14
15 *Additional Attorneys for Plaintiffs Listed*
16 *on Next Page*

* *pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF ERIC M.
ACKER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

Hon. Ruth Bermudez Montenegro
Hearing Date: July 28, 2025
Courtroom: 5B

**NO ORAL ARGUMENT UNLESS
ORDERED BY THE COURT**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
(DC Bar No. 426323)
3 *rmanoso@mofo.com*
2100 L Street, NW, Suite 900
4 Washington, DC 20037
Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
Rebecca Cassler (DC Bar No. 90017398)
7 *rcassler@immcouncil.org*
Suchita Mathur (DC Bar No. 90013156)
8 *smathur@immcouncil.org*
PMB2026
9 2001 L Street, NW, Suite 500
Washington, DC 20036
10 Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
Angelo Guisado* (NY Bar No. 5182688)
13 *aguisado@ccrjustice.org*
Adina Marx-Arpadi
14 (NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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DECLARATION OF ERIC M. ACKER

1
2 1. I am Senior Counsel with the law firm of Morrison & Foerster LLP and
3 am co-lead counsel for the Plaintiffs in this case. I am a member of the California
4 and District of Columbia Bars.

5 2. I submit this Declaration in support of Plaintiffs’ Motion for Class
6 Certification and Motion to Proceed Pseudonymously, and to specifically address the
7 adequacy of class representation by Morrison Foerster and Co-counsel appearing in
8 this litigation.

9 3. I received my law degree from the University of Michigan Law School
10 in 1988. Following law school, I clerked for the Honorable D. Lowell Jensen in the
11 United States District Court for the Northern District of California.

12 4. I have practiced in the United States District Court for the Southern
13 District of California since 1994. Prior to joining Morrison Foerster, I spent 10 years
14 as a federal prosecutor in the U.S. Attorney’s Offices for the District of Columbia
15 and the Southern District of California. I have been in civil practice at Morrison
16 Forester for the past 26 years. I am a member of the Intellectual Property Practice
17 Group and have extensive experience litigating and trying cases in federal and state
18 court and the Superior Court for the District of Columbia. Over my career, I have
19 tried over 50 jury trials to verdict and tried over 10 bench trials and arbitrations to
20 decision. In 2018, based on my trial work, I was admitted to the American College
21 of Trial Lawyers.

22 5. Some of the matters representative of my relevant experience include:

- 23
- 24 • Counsel in a patent litigation for San Diego-based Scantibodies Clinical
25 Laboratory in a two-week bench trial and three-week jury trial in the
26 Southern District of California. *Nichols Institute v. Scantibodies Clinic*,
27 No. 3:02-cv-00046 (S.D. Cal.);
 - 28 • Counsel in a copyright and contract litigation for Novell in a three-week
jury trial in the District of Utah. *SCO Grp v. Novell Inc.*, No. 2:04-cv-
00139 (D. Utah);

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- Counsel in a patent litigation for Nikon Metrology in a two-week jury trial in the District of Massachusetts. *Metris USA, Inc. v. Faro Techs., Inc.*, No. 1:08-cv-11187 (D. Mass.);
- Counsel for Bridge Medical in a patent trial in the Eastern District of California. *McKesson Information v. Bridge Medical*, No. 2:02-cv-02669 (E.D. Cal.);
- Counsel for the manufacturer of a generic version of Copaxone in a three-week trial. *Teva v. Sandoz*, No. 1:08:07611 (S.D.N.Y.);
- Counsel for the manufacturer of a generic version of the glaucoma treatment Lumigan.01 in a week-long trial. *Allergen v. Sandoz*, No. 6:11-cv-00441 (E.D. Tex.);
- Counsel for the manufacturer of a generic injectable oncology drug in a five-day trial. *Spectrum Pharmaceuticals, Inc. v. Sandoz Inc.*, No. 2:12-cv-00111 (D. Nev.);
- Counsel for the manufacturer of a generic version of the ICU sedative Precedex in a trial. *Hospira, Inc. v. Sandoz Int'l*, No. 3:09-cv-04591 (D.N.J.);
- Counsel for Chugai in patent litigation in the District of Delaware, in which our team obtained a \$775 million settlement hours before jury selection. *Chugai Pharmaceuticals Co. v. Alexion Pharmaceuticals, Inc.*, No. 1:18-cv-01802 (D. Del.); and
- Lead prosecutor for over 47 criminal jury trials in the District Court and Superior Court for the District of Columbia and the District Court for the Southern District of California between 1989 and 1994.

6. I have been trial counsel in complex cases in the following district courts: Southern District of California; Central District of California; Northern District of California; Eastern District of California; District of Nevada; Southern District of New York; District of Utah; Eastern District of Texas; District of New Jersey; District of Delaware; and District of Massachusetts.

7. Morrison & Foerster LLP is an international law firm with 18 offices

1 located throughout the United States, Asia, and Europe. In addition to its broad class
2 action experience in the context of commercial litigation, Morrison Foerster has
3 extensive experience as class co-counsel in a wide variety of public interest and civil
4 rights litigation and has an active docket of both affirmative and defensive asylum
5 cases.

6 8. The firm dedicates extraordinary resources to vindicating civil and
7 constitutional rights of individuals on a pro bono basis. This includes representing a
8 class in *Doe, et al., v. Johnson, et al.*, 4:15-cv-00250-DCB (D. Ariz. 2015), where
9 plaintiffs sought and were awarded a permanent injunction requiring U.S. Customs
10 and Border Protections (CBP) to provide for detainees' basic human needs while in
11 CBP facilities, which was upheld by the Ninth Circuit on appeal.

12 9. Morrison Foerster also served as class counsel in, among other cases,
13 *Duchitanga v. Lloyd*, No. 18-cv-10332 (S.D.N.Y. settlement approved July 28, 2022)
14 (class action challenge to fingerprinting policies that delayed release of
15 unaccompanied migrant children from government custody); *Ah Chong v.*
16 *McManaman*, No. 13-cv-663 (D. Haw. settlement approved May 5, 2018) (class
17 challenge to inadequacy of foster care payments in Hawaii); *Hart v. Berryhill*, No.
18 15-cv-623 (N.D. Cal. settlement approved March 16, 2017) (class action seeking
19 reopening of disability benefits applications that were summarily denied due to fraud
20 by evaluating doctor); and *Peoples v. Annucci*, No. 11-cv-2694 (S.D.N.Y. settlement
21 approved March 31, 2016) (class action challenge to overuse of solitary confinement
22 in New York State prisons).

23 10. Morrison Foerster has an active docket of both affirmative and defensive
24 asylum cases. The firm recently successfully represented a large group of Afghan
25 parolees in securing asylum.

26 11. At any time, a significant part of our pro bono practice also includes
27 representing and advocating for clients seeking other forms of humanitarian
28

1 immigration relief, including U visas, T visas, VAWA self-petitions, and Special
2 Immigrant Juvenile Status.

3 12. Underscoring the firm's commitment to immigration- and asylum-
4 related advocacy, the firm recently created and filled a new position, Pro Bono
5 Immigration Counsel.

6 13. The attorneys of Morrison Foerster are committed to the vigorous,
7 effective, and efficient prosecution of the interests of the Class. In addition to myself,
8 at least seven other attorneys from Morrison Foerster will contribute to the firm's
9 representation of the Class in this matter, including Krista deBoer and Rob Manoso.

10 14. Krista deBoer is a partner in the Complex Litigation and Advisement
11 Practice Group. Ms. deBoer received her law degree from Harvard Law School in
12 2012. She is admitted to practice in California and in this U.S. District Court. She
13 has considerable experience litigating class action lawsuits in federal and state court,
14 and in advocating for clients' rights in the context of government agency action. She
15 has dedicated more than 300 pro bono hours in the past year to immigrant rights
16 matters.

17 15. Rob Manoso is a partner in the Global Antitrust Law Practice Group.
18 Mr. Manoso received his law degree from the University of Virginia School of Law
19 in 2012 and is admitted to practice in the District of Columbia and North Carolina.
20 He has considerable experience litigating significant class action lawsuits in federal
21 court. In addition, he has experience advocating for clients' rights in the context of
22 government agency action, including immigration matters.

23 16. Morrison Foerster has dedicated and will continue to commit substantial
24 resources to the representation of the Class on a pro bono basis. We have been heavily
25 involved in the investigation and preparation of this matter for several months.
26 Additionally, Morrison Foerster has sufficient resources to vigorously prosecute the
27 case to completion.

28

1 17. Neither Morrison Foerster nor any of the firm's attorneys or staff are
2 receiving reimbursement from any individual plaintiff or class member in this case.

3 18. I am aware of no conflicts of interest between myself, Morrison
4 Foerster, Individual Plaintiffs, and any members of the class.

5 19. Plaintiffs' counsel have agreed to act jointly as class counsel, should the
6 Court so appoint them.

7 **Exhibits**

8 20. Attached hereto as Exhibit A is a true and accurate copy of the
9 declaration of Maria Doe.

10 21. Attached hereto as Exhibit B is a true and accurate copy of the
11 declaration of Rous Doe.

12 22. Attached hereto as Exhibit C is a true and accurate copy of the
13 declaration of Fernando Doe.

14 23. Attached hereto as Exhibit D is a true and accurate copy of the
15 declaration of Jean Doe.

16 24. Attached hereto as Exhibit E is a true and accurate copy of the
17 declaration of Eduardo Doe.

18 25. Attached hereto as Exhibit F is a true and accurate copy of the
19 declaration of Dragon Doe.

20 26. Attached hereto as Exhibit G is a true and accurate copy of the
21 declaration of Anahi Doe.

22 27. Attached hereto as Exhibit H is a true and accurate copy of the
23 declaration of Ali Doe.

24 28. Attached hereto as Exhibit I is a true and accurate copy of the declaration
25 of Jessica Doe.

26 29. Attached hereto as Exhibit J is a true and accurate copy of the
27 declaration of Diana Doe.
28

1 30. Attached hereto as Exhibit K is a true and accurate copy of the
2 declaration of Nikolai Zolotov.

3 31. Attached hereto as Exhibit L is a true and accurate copy of the
4 declaration of Laura St. John (“FIRRP Decl.”).

5 32. Attached hereto as Exhibit M is a true and accurate copy of the
6 declaration of Jennifer Babaie (“Las Americas Decl.”).

7 33. Attached hereto as Exhibit N is a true and accurate copy of the
8 Proclamation No. 10888, 90 Fed. Reg. 8333.

9 34. Attached hereto as Exhibit O is a true and accurate copy of the
10 declaration of José Alberto Argüelles Aviles (“AAMX Decl.”).

11 35. Attached hereto as Exhibit P is a true and accurate copy of the
12 declaration of Sophia Genovese (“NMILC Decl.”).

13 36. Attached hereto as Exhibit Q is a true and accurate copy of the
14 declaration of Nicole Elizabeth Ramos (“AOL Decl.”).

15 37. Attached hereto as Exhibit R is a true and accurate copy of a report by
16 Human Rights First titled “Trapped, Preyed Upon, and Punished. One Year of the
17 Biden Administration Asylum Ban.”

18 38. Attached hereto as Exhibit S is a true and accurate copy of the U.S.
19 Department of State’s Mexico Travel Advisory.

20 39. Attached hereto as Exhibit T is a true and accurate copy of a report by
21 the Hope Border Institute/Jesuit Refugee Service Mexico titled “‘I am physically
22 exhausted’: Migration policies and health at the US-Mexico border.”

23 40. Attached hereto as Exhibit U is a true and accurate copy of the
24 declaration of Guerline Jozef (“HBA Decl.”).

25 41. Attached hereto as Exhibit V is a true and accurate copy of the
26 declaration of Tracy Horan (“KBI Decl.”).

27 42. An Index of Exhibits follows the signature page of this declaration.
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I, Eric M. Acker, declare under penalty of perjury, under 28 U.S.C. § 1746 and the laws of the United States of America, that the foregoing Declaration is true and correct.

Executed this 25th day of June 2025, in San Diego, California.

s/ Eric M. Acker

Eric M. Acker
Counsel for Plaintiffs and the Putative Class

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PLAINTIFFS’ INDEX OF EXHIBITS

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EXHIBIT A

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF MARIA
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
3 (DC Bar No. 426323)
4 *rmanoso@mof.com*
5 2100 L Street, NW, Suite 900
6 Washington, DC 20037
7 Telephone: 202.887.1555
8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
8 *rcassler@immcouncil.org*
9 Suchita Mathur (DC Bar No. 90013156)
10 *smathur@immcouncil.org*
11 PMB2026
12 2001 L Street, NW, Suite 500
13 Washington, DC 20036
14 Telephone: 202.507.7523
15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
14 *aguisado@ccrjustice.org*
15 Adina Marx-Arpadi
16 (NY Bar No 6019335)
17 *amarxarpadi@ccrjustice.org*
18 666 Broadway, 7th Floor
19 New York, NY 10012
20 Telephone: 212.614.6464
21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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DECLARATION OF MARIA DOE

I, Maria Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Mexico.

3. I am 53 years old.

4. I finished secondary school and, in addition to being a homemaker, worked in a factory making clothes.

5. Mexican police murdered my first husband in 2019 and disappeared our younger son in 2021 when he was 24 years old. My second husband has three children from a previous relationship, who are 13, 9, and 7 years old.

6. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

7. In late 2019, Mexican police associated with the *Cártel de Jalisco Nueva Generación* physically assaulted me, my first husband, and our younger son in our home in Cuitzeo, Michoacán. They took my husband away, and his body was found the next day on the side of the road. I have participated in the criminal case against the assailants, which has put in jail several high-ranking members of the police and other government officials working with the cartel.

8. The cartel has pursued me relentlessly for retaliation, sending constant threats and harming others around me, telling me I'm next. In 2020, they murdered a friend of my son's with whom I was very close. Then, in 2021, they disappeared my son as well as his wife and their 2-year-old daughter, my granddaughter. To this day, I do not have any information about their whereabouts. I know participating in the case against my assailants puts us in danger, but I want to see justice done for my husband and other family and to try to stop anyone else from having to go through

1 the horrors I have experienced.

2 9. Because of the cartel's threats, I have had to live in hiding in various
3 locations in Mexico. Sometimes I have had to escape in such a hurry, I didn't even
4 have time to put on shoes. The cartel has kidnapped me multiple times, trying to get
5 me to recant our testimony. Most recently, in February 2024, the cartel kidnapped
6 me and my second husband. They separated us and badly beat my husband. He has
7 schizophrenia, and this incident exacerbated his symptoms. We knew we had to flee
8 immediately to save our lives.

9 10. My new husband and I arrived in Tijuana in August 2024. We are living
10 in hiding in a shelter because we were coming under increasing threats and the
11 government cannot protect us.

12 11. Someone at the shelter in Tijuana helped us register for the CBP One
13 app. After many months of trying, three weeks in advance, we received an
14 appointment to present at the San Ysidro port of entry on February 9, 2025. After the
15 Trump administration came in, our appointment was canceled. We have never gone
16 to the port of entry to ask for asylum because we are afraid we would be seen or that
17 Mexican officials would send us back to Michoacán.

18 12. Cancellation of the CBP One app has worsened my physical and mental
19 health and we live in constant fear. We recently heard a rumor that the cartel has put
20 out a reward of 7 million pesos for information about our whereabouts. We have
21 changed our numbers and do not make contact with any family or friends. It is
22 especially hard for my husband who cannot speak with his children.

23 13. We rarely leave the shelter, but recently I had to go to the hospital to
24 have gallbladder surgery. The doctor told me that my condition was caused by stress,
25 in addition to the brutal beatings I suffered at the hands of the cartel.

26 14. I would like to participate in this lawsuit, but I fear for my life in Mexico.
27 Because of that, I ask for the ability to proceed under a pseudonym. If my identity
28 were discovered, I fear that the cartel will find me and kill me and my husband.

1 15. I understand that, as a class representative, I represent the best interests
2 of everyone in the class and the CBP One subclass, and not my own personal
3 interests. I understand I need to stay informed and involved in what is happening with
4 the case and stay in touch with my attorney to give them information they need. I am
5 committed to being a class representative because I do not want other people who,
6 like myself, are seeking protection at a U.S. port of entry to be harmed by the U.S.
7 government's actions in the way that I have been harmed.

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I, [REDACTED], am the individual referred to as
Maria in the attached declaration.

I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

Executed on April 28, 2025 at [REDACTED], Mexico.

[REDACTED]

CERTIFICATION

I, Blaine Bookoy, declare that I am fluent in the English and Spanish languages.

On April 28th, 2025, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 28, 2025 at [REDACTED], Mexico.



4-28-2025
_____ Date

EXHIBIT B

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

* *pro hac vice forthcoming*

18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF ROUS
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
3 (DC Bar No. 426323)
4 *rmanoso@mof.com*
5 2100 L Street, NW, Suite 900
6 Washington, DC 20037
7 Telephone: 202.887.1555
8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
8 *rcassler@immcouncil.org*
9 Suchita Mathur (DC Bar No. 90013156)
10 *smathur@immcouncil.org*
11 PMB2026
12 2001 L Street, NW, Suite 500
13 Washington, DC 20036
14 Telephone: 202.507.7523
15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
14 *aguisado@ccrjustice.org*
15 Adina Marx-Arpadi
16 (NY Bar No 6019335)
17 *amarxarpadi@ccrjustice.org*
18 666 Broadway, 7th Floor
19 New York, NY 10012
20 Telephone: 212.614.6464
21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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DECLARATION OF ROUS DOE

I, Rous Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Venezuela.

3. I am 41 years old.

4. In Venezuela, I finished high school and completed two semesters of university with a concentration in Human Resources. I was forced to abandon my studies at university because I was subject to harassment and discrimination due to my sexual orientation and gender identity by police officers and military at checkpoints located on my way to the university. I subsequently took numerous professional esthetician courses and trainings and have worked as a stylist since I was 21 years old.

5. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

6. I fled my home country to escape extreme, ongoing persecution by Venezuelan authorities and civilians due to my sexual orientation and gender identity.

7. I have experienced near daily abuse since childhood based on my gender identity or perceived sexual orientation. In Venezuela, I was verbally abused, beaten, stopped and harassed by the police and National Guard countless times, and threatened because I presented as an effeminate gay man. When I tried to file complaints with the police or National Guard, they laughed and refused to help me. They even threatened to detain me so that I would be raped in jail.

8. In 2019, I was singled out by the National Guard at a checkpoint where, after letting all of the other men go, one of the officers called me “faggot” and

1 destroyed my passport with scissors. I was afraid to leave my house for fear that the
2 authorities would subject me to additional harm, so I fled to Colombia.

3 9. It was around this time that I began to dress and present myself as a
4 woman rather than an effeminate gay man. Unfortunately, I still faced discrimination
5 in Colombia, including being denied work, because of my gender identity. I never
6 received permanent status in Colombia. I did not know there was an option to apply
7 for asylum and I did not feel safe there.

8 10. In late February 2024, I had to return to the Venezuelan border to obtain
9 a new passport so I could try to go to another country where I would be safer. I stayed
10 there only for as long as was necessary to get my documents—about two weeks—
11 and remained in hiding in my aunt’s house. I left Venezuela the day after receiving
12 my identity documents, on March 14, 2024.

13 11. I returned to Colombia for about another six months, but it was not safe
14 and I could not sustain myself due to anti-LGBT discrimination. I had heard that the
15 United States was much safer so I decided to go to Mexico to try to get a CBP One
16 appointment so I could seek asylum in the United States. To get to Mexico, I had to
17 pass through the Darien Gap, which was so dangerous that I can only compare it to a
18 horror movie. Not everyone who entered the Darien with me made it out alive.

19 12. I entered Mexico on November 1, 2024, and registered for CBP One
20 soon afterward. I barely had any money to eat, but I had to buy a new phone and
21 phone chip so that the CBP One app would function. Starting around November 15,
22 2025, I made a daily attempt to secure an appointment.

23 13. On January 4, 2025, I received notification that I had been granted a
24 CBP One appointment for January 23, 2025, at the Nogales port of entry.

25 14. On January 17, 2025, I left Tapachula to travel by bus to my CBP One
26 appointment. On January 19, 2025, the bus stopped in Durango at an immigration
27 check point. Two individuals appearing to be immigration officers came onto the bus
28 and asked everyone for their documents. The officers took our passports and CBP

1 One documents and ordered us off the bus to verify our CBP One appointments.
2 Instead, the officers ordered us into a police van, took our phones and passwords, and
3 kidnapped us. The police van, guided by someone over the radio, drove for some
4 distance, hid near the side of the road behind some trees, and transferred us to another
5 unmarked van. The kidnappers ziptied the hands of the men, and then drove us even
6 further to a warehouse, where a group of migrants was already being held.

7 15. The kidnappers asked us questions and then went through our phones to
8 see if we had told the truth. They started beating the people who had lied. Only five
9 of us had told the truth, and we were put into another van and taken to another
10 warehouse where I was locked in a small room with four other women and five
11 children.

12 16. During the time I was being held, I could hear the kidnappers beating
13 people held in other rooms. The sounds of beatings and screaming were terrifying.
14 At some point, another woman was put in our room; she told us that all CBP One
15 appointments had been cancelled. I felt devastated that my only option for hope was
16 gone, but I didn't have time to think about it because I needed to escape.

17 17. The kidnappers extorted us and finally released me after about seven
18 weeks. They put me on a bus to Chihuahua.

19 18. After staying in the bus terminal for a night, I found an INM agent who
20 told me I could purchase a ticket to travel elsewhere in Mexico but I was not allowed
21 to head north to the U.S.-Mexico border. The agent said I should fly because it wasn't
22 safe to take a bus. I already knew this all too well.

23 19. I was extremely traumatized and did not want to be in Mexico, but I
24 could not go back to Venezuela either. After hearing about a LGBTQ+ organization
25 and shelter in Mexico City, I contacted them. Thankfully they were able to buy me a
26 plane ticket to come stay temporarily in their shelter in Mexico City. I stayed at the
27 shelter until mid-May when I had to leave.

28 20. I do not want to stay in Mexico because I am afraid of being kidnapped

1 again or suffering more violence for being a trans woman. There are many LGBTQ+
2 refugees who come to the shelter where I was living after having suffered terrible
3 violence in Mexico. I frequently read news stories about violent hate crimes
4 committed against trans women in Mexico. Many are brutally murdered due to hate
5 and discrimination here.

6 21. As a trans woman in Mexico, I have found it almost impossible to get a
7 job, even though I have twenty years of experience as a stylist. I have been able to
8 find some work, but because I do not have status in Mexico, I earn about half of what
9 a Mexican person earns in the same job. I am not sure how I will survive on my own
10 in Mexico since having to leave the shelter.

11 22. I would like to participate in this lawsuit, but I fear for my life in
12 Venezuela. Because of that, I ask for the ability to proceed under a pseudonym. If my
13 identity were discovered, I fear that harm that could come to me or my family in
14 Venezuela if my location became known or if it became known that I am participating
15 in a lawsuit against the U.S. government.

16 23. I understand that, as a class representative, I represent the best interests
17 of everyone in the class and the CBP One subclass, and not my own personal
18 interests. I understand I need to stay informed and involved in what is happening with
19 the case and stay in touch with my attorney to give them information they need. I am
20 committed to being a class representative because I do not want other people who,
21 like myself, are seeking protection at a U.S. port of entry to be harmed by the U.S.
22 government's actions in the way that I have been harmed.

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I, [REDACTED],

am the individual referred to as

Roys

in the attached declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 3, 2025 at

[REDACTED]

Mexico.

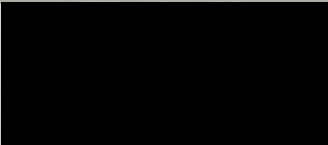
[REDACTED]

CERTIFICATION

I, Erika D. Pinheiro, declare that I am fluent in the English and Spanish languages.

On May 14, 2025, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 2, 2025 at , Mexico.

Erika Pinheiro

June 2, 2025

Date

EXHIBIT C

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM
**DECLARATION OF FERNANDO
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
3 (DC Bar No. 426323)
4 *rmanoso@mof.com*
5 2100 L Street, NW, Suite 900
6 Washington, DC 20037
7 Telephone: 202.887.1555
8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
8 *rcassler@immcouncil.org*
9 Suchita Mathur (DC Bar No. 90013156)
10 *smathur@immcouncil.org*
11 PMB2026
12 2001 L Street, NW, Suite 500
13 Washington, DC 20036
14 Telephone: 202.507.7523
15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
14 *aguisado@ccrjustice.org*
15 Adina Marx-Arpadi
16 (NY Bar No 6019335)
17 *amarxarpadi@ccrjustice.org*
18 666 Broadway, 7th Floor
19 New York, NY 10012
20 Telephone: 212.614.6464
21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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DECLARATION OF FERNANDO DOE

I, Fernando Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Venezuela.

3. I am 50 years old.

4. I am a political activist, leader, and organizer for the political party *Voluntad Popular*, which opposes the ruling Maduro regime.

5. I have a wife and two daughters. My younger daughter, who is 17 years old, lives with my wife in Venezuela. My older daughter, who is 26 years old, is now living in the United States in Florida.

6. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities. I have, however, been arrested and briefly detained as a tactic of political intimidation in Venezuela. I was never charged with any offense.

7. I fled Venezuela around March 20, 2024 due to the government crackdown against fellow leaders in my political party. After we successfully mobilized large peaceful protests in the streets, multiple friends of mine from *Voluntad Popular* were detained without charge. Some have yet to be released. I have a large presence on social media and appeared side-by-side with several of them just before they were imprisoned.

8. I have endured many verbal and physical attacks by government agents and plainclothes vigilantes in the past due to my political activism against the government. I have fled many times to other parts of Venezuela because of this. This time, however, the repression was so extreme that my brother, also a member of *Voluntad Popular*, and I had to flee the country completely. I feared that the

1 government would target us in the same way as my friends.

2 9. I am afraid to return to Venezuela because I would be either imprisoned
3 indefinitely or disappeared by the Maduro regime.

4 10. The journey to Mexico was arduous. My brother and I traveled through
5 Colombia, the Darién Gap, Panama, Costa Rica, Nicaragua, and Guatemala before
6 reaching Mexico. We only stayed in these places as long as necessary to continue on
7 our journey. We were attacked and extorted repeatedly en route. We were extorted
8 by police in Panama and were extorted by bus drivers and others at least eight times
9 in Guatemala. I witnessed young mothers with babies in their arms being thrown
10 from buses into the street because they could not afford what was demanded.

11 11. We arrived in the Mexican state of Chiapas around April 5, 2024. My
12 brother and I stayed in Tapachula for approximately 10 days. We remained in hiding
13 during this time to avoid the routine abductions of Venezuelans that were occurring
14 in Tapachula.

15 12. My brother and I traveled north primarily on foot and sometimes by
16 bicycle to get to Mexico City, where we could register on the U.S. CBP One
17 application. We took backroads that ran along the coastline, so the journey was long.
18 While en route, we encountered many extreme dangers, including cartel patrols. We
19 were extorted several times in Mexico and were also kidnapped and held for two days
20 and one night by the *Zetas* cartel. I was beaten incessantly while they held us, which
21 resulted in damage to my internal organs that required emergency surgery a short
22 time later to save my life.

23 13. After making it to Mexico City on about May 31, 2024, I attempted to
24 secure an appointment on CBP One every day. I never missed a single day for seven
25 months.

26 14. On January 6, 2025, I finally secured an appointment. My appointment
27 was scheduled for January 25, 2025, in Nogales. On January 19, 2025, my brother
28 and I flew from Mexico City to Hermosillo. On January 20, 2025, we took a taxi

1 from Hermosillo to Nogales. The flight tickets cost approximately 1,900 pesos each,
2 and the taxi was approximately 2,000 pesos.

3 15. While we were driving on the road from Hermosillo to Nogales, I
4 received the notification that my appointment had been cancelled. I arrived in
5 Nogales having spent all the money I ever had on extortions, to pay for our release
6 from kidnappers, and on flight and taxi tickets to reach Nogales.

7 16. Mexico is not safe for me. The risk of kidnapping and violence is
8 extremely high, as I have experienced personally. Additionally, criminals have
9 targeted me in Nogales. I was approached by masked men who showed me photos of
10 them posing with dead bodies in the very place we were standing. I have reason to
11 fear they are linked with certain narco-trafficking syndicates tied to the Maduro
12 regime, which I have publicly denounced in the past. Because of these risks, I cannot
13 continue my advocacy against the Venezuelan regime from Mexico. I have been
14 effectively silenced here.

15 17. It never occurred to me to attempt to present at a U.S. port of entry to
16 request asylum. It was clear to me that the United States asked asylum seekers to use
17 the CBP One application to seek asylum, so that is what I did. I endured much pain
18 while waiting to secure an appointment, but I understood it was my only option to
19 seek asylum in the only country in the region that could keep me safe. I had faith in
20 the CBP One app because that is what the government told asylum seekers to use.

21 18. Since my CBP One appointment was cancelled, I have fallen into
22 depression. I can barely afford food and shared rent. I had never heard of the 30-day
23 deadline to apply for asylum in Mexico, but it does not matter because I do not want
24 asylum in Mexico. I cannot hope for security in a place where I am not safe at all.

25 19. Following the severe beating my captors inflicted in southern Mexico, I
26 was experiencing increasingly severe pain in my abdominal region. It culminated
27 shortly after arriving in Nogales when I simply could not endure the pain any longer.
28 I was rushed to the hospital and required emergency surgery to survive. I almost died

1 in the hospital.

2 20. I cannot go to the United States. I fear for my safety in Mexico and have
3 no protection. And I cannot go back to Venezuela, where I will be disappeared or
4 worse.

5 21. I would like to participate in this lawsuit, but I fear for my life in
6 Venezuela. Because of that, I ask for the ability to proceed under a pseudonym. If my
7 identity were discovered, I fear that my life would be in danger, and that my wife and
8 daughter would suffer harm in Venezuela.

9 22. I understand that, as a class representative, I represent the best interests
10 of everyone in the class and the CBP One subclass, and not my own personal
11 interests. I understand I need to stay informed and involved in what is happening with
12 the case and stay in touch with my attorney to give them information they need. I am
13 committed to being a class representative because I do not want other people who,
14 like myself, are seeking protection at a U.S. port of entry to be harmed by the U.S.
15 government's actions in the way that I have been harmed.

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I, [REDACTED], am
the individual referred to as Fernando in the attached
declaration.

I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

Executed on 31 de mayo de 2025 at
[REDACTED], Mexico.

[REDACTED]

CERTIFICATION

I, Tatiana White declare that I am fluent in the English and Spanish languages.

On, May 21, 2025, I spoke with the declarant over the phone and read the foregoing declaration and orally translated it faithfully and accurately into Spanish. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 3, 2025, at San Francisco, United States



Tatiana White

06/03/2025

Date

EXHIBIT D

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF JEAN
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
3 (DC Bar No. 426323)
4 *rmanosom@mofo.com*
5 2100 L Street, NW, Suite 900
6 Washington, DC 20037
7 Telephone: 202.887.1555
8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
8 *rcassler@immcouncil.org*
9 Suchita Mathur (DC Bar No. 90013156)
10 *smathur@immcouncil.org*
11 PMB2026
12 2001 L Street, NW, Suite 500
13 Washington, DC 20036
14 Telephone: 202.507.7523
15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
14 *aguisado@ccrjustice.org*
15 Adina Marx-Arpadi
16 (NY Bar No 6019335)
17 *amarxarpadi@ccrjustice.org*
18 666 Broadway, 7th Floor
19 New York, NY 10012
20 Telephone: 212.614.6464
21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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DECLARATION OF JEAN DOE

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I, Jean Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Haiti.

3. I am 35 years old.

4. I am married, and my wife and I have two children. Our son is 6 and our daughter is 2.

5. I nearly completed my basic studies; I had one year left to finish high school. I cultivated our land in Haiti; we grew crops and took care of livestock.

6. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

7. I fled Haiti around October 19, 2017, because individuals who are now members of the notorious gang Viv Ansanm killed my father in Léogâne, where our family owns land, and then they threatened me with the same fate. I escaped to Chile, where my wife joined me a few months later. Our children were born in Chile.

8. I am very afraid to return to Haiti because the people that killed my father are part of a notorious gang that is even more powerful and lethal now. I believe the same thing that happened to my father will happen to me too. My father's land would pass to me and my siblings as his children. Of my siblings, I am the most vulnerable because I was present when they attacked my father and reported it to the police.

9. I stayed in Chile for about six years. I had temporary permission to live and work there. I applied for residency, but my application was denied. I never felt safe there because Chile is a very racist country. My wife and I ultimately left after an incident that arose in the context of my work as a security guard. My superior

1 asked me to lie to our head boss to cover up a theft by an organized crime group at a
2 work site, in which I think my superior was implicated. But I told the truth, and now
3 I think my life is in danger there.

4 10. We traveled through many countries on our way to Mexico, including
5 through the jungle with our children. We did not apply for or obtain legal status in
6 any of these countries. We suffered greatly on this trip. In Guatemala, some armed
7 men stopped us when we were crossing a river and demanded a bribe. I only had \$7
8 in my pocket and one of them beat me up.

9 11. We arrived in Mexico City and registered on the CBP One app around
10 November 15, 2023. We tried every day to get a CBP One appointment.

11 12. I went to a Mexican immigration office (called COMAR) in Mexico
12 City to see about applying for asylum in Mexico. But a Mexican official told me that
13 if I was trying to make an appointment on CBP One to go to the United States, I could
14 not apply for asylum in Mexico.

15 13. On January 1, 2025 we finally received a CBP One appointment to
16 present at the Nogales port of entry on January 20, 2025, to seek asylum. We gave
17 up our apartment in Mexico City and paid about 10,000 pesos to travel to Nogales
18 for our appointment.


19 14. On January 20, we went to the Nogales port of entry to get in line. That
20 morning, people with appointments were allowed to cross. But when our turn came,
21 a U.S. immigration official told us that the President had blocked the CBP One
22 program and then sent us away. We have not tried to go back to the port of entry
23 because the official made it clear that they would not process us.

24 15. We are devastated and demoralized and struggling financially after the
25 expenditures we had to make to travel to the border. It is difficult to find stable work
26 in Mexico, and we do not feel safe here. One time in late January when I was walking
27 near the border, an armed man stopped me and tried to push me into a house.
28 Thankfully, I was able to escape before he kidnapped me.

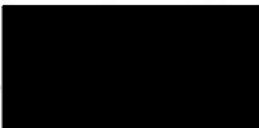
1 16. I would like to participate in this lawsuit, but I fear for my life in Haiti.
2 Because of that, I ask for the ability to proceed under a pseudonym. If my identity
3 were discovered, I fear that I would be at even greater risk if I had to go back to Haiti.

4 17. I understand that, as a class representative, I represent the best interests
5 of everyone in the class and the CBP One subclass, and not my own personal
6 interests. I understand I need to stay informed and involved in what is happening with
7 the case and stay in touch with my attorney to give them information they need. I am
8 committed to being a class representative because I do not want other people who,
9 like myself, are seeking protection at a U.S. port of entry to be harmed by the U.S.
10 government's actions in the way that I have been harmed.

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I,  am the individual referred to as
Jean in the attached declaration.

I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

Executed on 29/05/, 2025 at , Mexico.



CERTIFICATION

I, Daniel Tillias, declare that I am fluent in the English and Haitian Creole languages.

On May 19, 2025, I read the foregoing declaration and orally translated it faithfully and accurately into Haitian Creole to the declarant over the phone. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 20 May, 2025 at Orlando, Florida.


Daniel Tillias

05/21/2025
Date

EXHIBIT E

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mof.com*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mof.com*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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25 United States, in his official capacity, *et*
26 *al.*,
27 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF EDUARDO
DOE IN SUPPORT OF
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11 PMB2026
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16 (NY Bar No 6019335)
17 *amarxarpadi@ccrjustice.org*
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DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
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Facsimile: 202.796.4426

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DECLARATION OF EDUARDO DOE

I, Eduardo Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Venezuela.

3. I am 48 years old.

4. I received my post-graduate degree in industrial design from La *Universidad Pedagógica Experimental Libertador* in 2000. After I graduated, I worked teaching technical design and then as a salesman for a cement company before getting a job in the Internal Investigations Unit of the Bank of Venezuela in about August of 2023.

5. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

6. I fled my home country around November 1, 2024, because police and military officials threatened to detain and kill me. An active senior colonel in the Venezuelan National Guard ordered me to attend a rally in support of the dictator Maduro, but I refused to comply and immediately left the country. Since I left, I have learned that some of my friends who also refused to attend the rally were detained because they could not escape the country in time. I am afraid to return to Venezuela because I would either be disappeared or killed.

7. I fled Venezuela with hopes of securing a CBP One appointment to find safety in the United States. On my way to Mexico, I traversed the Darién Gap where I was robbed and witnessed repeated violent crimes, including many instances of rape. I was extorted once by Panamanian soldiers and multiple times by the Guatemalan police.

8. I arrived in the Mexican state of Chiapas around November 8, 2024.

1 Members of a criminal cartel kidnapped me immediately upon entering the country.
2 They took my wallet and found my private pilot's license, which I earned in
3 Venezuela many years ago. They tried to force me to fly planes transporting drugs
4 and people, but I refused. They threatened that I would never be released unless I
5 agreed to work for them. The cartel held me for about two weeks and tortured me
6 throughout that time, including by pouring burning acid down my arms.

7 9. I was finally able to escape one morning in the very early hours while
8 my captors were fast asleep after a Friday night of heavy drinking. I found my way
9 to Tapachula and went into hiding in a crowded building that housed many other
10 migrants. I stayed there and attempted to secure a CBP One appointment every day
11 until, on January 3, 2025, I received confirmation that I had an appointment
12 scheduled for January 21, 2025, at 5:00 A.M., in Tijuana.

13 10. Around January 16, 2025, I departed Tapachula by bus with a friend.
14 Four days into the journey, as we neared Tijuana, I received notification that my
15 appointment had been cancelled.

16 11. Around January 21, 2025, I tried to approach the San Ysidro port of
17 entry in Tijuana. However, I was blocked by Mexican officials before I reached the
18 border. I believe they were members of the Mexican National Guard. I told them I
19 was trying to seek asylum in the United States and that I wanted to speak with a U.S.
20 officer. I could see U.S. officers standing near the port, but the Mexican officers
21 would not let me pass. They said that I was not allowed to approach the port of entry
22 or to speak with any U.S. officers. I could not get closer, so I had no choice but to
23 turn away.

24 12. Since then, I have not tried to approach a port of entry because I have
25 been told that Mexican officials are detaining people and sending them to Chiapas. I
26 am terrified of being kidnapped and tortured again.

27 13. I have been living in a shelter in Zona Norte, Tijuana, since that day. I
28 do not feel safe in Mexico at all. Thankfully, I have been able to find some work as

1 a cook, but I am paid less than half of what my co-workers are paid. Employers in
2 Mexico can exploit migrants like me with impunity. As a result, I am struggling to
3 survive.

4 14. The cancellation of my CBP One appointment has taken a serious toll
5 on my mental health. I suffer from anxiety and depression, and I live in constant fear
6 that I will be kidnapped again and forced to work for criminals against my will. I am
7 trapped with nowhere to go.

8 15. I would like to participate in this lawsuit, but I fear for my life in
9 Venezuela. Because of that, I ask for the ability to proceed under a pseudonym. If my
10 identity were discovered, I fear that my life would be in danger.

11 16. I understand that, as a class representative, I represent the best interests
12 of everyone in the class and the CBP One subclass, and not my own personal
13 interests. I understand I need to stay informed and involved in what is happening with
14 the case and stay in touch with my attorney to give them information they need. I am
15 committed to being a class representative because I do not want other people who,
16 like myself, are seeking protection at a U.S. port of entry to be harmed by the U.S.
17 government's actions in the way that I have been harmed.

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[REDACTED]

I, _____, am the individual referred to as
Edson de _____ in the attached declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 30, 2025 at [REDACTED], Mexico.

[REDACTED]

CERTIFICATION

I, Tatiana White declare that I am fluent in the English and Spanish languages.

On, May 20, 2025, I spoke with the declarant over the phone and read the foregoing declaration and orally translated it faithfully and accurately into Spanish. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 3, 2025, at San Francisco, United States



Tatiana White



Date

EXHIBIT F

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF DRAGON
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
3 (DC Bar No. 426323)
4 *rmanoso@mof.com*
5 2100 L Street, NW, Suite 900
6 Washington, DC 20037
7 Telephone: 202.887.1555
8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
8 *rcassler@immcouncil.org*
9 Suchita Mathur (DC Bar No. 90013156)
10 *smathur@immcouncil.org*
11 PMB2026
12 2001 L Street, NW, Suite 500
13 Washington, DC 20036
14 Telephone: 202.507.7523
15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
14 *aguisado@ccrjustice.org*
15 Adina Marx-Arpadi
16 (NY Bar No 6019335)
17 *amarxarpadi@ccrjustice.org*
18 666 Broadway, 7th Floor
19 New York, NY 10012
20 Telephone: 212.614.6464
21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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DECLARATION OF DRAGON DOE

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I, Dragon Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Ecuador.

3. I am 61 years old.

4. I am a civil engineer. I studied and received my degree at the Instituto Superior Politécnico José Antonio Echeverría (ISPJAE) in Havana, Cuba. I was working for a construction company called Constructora Iberconsa in Machala, Ecuador.

5. I have one son who is 16 years old. He is now living in the United States in Kentucky with his mother.

6. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

7. I fled Ecuador on or around November 14, 2024 because I received death threats from an armed group, the Revolutionary Armed Forces of Colombia (FARC), which also operates across the border in Ecuador. I am afraid to return to Ecuador because the government took no actions to protect me after I reported the threats to the prosecutor’s office. I believe the FARC will make good on its threats to kill me as it has done to other professionals like me.

8. I arrived in Mexico in the state of Tabasco around November 20, 2024. From there I went to Cancun, and then later to Actopan, Hidalgo, where I stayed for about two months. In Hidalgo, I was able to register for the CBP One app and every day tried to make an appointment to seek asylum in the United States. The process was very confusing; sometimes I received error messages, but I wasn’t sure why. I never received an appointment.

1 9. My sister lives in the United States in Arizona. When I told her I was
2 having trouble obtaining an appointment, she suggested that I travel north to Nogales
3 and present at a port of entry. A friend of hers is a U.S. immigration official, and he
4 had told her that it might be possible at that location to seek asylum without an
5 appointment.

6 10. I arrived in Nogales, Mexico around January 18, 2025. I went to the port
7 of entry. When I asked a Mexican municipal police officer outside the port of entry
8 if I could pass to speak with a U.S. official, he told me that it was not possible because
9 they were not letting anyone in.

10 11. I did not try to go to the port of entry again because I am undocumented
11 in Mexico, and I was afraid I could be sent back to southern Mexico based on stories
12 I had heard. I tried to get a CBP One appointment until the new administration closed
13 the program and the app no longer worked.

14 12. Since CBP One was cancelled, I have felt completely dejected, like I
15 had been thrown away. I can't go to the United States. But I also can't go back to my
16 country, where I will be killed. And I am in a difficult situation in Mexico with no
17 protection.

18 13. I would like to participate in this lawsuit, but I fear for my life in
19 Ecuador. Because of that, I ask for the ability to proceed under a pseudonym. If my
20 identity were discovered, I fear that the people who threatened me will go after my
21 family in Ecuador or try to look for me in Mexico because they are well connected
22 in the whole region.

23 14. I understand that, as a class representative, I represent the best interests
24 of everyone in the class, and not my own personal interests. I understand I need to
25 stay informed and involved in what is happening with the case and stay in touch with
26 my attorney to give them information they need. I am committed to being a class
27 representative because I do not want other people who, like myself, are seeking
28

1 protection at a U.S. port of entry to be harmed by the U.S. government's actions in
2 the way that I have been harmed.

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I, [REDACTED], am the individual referred to as
Dragon in the attached declaration.

I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

Executed on April 24, 2025 at [REDACTED], Mexico.

[REDACTED]

CERTIFICATION

I, Blaine Bookay, declare that I am fluent in the English and Spanish languages.

On April 24, 2025, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 24, 2025 at [REDACTED], Mexico.

[Signature]

4/24/2025
Date

EXHIBIT G

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF ANAHI
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
3 (DC Bar No. 426323)
4 *rmanoso@mof.com*
5 2100 L Street, NW, Suite 900
6 Washington, DC 20037
7 Telephone: 202.887.1555
8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
8 *rcassler@immcouncil.org*
9 Suchita Mathur (DC Bar No. 90013156)
10 *smathur@immcouncil.org*
11 PMB2026
12 2001 L Street, NW, Suite 500
13 Washington, DC 20036
14 Telephone: 202.507.7523
15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
14 *aguisado@ccrjustice.org*
15 Adina Marx-Arpadi
16 (NY Bar No 6019335)
17 *amarxarpadi@ccrjustice.org*
18 666 Broadway, 7th Floor
19 New York, NY 10012
20 Telephone: 212.614.6464
21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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DECLARATION OF ANAHI DOE

1
2 I, Anahi Doe, hereby declare under the penalty of perjury under the laws of the
3 United States of America:

4 1. I make this declaration based on my personal knowledge except where
5 I have indicated otherwise. If called as a witness, I could and would testify
6 competently and truthfully to these matters.

7 2. I am a citizen of Guatemala.

8 3. I am 26 years old.

9 4. I started attending nursing school in Guatemala, but I had to stop
10 studying when I was forced to flee Guatemala to save my life.

11 5. I have never been convicted of a crime anywhere in the world and have
12 never been detained or deported by U.S. immigration authorities.

13 6. I fled Guatemala around September 2016, when I was just 18 years old.
14 Throughout my life, I have been subjected to violence and discrimination for being
15 perceived as gay. My father beat me and emotionally abused me so severely that I
16 feared for my life. He would attack me with objects like knives or tools. I am afraid
17 to return to Guatemala because I am now undergoing hormone therapy to finally be
18 able to live as a woman, consistent with my gender identity. Transgender women are
19 extremely vulnerable in Guatemala, and the government does nothing to protect
20 them. If I went back, I believe I would be killed.

21 7. I arrived in Tapachula, Mexico in September 2016. As a young person
22 with no documentation, I was vulnerable to abuse. I ended up working in a bar where
23 the owner took advantage of me. He forced me to perform sexual acts on him and his
24 clients. This was an extremely painful time in my life.

25 8. In 2020, I had to leave Tapachula after some gang members threatened
26 me because they thought I had reported their illegal activity. They called me insulting
27 things like faggot (*maricon*) and were going to attack me, brandishing knives and
28 machetes, when the owner of the apartment I rented intervened. After that the gang

1 members followed me when I would get out of work and make threatening gestures
2 like they were going to kill me. I was so afraid that I would not go anywhere alone.
3 As the threats continued and intensified, I knew my life was in danger in Tapachula.

4 9. I arrived in Tijuana around 2021 where I ended up in a relationship with
5 a man who was extremely controlling. He did not like me to wear feminine clothes
6 or put on makeup and kept me isolated. Over time, he started becoming more
7 aggressive, and I feared for my safety. One day I left for work and did not come
8 home. I changed my phone number and ceased all contact. Thankfully, I made my
9 way to the shelter run by Border Butterflies (*Mariposas Fronterizas*).

10 10. While at the shelter, I registered for the CBP One app in early 2024 so
11 that I could seek asylum in the United States. At first, I registered with a friend whose
12 mother agreed to be our sponsor in the United States. But at some point, my friend
13 disappeared. Around June 2024 I registered by myself and tried to get an appointment
14 every day. I never received an appointment.

15 11. I have not attempted to go to a port of entry because I am afraid Mexican
16 officials will detain me or send me back to Tapachula or deport me to Guatemala.
17 When I was traveling by bus from Saltillo to Tijuana, Mexican authorities stopped
18 the bus and took me off for questioning, which was very frightening.

19 12. The cancellation of CBP One has taken a toll on my mental health. I am
20 experiencing depression, and I live in constant fear. I do not feel safe in Mexico and
21 want to finally be able to live freely as a transgender woman. I have suffered
22 discrimination for being trans. Employers refuse to hire me, and taxi drivers call me
23 derogatory names. I am afraid to go out.

24 13. I would like to participate in this lawsuit, but I fear for my life in
25 Guatemala and in Mexico. Because of that, I ask for the ability to proceed under a
26 pseudonym. If my identity were discovered or it became public that I am
27 transitioning, I fear that my ex-partner in Mexico could find me and harm me or that
28 I would be in even more danger if forced to return to Guatemala.

1 14. I understand that, as a class representative, I represent the best interests
2 of everyone in the class, and not my own personal interests. I understand I need to
3 stay informed and involved in what is happening with the case and stay in touch with
4 my attorney to give them information they need. I am committed to being a class
5 representative because I do not want other people who, like myself, are seeking
6 protection at a U.S. port of entry to be harmed by the U.S. government's actions in
7 the way that I have been harmed.

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I, [REDACTED], am the individual referred to as Anahi in the attached declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 28, 2025 at [REDACTED], Mexico.

[REDACTED]

CERTIFICATION

I, Blaine Bookey, declare that I am fluent in the English and Spanish languages.

On April 28, 2025, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 28, 2025 at [REDACTED], Mexico.



4-28-2025
_____ Date

EXHIBIT H

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
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18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
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25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF ALI
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
 2 Robert W. Manoso
 3 (DC Bar No. 426323)
 4 *rmanoso@mof.com*
 5 2100 L Street, NW, Suite 900
 Washington, DC 20037
 Telephone: 202.887.1555
 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
 7 Rebecca Cassler (DC Bar No. 90017398)
 8 *rcassler@immcouncil.org*
 9 Suchita Mathur (DC Bar No. 90013156)
 10 *smathur@immcouncil.org*
 11 PMB2026
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 18 Angelo Guisado* (NY Bar No. 5182688)
 19 *aguisado@ccrjustice.org*
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 22 *amarxarpadi@ccrjustice.org*
 23 666 Broadway, 7th Floor
 24 New York, NY 10012
 25 Telephone: 212.614.6464
 26 Facsimile: 212.614.6499

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
 Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
 200 McAllister Street
 San Francisco, CA 94102
 Telephone: 415.565.4877
 Facsimile: 415.581.8824

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rpauw@ghp-law.net
 c/o GIBBS HOUSTON PAUW
 1000 Second Avenue, Suite 1600
 Seattle, WA 98104
 Telephone: 206.682.1080
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DEMOCRACY FORWARD
 FOUNDATION
 Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
 Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
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DECLARATION OF ALI DOE

I, Ali Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Afghanistan.

3. I am 40 years old.

4. I received my bachelor’s degree in environmental engineering. I was working as an administrative officer at the Ministry of Urban Development Affairs under the previous Afghan government.

5. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

6. I fled my home country before the Taliban took over in 2021 and went to Iran. I feared for my life under the Taliban because of my work with the previous government and because of my Hazara ethnicity. I was in Iran for about three years. In 2024, I was deported from Iran back to Afghanistan because I did not have legal status there or any way of claiming asylum in Iran. Back in Afghanistan, I lived in hiding at the home of a relative for about a month until I could leave the country again to save my life.

7. On July 5, 2024, I flew to São Paulo, Brazil, where I stayed for a couple of months to arrange onward travel. From there I traveled north to Mexico, passing through more than ten countries. It was an arduous journey. I did not apply for or obtain legal status in any of these countries.

8. I am afraid to return to Afghanistan because the Taliban has targeted and killed people who worked for the previous government, and targeted Hazara people, including murdering members of my own extended family and friends at a wedding hall last year. This is just one of so many examples of people being

1 murdered that makes me afraid. I knew I had to leave or suffer the same fate.

2 9. I arrived in Tapachula, Mexico around October 2024. Shortly thereafter,
3 I went to Mexico City. A group of Afghans with whom I had traveled helped me
4 register for the CBP One app soon after I got to Mexico.

5 10. After several attempts over few months in Tapachula and Mexico City,
6 I eventually received an appointment around January 6, 2025, to present at the port
7 of entry in Nogales on January 23, 2025. I traveled to the border for my appointment,
8 arriving in Nogales on January 19, 2025. I spent about 9,000 pesos to travel to the
9 border.

10 11. When I went to the Nogales port of entry for my appointment, U.S.
11 immigration officials said the program was canceled and turned me away. I returned
12 to the port of entry after that to see what was happening and whether I might still
13 have a chance to seek asylum in the United States. But after about a week of seeing
14 no one was able to get in, I gave up hope.

15 12. Since my CBP One appointment was canceled, I have been depressed.
16 There is a saying in my language that I have been brought to the water, but the well
17 is dry. I do not speak Spanish and have no support in Mexico, which makes me feel
18 unsafe. After several Afghan friends were stopped in a car and robbed, I have felt
19 especially vulnerable.

20 13. I would like to participate in this lawsuit, but I fear for my life in
21 Afghanistan. Because of that, I ask for the ability to proceed under a pseudonym. If
22 my identity were discovered, I fear that it will make me even more at risk for being
23 targeted by the Taliban if I am forced to return.

24 14. I understand that, as a class representative, I represent the best interests
25 of everyone in the class and the CBP One subclass, and not my own personal
26 interests. I understand I need to stay informed and involved in what is happening with
27 the case and stay in touch with my attorney to give them information they need. I am
28 committed to being a class representative because I do not want other people who,

1 like myself, are seeking protection at a U.S. port of entry to be harmed by the U.S.
2 government's actions in the way that I have been harmed.

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I, [REDACTED], am the individual referred to as
Al: [REDACTED] in the attached declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 24, 2025 at [REDACTED], Mexico.

[REDACTED]

Certificate of Translation with Interpreter

I, Tatiana White, am employed by the Center for Gender and Refugee Studies in the capacity of Legal Program Associate.

On May 15, 2025, I spoke over the phone with Mortaza Mohammadi and through a Dari language interpreter, who translated what they said from the Dari Language into the English Language.

On May 15, 2025, I read back this declaration to Mortaza Mohammadi to confirm that the respondent stated they understood the content of the document and is true and correct.

I, Tatiana White, certify under penalty of perjury, under the laws of the United States of America, that the above statements are true and correct to the best of my knowledge and ability,

SIGNATURE



DATE 5/20/2025

Tatiana White

Legal Program Associate at CGRS

whitetatiana@uclawsf.edu

EXHIBIT I

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawssf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF JESSICA
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
 2 Robert W. Manoso
 3 (DC Bar No. 426323)
 4 *rmanoso@mof.com*
 5 2100 L Street, NW, Suite 900
 Washington, DC 20037
 Telephone: 202.887.1555
 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
 7 Rebecca Cassler (DC Bar No. 90017398)
 8 *rcassler@immcouncil.org*
 9 Suchita Mathur (DC Bar No. 90013156)
 10 *smathur@immcouncil.org*
 11 PMB2026
 12 2001 L Street, NW, Suite 500
 13 Washington, DC 20036
 14 Telephone: 202.507.7523
 15 Facsimile: 202.742.5619

16 CENTER FOR CONSTITUTIONAL
 17 RIGHTS
 18 Angelo Guisado* (NY Bar No. 5182688)
 19 *aguisado@ccrjustice.org*
 20 Adina Marx-Arpadi
 21 (NY Bar No 6019335)
 22 *amarxarpadi@ccrjustice.org*
 23 666 Broadway, 7th Floor
 24 New York, NY 10012
 25 Telephone: 212.614.6464
 26 Facsimile: 212.614.6499

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
 Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
 200 McAllister Street
 San Francisco, CA 94102
 Telephone: 415.565.4877
 Facsimile: 415.581.8824

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
 c/o GIBBS HOUSTON PAUW
 1000 Second Avenue, Suite 1600
 Seattle, WA 98104
 Telephone: 206.682.1080
 Facsimile: 206.689.2270

DEMOCRACY FORWARD
 FOUNDATION
 Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
 Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
 P.O. Box 34553
 Washington, DC 20043
 Telephone: 202.448.9090
 Facsimile: 202.796.4426

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DECLARATION OF JESSICA DOE

I, Jessica Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Colombia.

3. I am 32 years old.

4. I completed high school and then pursued more advanced coursework in Gastronomy and Business.

5. I have three children, ages 13, 11, and 9 years old. My eldest child is epileptic. I have been diagnosed with multiple sclerosis.

6. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

7. I fled Colombia around June 19, 2024, due to intensifying threats against my life and the lives of my children from Los Paisas, a powerful gang and drug trafficking organization. No matter where I moved throughout Colombia, they always found me. If I were forced to return to Colombia, I am certain they would kill me and my children or disappear us.

8. In 2008, when I was 16 years old, my extended family moved me away from my hometown in Cali to Bogota to live with my mother, who had left me when I was very young. A man in Cali had repeatedly raped me since I was five years old and I was finally able to get away. When I got to Bogota, Los Paisas, which controlled most of Bogota, took advantage of me and forced me to work for them. They raped me, beat me, threatened me and my family, and sold me as a sex slave. Because Los Paisas had deep ties with the police, I could never report these horrible crimes to anyone. I tried to escape them many times, but they forced me to stay by beating me or killing someone I loved.

1 9. In 2015, Los Paisas murdered my mother, who was addicted to their
2 drugs, by throwing her onto the railroad tracks.

3 10. In 2017, Los Paisas murdered my dear friend before my eyes and
4 brutally beat me until they thought I was dead. The doctors in the emergency room
5 saved my life, but I was in a wheelchair for four months and in crutches for
6 approximately another year and a half. After I got out of the hospital, a federal
7 prosecutor approached me about helping them with a case they wanted to bring
8 against members of Los Paisas. They said they could protect my children and me and
9 make sure the gang could not find us, but unfortunately the government was not able
10 to protect me or keep my identity a secret. Even when I moved to other areas in
11 Colombia, the gang always found me.

12 11. In 2024, after my children and I had been moved to another a new
13 location, the gang started texting me photos of my son while he was at school and
14 threatening to kill him. We fled the country immediately.

15 12. We flew directly to Mexico City, Mexico, around June 19, 2024. When
16 we landed, Mexican officials asked what our purpose was in Mexico. I told them it
17 was to get to the United States to apply for asylum. They gave me a temporary
18 humanitarian visa so I would not be deported to my death while I tried to secure a
19 CBP One appointment.

20 13. I never missed a day trying to get my appointment, except during the
21 time that I was kidnapped and held against my will.

22 14. One day in September of 2024, I was abducted off the side of the road
23 while I was selling candies to try to make ends meet for my family. They kidnapped
24 me in order to sell me into sexual slavery. Thankfully, another woman who lived in
25 our building would watch my children during the day while I worked and was there
26 to care for them when I disappeared. The people who kidnapped me were part of La
27 Unión Tepito, an organized criminal gang based in Mexico City. They held me for
28 about five days and performed various “health” procedures on my body to make sure

1 I was “fit” to be sold. They beat me and fed me almost nothing during the time I was
2 kidnapped. I eventually managed to escape and ran for my life.

3 15. After I escaped, I continued to try every day to get a CBP One
4 appointment. My children and I moved to a shelter in Matamoros and on January 17,
5 2025, I finally secured a CBP One appointment scheduled for February 9, 2025.

6 16. On January 20, 2025, my appointment was canceled. I fell into a deep
7 depression and considered committing suicide as I had no idea what to do. The
8 psychiatrist at the shelter helped me get through this extremely difficult time.

9 17. On or around January 25, 2025, I decided to approach the port of entry
10 in Matamoros to try to request asylum. However, I was blocked by Mexican officials
11 before I could get to the bridge. They told me that I was not allowed to pass and that
12 “there was no CBP One anymore.” I showed them medical documentation regarding
13 my child’s and my own conditions and told them that I was seeking humanitarian
14 protection. They told me it didn’t matter and sent me away. Feeling desperate, I
15 considered attempting to cross the border outside a port of entry. The coyotes
16 demanded \$600 USD per person to attempt to swim across the river. I did not have
17 anywhere near that much money, and the risks were too great.

18 18. Since then, I have been living in a small apartment with my children in
19 Matamoros. I have found a job at a restaurant. I earn barely enough money for us to
20 survive.

21 19. I have not applied for asylum in Mexico because it is extremely
22 dangerous. I live in constant fear of being kidnapped and trafficked again. I have been
23 nearly kidnapped multiple times since living in Matamoros. Men have tried to get me
24 into their cars and others constantly park in front of our building and watch us. I fear
25 even more for my 13-year-old daughter who is constantly harassed by adult men in
26 the street. Neighbors regularly tell me that they see men peering through our windows
27 at night. I have made multiple reports to the local police, but they have not done
28 anything. My mental health has suffered significantly since the cancellation of my

1 CBP One appointment, and I do not know where I can go to keep my family safe.


2 20. I would like to participate in this lawsuit, but I fear for my life in both
3 Colombia and Mexico. Because of that, I ask for the ability to proceed under a
4 pseudonym. If my identity were discovered, I fear that my children and I could be
5 harmed, disappeared, or killed.

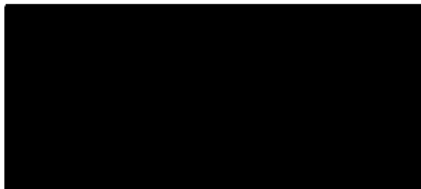
6 21. I understand that, as a class representative, I represent the best interests
7 of everyone in the class and the CBP One subclass, and not my own personal
8 interests. I understand I need to stay informed and involved in what is happening with
9 the case and stay in touch with my attorney to give them information they need. I am
10 committed to being a class representative because I do not want other people who,
11 like myself, are seeking protection at a U.S. port of entry to be harmed by the U.S.
12 government's actions in the way that I have been harmed.

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I  am the individual referred to as Jessica in the attached declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 31, 2025 at  Mexico.

 _____

CERTIFICATION

I, Tatiana White declare that I am fluent in the English and Spanish languages.

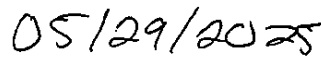
On, May 29, 2025, I spoke with the declarant over the phone and read the foregoing declaration and orally translated it faithfully and accurately into Spanish. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 29, 2025, at San Francisco, United States



Tatiana White



Date

EXHIBIT J

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
United States, in his official capacity, *et*
25 *al.*,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF DIANA
DOE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND
MOTION TO PROCEED
PSEUDONYMOUSLY**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
3 (DC Bar No. 426323)
4 *rmanoso@mof.com*
5 2100 L Street, NW, Suite 900
6 Washington, DC 20037
7 Telephone: 202.887.1555
8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
8 *rcassler@immcouncil.org*
9 Suchita Mathur (DC Bar No. 90013156)
10 *smathur@immcouncil.org*
11 PMB2026
12 2001 L Street, NW, Suite 500
13 Washington, DC 20036
14 Telephone: 202.507.7523
15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
14 *aguisado@ccrjustice.org*
15 Adina Marx-Arpadi
16 (NY Bar No 6019335)
17 *amarxarpadi@ccrjustice.org*
18 666 Broadway, 7th Floor
19 New York, NY 10012
20 Telephone: 212.614.6464
21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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DECLARATION OF DIANA DOE

I, Diana Doe, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Mexico.

3. I am 40 years old.

4. I finished primary school and had my own business selling Mexican food (*antojitos*).

5. I have a partner, and we have two children; our daughter is 17 and our son is 8. I have one grandson who is 2 years old. I had a son from a previous relationship who was murdered when he was 16 years old; he would be 19 years old now.

6. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

7. Members of the Familia Michoacana cartel killed my son when I failed to comply with their extortion requests and threatened to kill me or my family. In 2022, my son went to work one day and did not come back. A cartel member called and told me I would have to go get his body in Acapulco. I spent two days looking for my son. His body had been taken to the medical examiner, where someone showed me a photo of his dismembered body and I was able to identify him. He had been shot in the head. I did not file a complaint because I was too afraid. I do not believe an investigation was conducted nor was anyone held accountable for the murder.

8. We were afraid after my son’s murder, but I had to stay in Morelos to care for my ailing father. The cartel continued to pursue me and my family. The month after my father passed away, we fled our home in the state of Morelos and

1 arrived in Tijuana at around the end of March 2024. I fear for my life and the lives
2 of my family in Mexico; we are living in a shelter in Tijuana.

3 9. I registered for the CBP One app with my family in April 2024. I
4 requested an appointment every day but did not receive one before the app was
5 canceled.

6 10. My family and I have not gone to a port of entry to request asylum
7 because we are afraid. My partner was assaulted in Tijuana. We are scared to even
8 go out in the street and spend most of our time at the shelter where we are staying
9 except to go to work. We have changed our phone numbers because we are afraid the
10 cartel will hunt us down. We try to keep a low profile.

11 11. Since the cancellation of the CBP One app, I have been suffering
12 physically and mentally. I am still grieving the loss of my son under such horrific
13 circumstances. My daughter is also very depressed, crying all the time. Sometimes I
14 want to give up, but I try to stay strong for my kids.

15 12. I would like to participate in this lawsuit, but I fear for my life in Mexico.
16 For that reason, I ask for the ability to proceed under a pseudonym. If my identity
17 were discovered, I fear that the Familia Michoacana could harm my family members
18 in Morelos or find me and harm me or my family here because the cartel has ties
19 throughout the whole country.

20 13. I understand that, as a class representative, I represent the best interests
21 of everyone in the class, and not my own personal interests. I understand I need to
22 stay informed and involved in what is happening with the case and stay in touch with
23 my attorney to give them information they need. I am committed to being a class
24 representative because I do not want other people who, like myself, are seeking
25 protection at a U.S. port of entry to be harmed by the U.S. government's actions in
26 the way that I have been harmed.

27
28

I, [REDACTED], am the individual referred to as Diana in the attached declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 28, 2025 at [REDACTED], Mexico.

[REDACTED]

CERTIFICATION

I, Blaine Bookey, declare that I am fluent in the English and Spanish languages.

On April 28, 2025, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I finished translating the declaration, the declarant verified to me that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 28, 2025 at [REDACTED], Mexico.



4-28-2025
_____ Date

EXHIBIT K

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
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** pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
25 United States, in his official capacity, *et*
26 *al.*,
27 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF NIKOLAI
ZOLOTOV IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

1 MORRISON & FOERSTER LLP
 2 Robert W. Manoso
 (DC Bar No. 426323)
 3 *rmanoso@mof.com*
 2100 L Street, NW, Suite 900
 4 Washington, DC 20037
 Telephone: 202.887.1555
 5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
 Rebecca Cassler (DC Bar No. 90017398)
 7 *rcassler@immcouncil.org*
 Suchita Mathur (DC Bar No. 90013156)
 8 *smathur@immcouncil.org*
 PMB2026
 9 2001 L Street, NW, Suite 500
 Washington, DC 20036
 10 Telephone: 202.507.7523
 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
 12 RIGHTS
 Angelo Guisado* (NY Bar No. 5182688)
 13 *aguisado@ccrjustice.org*
 Adina Marx-Arpadi
 14 (NY Bar No 6019335)
amarxarpadi@ccrjustice.org
 15 666 Broadway, 7th Floor
 New York, NY 10012
 16 Telephone: 212.614.6464
 Facsimile: 212.614.6499

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
 Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
 200 McAllister Street
 San Francisco, CA 94102
 Telephone: 415.565.4877
 Facsimile: 415.581.8824

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
 c/o GIBBS HOUSTON PAUW
 1000 Second Avenue, Suite 1600
 Seattle, WA 98104
 Telephone: 206.682.1080
 Facsimile: 206.689.2270

DEMOCRACY FORWARD
 FOUNDATION
 Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
 Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
 P.O. Box 34553
 Washington, DC 20043
 Telephone: 202.448.9090
 Facsimile: 202.796.4426

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DECLARATION OF NIKOLAI ZOLOTOV

I, Nikolai Zolotov, hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Russia.

3. I am 27 years old.

4. In my home country, I studied to become an electrician and also have a bachelor’s degree in theater, acting, and directing.

5. I have never been convicted of a crime anywhere in the world and have never been detained or deported by U.S. immigration authorities.

6. I fled my home country around February 20, 2023, because the Russian government targeted me for being gay. Authorities arrested me for “LGBT propaganda” when I participated in a protest against a homophobic law, and I had to pay a fine. I have experienced discrimination, harassment, and physical harm my whole life for being gay, including from my family. Even my own brother threatened to kill me or send me to the army where they would rape me. I am afraid to return to Russia because the situation has only worsened for LGBT people since I left, and I fear for my life.

7. When I left Russia, I went to Argentina. I attempted to apply for asylum there, but my application was never adjudicated. During the year I spent in Argentina, my asylum interview was canceled multiple times. I had no status there and felt vulnerable. When I heard about the CBP One application, I decided to travel to Mexico in the hope of finally finding some safety and stability.

8. I arrived in Mexico City around March 21, 2024, and traveled to Tijuana the next day. I registered for CBP One and requested an appointment every day.

9. On one occasion around November 2024, the CBP One app erased my

1 registration. I went to the Ped West port of entry in Tijuana to seek assistance. A U.S.
2 immigration officer dismissed me, telling me just to keep trying and to connect with
3 the CBP One office if I needed help. I tried reaching out to the CBP One office, but
4 I never received a response. Desperate, I went back to Ped West and also to the
5 Chaparral port of entry, but U.S. officers just told me to go away. They said they
6 could not help me with CBP One or allow me to cross.

7 10. I have not tried to go to a port of entry since President Trump came into
8 office on January 20, 2025. The cancellation of CBP One has seriously impacted my
9 mental health. I have trouble sleeping and have frequent nightmares.

10 11. I have no status in Mexico, and I am afraid Mexican officials could
11 detain or deport me.

12 12. I have not applied for asylum in Mexico because I do not feel safe here.
13 At a shelter where I stayed for a few months last year, the shelter manager was
14 violent. He threatened and harassed me and other residents, taking advantage of his
15 position of power. I have also witnessed extremely violent cartel activity. Migrants
16 are particularly vulnerable here to being targeted by the police or cartels for
17 kidnapping and murder. I am afraid and stay inside most of the time and walk in
18 busier areas if I have to be out.

19 13. I am currently living in a different shelter. With no papers in Mexico
20 and no ability to speak Spanish, I have not been able to work. I am struggling both
21 emotionally and financially. The only way I am surviving is through the assistance
22 of a friend in the United States.

23 14. I believe that participating in this lawsuit could put my life in more
24 danger if forced to return to Russia. But it is important to me to speak up for my
25 rights when they are being violated as I did before with my activism.

26 15. I understand that, as a class representative, I represent the best interests
27 of everyone in the class, and not my own personal interests. I understand I need to
28 stay informed and involved in what is happening with the case and stay in touch with

1 my attorney to give them information they need. I am committed to being a class
2 representative because I do not want other people who, like myself, are seeking
3 protection at a U.S. port of entry to be harmed by the U.S. government's actions in
4 the way that I have been harmed.

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I declare under penalty of perjury under the laws of the United States of America that the information provided above is true and correct.

Executed on April 28, 2025 at Tijuana, Mexico.

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EXHIBIT L

DECLARATION OF LAURA ST. JOHN

I, Laura St. John, make the following statement on behalf of the Florence Immigrant & Refugee Rights Project. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. I have personal knowledge of the matters set forth herein except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a licensed attorney and a member in good standing of the California and Arizona bars. I am currently employed as Legal Director of the Florence Immigrant & Refugee Rights Project (“Florence Project” or “FIRRP”). I joined the Florence Project in March 2011 and have served in my current role since 2015.

3. Before I assumed my current position, I served as Managing Attorney of the Adult Program and as a staff attorney with the Florence Project’s Adult Program serving adults detained in Immigration and Customs Enforcement (“ICE”) custody in Arizona. During my time at the Florence Project, I have personally provided free legal services, both direct representation and pro se orientation services, to hundreds of individuals in custody in the various ICE detention facilities in Arizona. Many of the people I served were seeking asylum or pursuing other fear-based claims for relief. Additionally, as Managing Attorney and Legal Director, I have supervised attorneys, legal assistants, and social workers providing free legal services, both direct representation and pro se orientation services, to thousands of individuals detained in ICE custody in Arizona.

Florence Project’s Mission and Scope

4. Founded in 1989, the Florence Project is a 501(c)(3) non-profit legal services organization with offices in Tucson, Phoenix, and Florence, Arizona. The

Florence Project's mission is to provide free legal and social services to detained adults and children facing immigration removal proceedings in Arizona. This includes provision of legal education to the thousands of immigrants who are detained in Arizona.

5. The Florence Project provides free legal services in all three ICE detention centers currently in operation in Arizona: the Eloy Detention Center, the Florence Detention Center, and the Central Arizona Florence Correctional Complex. Together these facilities house approximately 2,000 people on any given day. In these facilities, we provide detailed legal orientation and technical support to thousands of detained pro se respondents each year. Florence Project attorneys also represent hundreds of adult clients before the asylum office, immigration courts, and the Board of Immigration Appeals ("BIA") each year, including many who are seeking humanitarian relief, such as asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). In addition, we provide immigration legal services and education to the thousands of unaccompanied children ("UC") who come into Office of Refugee Resettlement ("ORR") custody in Arizona in any given year.

6. To expand the coverage provided by our free in-house representation, Florence Project has a robust pro bono program that connects case referrals, including both adults and unaccompanied children, with pro bono counsel from law firms or pro bono private immigration practitioners.

7. Since 2017, FIRR also has provided legal orientation and community education services, as well as limited accompaniment and representation, to asylum seekers and other migrants at the U.S.-Mexico border in Heroica Nogales, Sonora, Mexico. Florence Project staff at the border, known as our Border Action Team, assist thousands of people seeking safety every year to understand their rights and the processes at the border. As border policies have changed frequently and

dramatically over the past eight years, much of the Border Action Team’s core work is focused on providing legal orientation and community education regarding rapidly changing border policies as well as consultations with individuals and families facing particular harm or other urgent humanitarian circumstances while they try to gain access to the asylum system. These staff have witnessed firsthand the harmful effects of restrictive asylum policies.

Issuance and Immediate Impact of the Proclamation

8. On January 20, 2025, President Trump signed a sweeping proclamation alleging an “invasion” at the southern border (the “Proclamation”) and asserting broad executive power to functionally close the border to all asylum seekers. That same day, President Trump issued an executive order (the “Executive Order”) directing the Secretary of Homeland Security to cease using the CBP One application, a government-issued application that had effectively been the *only* way to seek asylum at the U.S-Mexico border since May 2023. The proclamation and executive order eliminated individuals’ ability to invoke provisions of U.S. law regarding asylum and other forms of protection that Congress specifically provided by statute. The proclamation also created new requirements for asylum seekers to submit information regarding criminal history and medical background, without creating any mechanism for doing so.

9. Immediately upon issuance of the Proclamation and Executive Order, the Florence Project began to analyze the likely impacts for migrants in Mexico who had been waiting for their opportunity to present themselves at ports of entry to seek asylum. Given the significant confusion and uncertainty within the community, on January 23, 2025, Florence Project staff gave a “town hall” style presentation to over 170 people at the Kino Border Initiative’s aid center in Nogales, Mexico. Many of the people who attended had been waiting in Mexico for an opportunity to apply for

asylum for weeks or months, but the Proclamation left them with no recourse whatsoever. Based on my conversations with colleagues who attended this town hall as well as my review of the notes, attendees included numerous individuals who had been waiting for months, many for more than half a year, to try to obtain their CBPOne appointments. It also included several people who had been scheduled for CBPOne appointments in January that they had missed because they were kidnapped in Mexico while waiting for their day to present. For all those individuals, the elimination of CBPOne and the news that there no longer was any recognized mechanism to approach a port-of-entry to seek asylum in the U.S. was devastating.

10. The combined effect of the Proclamation and Executive Order has been to effectively eliminate individuals' ability to pursue their statutory right to seek asylum or other fear-based humanitarian protection.

11. At the border, people have been left without any viable option to seek asylum, and it has often fallen to our Border Action Team to try to explain this situation to them, even where the reality on the ground does not comport with what is promised under the law. For example, one family suffered repeated extortion and kidnappings in Mexico while waiting for their CBPOne appointment, which was scheduled for January 21, 2025, but was cancelled with no alternative option to replace it the day before they were supposed to present. Another family, who face persecution in part because of their indigenous identity and language now feel paralyzed and trapped – unable to move forward to seek asylum in the U.S., despite registering for CBPOne in December 2024, and unable to go back because they fear persecution and harm. Importantly, this shut down of all asylum processing directly impacts Mexican nationals as well, and there is no alternative or even emergency processing for such individuals. Florence Project staff have worked with individuals from Mexico who were fleeing violence and persecution in Mexico, but were unable to request any protection or screening from the United States as a result of the

Proclamation and elimination of CBPOne.

12. Additionally, even in custody, Florence Project staff largely are not encountering people who have been able to seek protection since the January 20, 2025 order. For at least one month after the Proclamation shutting down asylum and the Executive Order eliminating the use of the CBPOne application took effect, Florence Project was not been able to identify or meet with a single asylum seeker in ICE custody or at the border who had been given access to any kind of fear screening or the asylum system either after entering without inspection or presenting at a port of entry after January 20, 2025. In my experience, it is unheard of for the Florence Project to not encounter a single asylum seeker in a month, or at least it was prior to the January 20, 2025 orders. Now, nearly four months after the border was closed to asylum seekers, Florence Project staff have still only encountered less than ten cases where individuals were able to access the heightened CAT only screenings, which is all that remains of asylum access following the January 20, 2025 executive orders. Additionally, since January 20, 2025, Florence Project has not identified any individuals with fear-based claims who were processed at the border to be able to connect them with pro bono legal representation. Again, prior to January 20, 2025, it was unheard of – certainly in my 14 years of experience and to the best of my knowledge in over 35 years of existence as an organization – for the Florence Project to go for a whole month, let along multiple months, seeing so few asylum seekers.

13. Communications with partner legal and humanitarian service organizations throughout the border region confirm a similar pattern and inform my understanding that the reason we are seeing so few asylum seekers since January 20, 2025 in the facilities where we provide services is because CBP has not allowed any asylum seekers to access protection at ports of entry, and people who attempt to seek asylum after crossing between ports are removed to Mexico or other third-

countries under the Proclamation with only a very few able to access the heightened CAT only screening, which is all that remains to seek protection since the Proclamation effectively closing the border and the Executive Order eliminating CBPOne.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of June, 2025 in Flagstaff, Arizona.



Laura St. John

EXHIBIT M

**DECLARATION OF JENNIFER BABAIE ON BEHALF OF
LAS AMERICAS IMMIGRANT ADVOCACY CENTER**

I, Jennifer Babaie, pursuant to 28 U.S.C. § 1726, hereby declare as follows:

1. I have personal knowledge of the matters set forth herein except where I have indicated otherwise. If called as a witness, I can and will testify competently and truthfully to these matters.
2. I am an attorney licensed to practice law in California and admitted to practice in front of the Executive Office for Immigration Review (EOIR).
3. Since January 2023, I have been the Advocacy and Legal Services Director at Las Americas Immigrant Advocacy Center (hereinafter, “Las Americas”). Las Americas is a nonprofit legal services organization based in El Paso, Texas, dedicated to serving the legal needs of low-income asylum seekers and other low-income noncitizens in West Texas, New Mexico, and Ciudad Juárez, Mexico. Since 1987, we have served people in our community from over 80 countries.
4. Las Americas runs a number of different programs assisting individuals throughout the U.S. immigration process in and around West Texas and New Mexico as well as aiding and advising migrants in Ciudad Juárez, Mexico. A significant portion of Las Americas’ work involves assisting individuals who wish to apply for asylum in the United States. We assist asylum seekers seeking protection in the United States by providing targeted legal information, advice, translation, and referral support to help these individuals preserve eligibility for asylum. We also provide legal information presentations centered on clarifying the purpose and consequences of documents received upon crossing the border. Our goal is to ensure that all asylum seekers have a fair opportunity to establish their eligibility for protection and that they are not wrongfully removed to persecution or torture. It is essential to our mission and work that all asylum seekers have a meaningful chance to fully develop and present their claims.
5. For several years, Las Americas has focused on helping people on both sides of the U.S.-Mexico border prepare for asylum interviews and hearings. This was necessitated by new immigration policies implemented under both the first Trump Administration and Biden Administration externalizing asylum proceedings. We assist hundreds of asylum seekers in Ciudad Juárez annually by disseminating quality legal information in a way that they can understand and so that they are prepared for the legal system they seek to utilize to find safety. To make this work successfully, our team in Mexico often engages in partnerships and coalitions, including a previous partnership with Consejo Estatal de Poblacion (COESPO) — a regional branch of the Mexican government based in Ciudad Juárez— to provide free legal education and technical assistance targeted at helping people successfully navigate the asylum-seeking process, including (until January 20, 2025) the appropriate usages of the CBP One mobile application to seek asylum in the U.S.

6. Las Americas staff sometimes observe activity at the Paso Del Norte Bridge that connects Ciudad Juárez, Mexico to El Paso, Texas, by virtue of our work. Many asylum seekers, including unaccompanied children, historically used this port of entry to present for asylum in the United States and there are important shelters, community services, and government offices within walking distance and eyesight of the port. We also regularly confer with partner groups about activity on both sides of the port of entry. This allows us to identify and help individuals who either wish to apply for asylum in the U.S. and need assistance or, conversely, individuals who have been recently deported and need to understand the proceedings that led to their deportation, the consequences of their deportation, and to readjust to life in Mexico. We also regularly receive referrals from local law enforcement, including the FBI and medical centers, for individuals who presented or who crossed in between ports of entry and present indicators of human trafficking across the U.S./Mexico border.

7. Immediately following the November 2024 U.S. presidential election, we observed confusion and the beginnings of a widespread panic in the vicinity of the border, at the Paso Del Norte Bridge, in Mexican shelters, U.S. detention centers, CBP soft-sided facilities, at the COESPO office, and among migrant communities in El Paso. Asylum seekers specifically expressed concern to our staff and to our partners that the U.S. would not honor its promises and commitments through the CBP One program, as a result of which many migrants had waited months, even a year, to obtain an appointment. Some reported having family in the U.S. who managed to enter with an earlier CBP One appointment and expressed concerns that they would remain separated from their families if the application process for asylum screening was disbanded.

8. While CBP One was in use, we witnessed a significant drop in the number of individuals approaching U.S. ports of entry without appointments—many migrants were prescreened by Mexican officials and stopped before they reached the bridge—and those who did reach the ports were either detained and immediately returned to Mexico or put through expedited removal and usually summarily deported. Based on this lack of access to the asylum process at ports without a CBP One appointment, CBP One was widely understood (by both impacted community members and legal advocates) to be the only way to seek asylum in the United States. Although the rules in place at the time included humanitarian and medical exceptions to the requirement to use CBP One to seek asylum in the U.S., requests made by our office to CBP for application of the exceptions on particularly vulnerable asylum seekers were either denied or the existence of an exceptions process denied by officers at the port.

9. To respond to this post-election panic, Las Americas visited and spoke with several dozens of individuals in locations throughout Ciudad Juárez and El Paso to provide general information and better understand asylum seekers' circumstances and acute concerns. We also checked-in with our community partners on both sides of the border. In the weeks following the election, we heard that (1) CBP officers had grown even more hostile to asylum seekers; (2) credible fear interviews were rarely being conducted; (3) CBP officers would often say asylum was not available to individuals

from Guatemala; (4) CBP officers were subjecting Ecuadorians to rampant discrimination; (5) CBP officers telling asylum seekers the U.S. had a new President and the asylum system would be over soon.

10. The situation only got worse after President Trump's January 20, 2025, inauguration. Local stakeholder meetings between community groups, NGOs, and CBP officials stopped entirely, including the El Paso DHS stakeholder meetings that I helped administer monthly alongside a partner org in New Mexico. We also heard almost immediately from shelter coordinators and other partners that every forthcoming CBP One appointment had been cancelled, and the application itself went offline—along with the opportunity for anyone at the border to apply for asylum. Members of my team then visited with asylum seekers who we were previously aware of having CBP One appointments and observed first-hand that the system had been paused.

11. Around this time our staff and partners in Ciudad Juárez observed an increase in Mexican authorities' presence at the base of the Paso Del Norte Bridge, and learned through partnerships and case referrals of long lines forming outside of COESPO at odd hours and that CBP was deporting individuals across the bridge and into Mexico before dawn or very late at night. We believe this timing is intended to obstruct our (and other nonprofits') ability to help these individuals survive and access humanitarian resources in Ciudad Juárez.


12. The cancellation of CBP One appointments and termination of the application—which was virtually the only means to seek asylum at a port of entry—has had profound and catastrophic consequences for migrants in Ciudad Juárez and beyond that are still being felt to this day. Migrants in Ciudad Juárez are routinely kidnapped, arrested or detained by Mexican police and organized criminal groups, or otherwise subject to violence by organized crime.

13. As I understand from my research, my conversations with my staff, and my meetings with partners in Ciudad Juárez, tens of thousands of asylum seekers who had relied on the promise of a CBP One appointment are now stranded in Ciudad Juárez and have been pushed to the fringes of society. With no status in Mexico, these individuals have no access to stable housing, work, or medical services, no access to regularized status in Mexico, internal displacement within Mexico, and many non-Mexican asylum seekers face discrimination. Many asylum seekers are parents who must make the impossible choice of working under the table wherever possible, leaving their children unattended, or are forced to live on the streets in order to maintain some access to odd jobs and donations. Some asylum seekers—facing hunger, homelessness, and kidnapping or death by organized crime—are faced with an even crueler choice of staying in Mexico or making the long and perilous return journey home to face their persecutors. Many no longer have access to I.D. and travel documents, meaning their return journey will have to be irregular and on foot across two, three, sometimes more, borders. I have witnessed this myself during presentations I've given and potential clients I have interviewed with on both sides of the border.

14. The entire staff at Las Americas has serious concerns about migrants' safety, livelihoods, and ability to survive after the Trump Administration effectively ended access to the asylum process at the U.S.-Mexico border. Asylum seekers across the border have shared with us harrowing stories about their day-to-day reality. Above all, the most common sentiment expressed, even beyond their widespread fear, is a profound sense of betrayal: asylum seekers did everything possible to follow the U.S. government's complex and often unfair procedural hurdles to apply for asylum in the way the government asked them to, waiting patiently in shelters, tenements, and temporary housing in Mexico, subjecting themselves to the ever-present risk of violent crime, eschewing alternative paths to the U.S. such as human smuggling or entering between ports, all in favor of waiting their turn, in reliance on the attestations made by U.S. government officials, which never came.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on the 4 day of June, 2025, in El Paso, TX.



Jennifer Babaie

EXHIBIT N



Presidential Documents

Proclamation 10888 of January 20, 2025

Guaranteeing the States Protection Against Invasion

By the President of the United States of America

A Proclamation

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby proclaim:

An essential feature of any sovereign nation is the existence of territorial boundaries and the inherent authority to decide who and what may cross those boundaries. The Supreme Court of the United States has described this power as a “fundamental act of sovereignty,” which “stems not alone from legislative power but is inherent in the executive power to control the foreign affairs of the nation.” *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 542 (1950). The Supreme Court has recognized the inherent right and duty of the Executive Branch to defend our national sovereignty, stating that “[w]hen Congress prescribes a procedure concerning the admissibility of aliens, it is not dealing alone with a legislative power. It is implementing an inherent executive power.” *Id.*

The Congress has, in establishing “an uniform Rule of Naturalization,” created a complex and comprehensive Federal scheme in the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, to control the entry and exit of people and goods across the borders of the United States. In routine circumstances, this complex and comprehensive scheme can protect the national sovereignty of the United States by facilitating the admission of individuals whose presence serves the national interest and preventing the admission of those who do not, such as those aliens who pose threats to public health, section 212(a)(1) of the INA, 8 U.S.C. 1182(a)(1); safety, section 212(a)(2) (8 U.S.C. 1182(a)(2)); and national security, section 212(a)(3) (8 U.S.C. 1182(a)(3)). Prospective immigrants who use the visa system are screened for such health, safety, and security concerns while outside of the United States, and are not permitted to enter the United States until they establish that they are eligible to be admitted as a matter of law and should be admitted as a matter of discretion.

But screening under those provisions of the INA can be wholly ineffective in the border environment, where access to necessary information is limited for aliens who have traveled from countries around the world to enter the United States illegally, or when the system is overwhelmed, leading to the unauthorized entry of innumerable illegal aliens into the United States.

Due to significant information gaps—particularly in the border environment—and processing times, Federal officials do not have the ability to verify with certainty the criminal record or national-security risks associated with the illegal entry of every alien at the southern border, as required by section 212(a)(2)–(3) of the INA, 8 U.S.C. 1182(a)(2)–(3). Nor do aliens who illegally cross the southern border readily provide comprehensive background information from their home countries to Federal law enforcement officials.

The public safety and national security risks in such an environment are heightened by the presence of, and control of territory by, international cartels and other transnational criminal organizations on the other side of the southern border, as well as terrorists and other malign actors who intend to harm the United States and the American people. And the risks

associated with these issues are greatly exacerbated when the number of aliens illegally crossing the southern border increases to levels that prevent actual operational control of the border.

The same is true for public health, where the Federal Government currently lacks an effective operational capability to screen all illegal aliens crossing the southern border for communicable diseases of public-health concern, as required by section 212(a)(1) of the INA, 8 U.S.C. 1182(a)(1). Effectively no aliens who illegally enter the United States provide Federal officials at the southern border with their comprehensive health information, as a lawful immigrant would. As a result, innumerable aliens potentially carrying communicable diseases of public health significance illegally cross the southern border and enter communities across the United States.

Over the last 4 years, at least 8 million illegal aliens were encountered along the southern border of the United States, and countless millions more evaded detection and illegally entered the United States. The sheer number of aliens entering the United States has overwhelmed the system and rendered many of the INA's provisions ineffective, including those previously described that are intended to prevent aliens posing threats to public health, safety, and national security from entering the United States. As a result, millions of aliens who potentially pose significant threats to health, safety, and national security have moved into communities nationwide.

This ongoing influx of illegal aliens across the southern border of the United States has placed significant costs and constraints upon the States, which have collectively spent billions of dollars in providing medical care and related human services, and have spent considerable amounts on increased law enforcement costs associated with the presence of these illegal aliens within their boundaries.

In joining the Union, the States agreed to surrender much of their sovereignty and join the Union in exchange for the Federal Government's promise in Article IV, Section 4 of the U.S. Constitution, to "protect each of [the States] against Invasion." I have determined that the current state of the southern border reveals that the Federal Government has failed in fulfilling this obligation to the States and hereby declare that an invasion is ongoing at the southern border, which requires the Federal Government to take measures to fulfill its obligation to the States.

The INA provides the President with certain emergency tools. For example, it states that "[w]henever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate." 8 U.S.C. 1182(f). This statute "exudes deference to the President in every clause." *Trump v. Hawaii*, 585 U.S. 667, 684 (2018). Further, the INA renders it unlawful for "any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe." 8 U.S.C. 1185(a)(1).

Historically, Presidents have used these statutory authorities to deny entry of designated classes and categories of aliens into the United States through ports of entry. But if the President has the power to deny entry of any alien into the United States, and to impose any restrictions as he may deem appropriate, this authority necessarily includes the right to deny the physical entry of aliens into the United States and impose restrictions on access to portions of the immigration system, particularly when the number of aliens illegally crossing the southern border prevents the Federal Government from obtaining operational control of the border.

The INA does not, however, occupy the Federal Government's field of authority to protect the sovereignty of the United States, particularly in times

of emergency when entire provisions of the INA are rendered ineffective by operational constraints, such as when there is an ongoing invasion into the States. The President's inherent powers to control the borders of the United States, including those deriving from his authority to control the foreign affairs of the United States, necessarily include the ability to prevent the physical entry of aliens involved in an invasion into the United States, and to rapidly repatriate them to an alternative location. Only through such measures can the President guarantee the right of each State to be protected against invasion.

By the power vested in me by the Constitution and the laws of the United States, I have determined that the current situation at the southern border qualifies as an invasion under Article IV, Section 4 of the Constitution of the United States. Accordingly, I am issuing this Proclamation based on my express and inherent powers in Article II of the Constitution of the United States, and in faithful execution of the immigration laws passed by the Congress, and suspending the physical entry of aliens involved in an invasion into the United States across the southern border until I determine that the invasion has concluded.

NOW, THEREFORE, I, Donald J. Trump, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby direct as follows:

Section 1. *Suspension of Entry.* I hereby proclaim, pursuant to sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), that the entry into the United States on or after the date of this order of aliens engaged in the invasion across the southern border is detrimental to the interests of the United States. I therefore direct that entry into the United States of such aliens be suspended until I issue a finding that the invasion at the southern border has ceased.

Sec. 2. *Imposition of Restrictions on Entry for Aliens Invading the United States.* I hereby proclaim, pursuant to sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), that aliens engaged in the invasion across the southern border of the United States on or after the date of this proclamation are restricted from invoking provisions of the INA that would permit their continued presence in the United States, including, but not limited to, section 208 of the INA, 8 U.S.C. 1158, until I issue a finding that the invasion at the southern border has ceased.

Sec. 3. *Suspension of and Restriction on Entry for Aliens Posing Public Health, Safety, or National Security Risks.* I hereby proclaim, pursuant to sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), that the entry into the United States, on or after the date of this order, of any alien who fails, before entering the United States, to provide Federal officials with sufficient medical information and reliable criminal history and background information as to enable fulfillment of the requirements of sections 212(a)(1)–(3) of the INA, 8 U.S.C. 1182(a)(1)–(3), is detrimental to the interests of the United States. I therefore direct that entry into the United States of such aliens be suspended and restrict their access to provisions of the INA that would permit their continued presence in the United States, including, but not limited to, section 208 of the INA, 8 U.S.C. 1158.

Sec. 4. *Constitutional Suspension of Physical Entry.* Under the authorities provided to me under Article II of the Constitution of the United States, including my control over foreign affairs, and to effectuate the guarantee of protection against invasion required by Article IV, Section 4, I hereby suspend the physical entry of any alien engaged in the invasion across the southern border of the United States, and direct the Secretary of Homeland Security, in coordination with the Secretary of State and the Attorney General, to take appropriate actions as may be necessary to achieve the

objectives of this proclamation, until I issue a finding that the invasion at the southern border has ceased.

Sec. 5. *Operational Actions to Repel the Invasion.* The Secretary of Homeland Security, in coordination with the Secretary of State and the Attorney General, shall take all appropriate action to repel, repatriate, or remove any alien engaged in the invasion across the southern border of the United States on or after the date of this order, whether as an exercise of the suspension power in section 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), or as an exercise of my delegated authority under the Constitution of the United States, until I issue a finding that the invasion at the southern border has ceased.

Sec. 6. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and forty-ninth.

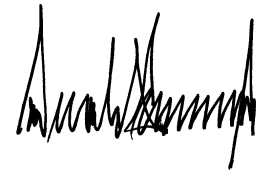


EXHIBIT O

DECLARATION OF JOSÉ ALBERTO ARGÜELLES AVILES

I, José Alberto Argüelles Aviles, make the following statement on behalf of Asylum Access México. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following statement is true and correct.

Background

1. I am the sub-coordinator of programs for Asylum Access México (“AAMX”) based in Mexico City. I have been in this role since 2019. Previously, I served as lead at our offices in Tenosique, Tabasco (2018-2019) and Acayucan, Veracruz (2016-2018). I received my law degree at the Universidad Veracruzana in 2015 and have since received several diplomas for advanced specialization in humanitarian protection frameworks for refugees and other migrants. Before joining AAMX, I researched and worked in the areas of youth empowerment and development.

2. AAMX is a human rights organization that has, since 2015, provided legal assistance and representation to applicants for asylum in Mexico. AAMX is the largest legal aid organization for asylum seekers and refugees in Mexico. Across our six offices in Mexico, we provided legal assistance to 11,724 individuals in 2024. Our services include family reunification as well as access to healthcare, linkage to job opportunities, and access to rights. We are one of the few non-profit organizations with access to detention centers where migrants may be held in Mexico. Due to the loss of humanitarian aid funding, in April 2025, we had to close our offices in Tenosique; Palenque, Chiapas; and Monterrey, Nuevo León. We are maintaining our offices in Mexico City; Tijuana, Baja California; and Villahermosa, Tabasco.

3. AAMX also engages in strategic litigation to strengthen the Mexican asylum system. Our litigation has focused on ensuring respect for the procedural

rights of individuals applying for asylum in Mexico. For example, we have successfully challenged rejections of applications filed outside of the 30-day-deadline by demonstrating good cause and reopened cases deemed abandoned where an individual left the state they were living in when they initially applied. In addition, we have litigated substantive novel interpretations of the laws governing refugee protection in Mexico, for example, by arguing for recognition of gang opposition as a political opinion.

The 30-Day Deadline Limits Asylum Protection in Mexico

4. Mexico became a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol in 2000. In 2011, Mexico domesticated these norms through adoption of the Law on Refugees, Complementary Protection and Political Asylum (Ley Sobre Refugiados, Protección Complementaria y Asilo Político). Under the law, the Mexican Commission for Refugee Assistance (Comisión Mexicana de Ayuda a Refugiados or “COMAR”) processes applications for refugee status in Mexico. The National Institute for Migration (Instituto Nacional de Migración or “INM”) may also receive applications for asylum and transfer them to COMAR.

5. Mexican law requires claims for asylum to be filed within 30 business days of arrival in Mexico. The rule can only be waived if the individual shows good cause for not having timely applied. The Supreme Court of Justice has upheld the constitutionality of the 30-day deadline. In so doing, the Court stipulated that COMAR must evaluate the good cause exemption under a lower standard of proof that takes into account the vulnerability of applicants for refugee status and resolves all doubts in their favor.

6. The decision on whether an individual has established good cause for missing the deadline is in the discretion of COMAR, which has not published any relevant guidance. In the past, COMAR recognized certain circumstances such as

lack of information about the process, language barriers, or incompetence as warranting an exemption. But, in recent meetings with civil society, COMAR officials have stated that the agency is applying a narrower interpretation. For example, they indicated that an individual who missed the deadline because they intended to apply for asylum in the United States through the CBP One app will not excuse application of the 30-day bar.

7. In my experience, COMAR strictly enforces the rule and does not comply with the Supreme Court's stipulations regarding the appropriate burden of proof when considering whether to recognize an exemption. If COMAR refuses to accept an application for failure to apply within the 30-day term, an individual can appeal the ruling. AAMX has had some success obtaining waivers of the deadline for our clients; however, we are not always successful, and it is exceedingly difficult for an unrepresented individual to obtain a waiver.

8. Organizations like AAMX have made strides in recent years to increase representation for asylum applicants in Mexico, but the need far outstrips capacity; thus, the vast majority of people seeking asylum in Mexico do not have access to legal representation. Mexico has just 43 federal legal advisors who serve migrants in need of international protection. According to recent data, 22,536 individuals applied for protection with COMAR between January 1 and March 31, 2025. With that figure, each advisor would have to carry a caseload of 524 individuals to provide full coverage. Managing a caseload of even a fraction of those cases would make it impossible to provide an adequate legal defense. In 2023, the Supreme Court determined that where individuals in immigration detention cannot mount an adequate defense, the government should appoint counsel. However, the government does not do so in practice, and the majority of asylum seekers face their proceedings on their own.

9. Because of the significant challenges individuals face in applying for asylum in Mexico, and COMAR's strict interpretation of good cause, the 30-day deadline often functions as a categorical bar. Many people miss the short filing deadline due to a lack of understanding of the process or lack of access to COMAR facilities. COMAR has a limited number of offices across the country and has been overburdened and understaffed. Asylum seekers often resort to camping outside some of COMAR offices for the opportunity to file their claim.

10. Although INM has more offices than COMAR across the country, many asylum seekers are afraid to approach INM because of their enforcement mandate and widespread reports of mistreatment of migrants by INM officials. INM also turns people away in violation of its obligations. In one case, a Cuban couple attempted to apply for asylum in Mexicali, but INM officials denied that such a procedure was available at their offices. AAMX became involved and was able to initiate their application in coordination with COMAR in Tijuana. The couple was suffering physical and psychological trauma as they had been kidnapped in Mexico and, while being held by their kidnapper, were thrown from a moving vehicle. Without AAMX intervention, they would have been denied access to the asylum process entirely.

11. Moreover, many asylum seekers presently in Mexico missed the 30-day deadline because they intended to apply for asylum in the United States via the CBP One app. Many such individuals did not have a desire to apply for protection in Mexico because they did not feel safe in the country. However, even if they did wish to file an application—for example, to gain temporary status to be able to work or send their children to school while their application was pending—they were discouraged from doing so because INM suspended provision of humanitarian residence permits for those with pending asylum applications in 2023. While CBP One was in place, Mexican officials, including from INM, as well as other actors

such as the UN High Commissioner for Refugees and shelter operators, systematically told asylum seekers that they either could not or should not apply for asylum in Mexico if they intended to register for an appointment on the CBP One app.

12. The Mexican government further legitimized and encouraged use of the CBP One app through creation of a so-called safe mobility emerging corridor for the passage of foreign nationals with CBP One appointments. During visits to the Villahermosa Immigration Station, for example, AAMX observed that INM authorities posted information at their facilities informing foreign nationals of the possibility of being transferred north to U.S. ports of entry. The individuals only needed to show their personal documentation and their CBP One appointment confirmation.

Strict Conditions on Reopening Abandoned Claims Forecloses Protection in Mexico

13. An asylum seeker must remain in the Mexican state where they first applied for asylum throughout the pendency of their claim and must sign a form in the state's COMAR or INM office weekly or biweekly to prove their presence. Violation of this regulation will lead COMAR to deem the application abandoned. COMAR will only reopen the case if an individual can demonstrate exceptional circumstances beyond their control.

14. Many individuals abandon their claims because they face violence or other unbearable hardships in Mexico that force them to flee the state where they first applied. Conditions in Mexico for asylum seekers and migrants are particularly harsh in the southern states where they experience extortion, kidnappings, disappearances, swindles and fraud, and sexual and gender-based violence. Tragically, in December 2024, AAMX's client was murdered by her partner while waiting for COMAR to process her appeal. The Mexican government does not

provide support for individuals in the asylum process, including lack of humanitarian residence permits, access to formal work, or access to financial services like opening a bank account. The provision of shelter and other basic necessities is shouldered entirely by civil society in Mexico. The lengthy delays in case processing and difficulties encountered in trying to transfer an application from one COMAR office to another exacerbate the situation. Thus, migrants forced to leave the state where they initially applied to try to find safety or stability are often unable to formally transfer their asylum case to their new location.

15. Any individual who sought asylum in a southern state and then traveled north to register on the CBP One app before receiving a final decision from, or seeking transfer from, COMAR will have been deemed to have abandoned their application.

16. Reinstatement of an abandoned claim is challenging, especially for those without an attorney. First, before an individual can request reopening, the COMAR office that originally received the application must issue an abandonment agreement and send it to the COMAR or INM office where the request for “reopening” is being made. In some cases, the COMAR office or INM office where the person requests reopening will instruct the person to first contact the COMAR office via email to request the abandonment agreement. COMAR does not always respond. If COMAR provides an adequate notification of the abandonment, the individual must then request reopening in writing. This can be a confusing and lengthy process, in some cases lasting months, due to the poor coordination among the COMAR offices and the lack of digital systems that allow effective tracking of asylum cases.

17. Second, even if the individual is able to jump these procedural hurdles, the decision to reinstate an abandoned claim falls within the discretion of COMAR. As with the 30-day deadline, COMAR has not published guidance on how officials

should interpret the exceptional circumstances standard. To my knowledge, COMAR leadership has instructed adjudicating authorities to reopen only in narrow circumstances, and outcomes are inconsistent across offices. In one case, for example, an AAMX client missed their biweekly appointment to sign a form at the COMAR office due to mental health issues. The individual had been kidnapped and was in a state of shock after release, but COMAR did not accept this as an exceptional circumstance. COMAR has also rejected as invalid reasons for reopening an individual's abandonment of an area because they were under threat or a missed appointment because the individual's boss refused to give them leave.

18. In addition to abandonment, AAMX has worked with a family who withdrew their asylum claim in Mexico City after they received a CBP One appointment to apply for asylum in the United States. After their CBP One appointment was canceled, they wished to reinstate their application in Tijuana. However, COMAR initially refused to allow them to do so. It was only after AAMX became involved that COMAR granted their request to reinstate the claim.

19. COMAR's decisions on reopening or reinstatement (referred to as non-admission to the procedure) can be appealed before administrative tribunals through a legal action known as an amparo. But to achieve effective access to justice, people must have a lawyer who can advise them and represent them in the lawsuit because the amparo is a complex technical legal trial. Although AAMX has successfully represented asylum seekers in a variety of challenges to COMAR actions, it can be difficult for individuals to follow through with the lawsuit if, for example, they do not have stable housing to be able to remain in the state where they applied for asylum and initiated the amparo action. Moreover, even with an attorney, success is far from guaranteed.

**Cancellation of CBP One Has Caused Hardships for
Asylum Seekers in Mexico**

20. Asylum seekers encounter perilous conditions in Mexico. They face severe deprivations of their fundamental rights and have been subject to untold violence at the hands of cartels and other organized crime. They have been victims of mistreatment in their home country, on their journey to seek safety, and again while waiting in Mexico. In Mexico, in particular when they are in irregular status, migrants struggle to find employment. Working in the informal sector exposes them to discrimination and exploitation.

21. Despite the flaws with the CBP One app, cancellation of the program and elimination of the ability to seek asylum at a port of entry along the U.S.-Mexico border has only exacerbated poor conditions for migrants in Mexico. Many individuals have lost the ability to apply for protection in Mexico because they will be turned away by INM or COMAR for not complying with arbitrarily enforced technical requirements like the 30-day deadline. The increase in asylum applications in recent months has put extreme strain on the Mexican asylum system which was already severely under-resourced.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 29 day of May 2025 in Mexico City, Mexico.



José Alberto Argüelles Aviles

EXHIBIT P

DECLARATION OF SOPHIA GENOVESE

I, Sophia Genovese, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I have personal knowledge of the matters set forth herein except where I have indicated otherwise. If called as a witness, I can and will testify competently and truthfully to these matters.
2. I am a licensed attorney admitted to practice in the States of New York, New Jersey, and New Mexico. I currently reside in Albuquerque, New Mexico.
3. I am the Managing Attorney of the Asylum and Detention team at the New Mexico Immigrant Law Center (NMILC) in Albuquerque, New Mexico.
4. Prior to joining NMILC in 2022, I practiced law in New York, where I founded and managed a detention representation program with the Catholic Charities Community Services – Archdiocese of New York. I also trained and mentored pro bono attorneys in their representation of noncitizens before immigration courts and agencies. Before that, I worked as an attorney with the Southern Poverty Law Center, where I represented individuals in immigration detention in rural Georgia, and as an Associate with Cyrus D. Mehta & Partners, PLLC.
5. NMILC provides community education, pro se support, and direct representation to asylum seekers in New Mexico. NMILC provides this support to people who are in immigration detention in New Mexico and people who have been released from immigration custody and reside in New Mexico. NMILC is recognized for its expertise on asylum and detention issues, and engages in advocacy efforts at the local, state, and federal levels to enact laws and policies that welcome new immigrants to the United States with dignity.

6. NMILC leverages volunteers, technology, and community education and empowerment to amplify the impact of its legal services as much as possible. Since April 2022, for example, NMILC has provided pro se asylum application assistance and/or direct representation to over 700 asylum seekers in New Mexico.
7. For individuals in detention, NMILC provides direct representation in fear screenings, hearings before immigration judges to review negative fear determinations, requests for release from custody on bond or parole, and merits hearings.
8. In addition, NMILC is actively involved in human rights monitoring and reporting efforts in detention facilities along the southwest border. NMILC has filed dozens of civil rights and civil liberties complaints on a range of topics, including reasonable accommodation violations, medical neglect, due process violations, and sexual assault in detention centers. These complaints have resulted in several investigations by oversight bodies and brought about important changes.
9. President Trump's Proclamation, "Guaranteeing the States Protection Against Invasion," and Executive Order, "Securing Our Borders," have seriously undermined NMILC's ability to serve asylum seekers in New Mexico. Pursuant to the Proclamation, ports of entry all along the U.S.-Mexico Border have been altogether closed to asylum seekers since January 20, 2025.
10. NMILC has accordingly seen a precipitous decline in the number of asylum seekers who have crossed the U.S.-Mexico border since January 20, 2025. Whereas New Mexico's immigration detention facilities previously held recently arrived asylum seekers who crossed the border irregularly or even pursuant to CBP One appointments at ports of entry in the El Paso sector (which includes all of New Mexico), they are now increasingly filled with

people who have been apprehended elsewhere in the United States. In other words, because far fewer, if any, people are able to access the U.S. asylum system at the border, ICE is filling its bed space in the El Paso area of responsibility with other detained populations.

11. Virtually all detained individuals with whom NMILC has spoken report having experienced extremely long wait times and precarious conditions in Mexico. While we work with all detained individuals— asylum seekers and others apprehended elsewhere in the United States—I cannot think of a single example where someone did not enter via the southern border. Many NMILC clients and pro se workshop recipients were robbed, beaten, extorted, or otherwise victimized while trying to obtain CBP One appointments in Mexico prior to the app’s termination.
12. Prior to January 20, 2025, thousands of asylum seekers endured squalid conditions, predatory gangs, and corrupt officials as they waited in Mexico in the hope of securing an elusive CBP One appointment. NMILC spoke with a Cuban man who was imprisoned and tortured by the police in his home country, for example, who waited for almost a year for an appointment but never secured one. He was subjected to violence throughout his time in Mexico, and was finally compelled to cross the border between ports of entry after the CBP One app was terminated. This situation is not uncommon.
13. Indeed, of those individuals who came to the United States after January 20, 2025, the vast majority were ultimately compelled to cross the border between ports of entry because they suffered some form of violence in Mexico. For example, one of my supervisees spoke with approximately 150 detained individuals during the week of April 21, 2025: every single person expressed a fear of returning to Mexico and/or asserted that they were harmed in Mexico. They reported suffering physical violence, sexual assault, kidnapping, and

persistent extortion calls and death threats to family members, even after they were released.

14. The detained population we work with is diverse, speaking twenty-two different languages. It is the rare exception, regardless of background or country of origin, that a person reports not having experienced violence in Mexico.
15. The implementation of the Proclamation is therefore a betrayal on multiple levels and exacerbates the risks migrants face in Mexico. By effectively closing the border to anyone seeking asylum, the United States has effectively stranded individuals indefinitely in precarious conditions. Many NMILC clients and pro se workshop recipients were kidnapped in various areas of Mexico. Others were detained by Mexican authorities and sent back to the southern state of Chiapas, where they experienced even more violence. Many NMILC clients have reported that a significant number of migrants in Mexico remain in hiding for fear of going outside. For many people, such as our client base, the only viable alternative is to attempt to cross the border outside an official port of entry, which can itself be extremely dangerous and may have adverse legal ramifications.
16. Many of the people NMILC serves have reported paying thousands of dollars to hire coyotes and guides to get them across the border. Others were forced to cross the border between ports of entry because they were being actively pursued by criminal organizations in Mexico. For example, one man—fleeing active pursuit by his persecutors in Mexico—was forced to jump on a train coming to the United States in order to escape them. Another man was kidnapped and brutally sexually assaulted until his family paid for his release. Fearing for his life, he crossed the border outside a port of entry after being raped repeatedly by the cartel.

17. Though some individuals with CBP One appointments presented at ports of entry on January 20, 2025, many others were turned away. I am aware of one family that remains separated due to the termination of CBP One. Certain family members, who were awaiting CBP One appointments in Mexico, did not get them prior to January 20, 2025, and thus cannot join other family members who had obtained CBP One appointments and made it to the United States earlier. This is a tragically common reality.
18. Nearly everyone I have represented who traveled through Mexico to reach the U.S. southern border has reported being extorted and/or physically harmed by Mexican cartels and law enforcement, sometimes multiple times during their journeys north. LGBTQIA+ identifying individuals have reported elevated levels of violence, particularly sexual violence, on account of their identity. Many tried to schedule CBP One appointments but could not wait any longer as they faced imminent threats to their health and safety in Mexico.
19. These recent policy changes, implemented without any input whatsoever from knowledgeable advocates on the ground, serve only to sow chaos and uncertainty, and harm those most in need of protection.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on the 30th day of May 2025, in Albuquerque, New Mexico.



Sophia Genovese

EXHIBIT Q

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
25 United States, in his official capacity, *et*
26 *al.*,
27 Defendants.

Case No. 3:25-cv-01501-RBM-BLM
**DECLARATION OF NICOLE
ELIZABETH RAMOS IN
SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

1 MORRISON & FOERSTER LLP
 2 Robert W. Manoso
 3 (DC Bar No. 426323)
 4 *rmanoso@mof.com*
 5 2100 L Street, NW, Suite 900
 6 Washington, DC 20037
 7 Telephone: 202.887.1555
 8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
 7 Rebecca Cassler (DC Bar No. 90017398)
 8 *rcassler@immcouncil.org*
 9 Suchita Mathur (DC Bar No. 90013156)
 10 *smathur@immcouncil.org*
 11 PMB2026
 12 2001 L Street, NW, Suite 500
 13 Washington, DC 20036
 14 Telephone: 202.507.7523
 15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
 12 RIGHTS
 13 Angelo Guisado* (NY Bar No. 5182688)
 14 *aguisado@ccrjustice.org*
 15 Adina Marx-Arpadi
 16 (NY Bar No 6019335)
 17 *amarxarpadi@ccrjustice.org*
 18 666 Broadway, 7th Floor
 19 New York, NY 10012
 20 Telephone: 212.614.6464
 21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
 Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
 200 McAllister Street
 San Francisco, CA 94102
 Telephone: 415.565.4877
 Facsimile: 415.581.8824

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
 c/o GIBBS HOUSTON PAUW
 1000 Second Avenue, Suite 1600
 Seattle, WA 98104
 Telephone: 206.682.1080
 Facsimile: 206.689.2270

DEMOCRACY FORWARD
 FOUNDATION
 Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
 Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
 P.O. Box 34553
 Washington, DC 20043
 Telephone: 202.448.9090
 Facsimile: 202.796.4426

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DECLARATION OF NICOLE ELIZABETH RAMOS

I, Nicole Elizabeth Ramos, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an adult over the age of 18 and a U.S. citizen. I have personal knowledge of the matters set forth herein, except where I have indicated otherwise. If called as a witness, I can and will testify competently and truthfully to these matters.
2. I am a licensed U.S. attorney admitted to practice in the State of New York. I have resided in Tijuana, Mexico since October 2014.
3. I am the Director of the Border Rights Project of Al Otro Lado (“AOL”), which serves migrants seeking asylum at the U.S.-Mexico border. I also oversee our Binational Deportee Program, which provides legal orientation, reintegration services, and social service referrals to recent deportees to Mexico.
4. In addition to my work with AOL, I am an Adjunct Professor at Temple University, Beasley School of Law, and serve as a consulting expert for a multiyear public health study of migrant mothers in Mexico. I regularly lecture at universities, law schools, and professional conferences throughout the United States and Mexico regarding the impact of U.S. and Mexican border enforcement practices and policies on asylum seekers.

AOL’s Mission and Scope of Work

5. AOL is a 501(c)(3) non-profit organization headquartered in Los Angeles, California, with offices in San Diego, California, and Tijuana, Mexico. We recently opened a new office in Mexico City, Mexico. AOL provides holistic legal and humanitarian support to refugees, deportees, and immigrants on both sides of the U.S.-Mexico border.

6. AOL's core activities include providing direct services and legal representation to people seeking asylum or navigating other immigration proceedings in the United States, providing know-your-rights information to migrants, human rights monitoring, seeking redress for civil rights violations, and advocating for immigration reform, including through filing public comments on proposed federal rules that impact the migrant communities we serve.
7. We have a staff of fifteen people in our Tijuana office, four in our Mexico City office, and thirty-eight based in the United States. The vast majority of AOL's staff in Mexico is primarily dedicated to assisting migrants in accessing and understanding how to navigate the U.S. asylum system. AOL has only two attorneys on staff who are trained in Mexican asylum law.
8. AOL's Border Rights Project, established in 2017, provides legal education, representation, accompaniment, and human rights monitoring for 10,000 to 15,000 asylum seekers in Mexico each year who wish to seek asylum in the United States.
9. The focus of our team's work is helping particularly vulnerable asylum seekers access the asylum process at U.S. ports of entry along the southern border ("POEs") and delivering know-your-rights presentations ("KYRs") regarding the process of seeking asylum in the United States. This includes in-person accompaniment of particularly vulnerable asylum seekers to POEs, as well as filing humanitarian parole requests with U.S. Customs and Border Protection ("CBP") for such individuals, including linguistically isolated individuals and those with disabilities or urgent medical needs, victims of gender-based violence, and groups that face disproportionate discrimination, such as Black and LGBTQ+ individuals.

10. The Border Rights Project also documents human rights violations committed by U.S. and Mexican government officials against asylum seekers at the U.S.-Mexico border, especially at the San Ysidro and Chaparral ports of entry. In addition, AOL works on the ground to identify particularly vulnerable people, such as those groups mentioned above, in order to connect them with appropriate and necessary resources.
11. AOL has also long provided significant stop-gap humanitarian assistance to the populations we serve so that their basic needs are met while they are stuck at the U.S.-Mexico border. In particular, in response to the rollout of the CBP One app in 2023 as the primary means by which asylum seekers could access POEs, AOL had to expend significant resources and time to provide temporary emergency humanitarian aid to asylum seekers while they waited in Mexico for months, and in many cases longer than one year, to secure a CBP One appointment. AOL has provided asylum seekers with such assistance as emergency housing, medical care, food, water, and hygiene supplies.
12. AOL also serves asylum seekers remotely in other border cities, as well as transit cities in Mexico. For example, we administer an online risk assessment survey that is completed by asylum seekers in cities along the entire U.S.-Mexico border, who report on their experiences with CBP and Mexican law enforcement agencies, including the *Instituto Nacional de Migración* (“INM”). The survey includes questions that enable us to identify people who have particular vulnerabilities and to compile information concerning the experiences of asylum seekers in Mexico.
13. Unnecessary delays imposed by the Department of Homeland Security (“DHS”), as well as CBP One’s “geofencing” technology that limited use of the application to individuals physically located within specific geographic

regions of Mexico, have meant that asylum seekers are exposed to dangerous conditions in Mexico for months or even longer. In August 2024, the specific boundaries of the geofence were modified to permit use of the CBP One platform throughout Mexico, but asylum seekers continued to encounter protracted delays in obtaining CBP One appointments.

14. Because of these delays in accessing the U.S. asylum process, AOL has used our survey to identify at-risk migrants, including those who are disabled or have untreated, chronic, or acute medical conditions, those facing housing and/or food insecurity, and those with immediate protection and physical safety needs. The survey collects demographic information on race, gender, sexual orientation, and language, as well as information on the harms individuals have experienced as they travel through Mexico.
15. A critical element of AOL's work is ensuring that accurate, up-to-date, and accessible information is disseminated to asylum seekers. This includes individuals who are physically distant from AOL's office in Tijuana but nonetheless rely on us for reliable information. For example, we run a community-facing TikTok account to which many migrants turn for up-to-date information. Our account, which has over 100,000 followers, publishes critical content in nineteen different languages to ensure asylum seekers of diverse backgrounds have access to necessary information during their journeys through the Americas. Our content includes information on U.S. asylum law and border policies impacting the right to seek asylum at the U.S.-Mexico border, immigration detention in the United States, family separation policies, as well as timely information that addresses scams and rumors that may be circulating among migrant communities.
16. Within the United States, AOL represents detained and non-detained noncitizens before U.S. Citizenship and Immigration Services, the

immigration courts, and in federal courts. Additionally, AOL provides legal orientations to immigrants detained at the Imperial Regional Detention Facility in Calexico, CA.

Dangers to Asylum Seekers in Mexico

17. Asylum seekers who are prevented from accessing the U.S. asylum process at ports of entry along the U.S.-Mexico border face grave dangers and live under precarious conditions. Since January 20, 2025, AOL staff and I have conducted weekly KYRs with thousands of individuals who told us they migrated to Mexico to seek asylum in the United States. In reliance on the U.S. government's representations that noncitizens who made CBP One appointments would be able to seek asylum in the United States, many of these individuals had registered for CBP One and were trying to obtain appointments or had already obtained CBP One appointments on or after January 20, 2025, when the government cancelled all pending appointments and terminated CBP One's scheduling functionality.
18. Many individuals did not apply for asylum in Mexico at the same time they were attempting to secure a CBP One appointment because (a) Mexican officials and/or civil society organizations incorrectly told them that they would be ineligible for a CBP One appointment if they applied for asylum in Mexico, or (b) they suffered serious harms in Mexico and did not feel safe there. Many have experienced both injustices. Indeed, the vast majority of the migrants we have encountered have now missed the 30-day deadline for submitting their applications for refugee protection to Mexican authorities. While it is possible to submit an application beyond the 30-day deadline, doing so is extremely difficult without the assistance of an experienced attorney, which the majority of migrants in Mexico cannot afford. Moreover, the need for Mexican attorneys experienced in asylum and refugee law simply

outpaces the supply, whether an asylum seeker could afford their services or not. If an asylum seeker applies late and their justification for missing the deadline is deemed insufficient, they risk deportation.

19. Without immigration status in Mexico, migrants cannot work in the formal labor market, open a bank account, or access public healthcare. As a result, many work in jobs where they receive far below the minimum wage, endure conditions that are exploitative and unsafe, and face housing and food insecurity. AOL's clients in Mexico frequently report facing rape, kidnapping, extortion, and other forms of violence on a regular basis. Individuals and families who identify as LGBTQ+ are at particular risk of violence and discrimination in Mexico, as are unaccompanied children, Black individuals, medically vulnerable individuals, and linguistically isolated individuals including Indigenous people. The longer vulnerable populations are forced to confront such threats, the greater the risk to their physical and mental well-being.
20. The January 20, 2025 Proclamation and related guidance that effectively closed the border to asylum seekers ("Asylum Shutdown Policy") are the latest and most damaging policies restricting the rights of asylum seekers at U.S. ports of entry. Past policies have denied asylum seekers access to the legal process through protracted delay, such as by restricting the right to seek asylum to those able to obtain appointments on the CBP One phone app. But this current policy denies access to the legal process altogether and indefinitely. In addition, DHS cancelled approximately 30,000 scheduled CBP One appointments ("CBP One Cancellation"). Many people had waited for six months or more, and some waited longer than a year, to obtain these appointments, which had effectively been the only way to seek asylum in the United States since May 2023.

The Proclamation and Asylum Shutdown Policy Harm AOL

21. The Proclamation, Asylum Shutdown Policy, and their implementation, as well as the CBP One Cancellation, have seriously undermined AOL's ability to carry out its core business activities. AOL can no longer accompany or assist individuals in accessing the U.S. asylum system at POEs along the U.S.-Mexico border or in navigating its complexities because POEs are closed to people seeking asylum, and CBP One—previously the sole means of accessing the U.S. asylum system—has been terminated.
22. AOL has reallocated its resources to address the basic needs of the individuals and families in Tijuana, and now Mexico City, who would otherwise be seeking protection in the United States. However, AOL is not, and has never been, set up to provide indefinite humanitarian aid to individuals stranded in Mexico with no discernible path to protection in the United States.
23. The needs of the particularly vulnerable groups we serve, such as children, those with medical needs, the linguistically isolated, and Black, Indigenous, and LGBTQ+ individuals in Mexico, who face particular discrimination, have increased considerably since January 20, 2025. The Proclamation, Asylum Shutdown Policy, and CBP One Cancellation have essentially rendered permanent, or at least indefinite, the temporary threats that these populations used to face. This directly affects what is required of AOL to address the needs of these populations.
24. AOL is dedicated to serving migrant populations by helping them understand, access, and navigate the complex asylum system in the United States. This includes individuals trying to access the U.S. asylum process at ports of entry along the U.S.-Mexico border, those navigating the asylum process within the United States, and families separated on opposite sides of the U.S.-Mexico border.

25. Instead of helping our clients access asylum processing at POEs and providing them with information to navigate the process, we have instead had to monitor and re-evaluate their basic needs to develop an appropriate response. These individuals now suffer for protracted periods in squalid shelters and camps, become ill due to unsanitary and precarious conditions and a lack of basic necessities, fall victim to all manner of violence at the hands of criminal groups and Mexican officials, and even die while waiting for the now nonexistent chance to present themselves at a port of entry to seek asylum in the United States.
26. Furthermore, the populations AOL serves now require legal assistance to navigate the Mexican refugee protection system because they are unable to access the U.S. asylum process at POEs. This is especially true for the many asylum seekers who relied on CBP One and in so doing missed the 30-day filing deadline to apply for asylum in Mexico. AOL has just two attorneys on staff trained in Mexican asylum law. The vast majority of our staff, including the nine other U.S. licensed attorneys, are primarily dedicated to helping migrants access and navigate proceedings in the United States.
27. As the Proclamation and Asylum Shutdown Policy have eviscerated access to asylum in the United States, AOL has had to completely shift the focus of its work from facilitating access to the U.S. asylum process to focusing on the needs associated with migrants' long-term presence in Mexico. This includes medical support, school enrollment for children, and legal rights and remedies in Mexico. The populations we serve are the same, but their needs, the duration of their required support, and their physical location have all changed dramatically since January 20, 2025. Had there been an opportunity to provide comments to the government prior to its cancellation of all CBP One appointments, AOL would have submitted a response detailing the immense

harm certain to arise from such an unprecedented and radical policy shift, and the serious costs it would impose on the communities AOL serves, and on AOL itself.

28. Prior to January 20, 2025, and since AOL's inception, asylum seekers have required access to timely information regarding the U.S. immigration process and shifting policy landscape, accompaniment, and assistance with temporary needs like shelter, food, and sanitary items to the extent they were forced to wait in Mexico for temporary periods. Now, asylum seekers in Mexico require information on accessing the Mexican asylum system, accompaniment for medical care, assistance securing long-term housing, employment, and school enrollment for children—all in Mexico. And while migrants still require the basics, like food and shelter, many now require such support indefinitely.
29. AOL has had to spend considerable time and resources helping migrant families enroll their children in Mexican schools. Many migrants and school administrators alike do not know that children without lawful status can be enrolled in school in Mexico. Some migrant children face additional challenges due to lack of language access and endemic racism. Since January 20, 2025, my team has helped enroll 62 children in the Tijuana school system. This has entailed accompanying children and families to enroll and fundraising to help them cover required costs for enrollment, including school supplies and uniforms. AOL has also helped to obtain basic provisions necessary for the care of babies and young children, such as diapers, baby wipes, and formula. Rather than providing stop-gap relief for migrant children en route to the United States, AOL must instead focus on addressing the survival needs of the populations it serves over the long term.
30. In the United States, a significant percentage of AOL's clients are asylum seekers. While we represent both individuals who entered through POEs and

those who entered outside a port of entry, our U.S.-based client stream who entered through POEs has essentially vanished since January 20, 2025, because asylum seekers have been denied access to POEs.

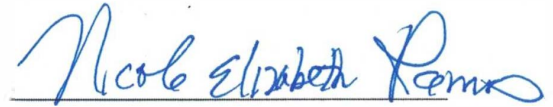
31. Not only have the Proclamation, the Asylum Shutdown Policy, and the CBP One Cancellation thwarted AOL's ability to carry out our core activities and forced us to reallocate significant time and financial resources to respond, but they have also fundamentally threatened our existing funding streams. For example, AOL receives significant funding from contracts that are designated for U.S.-specific work, in addition to our transnational or international work. Most of our funding contracts require quantitative deliverables in addition to meeting qualitative standards. In 2024, for example, we filed 1,405 FOIA requests for individual clients in the United States. Each of these requests counts toward quantitative metrics to meet our contractual obligations for U.S.-specific work. As described above, however, the Trump administration's evisceration of access to the U.S. asylum system has resulted in a sharp decrease in the number of asylum seekers in the United States to whom we can provide representation, information, and other services. The recent executive actions therefore threaten AOL's existence at every turn.
32. AOL provides critical resources, information, and services for individuals attempting to seek asylum in the United States and has become a trusted source for diverse, vulnerable migrant populations. Migrants trust AOL and rely on us as a go-to source of credible, timely information made available in a language and manner they can access.
33. Due to the Proclamation, the Asylum Shutdown Policy, and the CBP One Cancellation, AOL has had to revise or rewrite all our legal orientation materials. This includes both client-facing materials and our volunteer and staff training materials. We serve a linguistically diverse community and

therefore are working to translate these materials into nineteen languages, to match those we offer on our TikTok channel. We have also had to develop and implement an entirely new risk assessment survey to identify vulnerable individuals; provide them with timely, accurate, and accessible information; and connect them with needed support services. The amount of staff time and effort required to create an entirely new survey instrument and coordinate with organizations in Mexico to facilitate long-term care and integration is tremendous. We would otherwise have allocated these resources to providing direct services to people seeking asylum in the United States once they had been processed at ports of entry, expanding our efforts to assist asylum seekers harmed by past restrictive DHS and CBP policies, reunifying families separated at the border, and undertaking other projects that advance our mission to assist some of the most vulnerable people on the planet seeking protection in the United States.

34. Additionally, the emotional toll of watching our clients suffer and die for lack of access to ports of entry is difficult to describe, especially when we are practically powerless to help them. We do not have sufficient capacity to help everyone in need and must therefore reserve our limited capacity for those who would suffer the most grievous harm. Sometimes, our clients or their family members die despite our best efforts. AOL is investigating new and expanded strategies to help our staff members cope with the resulting trauma. Many people who work for AOL have themselves experienced harm related to their own migration journeys and suffer additional trauma because of this.
35. AOL is committed to supporting vulnerable migrants seeking asylum and to helping them meet their basic needs in the process. The Proclamation, Asylum Shutdown Policy, and CBP One Cancellation, however, have and will continue to thwart our critical core activities.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on the 10th day of June 2025, in Tijuana, Mexico.

A handwritten signature in blue ink that reads "Nicole Elizabeth Ramos". The signature is written in a cursive style and is positioned above a horizontal line.

Nicole Elizabeth Ramos

EXHIBIT R



TRAPPED, PREYED UPON, AND PUNISHED

One Year of the Biden
Administration Asylum Ban



May 2024

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Executive summary

On May 11, 2023, the Biden administration initiated a new bar on asylum through its [Circumvention of Lawful Pathways](#) rule. Often referred to as an “[asylum ban](#),” the bar is structured to deny asylum, with highly limited exceptions, to non-Mexican people who cross into the United States between ports of entry, or arrive at ports of entry without appointments. The ban is used with expedited removal to deny people full asylum hearings even if they would have a significant chance of winning asylum in immigration court, if they don’t meet a higher, [unduly onerous](#), initial screening standard.

In its first year, the asylum ban and accompanying restrictions have endangered people seeking asylum; fueled returns to persecution and torture; spurred crossings outside U.S. ports of entry; undermined effective migration policy and refugee protection; and disproportionately threatened Black, Indigenous, LGBTQI+, women, children, and other at-risk people seeking asylum. Because of the ban, vulnerable children and adults are forced to wait in danger in Mexico for up to seven months to obtain an appointment through Customs and Border Protection’s “CBPOne” app to seek asylum at a port of entry. Those waiting are targets of sharply escalating cartel kidnappings and violence, and actions by the [Mexican government](#) that prevent them from reaching U.S. ports of entry to seek asylum, even if they are waiting for or [have CBP One appointments](#).

This report updates prior Human Rights First reports issued in [July 2023](#) and [October 2023](#), and follows reports issued with [Haitian Bridge Alliance and other partners in May 2023](#) and with [Florence Immigrant and Refugee Rights Project and the Kino Border Initiative in June 2023](#). This report is based on research conducted over the last year in five Mexican cities: Tijuana, Baja California; Nogales, Sonora; Ciudad Juárez, Chihuahua; Reynosa and Matamoros, Tamaulipas; visits to shelters in five U.S. cities: San Diego, California; Tucson, Arizona; El Paso, McAllen, and Brownsville, Texas; visits to open-air detention sites in San Ysidro and Jacumba, California, to Lukeville and Sasabe, Arizona, information and case examples shared by attorneys and legal service organizations, and by humanitarian and religious workers in Mexico and the United States. It is supported by interviews with over 500 asylum seekers as well as discussions with over sixty legal, humanitarian, and religious workers on both sides of the U.S.-Mexico border.

Key findings:

- **The asylum ban and accompanying restrictions are ineffective and counterproductive to effective migration policy and refugee protection.** People seeking asylum, including the over 500 interviewed over the last year by Human Rights First across the U.S.-Mexico border, were overwhelmingly not aware of the ban and its consequences. Even when asylum seekers do learn of it, their decisions are primarily driven by urgent needs for safety and protection. Rather than deterring people from irregularly crossing the southwest border or funneling people to ports of entry, the ban and accompanying restrictions spur irregular



crossings and punish people who cross with penalties that violate the Refugee Convention.

- **Wait times for the U.S. port of entry appointments referenced in the rule have risen from two to four months to up to seven months, while daily CBP One appointments have stagnated at 1450 since June 2023.** Like other forms of metering, long wait times for CBP One appointments spur crossings outside of official ports of entry, making them counterproductive to effective migration policy and detrimental to the safety of people seeking asylum.
- **People seeking asylum waiting in Mexico for CBP One appointments are targeted for kidnappings, torture, rape, and brutal violence.** Human Rights First has tracked reports of over 2,500 survivors of kidnappings and other violent attacks on asylum seekers and migrants stranded in Mexico, including those waiting to secure CBP One appointments, since the asylum ban was initiated in 2023. **Targeted attacks against migrants and asylum seekers have sharply escalated** by 70% in some areas. Increasing numbers of people are missing their CBP One appointments because they are being kidnapped in Mexico, further trapping them in danger.
- **People waiting for CBP One appointments, and some people with appointments, are prevented from seeking asylum at U.S. ports of entry by the Mexican government's increased targeting** of migrants for arrest, detention, forced transfers to southern Mexico, and potential return to persecution.
- **Black, Indigenous, LGBTQI+, HIV+, women, children, and other vulnerable people seeking asylum face particular barriers and harms under the asylum ban.** The asylum ban and related restrictions discriminate against and deny equal access to asylum to people who do not speak English, Spanish, or Haitian Creole, including most African, Indigenous, and other people seeking asylum from outside of the Americas, in addition to others who cannot use the CBP One app due to access barriers.
- **The asylum ban leads to the return of refugees to persecution and torture, amounting to refoulement.** People subject to the ban's higher screening standard in expedited removal credible fear interviews are three times more likely to be ordered deported to their countries of feared persecution or to Mexico, where they face dangers and risk return (chain refoulement), compared to those who are not subject to the ban. The result has been that the United States has ordered the deportation of people with strong and obvious needs for refugee protection.
 - **People deported or ordered deported under the asylum ban include:** a transgender woman from Venezuela fleeing anti-LGBTQI+ abuses, a victim of political persecution from Senegal, an illiterate man from Nicaragua fearing torture by Nicaraguan authorities, a Chinese pro-democracy dissident, and a victim of religious persecution from Egypt.



- **People who are unable to secure, or cannot safely wait in Mexico for, CBP One appointments face barriers to processing at U.S. ports of entry and risk the asylum ban's punishment if they cross at or between ports of entry without appointments.** The barriers that impede their access to U.S. ports of entry include CBP limits on processing people without appointments (otherwise known as "metering"), and Mexican authorities' actions to block asylum seekers' access to ports of entry; they turn away people facing urgent medical needs or threats to their lives and safety in Mexico.
- **The use of the asylum ban in expedited removal and the relaunch of the Trump-era practice of conducting Credible Fear Interviews when asylum seekers are in CBP custody impedes access to counsel and prolongs detention of asylum seekers in dangerous and subpar conditions** in border holding cells, which violates CBP guidelines. Despite the Biden administration's attempts to support access to legal consultations, the vast majority of those in custody do not have meaningful access to legal assistance or representation before or during their interviews. The systemic due process issues that exist in expedited removal are amplified when people seeking asylum are in CBP custody. These issues, in addition to those inherent in the asylum ban, lead people with refugee claims to be returned to harm.

The asylum ban is a new iteration of [transit](#) and [entry](#) bans promulgated by the Trump administration that were repeatedly enjoined or struck down by federal courts as they violated U.S. law. A federal district court [ruled](#) in July 2023 that the Biden administration's asylum ban is unlawful, but it remains in place while the administration appeals this decision. The asylum ban has generated [strong and diverse opposition](#) from faith groups, Holocaust survivors, major unions, civil rights organizations, members of the president's political party, and other key Biden administration allies. As a candidate, President Biden [promised](#) to end such policies.

Recommendations:

Instead of banning and blocking people seeking asylum, the Biden administration and Congress should double down on humane and effective strategies that the administration has already initiated or announced, including to quickly ramp up regional refugee resettlement plans, strengthen parole initiatives, increase humanitarian and other aid to address protection gaps in the Americas, maximize access to ports of entry, properly staff asylum and immigration court adjudications, improve and restart use of the Biden administration's new asylum processing rule to help adjudicate a greater number of asylum cases more efficiently and take other key steps previously [recommended](#) by Human Rights First.

The Biden administration should rescind its asylum ban and end accompanying policies that unjustly punish and turn away people seeking asylum. Instead, the administration should



take effective and humane steps to address challenges at the border as Human Rights First has long recommended and outlines in this report.

The Administration should:

- Maximize access to asylum at U.S. ports of entry: conduct processing at more ports of entry, ensure access at ports of entry for people who do not have CBP One appointments, and increase the number of CBP One appointments offered;
- Implement a whole of government approach to reception efforts: create a centralized White House office to coordinate between the federal government, states, cities, and the non-government organizations that provide essential humanitarian services, and work with Congress to secure robust and sustainable appropriations for this vital work;
- Ensure access to work authorization and prompt processing of work permit applications necessary for both migrants and receiving communities;
- Strengthen the asylum adjudication system to ensure fair and timely outcomes;
- Expand and strengthen the Biden administration's parole and regional refugee resettlement programs, as well as diplomacy and support for protection in the Americas;
- Press the Government of Mexico to ensure people seeking U.S. asylum have access to U.S. ports of entry and to take steps to protect the safety and human rights of migrants and asylum seekers, including those waiting to seek U.S. asylum.



Sharp escalations in targeted violence

“They torture you and beat you like an animal.”¹

The asylum ban and related restrictions at U.S. ports of entry strand children and adults seeking U.S. asylum in Mexico where they are targeted for horrific and widespread abuses by cartels and Mexican authorities often acting in complicity with those cartels. Human Rights First has tracked reports of over 2,500 survivors of kidnapping, torture, rape, enforced disappearance, extortion, and other violent attacks against asylum seekers and migrants stranded in Mexico since the asylum ban took effect. As detailed below, and in our October 2023 report, this violence has risen sharply since the asylum ban was initiated.

CBP One appointments are only available at [eight ports of entry](#) across the entire southwest border, concentrating people seeking asylum at these locations. In Reynosa, Matamoros, and Nuevo Laredo, Mexican border cities where the Department of Homeland Security (DHS) issues over [40%](#) of its CBP One appointments, kidnappings, torture, and sexual assault by cartels of people seeking asylum, including those waiting for or [with CBP One appointments](#), have risen [since the ban took effect](#). These areas were already designated by the [U.S. State Department](#) as “Do Not Travel” locations due to life-threatening risks—designations that are akin to those issued for war zones. In Nuevo Laredo, the Strauss Center for International Security and Law has reported that conditions are so [dangerous](#) that migrant shelters continue to be closed due to “members of organized crime threatening and perpetrating violence against shelter staff and migrants.” Reports of sexual violence against migrants in Reynosa and Matamoros [increased 70%](#) during the last months of 2023 according to Doctors Without Borders, in addition to the already sharply [escalating instances](#) of [kidnappings](#) in Reynosa following the implementation of the ban. In [January 2024](#), Doctors Without Borders teams in northern Mexico reported more cases of sexual violence than in any month of the previous year.

In recent weeks, humanitarian aid workers in these areas have informed Human Rights First that the frequency and brutality of the kidnappings has only gotten worse. Aid workers recounted that men and women have suffered from horrific torture and sexual violence, including women gang raped and sexually assaulted in the presence of children. Migrant survivors of kidnapping in Tamaulipas also report extreme physical violence such as acid burns, fractures, beatings with a slab of wood, and even mentioned having witnessed homicides, as told to [Doctors Without Borders](#). After suffering these horrors, children and their families remain terrified and trapped in danger. Aid workers reported to Human Rights First that they have observed that increased numbers of asylum seekers have [missed](#) their CBP One appointments because of these escalating abuses. Aid workers in Tamaulipas

¹ Quote from a [Venezuelan asylum seeker](#) kidnapped and tortured in Reynosa while waiting for a CBP One appointment.



continue to report concerns that they themselves are also at increased risk of violent attacks and threats due to their work with people seeking asylum and other migrants.

In Piedras Negras, Coahuila, another border city where people with CBP One appointments can access a U.S. port of entry, Doctors Without Borders [reported](#) cases of sexual violence, kidnappings, beatings, threats, and forced disappearance of family members in transit or at the border in 2023. A humanitarian aid worker informed Human Rights First that many people who arrive in Piedras Negras with CBP One appointments are kidnapped and as a result miss their appointments. West of Coahuila, the Mexican northern border state of Chihuahua [recorded](#) last year the highest number of kidnappings in three years. Kidnappings nearly tripled from 67 victims in 2022, during implementation of the Title 42 expulsion policy, to 181 victims in 2023, following implementation of the asylum ban and related restrictions on access to ports of entry. And yet, kidnappings are [notoriously under-reported](#). The Mexican national anti-kidnapping commissioner [stated](#) last year that the *cifra negra* of kidnappings in Mexico remains high as only one in ten kidnappings are reported, as quoted by SN Digital Tlaxcala. A Ciudad Juárez prosecutor [reported](#) that all kidnappings in the city in 2023 were specifically perpetrated against migrants arriving in Ciudad Juárez, as organized criminal groups have focused on the kidnapping and smuggling of migrants.

Human Rights First has tracked reports of **over 2,500 survivors** of kidnapping, torture, rape, extortion, and other violent harm against people seeking asylum and migrants while stranded in Mexico as they wait to seek U.S. asylum in the year since the ban took effect. Of these, [1,300 survivors](#) of violent harm were identified during the ban's first six months. Given the [under-reporting](#) of kidnappings and other crimes in Mexico and [substantial](#) increase in kidnappings in parts of the northern Mexico border reported by [aid workers](#) and [Mexican authorities](#), this figure certainly represents the tip of the iceberg. In its [prior reports](#) on the asylum ban, Human Rights First documented numerous examples of adults, children and families who survived these harms while stranded in Mexico as they attempted to secure a CBP One appointment.

These [included](#): a Venezuelan young adult kidnapped and tortured by having his finger cut off; a Honduran mother kidnapped with her family and raped; a Venezuelan man kidnapped and shot in the head leading to the loss of his eye; Honduran teenage boys kidnapped and raped; a Latin American mother and her minor children sexually assaulted; a Colombian LGBTQI+ woman sexually assaulted by a Mexican official; and a Latin American man kidnapped and tortured by Mexican officials in Reynosa.

Some recent examples of the targeting of people waiting to access U.S ports of entry in order to seek asylum over the last few months, include:

- **Members of a cartel kidnapped and tortured three Haitian men in Reynosa who were seeking asylum. The men were tortured during their abduction, including the forcible removal of teeth.** Two of the men were waiting for CBP One appointments and one missed his appointment on account of the kidnapping in April 2024.



- **Latin American² woman and her children were pulled off a bus while traveling from Monterrey to Reynosa by members of a cartel and kidnapped. The cartel members gang raped the mother** while holding the family captive in April 2024.
- **Venezuelan man was kidnapped in Reynosa while waiting for a CBP One appointment and physically brutalized for 10 days by members of a cartel.** In fear of being kidnapped again, he fled to the neighboring city of Matamoros after his release and crossed the Rio Grande to seek U.S. asylum protection. Although he had fled political persecution by the Venezuelan police, his claim of fear of return to Venezuela was ignored and he was expeditiously removed to Mexico without receiving a credible fear interview, as Jewish Family Services of San Diego reported.
- **Haitian unaccompanied teenage girl and three Haitian women seeking asylum survived an enforced disappearance by Mexican authorities who turned them over to cartel members who abused them physically and sexually.** The teenage girl and three women were transiting to Reynosa by bus when armed men dressed as Mexican police officers stopped the bus in late December 2024. The Mexican police officers robbed them of their phones and placed them together in a car with black bags over their heads. They were turned over to members of the cartel and held captive for ransom. Cartel members attempted to rape the teenage girl and severely beat her with a stick for resisting. The three Haitian women were raped and beaten. They also witnessed other captive Haitian women who were pregnant and were beaten and raped.
- **Latin American³ pregnant woman was raped by members of a cartel in Reynosa after they kidnapped her and her husband in March 2024.** The kidnappers continued to rape her as she went into labor and her water broke. She was left on the street with her husband who was badly beaten, and soon after delivered her baby.

Indefinite wait in danger with access to U.S. ports of entry restricted

“I am afraid for my life here. Afraid that I will be killed, kidnapped, or that they’ll do something to me.”⁴

In order to seek asylum at a port of entry, people must wait up to six to seven months and try *daily* to obtain an appointment on a glitchy, inequitable smartphone app, CBP One, that operates in essence like a daily lottery. Those facing acute risks who cannot safely wait in Mexico, or in some cases even use the CBP One app, have little to no meaningful access to

² To protect the safety of the family, Human Rights First is not identifying them by their specific nationality.

³ To protect the safety of the family, Human Rights First is not identifying them by their specific nationality.

⁴ Quote from a [Honduran asylum seeker](#) raped in Matamoros while waiting for a CBP One appointment and who was twice blocked from accessing the U.S. port of entry by Mexican officers.



processing at U.S. ports of entry and are driven to undertake irregular crossings to save their lives.

CBP limits the number of CBP One appointments, both the total number available daily and the locations where they are accepted. Since June 2023, the total number of CBP One appointments available daily has remained stagnant at 1450 per day, contributing to a steady increase in wait times. While initial wait times for appointments were reportedly two to four months, one year after the ban was initiated, wait times have increased up to six to seven months. These appointments, moreover, are only available at eight ports of entry across the nearly 2,000 miles of the southwest border, leaving spans of hundreds of miles between various ports without access to any safe processing at ports of entry.

“We’ve been waiting for an appointment that doesn’t arrive. [The CBP One app] doesn’t care about the risk [we face] or our human rights.”⁵

For people who are unable to secure appointments, or cannot safely wait for one, CBP processing at ports of entry is nonexistent or minimal, estimated at fewer than 100 people per day across the entire U.S.-Mexico border. In tandem, Mexican authorities continue to block and restrict port of entry access to people without CBP One appointments, including individuals facing acute risks. Mexican authorities also block Mexican nationals and unaccompanied minors, two groups that are not even subject to the ban.

CBP limits the number of people without appointments allowed in at U.S. ports of entry by turning away, metering and/or leaving asylum seekers without appointments to “wait” in Mexico, often in real or virtual lines. This is a violation of both U.S. law and DHS guidance, which makes clear that people seeking asylum cannot be required to submit advance information in order to be processed at a U.S. port of entry.

By blocking and restricting access to ports of entry, the asylum ban and metering policies spur crossings between ports of entry and undermine effective migration management, which would be better served by increasing and maximizing access at ports of entry. In April 2024, Human Rights First researchers interviewed adults and families in El Paso who had crossed into the United States between ports of entry. Many indicated that they had tried to obtain a CBP One appointment to enter through a port of entry, but that the monthslong wait times, along with the dangers and risks in Mexico, drove them to seek protection in the United States by crossing the border. The risks they recounted included significant and cumulative trauma suffered in Mexico, ranging from widespread extortion and abuses by Mexican authorities, risk of kidnapping and violent harm by brutal cartels, and fear Mexican authorities would forcibly move them to southern Mexico and/or deport them to their countries of feared persecution.

⁵ Quote from a Venezuelan family with minor children who were kidnapped during which the mother was twice sexually abused while waiting for a CBP One appointment in June 2023.



In Nogales, Sonora, people without CBP One appointments seeking access to the U.S. port of entry are required to join a [waitlist](#) administered by a Mexican municipal agency. In [October](#) 2023, the estimated wait time to be processed was four to five months. As of April 2024, families interviewed by Human Rights First reported waiting **six to seven months to be processed**. CBP only processes a [handful of individuals](#) from this Mexico-administered waitlist daily and on some days processes none of them. Many of those on the list are Mexican nationals who are not even subject to the asylum ban and whose access to the U.S. port of entry without a CBP One appointment is still being metered. When a Human Rights First researcher visited in April 2024, a Mexican family with two minor children had been sleeping outside the port of entry for two months waiting to seek asylum.

Nogales is the only port of entry of six in Arizona that processes CBP One appointments, and it processes an [estimated](#) 100 daily CBP One appointments—the only appointments available to cross into Arizona through a port of entry. The nearest alternative ports accepting CBP One appointments in El Paso, Texas and Calexico, California are about 350 and 400 miles away, respectively. Given the limited processing and restricted access to ports of entry, asylum seekers and migrants unable to access or safely wait for a CBP One appointment are being driven to attempt perilous desert crossings to seek protection and risk being barred from seeking asylum under the ban. From July 2023 through March 2024, Tucson Border Patrol sector apprehended the [most migrants](#) entering between ports of entry across the southwest border.

Similarly at other U.S. ports of entry, Mexican authorities continue to routinely block access to people who do not have CBP One appointments, as documented in our [July](#) and [October](#) 2023 reports. In Piedras Negras, Coahuila, Doctors Without Borders [reported](#) that even people with CBP One appointments have been turned away from the Eagle Pass, Texas port of entry by Mexican authorities. The blocked access to U.S. ports of entry and targeting by cartels and Mexican authorities compel people seeking asylum in this area to risk their lives crossing the Rio Grande river, resulting in numerous [drowning deaths](#). These impediments continue. For example:

- **Maya Ixil woman and her infant blocked from accessing U.S. port of entry multiple times despite written permission from DHS to present themselves there.** A Maya Indigenous woman, the granddaughter of a survivor of the Ixil genocide in Guatemala, who only speaks Ixil, had not heard of the CBP One app and attempted to seek U.S. protection by crossing the Rio Grande to Eagle Pass, Texas. **Once on U.S. soil, U.S. authorities blocked them from seeking protection and stranded them on the U.S. side of the riverbank overnight.** Without being able to exercise their right to seek asylum, **U.S. authorities forced them to cross back to Mexico where they were treated for hypothermia.** After surviving this ordeal, the mother learned of the CBP One appointment system and attempted to secure an appointment for nearly two months but struggled due to limited internet access, technological and language barriers as the app is not available in any Indigenous language. The family attempted to seek protection at two ports of entry in Piedras Negras, Coahuila but were repeatedly blocked by Grupo Enlace, Mexican municipal employees, from accessing the port of entry despite permission from DHS to



present. One Mexican agent even implied that she would have to pay a bribe or they would deport her to Guatemala. During a later attempt, the family was again denied entry despite having a letter from DHS confirming their permission to present. The family was finally allowed to present at the port of entry and were processed into the country following significant intercession by U.S. non-profit groups. These aggressive tactics not only violated their right to seek asylum, but worsened the mental, emotional and spiritual state of an already traumatized mother and child.

Equal access to asylum denied

Black, Indigenous, LGBTQI+, HIV+, women, children, and other vulnerable groups, including people with disabilities or urgent medical conditions continue to face particular and egregious barriers, dangers, and disparities in seeking asylum due to the asylum ban. The asylum ban and related restrictions deny equal access to asylum at U.S. ports of entry to most African, Indigenous, and other asylum seekers who are unable to use the CBP One app or wait for an appointment.

Black asylum seekers forced to wait at risk in Mexico continue to be targets of anti-Black violence, discrimination and harm by Mexican authorities. They are also at risk from violent cartels that control vast territory, often with the complicity of some Mexican authorities. In Reynosa, Haitian asylum seekers are now also being targeted for kidnapping for ransom. Earlier this year **four Haitian asylum seekers were kidnapped and held by a cartel for six weeks.**

Haitian Bridge Alliance (HBA) reported to Human Rights First that Mexican immigration officers and municipal police continue to target Haitians, and migrants and asylum seekers of African-descent. They are targeted as they transit through Mexico, including at airports and on buses. Over the last several months, Mexican immigration officers have targeted African migrants in Tijuana at specific hotels. The officers threatened to arrest, detain, and transfer the migrants and asylum seekers to southern Mexico if they refuse to pay bribes to the officers. Earlier this year, **Mexican immigration officers unlawfully arrested and detained 45 Haitian asylum seekers with CBP One appointments in Tijuana for two hours outside the city.** HBA's advocacy helped secure the release of nearly all of the victims, but Mexican authorities forcibly moved one family with three children to Tabasco in the south of Mexico who were waiting for their CBP One appointment. HBA also reports that between November 2023 and April 2024, Mexican authorities **detained approximately 500 Haitian men, women, and children who were waiting for CBP One appointments in Tijuana and forcibly transferred them to Tabasco and Tapachula in the south of Mexico.**

Discriminatory barriers to medical care facing Black asylum seekers and migrants in Mexico have also resulted in the preventable deaths of Haitian asylum seekers. Some Haitians have been forced to wait with untreated chronic medical issues in inhumane conditions for many months while waiting for CBP One appointments.



- A 67-year old Haitian man died in Tijuana in November 2023 while waiting for a CBP One appointment. He had suffered paralysis due to three strokes but was unable to access medical care, as confirmed by the Haitian Bridge Alliance.
- A 36-year-old Ghanaian intending to seek U.S. asylum died in December 2023 outside the San Luis Potosí immigration jail shortly after having been released by Mexican immigration officers late at night. Mexican authorities reported that the Ghanaian man entered their facility at 9:00 p.m. and at around 11 p.m., paramedics arrived and he was already deceased. According to the state Attorney General's office, he died as a result of a heart condition, while other reporting indicates suspected hypothermia.
- A humanitarian aid worker confirmed that a Haitian woman who had been waiting in Reynosa to seek U.S. asylum died of health complications in December 2023 due to barriers in accessing urgent medical care.
- A humanitarian aid worker confirmed that a Haitian man who had been waiting with his wife and children in Reynosa for a CBP One appointment died of suspected diabetes-related complications in July 2023.
- A humanitarian aid worker confirmed that a Haitian woman waiting to seek asylum in the U.S. died in front of her two-year-old outside a migrant shelter in Reynosa in September 2023.
- The Haitian Bridge Alliance reported that in late August 2023, a Haitian mother who had been waiting with her husband and three children in Matamoros for a CBP One appointment died of a stroke after being hospitalized. The family had a CBP One appointment, but as the mother was critically ill it came too late.
- The Haitian Bridge Alliance confirmed that a Haitian man who had been waiting for a CBP One appointment in Tijuana died after suffering two strokes in June 2023. The Haitian Bridge Alliance organized a funeral for him.
- A humanitarian aid worker reported that in August 2023 a pregnant Haitian woman was forced by CBP to wait for two days at the Reynosa port of entry while experiencing pregnancy complications. She later lost her baby.
- A pregnant Haitian woman in her third trimester who was unhoused and living outside the entrance to a migrant shelter in Reynosa while waiting to seek U.S. asylum fell ill in July 2023. Seeking emergency medical care, a taxi took her to a private hospital; she was denied treatment. By the time a humanitarian aid worker brought her to a public hospital, she suffered a stillbirth.

LGBTQI+ people seeking U.S. asylum are stranded in Mexico for months where they are targeted for harm due to anti-LGBTQI+ violence and their migratory status. Despite these dangers, they are left at risk of being barred from asylum and returned to persecution if they



seek protection by crossing at or between ports of entry without a CBP One appointment. In its research over the last year, Human Rights First has encountered examples of vulnerable people in this population who waited months trying to secure a CBP One appointment while facing acute risks and violence in Mexico, including:

- Five LGBTQI+ asylum seekers from **Cuba, Honduras, and Mexico waited in Tijuana about five months** for a CBP One appointment but finally grew desperate for safety in January 2024 and decided to cross between U.S. ports of entry to seek asylum.
- **Cuban HIV+ transgender woman and her husband had been waiting nearly seven months** as of March 2024 but were unsuccessful at securing a CBP One appointment. While waiting in Matamoros they experienced an attempted kidnapping, which spurred them to enter the United States between ports of entry.
- **Honduran transgender woman had been waiting in Tijuana four months for a CBP One appointment** in February 2024, after already waiting eight months in southern Mexico for a one-year Mexican humanitarian visa which she hoped would protect her from return to persecution while transiting through Mexico.
- **Mexican transgender woman had been waiting in Tijuana seven months** for a CBP One appointment as of February 2024. Though Mexican asylum seekers are not subject to the asylum ban's penalties for entering without a CBP One appointment, access at ports of entry for those without appointments is restricted.

Significant barriers to the use of CBP One, including limited language access, disproportionately impact **Indigenous, many Black, and other asylum seekers** who do not speak English, Spanish, or Haitian Creole, the only three languages of the CBP One app. People seeking asylum who are illiterate, have limited language and digital literacy, or have [disabilities](#) that impede their ability to use the app, are also often denied equal access to ports of entry and asylum. So too are people with limited financial means to access daily internet or purchase a smartphone—a very real challenge for the many migrants who have told Human Rights First that their phones have been stolen by Mexican authorities and cartels or lost or damaged during their travels.

Unable to use the CBP One app, and unable to access ports of entry without appointments, many people cross between ports of entry to seek asylum, unaware of the consequences imposed by the ban. The asylum ban includes an exception for individuals unable to access or use the CBP One app due to a language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacle. However, the rule specifically provides that this exception applies only to people who enter at ports of entry (yet, ironically, ports are generally inaccessible for those without CBP One appointments, making this exception largely illusory). Yet Indigenous, Black, and other asylum seekers who are unable to use CBP One for these reasons and cross between ports of entry risk the asylum ban's punishments. This report documents in the expedited removal section further below, individuals who were unable to use the CBP One app due to language barriers and illiteracy, were found to not



meet an exception, and were subjected to the asylum ban's heightened fear screening, including a Senegalese man who only speaks Wolof, a Nicaraguan illiterate man, and an Egyptian Arabic speaker. DHS's failure to apply the serious and ongoing obstacles exception to asylum seekers facing language barriers would endanger asylum seekers in the following situations:

- **Mayan woman from Guatemala who is illiterate and speaks Akatek crossed without an appointment with her infant son.** After the mother survived sexual assault in Guatemala, and family members were murdered, they received death threats from MS-13. While transiting Mexico by bus, they were stopped by armed, uniformed Mexican officials who beat the mother and threatened to kill her and her infant if she did not pay a bribe. She arrived near the U.S.-Mexico border terrified of further abuse by Mexican authorities and of being located by MS-13. She had no knowledge of CBP One, had never owned a smartphone, only speaks Akatek, and is illiterate. The family crossed into Arizona between ports of entry and now risks potential return to persecution under the ban.
- **Black Senegalese gay asylum seeker who speaks Wolof and Fulani at risk under the asylum ban.** The man's boyfriend was killed in Senegal, and he fled a stoning, beatings, and death threats because of his sexuality. Once in Mexico, he sought protection after crossing into the United States between ports of entry and was unaware of the asylum ban's consequences for entering without an appointment. He only speaks Wolof and Fulani, languages the CBP One appointment system is not available in and was unable to access the app. He is now in ICE detention and risks return to persecution under the ban.
- **Three Hazara Afghan men who speak Dari, and were unaware of the app, at risk under the asylum ban.** Three Hazara men, a [persecuted ethnic and religious minority](#), fled Afghanistan after the fall of Kabul to the Taliban. Lacking any safe pathways to protection they crossed irregularly into the United States and immediately turned themselves in to seek asylum. They speak Dari and were unfamiliar with the CBP One app, which is not available in their language. Under the asylum ban, they now risk potential return to the Taliban and their certain deaths in Afghanistan. Even if they are subsequently found eligible for withholding of removal, they will be denied a path to permanent residence, citizenship and stability.
- **Turkish transgender male asylum seeker who does not speak a CBP One language** reported to Human Rights First that he was unable to use the app to schedule an appointment at a port of entry due to the language barrier, as he speaks Turkish. He crossed between ports of entry in California and will now risk being barred from asylum despite his potential eligibility for asylum.
- **Black Mauritanian human rights advocate who was unaware of, and does not speak CBP One languages, at risk under the ban.** Imprisoned for his anti-corruption work in Mauritania, the human rights advocate fears arrest, torture, and death if returned to Mauritania. He was unaware of the CBP One app or of the



asylum ban's consequences when seeking protection at the U.S. southwest border. As an Arabic and French speaker, he would not have been able to use the CBP One scheduling system. While in Mexico, he was robbed and beaten by gangs and extorted by Mexican police which motivated his crossing to the U.S. to seek protection. He now risks being barred from asylum and returned to persecution under the ban.

- **Indian Sikh family** fleeing persecution on religious grounds crossed between ports of entry into southern California. The family are Hindi speakers and were unaware of the CBP One app.
- **Black Senegalese man who speaks only Wolof at risk under the ban.** He fled torture and sexual assault in Senegal due to his imputed LGBTQI+ status. The man has limited literacy and only speaks Wolof. While on a bus in Mexico, armed men pulled him and other Black migrants off the bus and robbed them at gunpoint. Shortly after, Mexican immigration officers detained them and held them for four days before releasing them near the U.S. border and informing them they had ten days to leave the country. He entered the United States between ports of entry to seek asylum, was sent into ICE detention, and is at risk of return to persecution under the ban.

Counterproductive to effective migration policy and refugee protection

The asylum ban is counterproductive to effective migration policy and refugee protection, setting a terrible example for other countries. [Far from deterring](#) people from irregularly crossing the southwest border, the ban and accompanying restrictions spur irregular crossings and cruelly punish people who cross, subjecting them to improper penalties that violate the [Refugee Convention](#). The asylum ban diverts the time of asylum adjudicators from the merits of people's refugee claims, undermines the capacity to adjudicate asylum cases efficiently, and hampers U.S. integration by depriving people who qualify as refugees under U.S. law of a path to stability and citizenship.

As Human Rights First has documented in multiple reports, restrictionist policies that [meter and limit](#) access to U.S. ports of entry [spur irregular crossings](#) by [at-risk people](#) who cannot safely wait in Mexico. Over the last year, Human Rights First has interviewed many asylum seekers who have recounted that they crossed the border, or were contemplating doing so, due to their inability to seek asylum at a port of entry and the risks they face while waiting. Their accounts are detailed both in this report and in the prior four asylum ban reports issued by Human Rights First.

Such policies are also a [boon to cartels and smugglers](#), who target migrants and asylum seekers left stranded in highly dangerous areas for kidnapping, violence and extortion. Indeed, the Chihuahua Attorney General [stated](#) in April 2024 that the increase in kidnappings and murders in Chihuahua is linked to the fact that organized crime groups have now taken up migrant smuggling



People continue to be unaware of the asylum ban

One year into the asylum ban, people waiting to seek asylum overwhelmingly do not know about or understand the asylum ban and its consequences, as Human Rights First's interviews with over 500 asylum seekers have confirmed. [Humanitarian service providers](#), who have worked across the U.S. southwest border and northern Mexico with thousands more, also report that people seeking asylum are largely unaware of the ban and its consequences. This is not a challenge that can be addressed by more information about the asylum ban; it is instead a reflection of the realities of refugees' situations. People waiting to seek asylum continue to express wanting to do so at ports of entry, but in the face of restricted access to ports and increasing security threats and survival needs, asylum seekers' decisions are overwhelmingly driven by urgent protection needs spurring many to cross between ports of entry.

The asylum ban subverts refugee protection

The asylum ban [subverts refugee protection](#) by denying asylum to refugees and depriving many people who qualify as refugees under U.S. law of a path to citizenship. It targets vulnerable and at-risk populations: people seeking asylum who have a significant possibility of establishing their eligibility for asylum but do not meet the higher bar imposed under the ban, and people with well-founded fears of persecution who do not meet yet another unduly high standard. The use of the ban to artificially elevate the credible fear screening standard in expedited removal, leading more people to be denied full asylum hearings, is not a success, but a refugee protection failure.

Diverts resources, contributes to backlogs

The asylum ban's use in expedited removal has also unduly complicated the adjudication of, and increased the time required to conduct, credible fear interviews and related Immigration Judge credible fear reviews, as former Immigration Judges and former members of the Board of Immigration Appeals detailed in the [amicus brief](#) in support of plaintiffs in the case challenging the asylum ban. The union representing USCIS asylum officers who conduct credible fear interviews explained, in an October 2023 [amicus brief](#) submitted in the litigation challenging the ban, that the ban's implementation in credible fear interviews "significantly adds to the workload and pressures facing asylum officers," including due to the "factually intensive, complex determination" of the asylum ban's exceptions.

Moreover, with the asylum ban in place, many USCIS asylum officers are diverted away from conducting affirmative asylum adjudications and asylum merits interviews under the Biden administration's [Asylum Processing Rule \(APR\)](#) in favor of expedited removal interviews. This has greatly exacerbated delays and preexisting backlogs at the USCIS asylum office, which by January 2024 hit [1.158 million](#). In Fiscal Year 2023, the Biden administration conducted over 130,000 credible fear interviews through expedited removal—a historical record.



The deployment of USCIS asylum officers to expedited removal over the year since the asylum ban went into effect has also hampered steps to improve the efficiency of the asylum system, including preventing USCIS from deploying sufficient asylum officers to the Biden administration's new APR process. With some [key improvements](#), that initiative can make the adjudication process more efficient and reduce referrals to the immigration courts.

Thwarts path to citizenship, leaves refugees in limbo

The asylum ban will also create long term challenges by undermining the ability of people recognized as refugees to become legal residents and citizens, impacting their stability in their new U.S. communities. The ban will ultimately leave many people without a secure status and path to citizenship. While many people who meet the refugee definition risk return to persecution under the asylum ban, some may be spared that fate if they meet the higher legal standard for withholding of removal, or protection under the Convention Against Torture. However, while [asylum status provides the ability](#) to work, travel abroad, petition to reunite with spouses and children, and a pathway to permanent residence and citizenship, these alternate forms of protection merely provide protection against removal and the ability to work.

They leave refugees in limbo and without a path to stability, permanent residence or citizenship, and often facing barriers to health care and potential threats of deportation. Indeed, people granted only withholding of removal or CAT protection have in some cases been ordered deported and live in the United States under the constant threat that the U.S. government could seek to reopen their cases and remove them. While the ban includes a [family unity exception](#), it will leave many refugees, including LGBTQI+ refugees, unprotected and in limbo. For example:

- A Georgian asylum seeker fleeing LGBTQI+ persecution was subject to the asylum ban in a final merits hearing, denied asylum under the ban and granted withholding of removal. The Immigration Judge held that he would have been granted asylum but for the asylum ban, according to the asylum seeker's pro bono attorneys at Lewis Roca.

Many who are not granted these other forms of protections will be ordered deported even though they have well-founded fears of persecution, and qualify for asylum under U.S. law. Despite requests that it publish data on the application of the asylum ban in expedited removal, immigration court hearings, and USCIS adjudications, the U.S. government has not provided this data. As asylum seekers held in ICE jails—where legal representation is scarce—are those most likely to be quickly subjected to the asylum ban in full asylum adjudications, there is currently a dearth of information about the impact of the ban in full asylum adjudications.

Over the coming months, as individuals subject to the ban appear before Immigration Judges for their final merits hearings, the asylum ban's denial of asylum and deprivations of



stability and a path to citizenship, along with the resulting counterproductive dysfunctions, will certainly increase.

Seeking U.S. asylum but targeted by Mexican authorities

For months, Mexican authorities have increasingly blocked asylum seekers and migrants from reaching the United States. Even people who have CBP One appointments, or have been waiting for them, have been removed from the northern Mexico border or blocked from reaching it. These actions have been accompanied by abuses, including reports of extortion, family separation, arbitrary arrest, prolonged detention, physical abuse, forced relocation to the south of Mexico, and refoulement. Mexican authorities' abuses and failure to protect migrants and asylum seekers from targeted violence drive people to cross into the United States irregularly – where they will then risk the penalties of the asylum ban – contribute to the dangers facing these vulnerable populations, and subvert refugee protection.

“They’re persecuting and hunting down migrants.”⁶

After border apprehension numbers rose in December 2023, U.S. officials met with Mexico’s president to [press for measures](#) to limit migrants and people seeking asylum from reaching the United States. Months prior, the Mexican president had [agreed](#) to deport migrants from its northern border cities and increase immigration checkpoints, among other actions. The U.S. and Mexican government’s [joint efforts](#) to block asylum seekers and migrants from reaching the U.S. border have resulted in abuses by Mexican authorities. Mexican immigration and security forces have increased their presence in northern border cities [in coordination](#) with some Mexican state and municipal law enforcement. Authorities have increased checkpoints along key transit routes through central and northern Mexico to remove people [transiting by train and bus](#), detain them, forcibly transport them by plane or bus to the south of Mexico where they are [typically pressured](#) to agree to leave Mexico by its southern border, and [deport](#) some. These immigration sweeps have led to the interception of an estimated [8,000](#) U.S.-bound migrants per day through use of military patrols and highway checkpoints.

In Matamoros, humanitarian aid workers described initial [sweeps](#) in December 2023 resulting in the detention of hundreds of people waiting to seek U.S. asylum. The aid workers reported that **many of these asylum seekers have been waiting for CBP One appointments**. Uniformed Mexican immigration officers wearing face coverings entered the [river encampment](#) and began to destroy tents, search for, and detain, migrants. During these sweeps, a nine-month pregnant Haitian woman waiting to seek asylum was [separated](#) from her husband who was detained by Mexican immigration officers.

⁶ Quote by a humanitarian aid worker in Matamoros on the immigration raids conducted by the National Institute for Migration targeting migrants.



During the last 10 days of December, Mexican immigration authorities sent 22 flights of migrants and people attempting to seek U.S. asylum from its northern border region to southern Mexico, with most originating in Piedras Negras and others in Tampico, Monterrey, Tijuana and Ciudad Juárez. The next month, the U.S. government attributed the significant reduction in migrant crossings, which had been halved as compared to December, to Mexican authorities' actions. The Mexican immigration agency also sent two deportation flights directly to Venezuela at the end of December with 329 migrants. A Venezuelan woman and her husband fleeing persecution were among those wrongfully returned.

“We were like prisoners there. My children knew nothing about me for four days. The [immigration] official said, ‘sign here, it’s mandatory to release you,’ but it was a trick. We were boarded on a bus and told we were going to Mexico City. They didn’t explain anything. We arrived at the airport and they sent us here [Venezuela]. My daughter and grandson are at a shelter in northern Mexico, and yet we’re here.”

A Venezuelan woman fleeing politically-motivated death threats was apprehended by Mexican immigration officers while traveling to Piedras Negras on foot with her family. Immigration officers separated her and her husband from their daughter and grandson. They were deceived by the officers who told them that they wouldn't arrest them, and promised water, food, and help to reach Piedras Negras. Instead, they were taken and boarded onto a bus for *four days* to the south of Mexico where they were left on the road. After they finally managed to board a bus to Mexico City, half an hour into the ride, Mexican immigration officers boarded the bus and targeted them as Venezuelans, instructing them and another Venezuelan migrant to exit.

They were transported to an immigration jail. Their cell phones and belongings were taken. They were not allowed to make a phone call, communicate with anyone or go outside. **Mexican authorities did not ask them about fear of return to Venezuela or whether they wished to seek asylum**, though the Venezuelan woman recounted that she told them that she feared return to Venezuela. Mexican officers told them to sign a document so that they could be “released.” Instead, however, Mexican officers loaded them onto a bus and transported them to Mexico City. They were forced to remain on the bus and told they had more travel still ahead - without being provided with any information. The couple, who were prevented from seeking asylum in the United States, were put on a flight to Venezuela despite their fears of return - and again without being informed where they were going.

Human Rights Watch reported that Mexican authorities “summarily deport asylum seekers to their country of origin, typically without screening to ensure they are not being returned to harm.” Attempts to prevent people from seeking asylum, to deny asylum seekers information, and to deliver them back to their countries of feared persecution are blatant violations of international refugee law that should not be requested or tolerated by the United States, nor conducted by Mexico.



“Why are they sending us back if we have an appointment?”

A Venezuelan family with a CBP One appointment intending to seek U.S. asylum was apprehended by Mexican immigration officers in December 2023 while on a freight train on their way to the U.S. border. The wife became separated from her husband and child as she explained to the officers that they had a CBP One appointment, but was instead detained and forcibly flown alone to the south of Mexico.

The U.S. government has essentially predicated access to asylum on obtaining a CBP One appointment, which can only be requested when in central or northern Mexico due to the app’s geofencing design. The asylum ban is structured to force people to wait at risk in Mexico for up to many months while trying to obtain an appointment. Yet Mexican immigration authorities are apprehending migrants and people seeking asylum, including those waiting for or with CBP One appointments, separating families, committing abuses, and forcibly relocating them to southern Mexico where they are stranded, at risk, outside of the CBP One app’s geofence and unable to request an appointment. Humanitarian aid providers reported to Human Rights First that some people seeking asylum have missed their CBP One appointments because they were detained by Mexican authorities.

- **Afghan family with a CBP One appointment** was extorted by Mexican immigration officers in the Mexico City and Tijuana airports in January 2024; officers demanded the family open the CBP One app, took their phone, and **threatened to eliminate their appointment if they did not pay them a bribe.**
- **Venezuelan family with a CBP One appointment** flew from Mexico City to Ciudad Juárez where they were questioned by Mexican immigration officers upon arrival who **tore up the family’s CBP One appointment print out**, wrongly accusing them of fraud, and threatened to bus them to southern Mexico or deport them. Another officer eventually arrived and acknowledged their appointment and allowed them to leave in April 2024.
- **Ecuadorian mother and teenage son separated by Mexican immigration officers from her husband and eighteen-year-old son.** After the freight train the family was traveling on was stopped as it approached Juárez in March 2024, they were caught by Mexican officers. The mother pleaded with the officers, indicating that they were a family and had documentation to prove it. The officers separated the family. She was left in Chihuahua with her minor son while **her husband and 18-year-old son were forcibly transported to Tapachula.** When Human Rights First interviewed the mother, the family had already been separated, and unable and to reunite, for a month.
- **Venezuelan family with minor children prevented from seeking U.S. asylum and instead detained by Mexican officers and transported to Tapachula in January 2024.** The family was removed from a bus at the last checkpoint as they approached Reynosa. Mexican officers took their cell phones and transported them



to a detention center. When the family asked immigration officers why they were being held and what was going to happen, the officers deceived them and said they would be taken to Mexico City to regularize their legal status. Instead, they were taken to the Reynosa airport and forcibly flown to Tapachula, bordering Guatemala, and forced to start their journey to seek U.S. asylum again.

In April 2024, Mexican immigration authorities in Chihuahua reactivated immigration raids against migrants in Juárez and further south, targeting people transiting to seek protection at the U.S.-Mexico border. Amid this heightened crackdown, [forty-nine Mexican human rights groups](#) denounced the use of force and incidents of violence and abuse by Mexican immigration officers. Flights to southern Mexico from the northern border continue, with [170 migrants](#) waiting to seek entry to the United States having been detained and flown from Juárez to Tapachula, bordering Guatemala. Recent abuses by Mexican authorities during immigration raids and inspections include:

- Migrant woman detained in an immigration jail in Reynosa recounted to a Venezuelan family who was also detained that Mexican **immigration officers pushed her off a train and beat her, leading her to suffer a miscarriage**. The family found her huddled on the floor of the cell grieving her loss in January 2024.
- A [group of 55 migrants](#), mostly women and children, from Venezuela, Ecuador and Honduras were intercepted by Mexican immigration officers in Chihuahua in April 2024 and robbed of their phones, identity documents, money, and even shoes. The officers **kicked some of the women, dragged another, slapped the children, and abandoned them** at a gas station.
- **Pregnant Venezuelan woman was forcefully thrown to the ground by Mexican immigration officers at a checkpoint in Chihuahua in April 2024**. She landed on her stomach and began to bleed vaginally, **suffering a miscarriage**. She asked to go to a hospital but the officers did not take her and she lost consciousness. She awoke at a migrant shelter in Juárez where the officers had dropped her. The shelter staff called an ambulance and she was hospitalized. Upon her release, her condition worsened over several days so she crossed between ports of entry to seek protection, crawling under the border razor wire. She was hospitalized immediately on account of her critical condition.
- A Venezuelan woman [reported](#) in April 2024 that when she and her family attempted to seek U.S. protection and approached the border wall in Ciudad Juárez, the **Mexican military removed them and attempted to hit a man carrying his child and rip their documents**.

Due to this crackdown by Mexican authorities on migrants and asylum seekers, including those *already waiting at the northern Mexico border*, many fear being apprehended and forcibly sent to the south of Mexico or deported. As a result, many migrants and asylum seekers Human Rights First spoke with in Ciudad Juárez reported their intention to seek irregular entry because of their [distrust](#) of Mexican immigration and other authorities and



their inability to safely wait in Mexico. Asylum seekers and migrants Human Rights First spoke with in El Paso who crossed between ports of entry confirmed this.

The direct targeting of asylum seekers and migrants by Mexican authorities for extortion and other abuses, complicity or participation of some Mexican authorities with cartels in their abuse of migrants and asylum seekers, and the near-complete lack of state accountability, protection, and access to justice in Mexico, is confirmation that **Mexico is not safe for many asylum seekers and migrants.**

Asylum ban and related punitive policies rig expedited removal processes

The Biden administration is using the asylum ban in combination with expedited removal and other punitive policies to summarily deport people without an opportunity to apply for asylum and present their case. These deportations violate U.S. and international law and return people to danger without meaningful access to the U.S. asylum system.

Asylum ban fuels refoulement

DHS is not required to use expedited removal and has the authority to directly refer people seeking asylum directly for full asylum hearings rather than first requiring them to pass a credible fear screening. The punitive use of expedited removal and the asylum ban in credible fear interviews targets people who entered the United States without a CBP One appointment, in violation of international and [domestic law](#) prohibitions against penalizing refugees for their manner of entry.

Under U.S. law, individuals subject to expedited removal who express a fear of return *must* be referred for a preliminary fear screening (referred to as a "[credible fear interview](#)") conducted by an Asylum Officer. Congress deliberately established this as a "[low screening standard](#)," defined as a "significant possibility" that the asylum seeker could establish eligibility for asylum in a full hearing. [By law](#), anyone determined to have a credible fear of persecution cannot be deported without a full hearing on their asylum claim. Since May 2023, adults and families with children in this process who sought safety without a CBP One appointment have had to demonstrate they are exempt from the ban or meet a narrow exception— requirements that are completely unrelated to the merits of their asylum claim. Should they fail to demonstrate they are exempt or meet an exception, they are presumed ineligible for asylum and denied the opportunity to establish a credible fear of persecution. In violation of the fear standard created by Congress, the asylum ban also imposes a [higher screening standard](#) on asylum seekers who, because they are deemed to be subject to the ban, are limited to being considered for withholding of removal and protection under the Convention Against Torture, which are more difficult to secure and provide lesser long-term protections. The United Nations High Commissioner for Refugees has repeatedly explained that heightening the U.S. fear screening standard, which was already [inconsistent with what international law would allow](#), would endanger refugees, deny them asylum hearings, and increase risks of *refoulement* to persecution. Initial outcomes following the implementation of the asylum ban confirm this fear.



People subject to the asylum ban's higher screening standard are **more than three times as likely to fail their screenings and be ordered deported without a chance to apply for asylum** compared to those not subject to the ban, according to government data provided in the litigation challenging the ban. While people who established an exception to the ban and proceeded under the correct CFI standard passed their screenings 84.5 percent of the time between May 12 and August 11, 2023, those who were subjected to the ban and had to meet the higher screening fared far worse—with 52.7 percent passing their screenings and the rest ordered deported.

Those who do not pass credible fear interviews are ordered deported without an opportunity to apply for asylum or other protection unless the decision is reversed by an Immigration Judge or the Asylum Office. While people are entitled to request an Immigration Judge review of their negative credible fear decision (also referred to as a negative credible fear review), these hearings are often cursory, with some asylum seekers prohibited from speaking, submitting evidence, or having their attorney speak on their behalf. The Biden administration has also eliminated longstanding safeguards in the credible fear process to severely limit the ability of asylum seekers and their attorneys to request reconsideration of a negative CFI from the asylum office.

Human Rights First learned of some cases where refugees' summary deportation were prevented only because attorneys or advocates learned of these potential returns to persecution and successfully intervened. While advocacy by attorneys spared a few from unlawful returns, access to counsel in expedited removal is extremely limited and the vast majority of people subject to expedited removal may be deported without ever consulting with an attorney.

Refugees placed in peril by the asylum ban's use in expedited removal, include:

- A Venezuelan air force lieutenant, the son of a known opponent to the Maduro regime, was found not to meet the heightened asylum ban fear screening standard, deported without an asylum hearing to Venezuela in December 2023 where he was immediately sent to a military prison.
- A Chinese pro-democracy activist jailed as a political prisoner for years and whose persecution was documented by Western media was ordered deported under the higher screening standard imposed by the asylum ban. He was found to not meet an exception and subjected to the ban's higher screening standard. His deportation order was only reversed after a legal service organization learned of his case and conducted extensive advocacy.
- A Senegalese man fleeing politically motivated attacks from Senegalese authorities was deported to Senegal under the asylum ban. USCIS conducted his CFI while he was in ICE custody and found he did not meet an exception to the asylum ban. He only speaks Wolof and suffered abuse in Mexico, including unlawful detention and demands for bribes by Mexican officers. This abuse, and his fear of



further violence in Mexico, motivated his irregular crossing into the United States to seek protection. The asylum officer also failed to record the man's relaying of the details of his assault by the Senegalese police, and when he brought this up at the negative credible fear review, the Immigration Judge claimed the man was changing his story and was not credible, even though credible fear review hearings are meant to conduct the screening *de novo*.

- **A Transgender Venezuelan woman living with HIV, who suffered years of physical abuse and was threatened with rape in Venezuela due to her sexual orientation and gender identity, was subjected to the asylum ban and ordered deported.** USCIS conducted her CFI in ICE detention and she was held to the asylum ban's higher screening standard. The officer conducting the CFI repeatedly instructed her to answer questions about past persecution with "yes" or "no" responses and did not include any analysis or explanation of the negative determination in the interview records. She remained detained for months, suffering enormous trauma while ICE prepared to deport her to Venezuela, where she feared she would be killed. The deportation order was reversed only after Immigration Equality learned of her case and provided her assistance.
- **A Venezuelan torture survivor and military deserter was found to not meet an exception to the asylum ban despite surviving an attempted kidnapping in Mexico, and was ordered deported.** During his CFI in ICE custody, he described his escape from a kidnapping attempt in Mexico by three armed men who chased him, but the Asylum Officer found he did not meet an exception to the ban and he failed the asylum ban's higher screening standard. He was only spared from summary deportation to his country of persecution after securing legal representation by RAICES. An Immigration Judge subsequently concluded he met the asylum ban's extreme threat to life or safety exception and vacated the deportation order.
- **A Nicaraguan illiterate man who was severely beaten by Nicaraguan police and threatened with imprisonment was ordered deported to Nicaragua under the asylum ban.** The Asylum Officer found he did not meet an exception to the ban although he could not use the CBP One app due to illiteracy, a fact which he shared in his CFI.⁷ During the immigration judge review, the judge conceded the ban should not apply to him due to his illiteracy but nonetheless upheld the expedited removal order despite risk of torture by Nicaraguan authorities if returned.
- **An Egyptian man targeted and beaten because he is Christian and who fears he will be killed if returned to Egypt, was ordered deported under the ban.** The man only speaks Arabic, a language that is not available on the CBP One app.⁸ Like the vast majority of people put into expedited removal, he was not represented in his

⁷ *Ibid.*
⁸ *Ibid.*



CFI. His deportation order was only vacated after a legal service organization learned of his case and conducted extensive advocacy.

- **A Honduran man who escaped forced recruitment by the MS-13 gang under threat of death was subjected to the asylum ban in ICE detention and deported because he did not meet the higher screening standard.** In [Honduras, gangs control widespread territory](#) across the country, [collude with](#) government agents, and [target](#), attack, and [murder](#) people who resist their demands. In his credible fear interview, this asylum seeker testified that he escaped a kidnapping in Mexico, but the Asylum Officer found no exception to the asylum ban and did not include an explanation in the CFI records as to why these facts did not constitute an imminent and extreme threat to life or safety. He was ordered deported because he did not meet the asylum ban's higher screening standard. At his negative fear review hearing, an Immigration Judge upheld the negative fear determination and the man was deported to Honduras.

CFIs in CBP holding facilities undermines due process with serious risk of refoulement

At the same time the asylum ban was implemented, the Biden administration relaunched a Trump-era policy of conducting CFIs in CBP custody, leading to prolonged detention of people seeking asylum in dangerous and subpar border holding cells conditions in [violation of CBP guidelines](#). Through agreements with Mexico to deport some people there, the U.S. government is also using the asylum ban in CBP holding facilities to summarily deport or return some people seeking protection without any screening of their refugee protection claim and fears of persecution in the country they fled, rather focusing the CFI determination on fear of harm in Mexico. Despite attempts by the administration to provide access to consultations with legal counsel, the vast majority of those in this program do not have meaningful access to legal assistance before, or legal representation in, these life or death interviews. The systemic due process issues with expedited removal, amplified while in CBP custody, combined with the asylum ban is leading to people with refugee claims being returned to harm. Unofficial data from CBP indicate that the credible fear interview pass rate for those in CBP custody is an [abysmal 23%](#).

Detention in CBP custody, where many are held essentially incommunicado in horrendous, sometimes life-threatening conditions for [prolonged periods—in violation of government policy](#)—and their whereabouts often cannot be confirmed by attorneys or loved ones, may constitute [enforced disappearances](#) under international law. There is neither physical access to those detained in CBP custody nor regular access to phones that would facilitate adequate representation of individuals in detention in CBP custody.

Additionally, even when asylum seekers are represented, their attorneys report that they [are often not informed](#) of the dates and times of their clients' negative credible fear reviews by Immigration Judges. Attorneys attempting to provide legal information to asylum seekers report that telephone access is often limited to short periods of time, and to inconsistent and irregular hours—including outside of business hours and on weekends. Legal representation



is further impeded by the decision last year, after implementation of the asylum ban, by the Executive Office for Immigration Review to stop posting the outcomes of Immigration Judges' negative credible fear reviews, making it impossible for attorneys to determine the outcome of a case and how best to assist a client before they are deported. The full extent of the harm inflicted by this policy is unknown, as most of those subject to the program never speak to a lawyer and despite requests for data, information about specific fear outcomes for those in CBP jails has not been made public. Human Rights First learned of the following individuals deported after having their CFIs in CBP custody:

- **Afro-Venezuelan man fleeing death threats from government officials due to his anti-corruption work was detained in CBP custody and ordered deported under the asylum ban. CBP deported him to Mexico without an opportunity to tell an asylum officer about his fear of persecution in Venezuela.** While in Mexico, he was targeted by armed, uniformed officers, removed from a bus, and forced to remove all his clothing and stand naked for nearly 30 minutes while they robbed him of his money. When he began to run away, they fired their weapons at him. He had heard of the CBP One app, but did not understand what it was or know about the asylum ban's consequences. He did not feel safe staying in Mexico so he crossed between ports of entry into the United States to seek protection. During his CFI in CBP custody, he testified to the abuses by Mexican officers but an Asylum Officer found he did not meet an exception to the asylum ban. Due to the United States' agreement to deport Venezuelan nationals to Mexico, the Asylum Officer required him to meet the higher screening standard with respect to fear of persecution in Mexico, not Venezuela. He was deported to Mexico under the ban. Still in fear of persecution, he waited three months to secure a CBP One appointment and was again detained after presenting at the U.S. port of entry. This time he was transferred to ICE jail and waited over two months for a new CFI. ICE eventually issued a Notice to Appear, placing him in removal proceedings.
- **Indigenous Peruvian woman persecuted because of her Indigenous identity and threatened with death as her house was burned down, was subjected to the asylum ban in CBP custody and deported to Peru.** She was detained in CBP custody and did not have an opportunity to first speak to a lawyer before her credible fear interview by telephone. She spoke Spanish, some Quechua, and had limited literacy, but the Asylum Officer found she did not meet an exception to the ban. The Asylum Officer misheard a specific interpreted word and as a result, misunderstood a material issue in her claim that supported a protected ground of asylum. An attorney with RAICES learned of her case, and entered appearance to represent her at her immigration court review. The lawyer was informed of the time of the hearing in Pacific Time, but the Immigration Judge conducted it at Mountain Time and ordered her deported without her counsel present. She was removed to Peru. Suffering from [historical discrimination and racism](#), Indigenous populations in Peru face [violations of territorial rights](#), are often denied [access to basic rights](#) and face [land dispossession](#). Their [access to justice is limited](#) given the entrenched power dynamics between the non-Indigenous ruling political class and Indigenous Peoples and structural inequalities.



Families subject to rushed deportations under heavy surveillance

Since May 2023, the administration has also subjected families seeking protection to the asylum ban, in combination with expedited removal, unduly short timelines, home curfews, and other punitive policies, raising the risk of refoulement and inflicting extreme trauma on families and children who have just fled harm. Credible fear interviews conducted in this program—dubbed “[Family Expedited Removal Management \(FERM\)](#)”—take place within days or weeks of families’ arrival in the United States. As of November 2023, [only 2.6% of all families enrolled in FERM were represented](#).

As Human Rights First documented in its [October 2023 report](#), these interviews are replete with instances of parents, babies, and children crying; young children questioned by asylum officers; and parents having to comfort their children or informing the officers that a child is hungry or needs a diaper change. Families have suffered additional trauma during these interviews due to the asylum ban because they had to testify about the brutal violence they suffered in Mexico in order to meet an exception to or rebut the presumption of the ban. [Indigenous families](#) in the FERM process face even more significant barriers because the government fails to interview them in their best and native language, leading to deportation orders and severe trauma.

A few of the families initially ordered deported while in this program, and only spared this fate as they were among the tiny percent that received legal representation, include:

- **Colombian family escaped threats of forced recruitment by an armed leftist group and was ordered deported under the asylum ban’s higher standard** through the expedited removal program for families. Mother and son were kidnapped in Mexico and held captive for three days, starved, and had everything stolen from them. They were rescued by the Mexican military and immediately sought protection in the United States after entering between ports of entry. They were placed in the FERM program, and ordered deported under the asylum ban’s higher standard, after an Asylum Officer found that their kidnapping did not rise to the “serious and imminent” threat to life or safety exception to the asylum ban. They managed to secure legal representation by a legal service organization for the immigration judge review, resulting in reversal of the deportation order.
- **Peruvian family targeted for their political work was ordered deported under the asylum ban’s higher standard** while in the expedited removal program for families. The mother described during her CFI that she and her child were on a train near Juarez, Mexico when men with guns boarded the train and began kidnapping people. She hid with her hand over her son’s mouth and they were able to escape. Fearing for their lives, they sought protection crossing into the United States between ports of entry. An Asylum Officer found this did not meet the “imminent and extreme” threat to life or safety and held them to the asylum ban’s higher fear screening standard. They were ordered deported to Peru. They were fortunate to be



represented by a legal service organization in their immigration court review, resulting in reversal of the deportation order.

- **Colombian family fleeing persecution by a guerilla group was ordered deported under the asylum ban's higher standard** through the expedited removal program for families. The family managed to obtain a CBP One appointment, but armed men entered their hotel room in Mexico and held them at gunpoint, threatening to kill them if they didn't pay. They handed over all their money and valuables, and immediately sought protection crossing between ports of entry out of fear for their lives. An Asylum Officer found they did not meet the "serious and imminent" threat to their life or safety exception and ordered them deported under the asylum ban's higher standard. A legal service organization represented them in a credible fear review before an immigration judge, leading to reversal of the decision.

Exceptions are failing to protect refugees from the ban's penalties

Individuals and families placed in expedited removal who undergo credible fear screenings are assessed by Asylum Officers as to whether they are exempted under the asylum ban, able to meet an exception, or subject to it. This initial determination then decides whether their fear screening will be at the unlawfully heightened standard.

The asylum ban includes narrow exceptions for people who can prove that they faced "exceptionally compelling" circumstances, such as an imminent and extreme threat to life or safety at the time they entered the United States, suffered a medical emergency at the time of entry, or were a victim of a severe form of trafficking at any point in their life. People who are processed at ports of entry without CBP One appointments may also be exempted from the ban if they faced a serious and ongoing obstacle to accessing CBP One, such as a language or technological barrier.⁹ Those who qualify for an exception are not subject to the ban's penalties and may be considered for asylum protection.

These limited exceptions are proving insufficient to protect refugees, including vulnerable populations such as Black, Indigenous, and LGBTQI+ asylum seekers, women, and children who face [disproportionate harms](#) in Mexico while blocked from seeking protection in the United States. Human Rights First tracked reports of more than 2,500 survivors of kidnapping, torture, rape, extortion, and other violent attacks against asylum seekers and

⁹ The asylum ban rule also provides that people who have applied for and been denied protection in a transit country are exempted from the rule. This is an illusory exception given that many refugees face life-threatening dangers in common transit countries—including on the basis of the same protected characteristics that they were persecuted for in their home countries—and cannot seek protection there because these countries do not have asylum systems that accommodate large numbers of refugees and/or can actually ensure their safety and protection. In the course of Human Rights First's research since the asylum ban went into effect, researchers have not spoken with or learned of a single asylum seeker who applied for and was denied protection in a transit country, and nearly all shared grave fears and accounts of harm in Mexico. Additionally, there is an exception for people who entered with a previously approved authorization to travel, such as through the administration's limited, nationality-based parole programs, but these programs require those who are eligible to travel by plane to the United States—also making this exception rarely, if ever, applicable.



migrants while stranded in Mexico waiting to seek protection in the United States since the asylum ban took effect. Of these reports, half were documented during the first six months of the asylum ban's implementation (May to November 2023). Given the under-reporting of kidnappings and other crimes in Mexico and substantial increase in kidnappings in parts of the northern Mexico border reported by aid workers and Mexican authorities, this figure represents the tip of the iceberg. In years prior, Human Rights First has documented the horrific abuses inflicted on migrants and asylum seekers when they are blocked, turned away, or left to wait in Mexico, including over 13,000 reports of murders, kidnappings, rapes, and other violent attacks against people blocked in or expelled to Mexico under the Title 42 policy.

Not only are these exceptions unduly—and improperly—narrow, but in practice, they are so narrowly applied as to render them meaningfully unavailable. Exceptions are infrequently granted during CFIs, with only 14.5 percent of 37,075 people qualifying for an exception during the credible fear process between May 12 and August 11, despite the documented widespread dangers that people face at the border.

During the credible fear process, asylum officers determine whether the asylum ban applies by asking questions about medical issues at the time of entry, threats to life and safety, and other potential exceptions. These interviews often take place telephonically in detention, usually before a person can consult with a lawyer to understand the relevance of these questions and that their ability to apply for safety may hinge on sharing particular and traumatic details that might seem irrelevant to their reasons for seeking asylum. Even where asylum seekers did share detailed information about horrific attacks, dangers, and medical issues that could make them eligible for an exception, some officers have nonetheless determined that they are subject to the asylum ban, disregarding testimony that should qualify for an exception. Despite requests by legal and humanitarian organizations, the government has not provided public guidance on how these exceptions are adjudicated, what constitutes a threat to life or safety or a medical emergency, and what evidence is required. Nor have asylum officers typically provided written analysis in the credible fear record regarding why an exception was not met, according to attorneys who spoke with Human Rights First and records reviewed by Human Rights First.

People seeking protection who have been found ineligible for an exception during their credible fear interview include:

- **Venezuelan woman fleeing politically-motivated violence was locked out of the CBP One application and while waiting to access it, was nearly kidnapped and raped by a Mexican law enforcement officer who threatened her as she escaped. She entered the United States at a port of entry and was found to not meet an exception to the ban.** The woman was fleeing repeated torture, kidnapping, and threats of death by Venezuelan police because of her political opposition. She entered at a U.S. port of entry without a CBP One appointment and was found to not meet any exception to the ban despite the obstacles to use of CBP One, and her attempted kidnapping and rape in Mexico.



- **Ecuadorian man denied exception and deported under asylum ban following immigration judge conclusion that death threat was not “imminent or extreme” because *two days* lapsed between threat and crossing into the United States.** After fleeing from one of Ecuador’s [most violent gangs](#), which pursued him during [record levels of gang violence](#), an Ecuadorian man fled to seek U.S. asylum. During his telephonic CFI in ICE jail without legal representation, an Asylum Officer applied the asylum ban’s higher fear screening standard and ordered him deported. At his immigration court review, and with the assistance of legal representation by RAICES, he testified to how he was robbed and later threatened with death if he did not quickly leave the area, leading him to cross irregularly into the United States two days later to seek protection. An immigration judge found that he did not meet the “imminent or extreme threat” to life or safety exception because *two days* lapsed between the threat and his crossing into the United States and he was deported to Ecuador under the asylum ban’s heightened standard.
- **Venezuelan woman fleeing political persecution who was raped and threatened with death, entered the United States at a port of entry without a CBP One appointment to seek protection and was found to not meet an exception to the ban.** In her CFI, the woman explained that she couldn’t enter the CBP One application during the last few days before she entered the port because of glitches and error messages each time she attempted, according to The Florence Immigrant and Refugee Rights Project. She also felt unsafe waiting for a CBP One appointment because of cartel surveillance of migrants, but was subjected to the asylum ban

Recommendations

The Biden administration and Congress should take effective and humane steps to address challenges at the border and uphold refugee law. Human Rights First has offered a [comprehensive](#) set of recommendations to do that. They include:

Uphold refugee law and the right to seek asylum

- Rescind the asylum ban, stop defending it in court, and reject any similar policies because they [endanger lives](#). The asylum ban also [violates U.S. and international law](#). It wastes government resources, [diverts](#) already overstretched governmental asylum adjudicators, and leaves some refugees without a path to stability, permanent legal resident status, and citizenship, undermining integration.
- End the conduct of credible fear interviews in CBP custody and halt other uses of expedited removal where conditions are deficient, access to counsel and legal representation is impeded, and the asylum ban is used to improperly heighten the credible fear standard.



Maximize and increase asylum processing capacity at U.S. ports of entry, including for asylum seekers without CBP One appointments

- Ensure swift access for people seeking asylum at all or more ports of entry and maximize asylum capacities, including for people who do not have appointments. Significantly increase CBP One appointments.
- Ensure people seeking asylum are not turned away, left to wait, or subjected to metering.
 - Uphold and enforce the [November 2021 Miller CBP Directive](#).
 - Instruct CBP not to meter, limit, turn away, "de-prioritize," or leave people "waiting" weeks or months to seek asylum—whether done via use of CBP One, limit lines, the asylum ban or other policies.
 - Urge Mexican authorities to assure people seeking asylum can approach U.S. ports of entry without Mexican officers turning them away or preventing their access to those ports, including people attempting to seek asylum who do not have appointments.
 - Work with Congress to increase and sustain critical resources that ensure the swift, humane, and effective processing of people seeking asylum at ports of entry—including personnel, physical infrastructure, internet, computers, and other resources required to significantly increase CBP's Office of Field Operations' (OFO) processing of asylum seekers at all ports of entry.
 - Staff and resources should be shifted to OFO and away from agencies that prioritize enforcement and surveillance and have histories of mistreating and abusing migrants.

Build out and invest in coordinated U.S. reception system

- Create a centralized White House office to implement a whole-of-government approach to welcoming new arrivals and to coordinate across key stakeholders engaged in vital reception efforts at the U.S. border and within interior receiving cities, including federal, state, and local government agencies and non-profit organizations.
- The Biden administration and Congress must secure robust and sustainable funding for the existing FEMA Shelter and Services Program (SSP) that supports the immediate reception of people seeking asylum, the DHS Case Management Pilot Program (CMPP) that supports organizations providing longer-term case management, and the Office of Refugee Resettlement (ORR) Refugee Entrant Assistance Account (REA). Provide additional funding to communities and



organizations providing medium- and long-term housing and other support. These programs must implement culturally-sensitive services and work with nonprofit specialists who have firsthand experience in this work.

Access to and prompt processing of work permit applications

- Build upon recent successes to expand access to work permit processing by replicating pilot programs for work authorization applications at border shelters and clinics in destination cities.
- Take executive action wherever possible and support [Congressional efforts](#) to speed up the work authorization eligibility process and make the process for renewing work permits more accessible to people seeking asylum.

Strengthen the U.S. asylum adjudication system

- The Biden administration should work with Congress to ensure robust and sustainable funding for asylum adjudications to clear the existing case backlogs and to decide new cases in timely manners. Capacity needs include immigration court staff, interpreters, immigration judges, and asylum officers focused on merits adjudications.
- The Biden administration should strongly pursue and work with Congress to secure funding to provide legal representation for all indigent individuals and families navigating the U.S. asylum system. The administration should also support existing legal orientation and representation programs. Legal representation is currently [inaccessible](#) to the vast majority of people seeking asylum in the United States. Legal representation not only helps the system function more fairly and efficiently, but it will also help protect the due process rights of immigrants and people seeking asylum and defend against the refoulement of refugees.
- USCIS should:
 - Improve Asylum Office adjudication efficiency by leveraging Asylum Division research and analysis; develop updated country conditions analyses on persecuted religious, ethnic or other groups; focused interview guidance for specific caseloads as the USCIS Ombudsman recommended; develop "pattern and practice" or similar analysis where a persecuted religious, ethnic, or other group in a particular country would generally have well-founded fears of persecution.
 - Replicate efficiencies in asylum adjudications in Operation Allies Welcome Afghan, refugee corps, and/or Safe Mobility Offices cases.
 - Resolve, not refer, more asylum-eligible cases at Asylum Offices so they are not unnecessarily and inefficiently added to already backlogged immigration courts.



- Ensure that a core objective of the newly-created Asylum Division District Offices is to implement consistent decision-making across offices, asylum officers, and supervisory asylum officers, and instruct asylum offices to grant one-year filing deadline implicated cases where an exception exists.
- USCIS and Executive Office for Immigration Review (EOIR) should:
 - Improve the Asylum Processing rule by fixing unworkable counterproductive timelines so the process leads to increased efficiency, rather than rushed, mistaken decisions that add to court backlogs. This includes:
 - Ensure that AMIs are scheduled at least 90 days after credible fear determinations; interview rescheduling and evidentiary filing extensions are provided within first year of entry and under good cause/exceptional circumstance standards in line with U.S. law; immigration court hearings are governed by regular removal proceeding timelines; initial referrals are not limited to cases in expedited removal; and unjust limits on reconsideration of credible fear denials are removed.
- EOIR should continue to employ and leverage pre-hearing conferences to narrow trial issues and stipulations on uncontested issues to reduce the number and length of hearings and use administrative closures and termination where cases can be resolved by USCIS, but only with consent of the individual or counsel.

Strengthen regular pathways, and refugee resettlement in the United States; support humanitarian and reception efforts abroad.

- The Biden administration should continue to strengthen important regional refugee resettlement and parole initiatives, especially those targeted at improving access for at-risk refugees. This should include steps to accelerate the pace of processing and travel, and lift barriers and numerical restrictions that impair access to parole. Building out this international infrastructure should never be considered a replacement for non-discriminatory, robust asylum access at the U.S. border.
- The Biden administration should increase advocacy and support for refugee hosting and asylum capacity in Latin America and the Caribbean. While the Biden administration has taken some important steps to support asylum and refugee hosting capacities in Mexico and other countries, many of those needs have increased. At the same time, persistent rights abuses and the escalating impacts of deficiencies in regional reception systems are pushing some people north in search of effective protection. These deficiencies include:
 - The lack of lasting (as opposed to only temporary) protection status;



- Lack of sufficient support for efforts to provide refugees with lasting, regular status and eventual citizenships;
- Lack of access to work and food;
- Under-resourced, backlogged and delayed asylum systems, such as in [Mexico](#) and Costa Rica;
- Lack of protection from violence; and
- Rising xenophobia and/or escalations in political and/or other instability.

Sustained and enhanced support is [crucial](#) as refugees face prolonged displacement crises, as well as discrimination, xenophobia, and inadequate protection of their rights in countries where they have been staying initially.

Engagement with the Government of Mexico

- Department of State (DOS) and Biden administration officials should address with the Mexican government its unlawful restrictions on access to U.S. ports of entry for people seeking asylum.
- DOS and Biden administration officials should escalate dialogue with the Mexican government and press for protection of migrants and people seeking asylum who transit through Mexico, including those waiting for CBP One appointments. In states such as Tamaulipas, Coahuila, Chihuahua, and others, migrants are targeted for kidnappings, sexual violence, and torture by cartels, at times with complicity of Mexican state actors.
- DOS and Biden administration officials must end any [agreements with Mexico](#) that allow or facilitate the pushback to Mexico or return of refugees to persecution without meaningful access to full asylum assessments, including the return of asylum seekers denied access to full asylum hearings in the United States due to the asylum ban.
- In its bilateral engagements with Mexico and other countries, the Biden administration should prioritize the protection of the human rights and physical safety of refugees, migrants and asylum seekers. They should increase diplomatic efforts and aid to improve the woefully deficient shelter and refugee reception capacities in northern, central, and southern Mexico where people wait in dangerous conditions or without sufficient safe shelter to seek U.S. asylum.

Mission statement



Human Rights First works to create a just world in which every person's intrinsic human rights are respected and protected, to build societies that value and invest in all their people.

To reach that goal demands assisting victims of injustice, bringing perpetrators of abuse to justice, and building institutions that ensure universal rights.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in Los Angeles, New York, and Washington D.C.

Acknowledgments

This report was researched by Christina Asencio together with Brenda Vargas in Ciudad Juárez and El Paso, and with Navid Hewadwal and Nicolas Moritz in Tijuana, San Diego, and the open-air detention sites in southern California. The report was written by Christina Asencio with edits contributed by Eleanor Acer, Robyn Barnard, Licha Nyiendo, and Anwen Hughes. Case examples were contributed by Madhavi Narayanan and Andrew Feinberg. Our profound thanks to the many humanitarian, shelter, and legal service providers, faith workers, and attorneys whom we spoke with and who assisted in referring asylum seekers for interviews in the U.S. and northern Mexico, and those who provided case examples: CUNY School of Law Immigrant and Non-Citizen Rights Clinic, Florence Immigrant & Refugee Rights Project, Haitian Bridge Alliance, Immigration Equality, International Mayan League, Jennifer Harbury, Jesuit Refugee Service, Jewish Family Service of San Diego, Kino Border Initiative, Las Americas Immigrant Advocacy Center, Lawyers for Good Government, National Immigration Project, New Mexico Immigrant Law Center, Refugee and Immigrant Center for Education and Legal Services (RAICES), Rocky Mountain Immigrant Advocacy Network, Sidewalk School, and Taylor Levy Law.

Human Rights First is grateful to the donors and foundations who provide invaluable support for the organization's research on access to asylum and the representation of asylum seekers. We deeply appreciate and honor the numerous asylum seekers who bravely shared their stories in hopes of bettering the system for all those who seek protection and refuge in the United States.

Cover image: A sick infant sleeps outside the port of entry in Juárez, Mexico where her family had been waiting five days to seek asylum and waited over two months for a CBP One appointment in July 2023. Courtesy of Christina Asencio.

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EXHIBIT S

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Mexico 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Mexico during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; serious restrictions on freedom of expression and media freedom, including violence against journalists and enforcement of or threat to enforce criminal libel laws to limit expression; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, femicide, and other forms of such violence; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; crimes involving violence or threats of violence targeting persons with disabilities; and significant or systematic restrictions on workers' freedom of association, including crimes of violence and intimidation against workers.

The government generally took credible steps to identify and punish officials who may have committed human rights abuses.

Criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, bribery, intimidation, and other threats, resulting in high levels of violence and exploitation. The government investigated and prosecuted some of these crimes, but the majority remained uninvestigated and unprosecuted.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that government entities or their agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

On February 26, members of the Secretariat of National Defense's (SEDENA) 16th Motorized Calvary Regiment shot at a vehicle in Nuevo Laredo, Tamaulipas, killing five civilians and wounding one other. On April 10, a civilian federal judge ordered the detention of four SEDENA soldiers on charges of attempted homicide in the incident. Additional SEDENA soldiers could face lesser charges for not preventing the incident.

On June 6, a media outlet published an article and video in which soldiers appeared to commit extrajudicial killings of five civilians in Nuevo Laredo on May 18. According to sources, the civilians, who were members of the transnational criminal organization Cartel del Noreste, shot at the soldiers in a vehicle chase. SEDENA confirmed the soldiers were members of the 3rd Special Forces Section. Sixteen soldiers, including the commanding officer, were confined in a military prison while military and civilian judicial authorities conducted investigations.

On March 18, authorities found the body of Jose Portillo Gil “El Chueco,” who had been shot and killed in Sinaloa. Portillo Gil allegedly killed two Jesuit priests and a tour guide in Cerocahui, Chihuahua State, in June 2022. As of October, authorities had not arrested the individuals who killed Portillo Gil, and the investigation continued.

The Mexican Center for Environmental Law 2022 report noted a rise in violence against environmental defenders, who were victims of intimidation, kidnapping, and homicide. In April, attackers kidnapped and killed environmental defender, activist, and legal representative Naua don Eustasio Alcalá in Michoacán State. Alcalá had advocated against mining exploitation in his community San Juan Huitzontla, Michoacán, without prior consultation. The community previously obtained a favorable ruling that suspended mining concessions in 2022.

On October 25, a judge sentenced 11 security officials to 50 years in prison

for the killing of 19 persons, many of whom were migrants, in Camargo, Tamaulipas State, in 2021. The officers were found guilty of aggravated homicide, abuse of authority, and committing crimes while performing administrative duties.

b. Disappearance

There were reports of numerous enforced disappearances by criminal groups, sometimes with allegations of collusion with authorities. Investigations, prosecutions, and convictions of enforced disappearance crimes were rare. Enforced disappearance was a persistent problem throughout the country, especially in areas with high levels of cartel- or gang-related violence.

Federal and state databases tracking enforced disappearances were incomplete and had data-sharing problems; forensic systems were highly fragmented among the local, state, and federal levels; and the volume of unsolved cases was far greater than the forensic systems were capable of handling. In its data collection, the government often merged statistics on forcibly disappeared persons with missing persons not suspected of being victims of enforced disappearance, making it difficult to compile accurate statistics on the extent of the problem.

On August 24, the Interior Secretariat's National Commission for the Search of Persons published the official registry of victims of enforced

disappearance, totaling 113,188 victims between 1964 and August 2023. The registry, published in 2013 by the Enrique Peña Nieto administration, was removed from public access in 2019 after President Andrés Manuel López Obrador classified the information as “reserved.” The registry reported police or military members had deprived 733 registered victims of liberty since the registry was first published, including 33 others who were seen in a public ministry agency before their enforced disappearance. The registry also reported 522 migrants disappeared while traveling through the country.

The government made efforts to prevent, investigate, and punish acts of enforced disappearance involving government agents. From January to August 2022, the National Human Rights Commission (CNDH) received seven complaints accusing government agents of enforced disappearances, including three against the army and three against the Attorney General’s Office.

In August 2022, Undersecretary of Human Rights Alejandro Encinas released a report confirming the 2014 enforced disappearances of 43 students from the Ayotzinapa Rural Teachers’ College in Iguala, in the state of Guerrero, was a “state” crime. The report found various local, state, and federal officials – by commission or omission – were involved in carrying out or covering up crimes in conjunction with the atrocities. Following several arrests in 2022, the Attorney General’s Office reissued 17 arrest warrants in

June for additional suspects who were previously suspended in October 2022. Sixteen warrants were issued for military personnel and one for a suspect who had asylum in a neighboring country. On June 25, authorities arrested Gualberto Ramírez, who oversaw the initial investigation of the students' enforced disappearances in 2014 as the former head of the antikidnapping unit of the former Special Prosecutor's Office for Organized Crime Investigation. Ramírez was charged with torture and investigation mismanagement. On July 6, the Attorney General's Office arrested retired General Rafael Hernández Nieto, the second-highest-ranking detainee and former commander of the 41st Infantry Battalion in Iguala, for enforced disappearance and participation in organized crime, but on August 22, a judge released him. As of November, no suspects had been convicted for their involvement.

In July, the Interdisciplinary Group of Independent Experts, appointed by the Inter-American Commission on Human Rights (IACHR), presented its sixth and final report on Ayotzinapa. The report determined the 43 students were not involved with criminal groups and stated members of the former Center for Investigation and National Security, former Prosecutor General's Office antikidnapping unit, SEDENA, and the Secretariat of the Navy withheld key information during the investigation, including their presence at the scene when the students were forcibly disappeared. The report determined SEDENA refused to comply with President López Obrador's order to provide crucial information, including telephone and message

records.

On September 27, Undersecretary Encinas presented the Presidential Ayotzinapa Truth and Justice Commission's second report, which outlined areas controlled by criminal organizations in Guerrero and pointed to possible student locations. Encinas stated there was no evidence linking any of the students to the criminal organization Guerreros Unidos and confirmed SEDENA's involvement in the students' enforced disappearance.

The National Search Commission reported carrying out 5,194 exhumations as of July 21; 2,404 bodies were identified and 1,437 were returned to their families. In May, authorities reported finding 30 clandestine graves in Tecoman, Colima, that contained at least 53 bodies and hundreds of bone fragments.

Since 2020, perpetrators killed seven relatives of disappeared victims in alleged retaliation for their efforts to find family members. On May 2, Teresa Magueyal, who was searching for her son, was killed in Guanajuato. The Attorney General's Office opened an investigation into the case, but no suspects were charged as of October.

On August 21, government authorities reportedly violently removed relatives of disappeared persons who participated in a protest outside the Queretaro Attorney General's Office. The protesters demanded the government allow access to government services, including Forensic

Medical Services and Social Reintegration Centers, to search for the disappeared.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

Federal law prohibited torture or cruel, inhuman, or degrading treatment or punishment, as well as the admission of confessions obtained through illicit means as evidence in court. Despite these prohibitions, there were reports that security forces tortured detainees.

Civil society groups reported torture was a generalized practice. In 2022, the Mexican Commission for the Defense and Promotion of Human Rights stated that human rights organizations received approximately 9,500 complaints for torture and inhuman treatment. Victims most often accused municipal police, public security, and state attorney general's offices of torture or inhuman treatment. Between January and April, the CNDH registered 20 complaints of torture and 94 of arbitrary detention committed by personnel in the Secretariat of Security, National Guard, Attorney General's Office, armed forces, and the National Migration Institute.

There were accusations of sexual abuse committed by authorities during arrest and detention. In March, authorities published new guidelines for the Mechanism for Monitoring Cases of Sexual Torture against Women, in response to a recommendation from the Inter-American Court of Human

Rights. Civil society organizations reported that despite publishing the new guidelines, the mechanism was not operating sufficiently, administrators had met only once, and no new cases had been reviewed as of July 31.

On July 13, authorities detained Adolfo Karam, the former judicial police director of Puebla, accused of torturing Lydia Cacho, who exposed former Puebla Governor Mario Marín and several business leaders' involvement in a child sex trafficking ring in 2005. Marín remained in detention as of October.

Impunity for torture was prevalent among the security forces.

Nongovernmental organizations (NGOs) stated that authorities failed to investigate torture allegations adequately. As of August 14, the Attorney General's Office was investigating more than 2,600 torture-related inquiries and conducting 700 investigations.

Prison and Detention Center Conditions

Conditions in prisons and detention centers were often harsh and life threatening.

Abusive Physical Conditions: According to the NGO Legal Assistance for Human Rights, some federal and state prisons were grossly overcrowded. The state of Mexico had the highest rate of overcrowding at 242 percent capacity.

Authorities reportedly transferred individuals from one prison to another without prior notice and without the possibility of prisoners or family members challenging the transfers. Women inmates said transfers to a prison in the state of Morelos left them without the possibility of receiving visits. The CNDH and the National Mechanism reported human rights abuses of women in that prison, particularly their rights to physical and mental health, and made recommendations to prison authorities to reduce the prison population and provide adequate health, education, work, and exercise resources for inmates. Access to sleeping and medical areas was limited.

Civil society organizations stated that individuals in migratory detention reported cases of threats and degrading treatment, spoiled food, generally bad conditions, and sensory deprivation, deprivation of vital needs, and difficulty sleeping due to lights being turned on full time.

On March 27, 40 migrants died and 27 were seriously injured after a fire at a migrant detention center in Ciudad Juarez, Chihuahua, administered by the National Institute of Migration. The fire allegedly started after detained migrants set fire to their mattresses to protest overcrowded detention conditions, lack of sufficient food, and water shortages. Video footage showed migration agents failed to unlock doors of the holding cell where migrants were trapped.

Criminal groups reportedly continued to oversee illicit activities from within

penitentiaries, and rival drug cartel members often fought in prisons. In January, during a violent prison break, armed criminal gunmen opened fire in a Ciudad Juarez prison, resulting in the deaths of seven prisoners, 10 guards, and two gunmen. During the confrontation, 25 prisoners escaped.

The CNDH found many prisons did not provide sufficient care for elderly persons, women and minors living with them, Indigenous persons, persons with disabilities, persons with HIV or AIDS, and lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

Administration: Authorities did not always conduct investigations into credible allegations of mistreatment.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and state human rights commissions.

d. Arbitrary Arrest or Detention

Federal law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court; however, the government sometimes failed to observe these requirements.

Arrest Procedures and Treatment of Detainees

The constitution allowed any person to arrest another if a crime was

committed in their presence. A warrant for arrest was not required if an official detained a person in the act of committing a crime. Bail was available for most crimes, except 22 crimes, including violent offenses, and crimes involving criminal groups. In most cases, the law required detainees to appear before a judge for a custody hearing within 48 hours of arrest, during which authorities had to produce sufficient evidence to justify continued detention. This requirement was not followed in all cases, particularly in remote areas of the country. In cases involving criminal groups, the law allowed authorities to hold suspects up to 96 hours before requiring them to seek judicial review.

The procedure known in Spanish as *arraigo* (a constitutionally permitted form of pretrial detention employed during the investigative phase of a criminal case before probable cause was fully established) allowed, with a judge's approval, for certain suspects to be detained prior to filing formal charges.

Detainees complained police made arrests arbitrarily without a warrant, denied them access to family members and to counsel, and held them in isolation for several days. Police occasionally failed to provide impoverished detainees access to counsel during arrests and investigations as provided for by law.

Arbitrary Arrest: Allegations of arbitrary detentions occurred throughout the year. The IACHR, the UN Working Group on Arbitrary Detention, and

NGOs expressed concerns regarding arbitrary detention and the potential for it to lead to other human rights abuses.

Pretrial Detention: Lengthy pretrial detention was a problem, and authorities did not always promptly release those detained unlawfully. The law provided time limits and conditions on pretrial detention, but federal authorities sometimes failed to comply with them since caseloads far exceeded the capacity of the federal judicial system. Abuses of time limits on pretrial detention were endemic in state judicial systems. In November 2022, the Supreme Court eliminated automatic pretrial detention for fraud and tax crimes. Activists claimed the decision did not go far enough to protect habeas corpus rights, while local legal experts noted the decision could hinder the government's ability to curb financial crimes. The UN Office of the High Commissioner for Human Rights documented cases in the states of Mexico and Chiapas in which detainees remained in pretrial detention for more than 12 years.

In May, authorities rearrested Daniel García Rodríguez, who was accused of murder in 2001. Rodríguez was previously arrested and held in pretrial detention for more than 17 years before being released with an ankle monitor in 2019. He remained in pretrial detention as of October.

As of August 9, Verónica Razo had been in pretrial detention for 12 years, awaiting trial for allegedly kidnapping and participating in criminal group activities. In 2022, the UN Working Group on Arbitrary Detention called for

her release, and the Federal Defense Public Institute maintained that police sexually tortured her and forced her to plead guilty. Brenda Quevedo Cruz remained in pretrial detention as of October, despite a 2020 announcement by authorities they would release her. Quevedo Cruz had been detained without trial since 2007 for allegedly participating in organized crime activities and for kidnapping.

e. Denial of Fair Public Trial

Although the constitution and law provided for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level, as well as by transnational criminal organizations. Authorities sometimes failed to respect court orders, and arrest warrants were sometimes ignored, consistent with the lack of judicial independence and rule of law throughout the legal system. Across the criminal justice system, many actors lacked the necessary training and capacity to carry out their duties fairly and consistently in line with the principle of equal justice.

President López Obrador and other government actors verbally attacked the judiciary, particularly the Supreme Court, criticizing judges who ruled against the administration on numerous occasions. In March, during a massive rally in Mexico City, government supporters burned an effigy of Chief Justice Norma Piña, accusing her of corruption. In May, Veracruz Governor

Cuitlahuac Garcia led a demonstration in Mexico City where supporters carried coffins with the names of seven of the 11 Supreme Court justices and accused them of siding with conservative opponents and ruling against administration priorities.

On June 16, the National Guard detained Judge Angélica Sánchez Hernández without an arrest warrant in Mexico City for alleged crimes against public faith and influence peddling after she ordered the release of murder suspect Itiel Palacios from pretrial detention. A federal judge ordered her immediate release after concluding local authorities violated the suspension of an injunction Hernández obtained on July 9. Authorities previously arrested Sánchez Hernández on June 5 for allegedly shooting at police officers, which she denied, and was later released. She remained under house arrest while the investigations continued.

Trial Procedures

The law provided for the right to a fair and public trial, and the judiciary generally enforced the right.

Defendants had the right to an attorney of their choice at all stages of criminal proceedings. By law, attorneys were required to meet professional qualifications to represent a defendant. Not all public defenders were qualified, however, and often the state public defender system was understaffed. According to the Center for Economic Research and Teaching,

most criminal suspects did not receive representation until after their first custody hearing, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

Defendants had the right to free assistance of an interpreter, if needed, although interpretation and translation services for speakers of Indigenous languages were not always available. According to the Indigenous Professional Center for Advice, Advocacy, and Translation, Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases and were convicted without fully understanding the documents they were instructed to sign.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family,

Home, or Correspondence

The law prohibited arbitrary or unlawful interference with privacy, family, home, or correspondence and required search warrants. There were some complaints that authorities conducted illegal searches or illegal destruction of private property.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. The government continued exerting significant pressure due to being a source of advertising revenue for many media organizations, which at times influenced coverage.

Freedom of Expression: Independent media were active and expressed a wide variety of views without restriction but often self-censored due to fear of reprisals from government officials and transnational criminal organizations.

Official discrediting of press workers continued. Politicians, including President López Obrador, publicly discredited and criticized such journalists,

presenting them as biased, partisan, and corrupt. The administration continued to showcase a weekly “Who’s Who in Lies” segment in the president’s morning press conference to expose journalists who allegedly reported fake news. In 2022, the NGO Article 19 registered at least 176 disparaging comments from the President’s Office directed toward media outlets, journalists, and civil society organizations. Several journalists cited constant threats. Reyna Haydee Ramírez, a journalist for the news agency Communication and Information on Women (CIMAC), said the president’s discourse caused listeners to interpret his words as an “order to attack.” Ramírez was subsequently barred from attending the president’s morning conferences.

Violence and Harassment: Journalists were killed or subjected to physical attacks, cyberattacks, harassment, and intimidation (especially by state agents and transnational criminal organizations) in response to their reporting. This limited media’s ability to investigate and report, since many of the reporters who were killed covered crime, corruption, and local politics. High levels of impunity, including for killings or attacks on journalists, resulted in self-censorship and reduced freedom of expression and the press.

According to civil society representatives, as of September 25, at least four journalists were killed: Marco Aurelio Ramírez (Puebla), Luis Martín Sánchez (Nayarit), Nelson Matus (Guerrero), and Jesús Gutiérrez Vergara (Sonora).

In addition, on July 8, journalist Luis Marín Sánchez Íñiguez was found dead in Tepic, Nayarit. The correspondent for the daily newspaper *La Jornada* and media site *Crítica Digital Noticias* disappeared from his home on July 5. The state attorney general's office confirmed he was killed possibly due to his work in journalism. Two of his colleagues, who were also reported missing, were found alive on July 8-9.

On July 6, journalist Juan Carlos Hinojosa disappeared in Nanchital, Veracruz; the case remained unsolved as of October.

On July 15, unidentified attackers shot at independent journalist María Luisa Estrada and her daughter in Guadalajara, Jalisco. Estrada and her daughter were unharmed, but Estrada said a police officer at the crime scene cautioned her regarding her crime and corruption reporting and described the attack as a warning.

The Interior Secretariat registered 72 verbal and physical attacks against journalists in 2022, 42 percent of which the secretariat attributed to public servants. The most common aggressions were intimidation and harassment, followed by threats and physical attacks, according to civil society groups. In November 2022, CIMAC reported a 210 percent increase in attacks against women in journalism from January 2019 to July 2022, compared with 2012-18, which CIMAC noted was the period of the previous presidency. CIMAC found most common attacks against women in journalism were stigmatization, intimidation, and harassment online and in person.

Between 2019 and June 2022, the Office of the Special Prosecutor for Crimes against Journalists, a unit in the Attorney General's Office, charged 186 persons with crimes against journalists. As of October, the Attorney General's Office prosecuted only 16 cases. Since its inception, the Special Prosecutor's Office took to trial only 21 percent of the 1,629 cases it opened. Digital media journalists covering stories such as crime, corruption, and human rights violations experienced physical violence and online abuse. Online discrimination, harassment, and threats were problems particularly for women journalists and politicians, as well as any individual and organizations advocating for women's rights.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Human rights groups reported that some state and local governments censored media. Journalists reported altering their coverage due to a lack of government protection, attacks against members of media and newsrooms, and threats or retributions against their families, among other reasons. There were reports of journalists practicing self-censorship due to threats from criminal groups and government officials.

Freedom of expression advocacy groups reported the government, despite reductions in its advertising budgets, continued to have a strong financial impact and influence on the largest media companies. The civil society groups Fundar and Article 19 underscored a lack of federal government

transparency in selecting media outlets for public advertising, noting that 55 percent of its budget went to only 10 media outlets in 2022.

Libel/Slander Laws: There were no federal criminal laws against defamation, libel, or slander; however, nine states had criminal laws regarding these three acts. In four states, the crimes of defamation and libel were prosecuted, with penalties ranging from three days to five years in prison and fines for committing defamation or slander, both considered “crimes against honor.” Slander was punishable under the criminal laws of five states, with sentences ranging from three months to six years in prison and fines. Twenty-five states had laws protecting authorities from alleged insults. Five states had laws that restricted the publishing of political caricatures or “memes” but seldom enforced them. In addition to criminal libel and defamation laws, civil law defined “moral damage” as similar to defamation concerning harm to a person’s “feelings, affections, beliefs, dignity, honor, reputation, and privacy,” according to the NGO Committee to Protect Journalists.

On April 25, President López Obrador repealed the 1917 Law on Printing Crimes, which previously increased punishments for insults against the president, congress, army, and other institutions.

Nongovernmental Impact: Criminal groups exercised grave influence over media outlets and reporters, threatening individuals who published critical views of criminal groups. Concerns persisted regarding criminal groups’ use

of physical violence in retaliation for information posted online, which exposed journalists, bloggers, and social media users to the same level of violence faced by traditional journalists. According to organizations defending journalists, the number of attacks against the press by organized crime groups continued to increase. A civil society organization registered at least 86 attacks by criminal organizations and reported at least 13 of the 16 journalist homicides from 2022 to July were possibly linked to criminal groups.

In June, Chiapas press outlets reported alleged members of criminal groups hung banners in various places around the state to intimidate media.

Internet Freedom

The government did not restrict or disrupt access to the internet or block or filter online content.

According to Freedom House's *Freedom on the Net Report 2023*, state and nonstate actors increasingly used legal threats and other methods to pressure social media platforms, web-hosting providers, and individual users to remove content. Article 19 recorded 12 removals of journalistic content in 2022. In April, Supreme Court Judge Yasmín Esquivel Mossa filed a complaint against journalist Lourdes Mendoza, who tweeted photographs of Mossa vacationing in Canada, accompanied by critical comments regarding the judge. Mossa asked a court to order the removal of the photographs

and to delete Mendoza's account on X (formerly called Twitter), on the grounds that her minor son appeared in one of them and the comments allegedly incited hatred. The court ordered Mendoza and other journalists to remove or blur the photographs to protect the identity of Mossa's son but did not force Mendoza to delete her account.

NGOs alleged provisions in laws threatened the privacy of internet users by forcing telecommunication companies to retain data for two years, providing real-time geolocation data to police, and allowing authorities to obtain metadata from private communications companies without a court order. While the Supreme Court upheld the provisions, it noted the need for authorities to obtain a judicial warrant to access user metadata.

Unidentified users and bots on X posted threats against journalists who asked "difficult" questions of government officials during press engagements and in some cases disseminated the journalists' identities and media outlets and made veiled threats.

The *Freedom on the Net 2023* reported online campaigns amplified support for President López Obrador and trolled his perceived rivals or users who questioned or criticized him. In March, the digital news site *Animal Político* reported that pro-López Obrador accounts disseminated more than 20,000 tweets in an online smear campaign against the recently elected president of the Supreme Court, Norma Lucía Piña Hernández, who often ruled against López Obrador's government in judicial decisions. Many of the tweets used

the hashtag #PiñaMadrinaDeLosNarcos (#PiñaGodmotherOfTheNarcos) to make unsubstantiated links between Piña and drug trafficking.

b. Freedoms of Peaceful Assembly and Association

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights, with some exceptions. Twelve states had laws restricting public demonstrations. There were reports of security forces using excessive force against demonstrators. Government failures to investigate and prosecute attacks on protesters and human rights defenders resulted in impunity for these crimes, consistent with high impunity rates for all crimes. Amnesty International and other NGOs reported that acts of excessive use of force and arbitrary detention occurred against women protesters, especially those protesting gender-based violence.

On August 5, the National Guard allegedly removed and seized property from protesters in front of the Secretariat of the Interior. The protesters had participated in a sit-in for months, and during their removal, police confiscated a protester's camper and a car.

In February, President López Obrador criticized demonstrators who gathered peacefully in Mexico City to protest cuts to election funding. According to news sources, the president called the demonstrators "allies of drug cartels" and accused them of pickpocketing in the capital's main plaza.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

Federal law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including by threats and acts of kidnapping, extortion, and homicide. Criminal groups dominated migrant smuggling operations and often kidnapped, threatened, and extorted migrants to pay a fee for facilitating northbound travel. On August 17, international organizations in Ciudad Juárez reported an increase in extortion and kidnappings by smugglers.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of

concern.

Access to Asylum: Federal law provided for granting asylum, refugee status, or complementary protection to those fleeing persecution or facing possible threats to their life, security, or liberty in their country of origin. The government had an established procedure for determining refugee status and providing protections. The government worked with UNHCR to improve access to refugee status determinations, improve shelter and reception conditions for vulnerable migrants and asylum applicants, and support local integration programs (including access to school, work, and other social services) for those approved for refugee and complementary protection status.

Abuse of Refugees and Asylum Seekers: The press, international organizations, and NGOs reported targeting and victimization of migrants and asylum seekers by criminal groups and in some cases by police, immigration officers, and customs officials. There were numerous instances of criminal groups extorting, threatening, or kidnapping asylum seekers and other migrants. In many parts of the country, human smuggling organizations wielded significant power, and media alleged frequent collusion among local authorities. There were credible reports of gender-based violence against migrants. There were also credible reports of officially recognized asylum seekers being denied movement across the country and detained by migration authorities. Civil society groups reported

migration authorities did not provide information regarding access to request asylum and migratory regularization and, in some cases, dissuaded migrants from pursuing such alternatives.

The government did not detain migrant children and generally exempted accompanying adults from detention to preserve family unity. Child protection authorities lacked sufficient capacity to shelter and process migrant children and families, but the government made progress to improve shelter space for children and strengthen child protection authorities. During the year, the National System for Integral Family Development transferred 1.1 billion pesos (\$67 million) to 26 states to strengthen their capacity to respond to child migration. In May, the government declared it had completed the construction of 58 of the 90 shelters planned.

The government increased efforts to target human smuggling organizations, with limited results. In November 2022, the Attorney General's Office arrested the Los Panchos human smuggling leader and main collaborators. The Attorney General's Office carried out arrests in Ciudad Juarez, Chihuahua; Silao, Guanajuato; and the state of Mexico. In May, the Attorney General's Office arrested three alleged smugglers in the state of Nuevo León. Authorities found 17 migrants with the smugglers and identified 11 others at a safe house.

Obstacles to accessing international protection related most closely to

capacity limitations and lack of coordination among the relevant agencies, as opposed to official government policy.

f. Status and Treatment of Internally Displaced Persons (IDPs)

There were 386,000 IDPs as a result of conflict and violence in 2022, according to NGOs. The states of Chiapas, Michoacan, and Zacatecas together accounted for almost 90 percent of the total number of IDPs. Of the IDPs in Chiapas, Indigenous peoples in Chenalhó and Frontera Comalapa represented a significant number.

Land conflicts, social and ethnic violence, or local political disputes also caused significant displacement. Forced internal displacement disproportionately affected Indigenous communities.

The Mexican Commission for the Defense and Promotion of Human Rights recorded the highest incidence of forced internal displacement in 2022 in Frontera Comalapa and La Trinitaria, Chiapas, where 4,250 IDPs across seven communities fled criminal gang violence. On May 25, the news outlet *Aristegui Noticias* reported families fled these regions to escape violence between Sinaloa and Jalisco Nueva Generación cartels vying for control of the border with Guatemala.

The government, in conjunction with international organizations, made

efforts to promote the safe, voluntary return, resettlement, or local integration of IDPs. The National Institute for Indigenous People had a program to assist displaced Indigenous and Afro-Mexican women.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

Section 3. Freedom to Participate in the Political Process

Federal law provided citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: International observers considered the most recent national elections to be generally fair and free of abuses and irregularities.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials. The government generally enforced the law effectively, but there were

numerous reports of government corruption.

Corruption: In February, the Federal Commission for the Protection against Sanitary Risks announced it fired 11 public servants for alleged collusion with private entities, after finding they had destroyed evidence and shared confidential information regarding the institution's internal deliberations with outside parties. This resulted from an investigation of allegations against commission officials for corrupt operations awarding pharmaceutical bids alleged to have occurred in 2021.

In June, the Secretariat of Public Administration announced an audit had found irregularities amounting to \$550 million regarding transactions by the Mexican Food Security Agency under the Secretariat for Agriculture and Rural Development. The case continued under investigation as of August.

Between December 2018 and June, the Secretariat of Public Administration received more than 127,000 complaints related to failure to comply with regulations and duties, misuse and authority abuse, and negligence or lack of attention in the performance of duties, of which approximately 114,000 were resolved.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were mostly cooperative and responsive to the views of these groups. President López Obrador, however, chastised civil society groups at the morning press conferences he hosted daily. Some NGOs alleged individuals who organized campaigns to discredit human rights defenders at times acted with tacit support from government officials.

Retribution against Human Rights Defenders: On January 15, human rights defenders Ricardo Lagunes and Antonio Díaz disappeared in Colima after advocating against mining company Ternium. While searching for her brother who disappeared in 2020, Esthela Guadalupe Estrada Ávila, an activist and member of a collective of relatives of disappeared persons, disappeared on March 29 in Tlajomulco de Zúñiga, Jalisco. On April 21, Indigenous human rights defender Alejandro Ortiz Vázquez was forced into a vehicle with four armed men in Metlatónoc, Guerrero; as of October, his whereabouts remained unknown.

Government Human Rights Bodies: The CNDH was a semiautonomous federal agency funded by the legislature to monitor and act on human rights abuses. The CNDH could call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it was not authorized to impose penalties or legal sanctions. Civil society groups questioned the CNDH's independence and effectiveness. They noted the CNDH failed to speak out regarding pressing concerns such as the role of the military in public security activities.

All states had their own human rights commissions. The state commissions were funded by state legislatures and were semiautonomous. Some civil society groups, however, asserted that state commissions were subservient to the state executive branch. State commissions did not have uniform reporting requirements, making it difficult to compare state data and therefore compile nationwide statistics. The CNDH could take on cases from state-level commissions if it received a complaint that the state commission did not adequately investigate the case. The independence and effectiveness of the commissions varied widely.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Federal law criminalized the rape of men and women, including spousal rape and domestic or intimate partner rape and

other forms of domestic and sexual violence, as well as so-called corrective rape of LGBTQI+ persons. Conviction carried penalties of up to 20 years' imprisonment. Spousal rape was criminalized in 27 of the 32 states. The government did not enforce the law effectively. There were high rates of impunity for these crimes, consistent with high impunity rates for all crimes.

Federal law prohibited domestic violence, including gender-based violence, and stipulated penalties between six months' and four years' imprisonment. The law included media and digital violence as a form of gender-based violence. Of the 32 states, 29 stipulated similar penalties, although sentences were often more lenient. Federal law criminalized spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced.

The National Commission to Prevent and Eradicate Violence against Women was responsible for leading government programs to combat domestic violence. In addition to shelters, women's external assistance centers provided services including legal, psychological, and protective; however, the number of cases far surpassed institutional capacity. Legal experts said the country lacked sufficient psychological and anthropological experts to issue the appropriate expert reports that judges required in femicide and domestic violence cases. Federal funding assisted the operation of more than 69 shelters, external attention centers, emergency houses, and transition houses. NGOs operated 85 percent of the facilities, and

government organizations operated the remaining 15 percent.

Other Forms of Gender-based Violence or Harassment: Femicide was a federal offense punishable by 40 to 70 years in prison. It was also a criminal offense in all states. The Executive Secretariat of the National Public Security System reported more than 1,290 killings of women, including 426 femicides, from January to June.

On May 27, Guillermo “N” was arrested for burning his girlfriend Guadalupe “N” alive using gasoline in Tonalá, Chiapas, and was awaiting trial as of August. According to a report by *Animal Político*, in 2022 at least 90 women were attacked with acid or gasoline. On March 2, Puebla became the first state to approve the “Malena Law,” which considered acid attacks as femicide attempts and punishable by up to 40 years in prison.

In the case of the death of Debanhi Escobar in Monterrey, Nuevo León, in 2022, in January authorities arrested two persons who managed the motel where Escobar was found.

In the case of the death of Cecilia Monzón in Cholula, Puebla, in 2022, as of August 8, three of the alleged conspirators were awaiting trial, and one was released due to lack of evidence.

On March 2, Puebla’s congress approved the “Monzon Law,” in honor of femicide victim Cecilia Monzon. The law suspended parental rights for men under investigation for femicide. The law also introduced penalties for

officials who failed to act or who hindered investigations. Mexico City, Sinaloa, Colima, and Aguascalientes adopted similar laws.

Federal law prohibited sexual harassment and provided for fines from 250 to 5,000 times the minimum daily wage, but the law was not effectively enforced. Of the 32 states, 24 criminalized sexual harassment, and all states had provisions for punishment when the perpetrator was in a position of power.

Discrimination: The law provided women the same legal status and rights as men and “equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency.” The government did not enforce the law effectively. Women tended to earn substantially less than men did for the same work. Women were more likely to experience discrimination in wages, working hours, and benefits. Afro-Mexican and Indigenous women reported structural inequality in their daily lives. Job announcements specifying desired gender, age, marital status, and parental status were common.

Reproductive Rights: There were no confirmed reports of coerced abortion or involuntary sterilization on the part of government authorities.

The CNDH observed recurrent cases of obstetric violence during childbirth in the forms of neglect and physical abuse, sometimes with serious consequences on women’s sexual and reproductive health. As of October,

the CNDH issued 51 recommendations to improve or address the denial of health services, including physical and psychological abuse, performance of risky procedures, and inadequate neonatal evaluation, diagnosis, and treatment for diseases.

Federal authorities supported access to contraceptive methods, including for the purpose of family planning, but states' efforts varied widely. Barriers to accessing contraceptives stemmed from lack of knowledge, poverty, lack of access to health services, and sexual violence from family members, strangers, or friends.

Government health service providers in 21 states said they were obligated by law to offer sexual and reproductive emergency health services for survivors of sexual violence within 120 hours of the sexual assault.

Emergency contraception and postexposure prophylaxis were available in all states, including for survivors of sexual assault. Nevertheless, women nationwide faced obstacles to accessing emergency services due to health providers' personal objections to emergency contraception or misunderstanding of their legal obligations to provide services.

Authorities reported the cause of most maternal deaths nationwide was obstetric hemorrhage (21 percent), followed by hypertension (15 percent), and abortion (8 percent). Factors associated with maternal deaths included parents with lower levels of education, inadequate hospital infrastructure and human capacity, and lack of access to maternity care, especially for

pregnant women living in rural areas. Southern states reported the lowest access to skilled health care during pregnancy due to geographic, financial, and cultural barriers.

A 2022 report based on a survey in five states pointed out the main barriers to menstrual health were stigma, lack of sanitation, and access to information. It found 69 percent of menstruating persons had little or no information when their first period occurred, and 15 percent lacked access to menstrual products.

The National Population Council reported that in 2022, there were more than 350,000 pregnancies in women younger than age 19, of which approximately 9,200 were in girls ages 15 or younger (98 percent in girls ages 13-14). The states with the majority of cases were Chiapas, Coahuila, Guerrero, and Veracruz. Authorities attributed high adolescent birth rates to low economic status, social inequities, school dropout, low usage of contraceptives, sexual abuse, and child marriages. Sometimes family members arranged marriages for girls younger than 18, although it was illegal nationwide.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibited discrimination based on ethnicity, and a federal law prohibited all forms of discrimination. Nonetheless, discrimination was common against racial and ethnic minorities, including Black and Afro-

Mexican persons. All states had additional laws against discrimination. A 2019 constitutional reform recognized Afro-Mexicans as an ethnic group. The government did not enforce the law effectively.

According to a 2021 report by the National Council to Prevent Discrimination (CONAPRED), in Mexico City dark-skinned individuals experienced the most discrimination, followed by Indigenous peoples.

The National Statistical Institute (INEGI) reported that 2 percent of the population (2.5 million) self-identified as Afro-Mexican. INEGI's 2022 National Survey on Discrimination found 36 percent of Afrodescendants older than 12 faced discrimination in the last 12 months. The survey also reported 38 percent of Afrodescendants older than 12 said their rights were respected "little" and 28 percent that their rights were denied in the past five years. A 2022 report from the Black Alliance for Just Immigration found Black migrants faced widespread racial discrimination from individuals and authorities, particularly in accessing employment and services. Black migrants reported migration authorities detained Black migrants for longer periods than other migrants.

Indigenous Peoples

CONAPRED's 2017 national survey on discrimination found 65 percent of Indigenous persons considered their rights were respected "little or not at all." The CNDH reported Indigenous women were among the most

vulnerable groups in society. They often experienced racism and discrimination and were frequently victims of violence. Due at least in part to services offered only in the Spanish language, Indigenous persons generally had limited access to health care, education services, and legal means to seek justice. In 2022, the National Council for the Evaluation of Social Development Policy published a report that found 65 percent of Indigenous peoples lived in poverty and 26 percent in extreme poverty.

In mid-July, the government resumed construction of the Mayan Train, a dual cargo-passenger railroad to cross the Yucatán Peninsula through Indigenous lands, citing a 2021 decree deeming all public infrastructure to be a matter of national security, which limited the ability of civil society and Indigenous groups to use legal avenues to halt the project. Several Indigenous communities brought legal actions to oppose the construction, many of which were dismissed or denied. In December 2022, the United Nations published a press release citing concerns regarding the Mayan Train's construction impact on the rights of Indigenous peoples, land and natural resources, and cultural and health rights. On May 7, the civil society group El Sur Resiste (The South Resists) issued a statement describing how police and military agents threatened them while they raised awareness regarding megaprojects, such as the Isthmus of Tehuantepec Interoceanic Corridor and the Mayan Train.

On January 17, authorities arrested Indigenous leader David Hernández

Salazar for arson and attacks on roads and indicted 17 other Indigenous members of the Binniza community of Puente Madera in Oaxaca. According to civil society groups, including Front Line Defenders, Hernández was prosecuted for his work in opposition of megaprojects in the Isthmus of Tehuantepec, Oaxaca.

On April 23, Hugo Rolando Arévalo Abarca was sentenced to 25 years in prison for the 2021 killing of Simon Pérez, human rights activist and member of the Las Abejas de Acteal civil society organization in Chiapas, but family members continued advocating for authorities to find the suspect who ordered the killing.

The constitution provided Indigenous persons the right to self-determination, autonomy, and education. Conflicts arose from the interpretation of Indigenous communities' self-governing "normative systems." Uses and customs laws applied traditional practices to resolve disputes, choose local officials, and collect taxes, with limited federal or state government involvement. Communities and NGOs representing Indigenous groups criticized the government for failing to consult Indigenous communities adequately when making decisions regarding extractive industry and natural resource development projects on Indigenous lands.

On January 27, Indigenous persons in Xochimilco obtained an injunction to stop the construction of a National Guard base. The court asserted Mexico

City authorities failed to conduct a culturally appropriate consultation and infringed on their right to land and territory, their collective right to a territory free of militarization, and the right to a healthy environment.

On August 8, President López Obrador signed a decree to recognize and protect the sacred sites and pilgrimage routes of Indigenous peoples in the states of Jalisco, Nayarit, Durango, and San Luis Potosí.

Children

Birth Registration: Failure to register births could result in the denial of public services such as education or health care.

Child Abuse: The law provided for protection against child abuse. There were numerous reports of child abuse. The government generally enforced the law effectively. The National Program for the Integral Protection of Children and Adolescents, mandated by law, was responsible for coordinating the protection of children's rights at all levels of government.

Child, Early, and Forced Marriage: The legal minimum marriage age was 18. Enforcement, however, was inconsistent across the states. With a judge's consent, children could marry at younger ages. According to a 2022 investigation by the news outlet *La Lista*, at least 153,000 child marriages took place between 2010 and 2021. On March 15, the senate approved legislation that criminalized forced child marriage and stipulated a penalty of up to 22 years in prison. On April 26, federal law authorities reformed the

federal penal code to prohibit forced cohabitation of minors and persons with intellectual disabilities, with punishments of eight to 15 years' imprisonment and possibly higher penalties if the victim identified as Indigenous or Afro-Mexican.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking, and authorities generally enforced the law. Nonetheless, NGOs and media reported occurrences of sexual exploitation of minors, including child sex tourism in resort towns and northern border areas. Authorities estimated 21,000 children were kidnapped annually for sexual exploitation. The statute of limitations did not apply for sexual crimes against minors, including child pornography distribution, child sex tourism, corruption of minors, pederasty, sexual abuse, and rape.

Antisemitism

The Jewish population numbered 58,876 (according to the 2020 INEGI survey). The community experienced low levels of antisemitism. In January, civil society organizations and activists protested against the Greek band Der Strumer, accused of being a neo-Nazi group, who was set to perform but later canceled its January 13 show in Guadalajara.

In June, local media reported multiple swastikas and Nazi insignias painted around Morelia, Michoacan.

Between January and June 30, the civil society organization Central Committee (Comité Central) found 3 percent of social media content mentioning Jewish persons was antisemitic.

Jewish community representatives reported good cooperation with the government in addressing instances of antisemitic acts.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behavior. There were no reports that neutral laws (e.g., on statutory

rape, immorality, or loitering) were disproportionately applied to LGBTQI+ persons.

Violence and Harassment: There were reports the government did not always investigate and punish those complicit in abuses against LGBTQI+ persons, especially outside Mexico City. Civil society groups claimed police routinely subjected LGBTQI+ persons to mistreatment while in custody.

In 2022, there were 87 killings of individuals who identified as LGBTQI+, of whom 48 were transgender, that could have been motivated by their sexual identity, according to civil society groups.

On July 15, assailants killed Ulises Nava Juárez, LGBTQI+ rights defender and head of the Department of Sexual Diversity at the Autonomous University of Guerrero, as he left the National Congress of Strategic Litigation for the Defense of Rainbow Quotas, in Aguascalientes. As of July 31, the UN Office of the High Commissioner for Human Rights documented seven killings of human rights activists, two of whom were LGBTQI+ advocates.

According to CONAPRED, the most frequent forms of aggression LGBTQI+ persons experienced were verbal violence; denial of entry, services, and rights; and killings.

Discrimination: Federal law prohibited discrimination against LGBTQI+ individuals. The government generally did not enforce the law. A Mexico City municipal law provided increased penalties for hate crimes based on

sexual orientation and gender identity. As of November 16, Mexico City and the states of Baja California, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Guanajuato, Morelos, Querétaro, San Luis Potosí, and Yucatán allowed LGBTQI+ couples and families adoption rights.

The 2021 National Survey of Sexual Diversity and Gender found that of three million employed LGBTQI+ individuals, one-third reported experiencing discrimination in the past 12 months. In March, a professor who identified as gay was fired for alleged sexual misconduct in Álvaro Obregón, Durango, prompting student protests that the school's director had filed false charges against him. From January to August 23, CONAPRED registered 22 reports of discrimination against LGBTQI+ persons.

Availability of Legal Gender Recognition: Twenty states permitted adult individuals and eight states allowed children 12 years and older to update names and gender markers via a simple administrative process. In May, for the first time, the Secretariat of Foreign Affairs issued passports with “X” as a third sex designation option.

Involuntary or Coercive Medical or Psychological Practices: Sixteen states banned so-called conversion therapy practices. According to INEGI, 14 percent of transgender persons and 10 percent of lesbian, gay, and bisexual persons were subjected to so-called conversion therapy practices. Civil society organizations reported that, as part of the treatment process, LGBTQI+ persons undergoing so-called conversion therapy practices were

often isolated, beaten, given electroshocks, and made to undergo hormone or steroid therapies, among other actions.

Medically unnecessary surgeries and treatment continued to be done on infants and children born with sex characteristics that did not align with either a typical male or female body. There were no reports of such surgeries done on nonconsenting intersex adults.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no reports of restrictions on freedom of expression, association, or peaceful assembly related to LGBTQI+ matters.

Persons with Disabilities

Public buildings and facilities often did not comply with the law requiring access for persons with disabilities. Federal law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not effectively enforce the law. According to the 2021 INGEI survey on the dynamics of household relationships, 73 percent of the six million women and girls older than 15 who identified having disabilities reported experiencing violence. On June 7, the government enacted the National Code of Civil and Family Procedures, championed by disability advocacy groups. The legislation established the right to independently decide and make decisions with appropriate support for persons with disabilities older than 18.

The law prohibited discrimination against persons with disabilities, and the government approved the *National Work and Employment Program for People with Disabilities 2021-2024*, aimed at strengthening labor inclusion of persons with disabilities and supporting the employment of persons with disabilities in decent work. Nevertheless, employment discrimination against individuals with disabilities continued.

The education system provided education for students with disabilities nationwide. Nevertheless, children with disabilities attended school at a lower rate than those without disabilities.

Voting centers for federal elections were generally accessible for persons with disabilities, and ballots were available with a braille overlay for federal elections in Mexico City, but these services were inconsistently available for local elections elsewhere in the country.

The law required the Secretariat of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Secretariat of Social Development was required to establish institutions to care for, protect, and house poor, neglected, or marginalized persons with disabilities. NGOs reported authorities had not implemented programs for community integration.

Abuses occurred in institutions and care facilities housing persons with mental disabilities, including those for children. Abuses included the use of

physical and chemical restraints; physical and sexual abuse; human trafficking, including forced labor; enforced disappearance; and the illegal adoption of institutionalized children. Persons with disabilities were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the identity and origin of those staying in the facilities was lacking, and access to justice was limited, according to NGOs. NGOs reported no changes in the mental health system to create community services or any efforts by authorities to have independent experts monitor human rights abuses in psychiatric institutions.

Institutionalized persons with disabilities often lacked adequate medical care and rehabilitation services, privacy, and clothing. They often ate, slept, and bathed in unhygienic conditions.

Other Societal Violence or Discrimination

The Catholic Multimedia Center reported criminal groups harassed Roman Catholic priests and religious leaders of other denominations in some parts of the country and subjected them to extortion, death threats, and intimidation. On May 22, authorities found Catholic priest Javier Garcia Villafana shot and killed in his car on the Cuitzeo-Huandacareo highway in Michoacán. Government officials stated the harassment of Catholic priests and evangelical Protestant pastors reflected high levels of generalized

violence throughout the country and not targeted attacks based on religious beliefs.

According to Christian Solidarity Worldwide, Catholic-majority communities sometimes discriminated against, harassed, threatened, and displaced individuals who left Catholicism or belonged to other faith communities, in addition to denying them basic services and destroying their property. On August 20, authorities in Simojovel, Chiapas, detained Presbyterian pastor Gilberto Diaz Pérez for his work, and villagers allegedly threatened to set fire to Diaz if he did not pay a fine. Diaz was released on August 26 in exchange for three other members of the Presbyterian Church, including his wife, who were released the same day after the Chiapas Interior Ministry and municipal authorities reached an agreement that Diaz would not preach in the community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of workers to form and join independent unions, collectively bargain, and conduct legal strikes, and it prohibited antiunion discrimination. The government continued to strengthen freedom of association protections, promote union democracy, and improve the

ability of workers to bargain collectively. By law, all groups, including agricultural and migrant workers, were protected equally.

Government efforts focused on implementation of the 2019 labor law reform that transformed the labor justice system. The reforms provided workers with the right to freely elect union representatives and approve or reject collective bargaining agreements through a secret ballot process before the agreements were registered. The reforms prevented the registration of collective bargaining agreements that nonrepresentative, undemocratic unions often negotiated and signed without the knowledge of workers as protectionist contracts, which undermined genuine collective bargaining. The reforms called for the creation of independent labor courts to replace the Conciliation and Arbitration Boards (CABs) that favored corporatist nonrepresentative unions in the resolution of disputes and facilitated the registration of protection contracts. The reforms also established an expedited and more transparent judicial process for unions to obtain collective bargaining rights.

In addition to a more impartial and streamlined judicial process for labor disputes, the reforms transferred the registration of unions and collective bargaining agreements from the CABs to a new independent Federal Center for Conciliation and Labor Registration (Federal Center). The Federal Center also carried out mandatory prejudicial conciliations at the federal level, with local conciliation centers performing the same function at the state level.

During the year, the new institutions completed their first year operating in all 32 states. The reforms required unions to amend their bylaws to ensure union democracy and proportional gender equity in their leadership. Most unions at the federal level had amended their bylaws, and the majority of unions at the local level had also done so.

The Federal Center continued to oversee a verification process, called the “legitimization process,” which required unions to organize a secret ballot vote for workers to approve or reject existing collective bargaining agreements (CBAs) by July 1.

The Secretariat for Labor and Social Welfare provided support to the Federal Center’s verification of legitimization votes. July 31 marked the deadline for the Federal Center to schedule and verify all CBA legitimization votes. The Federal Center reported that as of September 30, 31,186 CBAs had undergone the legitimization process, 30,510 CBAs were legitimized, while 676 CBAs were nullified. The Federal Center noted not all collective bargaining agreements required legitimization because records were duplicated, worksites had closed, work had concluded, or the collective bargaining agreement was an illegal protection contract held by a nonrepresentative union that would not request a legitimization vote.

Federal labor law required a minimum of 20 workers to form a union. To receive government recognition, unions and their leaders were required to file for registration with the Federal Center.

By law, a union could call for a strike or bargain collectively in accordance with its own statutes. Under the labor reform, to negotiate a collective bargaining agreement, the union had to first obtain a certificate of representativeness from the Federal Center demonstrating it had support from at least 30 percent of workers to be covered by the agreement, or 50 percent plus one as part of a secret ballot if there was a competing union. Before a strike could take place, a union had to file a “notice to strike” with the appropriate labor court. Workers, the employer, or an interested third party could request the court to rule on the legality of the strike, which could find the strike illegal.

Federal labor law prohibited antiunion discrimination and prohibited employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allowed for the reinstatement of workers if the court found the employer fired the worker without just cause and the worker requested reinstatement; however, the law also exempted broad categories of employees from this protection, including so-called trusted employees and workers in the job for less than one year.

The government’s failure to enforce labor laws left workers with little recourse for violations of freedom of association, poor working conditions, and other labor provisions. Penalties for these violations were commensurate with similar violations of civil rights. Penalties were rarely

applied against violators. Labor experts reported that sanctions against companies or unions were rarely applied, including in priority sectors covered by the United States-Mexico-Canada Trade Agreement.

According to several NGOs and unions, many workers faced violence and intimidation perpetrated by protection union leaders and employers supporting them, as well as other workers, union leaders, and vigilantes hired by a company to suppress opposition to an existing union in bargaining-rights elections. Some employers attempted to influence these elections through the illegal hiring of temporary or fake employees immediately prior to the election to vote for the company-controlled union. There were also reports of employers firing workers who attempted to organize independent unions.

From January to October, labor officials reviewed cases of alleged denial of freedom of association and collective bargaining rights at 10 facilities as part of the United States-Mexico-Canada Agreement's Rapid Response Mechanism. Some of these were resolved and resulted in the reinstatement of workers with backpay, recognition of an independent union as the legitimate representative of workers, or both.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The labor law provided for a minimum wage for all sectors, with a tripartite National Minimum Wage Commission responsible for establishing minimum wages. The minimum wage was above the official estimated monthly poverty line's monetary level. More than 70 percent of formal-sector workers received between one and three times the minimum wage.

Federal law set six eight-hour days and 48 hours per week as the legal workweek. Any work of more than eight hours in a day was considered overtime, for which a worker was to receive double pay. After accumulating nine hours of overtime in a week, a worker earned triple the hourly wage. The law prohibited compulsory overtime. The law provided for 10 paid public holidays and one week of paid annual leave after completing one year of work. On January 1, the amount of paid annual leave was increased to 12 days after completion of the first year of work.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach – requiring long hours when the workload was heavy and cutting down hours when it was light – to avoid compensating workers for overtime. This was a common practice in the maquiladora sector, in which employers forced workers to take leave at low moments in the production cycle and obliged them to work in peak seasons, including the Christmas holiday period, without the corresponding triple pay mandated by law for voluntary overtime on national holidays.

News reports indicated poor working conditions in some factories. These included wages lower than what the law stipulated, contentious labor management, long work hours, unjustified dismissals, a lack of social security benefits, unsafe workplaces, and no freedom of association. Many women working in the industry reported suffering some form of abuse.

Observers from grassroots labor rights groups, international NGOs, and multinational apparel brands reported that employers in export-oriented supply chains increasingly used hiring methods that weakened job security. For example, manufacturers commonly hired workers on one- to three-month contracts and then waited a period of days before rehiring them on new short-term contracts to avoid paying severance and to prevent workers from accruing seniority. This practice violated federal law and restricted workers’ rights to freedom of association and collective bargaining.

Observers noted it also increased the likelihood of work-related illness and

injury. Outsourcing practices made it difficult for workers to identify their legally registered employer, thus limiting their ability to seek redress of labor grievances.

The situation of agricultural workers remained particularly precarious, with similar patterns of exploitation throughout the sector. Labor recruiters enticed families to work during harvests with verbal promises of decent wages and a good standard of living. Rather than receiving daily wages once a week, as mandated by law, day laborers had to meet certain harvest quotas to receive the promised wage. Wages were illegally withheld until the end of the harvest to ensure workers did not leave. Civil society organizations alleged workers were prohibited from leaving by threats of violence or by nonpayment of wages. Workers had to buy food and other items at the company store at high markups, at times leaving them with no money at the end of the harvest after settling debts. Civil society groups reported families living in inhuman conditions, with inadequate and cramped housing, no access to clean water or bathrooms, insufficient food, and without medical care. With no access to schools or childcare, many workers took their children to work in the fields.

Occupational Safety and Health: The law required employers to observe occupational safety and health (OSH) regulations appropriate for the main industries, issued jointly by the Labor Secretariat and Institute for Social Security. Legally mandated joint management and labor committees set

standards and were responsible for overseeing workplace standards in plants and offices. Individual employees or unions could complain directly to inspectors or safety and health officials. By law, workers could remove themselves from situations that endangered health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce the minimum wage, overtime, and OSH laws. Civil society organizations reported the number of labor inspections was not sufficient to secure compliance. Criminal cases related to such violations were rarely carried out. Penalties for violations regarding hours and minimum wage were commensurate with those for other similar laws but were rarely enforced.

A voluntary reporting system allowed formally registered businesses to enroll and self-identify as compliant with the program's requirements related to working conditions. Registered businesses deemed to be complying according to documentation submitted were exempt from routine labor inspections for one year, although this did not prevent the Labor Secretariat from conducting complaint-based labor inspections in these businesses.

The Labor Secretariat had the authority to order labor inspections at any time in the event of labor law violations, imminent risk to employees, or workplace accidents. Penalties for violations of OSH regulations were

commensurate with those for other similar laws but were rarely enforced.

According to INEGI, informal-sector workers represented 55 percent of total workers in the country. The government did not enforce labor laws in this sector.

EXHIBIT T



“I am physically and mentally exhausted”:

Migration policies and health at the US-Mexico border





Executive Summary

This report examines the impact of the United States and Mexico migration policies on the mental and physical health of people on the move. Through a survey conducted with 83 family units, representing 177 individuals in Ciudad Juárez, between January and June of 2024, the study shows that:

- 4 out of 5 individuals have suffered violence during their migratory journey through Mexico.
- More than 60% of individuals describe the transit through Mexico as “difficult or very difficult”
- More than 50% of individuals have been victims of robberies, while 35% have been victims of extortion.
- 20.4% of respondents were survivors of kidnapping. Mexican authorities were involved in more than 30% of documented kidnappings.
- 40% of respondents blame the Mexican authorities for their mental and physical discomfort, while 26% blame organized crime.
- 43% of respondents blame the migration policies of the United States and Mexico for their tiredness and exhaustion.
- More than 60% of respondents reported weight loss and nearly 50% reported muscle pains. 1 in 3 individuals suffered from diarrhea.
- More than 60% of respondents reported suffering from depression.
- More than half of respondents reported feeling afraid, fatigued, worried, frustrated and nervous.
- 1 in 3 respondents reported experiencing intrusive thoughts.
- 3 in 4 respondents affirmed that the psycho-emotional condition they reported did not exist before the migratory journey.
- For more than 70% of respondents, prayer and their faith helped them alleviate some of these impacts, followed by the experience of being in community with others.

It is urgent that migration policies of the United States and Mexico center the health of individuals on the move among their priorities, focusing on facilitating access to asylum and transit instead of repressing and containing those seeking safety.



I. Introduction

In the past few years, violence against people moving toward the US-Mexico border has worsened to the point of becoming the “world’s deadliest migration land route.”¹ Immigration contention policies applied in Mexico as a result of pressure from the United States, border militarization and the expansion of immigration controls and immigration detention in Mexico are some of the causes of the resurgence of this violence against people on the move.² As a result, more and more people are forced to seek more dangerous routes to migrate, while their vulnerability to unscrupulous state and criminal actors continues to increase.³

The violence suffered by people on the move in Mexico has severe impacts on their physical, mental and emotional health. This report aims to document the psychosocial impacts of a migratory journey increasingly hardened by the United States and Mexico’s migration policies.

To this end, this report is based on structured interviews with 83 family units, reflecting the experiences of 177 individuals in forced mobility from Venezuela, Mexico, Colombia, Honduras, El Salvador, Guatemala, Ecuador, Peru and Haiti. The interviews were conducted by the psychosocial team at Jesuit Refugee Service Mexico (JRS MX) in shelters in Ciudad Juárez between January and July of 2024. Data collected included sociodemographic information, migratory profile, self-assessment of the psychosocial impacts and a mapping of crime incidence. Likewise, the report uses systemic monitoring data collected between June 2021 and September 2024 by JRS Mexico and the Danish Refugee Council.

The report is structured as follows. First, we present a brief analysis of the migration policies carried out by Mexico and the United States with a special emphasis on policies enacted between January 2022 and June 2024. The next section presents the research results, structured in 1. violence against people on the move, 2. those responsible for this violence, 3. the repercussions of such violence on physical and mental health and 4. the elements that help alleviate these impacts. The report concludes with recommendations and a call to pay greater attention to the intersection between migration policies, violence and vulnerability and the mental health of people on the move.

II. Context: Binational migration policies between the United States and Mexico

The binational migration policies of the United States and Mexico have had significant impacts on people on the move in Mexico who seek international protection in the United States. During the



Biden administration, the United States opted for a model based on four pillars: 1. Tackling the root causes of migration from Northern Central America, 2. Expanding legal migration pathways, 3. Increasing cooperation with Latin American countries to control migration flows and 4. Restricting access to asylum at the Southern Border.

The Biden administration maintained two programs inherited from the Trump administration that restricted access to asylum: the Migrant Protection Protocols (MPP) and the application of Title 42. Under MPP, individuals seeking asylum in the United States had to wait on the Mexican side of the border to be able to attend their court date. The application of Title 42 allowed the expulsion of asylum seekers to Mexico or to their country of origin due to the COVID-19 health emergency. The majority of individuals deported to Mexico were Mexican, Guatemalan, Honduran, and Salvadoran nationals.⁴

Following the end of the Title 42 restrictions, the United States implemented the Circumvention of Lawful Pathways Rule (CLP) in May 2023. The rule established a presumption of ineligibility to request asylum for those individuals who had not requested asylum in another country and would have had it denied or who crossed the border without prior authorization.

CLP favored the use of the CBP One mobile application, which allowed asylum seekers in certain areas of Mexico to request an appointment to present themselves at United States Ports of Entry and thereby begin the asylum process. 1,450 appointments were made available per day, with some exceptions granted for vulnerable individuals.

In 2024, these limitations on asylum were tightened by the implementation of the Interim Final Rule and the Final Rule "Securing the Border." These rules allowed the Secretary of Homeland Security to suspend the entry of individuals without a CBP One appointment or a valid visa along the Southern Border, including individuals seeking asylum. The suspension came into effect at a moment when encounters reached 2,500 for seven consecutive days and could be lifted only when the average number of encounters was reduced to 1,500 or less for 28 consecutive days. The rules also exempted Customs and Border Patrol (CBP) agents from asking individuals about their fear of being returned or their intention to seek asylum, favoring expedited removals.

In this context, the Biden administration and the government of López Obrador agreed to new measures to increase migration controls in Mexico. They resulted in increased deployment of the Army, Navy, National Guard and agents of the National Immigration Institute (INM, by its acronym in Spanish), whose ranks have mainly been taken over by the military.⁵ It is estimated that there are, in total, more than 28,000 agents deployed throughout Mexico to detain people in transit



under the euphemism of humanitarian rescue.⁶ This deployment has resulted in a historic level of apprehensions, with approximately 925,000 apprehensions just between January and August 2024,⁷ compared to 445,000 in 2022.

Similarly, Mexico accepted the return of Venezuelan, Cuban, Nicaraguan and Haitian nationals following the end of Title 42. According to data obtained by the Institute for Women in Migration (IMUMI, acronym in Spanish), Mexico accepted the return of an estimated 19,500 non-Mexican nationals between May and November 2023 alone.⁸ Once returned, INM received them without having any type of humanitarian protection protocol and transported them to Southern Mexico.⁹

As a result of these policies, there were third-country nationals deported from the United States to Mexico, people stranded waiting to seek asylum in the United States, individuals displaced by the INM from Northern to Southern Mexico, and Mexican nationals internally displaced who were prevented from leaving their own country to seek international protection.¹⁰ As a consequence, the vulnerability of people on the move in Mexico has increased and, along with it, the need for psychosocial accompaniment.

III. Results: Impacts of migration policies and severe crimes on the health of people on the move

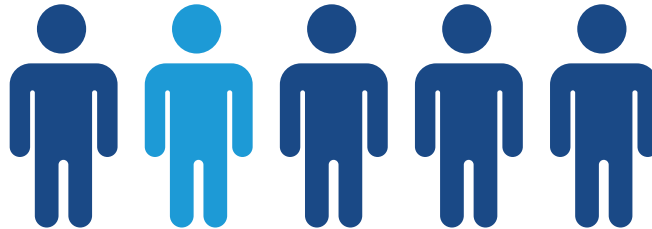
The hardening of the legal migration pathways and the expansion of migration controls have limited the right to seek international protection and pushed migrants towards increasingly invisible spaces. There, they are not only victims of a violent state system but also victims of organized crime. There is no security for people on the move under these circumstances.

Next, we show the reader what are the real conditions under which persons migrated during 2024 through our region:

A. Violence and Severe Crimes

Interviews revealed a sequence of violence that people on the move face during their journey, particularly during their transit through Mexican territory. **4 out of 5 respondents reported being victims of violence during their migration journeys.** This metric is alarming because it demonstrates that the simple condition of being on the move represents experiencing violence.

Image 1. Number of people in migratory transit who were victims of violence during their transit interviews in Ciudad Juárez (January-June 2024).



The most frequently reported crimes were robbery, extortion, discrimination and kidnapping, as is shown in Table 1.

Table 1. Number of mentioned crimes suffered by people in mobility interviewed in Ciudad Juárez (January-June 2024)

Incident	Number of times reported (one person could report more than one)
Robbery	42
Extortion	29
Discrimination and verbal abuse	24
Kidnapping	17
Physical and sexual violence	11
Forced labor	7

50.6% of the people in Ciudad Juárez who traveled through Mexico to reach the United States were stripped of their belongings, including identity documents, cellphones and basic belongings. The robbery of their personal belongings has an impact on the legal proceedings they are involved in. Losing a cell phone prevents access to the appointment system of CBP One and communication with families. The theft of identity documents and other legal documents can severely affect a person's opportunity to prove their asylum cases. **Nearly 35% of those interviewed had been victims of extortion.**

The protection monitoring of JRS-DRC shows similar data, with the top crime against people in



forced mobility being extortion/robbery.¹¹ 67.7% of the 841 families monitored by JRS-DRC since June 2021 in Ciudad Juárez to the end of 2024 were extorted or suffered some kind of robbery. Organized crime and law enforcement agents are the most common extorters. Extortions result in significant economic losses for people on the move, who lose the little money they obtain from informal work or from their families in other countries. For example, more than a third of the people interviewed for this research declared that they had sold their properties, pawned objects, borrowed money from their families or used their savings to migrate.

Kidnapping: The increase in the frequency and severity of kidnapping cases

Kidnappings represent one of the most alarming trends in the violence exerted against people on the move in El Paso-Ciudad Juárez.

“They had us in cellars, without restrooms and fed us spoiled chicken, they used the water with which they defrosted it to cook it... now I’m sick”.

20.4% of the people we interviewed had been kidnapped, mostly by organized crime groups. A very serious point is that **30% of survivors report that the kidnapping was with the intervention of Mexican authorities** such as the National Migration Institute (INM), the National Guard, the Mexican army and public security corporations. Data of the DRC-JRS monitoring reveals a similar trend.

‘The INM turned us over to the cartel, we thought that they would take us to the south, but no, they put us in trucks and then we were kidnapped’

However, this data is just a tiny representation of reality. Since the conclusion of data collection for this research, we documented an important increase in kidnappings.¹² We have noted an increase in the kidnapping time, with an average of two months of deprivation of liberty. Ransoms vary between \$500 to \$3000 US dollars, and in some cases up to \$20,000 US dollars. Violence against kidnapped persons has also worsened. We registered cases of torture, sexual violence, forced labor, unsanitary conditions and overcrowding, all of which resulted in more severe physical and psychological impacts.



Survivors of kidnappings happening between 2022 and 2023 reported to be kidnapped in a specific area in the north of Durango. However, in 2024, kidnappings became more frequent in the cities of Jimenez, Chihuahua, Samalayuca and Ciudad Juárez. In Ciudad Juárez, kidnappings usually occur on the downtown area, the surroundings of the airport and the bus station and south east of the city.

These findings are alarming if we consider that migration is mostly in family nuclei and a large number of children are being kidnapped and if we pay attention to the involvement of Mexican authorities in many of these cases. This reality should make the United States and Mexico question their migration governance, overfocused on national security without granting security for people on the move.

B. Actors Responsible for Violent Impacts

Respondents reported that **those primarily responsible for their physical, mental or emotional discomfort were the Mexican migration authorities**, especially the National Migration Institute (INM), **mentioned by 40% of respondents**. For many of the interviewed people, **the cause of their exhaustion and fatigue was the United States and Mexican migration policies**, mentioned by 43% and 38% of respondents, respectively. 26% of surveyed people also mentioned the organized crime as responsible for their distress.

“The cops rob you, extort you, they blackmail you, they see you with great inferiority, like saying ‘I’m the authority and you can say nothing.’ It is degrading, they threw my food out”

Those interviewed rarely identified the local community or shelters as the source of their discomfort, nor did they blame their home governments, which were mentioned only in two cases. This does not mean that people did not face difficulties in their home countries or in humanitarian spaces during their transit. Rather, this may indicate that, in transit circumstances, the discontent over the treatment people receive from authorities and criminal groups during their journey surpasses the discontent over the reasons they had to migrate.

More than **60% of the respondents reported that transit through México was “hard or very hard.”**



“I would rather pass through the jungle (Darién) 20 times than pass through Mexico one more time”

C. Impacts on the Health of People on the Move

The violence described before shows us the socially tolerated cruelty when we speak about migration. One of the main impacts of such violence is physical decrement. For example, the group of interviewed people who used the train as transportation reported dehydration, burns, starvation, and in extreme cases, serious injuries to their limbs or amputations. In the same way, conditions in places in transit, like subpar shelters, worsen the physical health of people on the move. For example, bad food, insalubrity in some spaces, hard and risky work to obtain money, or even the lack of medical attention worsen health issues that often start during the migration journey.

Interviewed individuals reported weight loss (60% of those interviewed), muscle pains (47%), loss of energy and hair (44%) and a lack of appetite (38.6%). One out of three reported diarrhea due to the insalubrity of shelters, the bad condition of food and stress; meanwhile, two out of three reported constant headaches.

Impacts on physical health

- 60% reported weight loss
- 47% experienced muscle pains
- 2 out of 3 experienced constant headaches
- 1 out of 3 reported suffering from diarrhea
- 44% experienced hair loss and no energy
- Almost 40% of the people reported loss of appetite

“I feel physically and mentally exhausted”

Similar factors also lead to severe psychosocial impacts. **60.2% of the people interviewed expressed suffering from depression.** More than half of the respondents said that they were experiencing fear, frustration, fatigue, constant worry and nervousness. **One out of three reported**



experiencing intrusive thoughts, and a minority (6%) claimed to have suicidal thoughts. The migration journey brought loneliness for some, with **one out of four saying they felt isolated or alone**, whereas close to 35% reported feeling low self-esteem and helplessness.

Three out of four reported that this psycho-emotional condition first occurred during their migration journeys. In other words, nearly no one experienced any of these symptoms in their country of origin.

Impacts on Mental Health

- 60.2% reported suffering from depression
- More than 50% reported experiencing fear, frustration, fatigue, constant worry and nervousness
- 35% reported experiencing low self-esteem and helplessness
- One out of four reported feeling isolated or alone
- One out of three reported having intrusive thoughts
- 6% reported suicidal thoughts

There are multiple reasons for these symptoms. The systemic violence endured during the migration journey and the experience of deprivation lead to a temporary loss of meaning in life and a lack of hope of improving one's health. In addition, the lack of justice and meaningful remedy for human rights abuses, others' disregard for one's pain, and the growing dehumanization for being someone on the move are also contributing factors to the worsening of one's health.

“People do not see me as a person; I have stopped feeling like a person”

Testimony of a psychologist in Ciudad Juárez: the reality of those who accompany people on the move

“I am a psychologist and I accompany people on the move who arrive at this border fleeing hunger, violence, precariousness, political unrest, natural disasters and multiple and constant violations and injustices experienced, either in their places of origin and/or in other countries, on the move searching better living conditions for themselves and their families, and with the dream of one day experiencing a dignified life that allows them to develop as people and provide for their families.



However, what they find on their migration journeys is a desolate panorama, facing an endless number of risks from beginning to end. People on the move navigate a harsh reality that threatens their lives and their physical, emotional and psychological health. The risks they face range from being stigmatized to being victims of serious crimes that terribly and profoundly affect their lives.

Overcoming these conditions is complicated, needing to overcome barriers such as policies, the ineffectiveness of the public authorities and violent migration processes that re-victimize them.

As a psychologist, companion, woman and citizen of the world, this is my invitation to you: Pay attention to the mental health of women, men, girls, boys and adolescents who are on the move, as well as that of their families, companions, human rights defenders, shelter staff and communities who welcome them."

D. Elements That Help People on the Move Find Respite

As in other contexts, the human way to overcome some of these extremely violent situations is through **faith and community**. Significantly, **70% of respondents mentioned that prayer and faith helped them overcome some of these impacts**, closely followed by being in community and talking with others, which 55% of respondents mentioned.

One out of four people said that using social media and sleeping were part of their soothing efforts. In a way, social media helps one feel closer to one's roots, loved ones, and those who were left behind. However, 15% of the interviewees indicated that they ignored some of the above-mentioned symptoms, which points to the necessity of close accompaniment.

The response of the Hope Border Institute and the Jesuit Refugee Service Mexico

Through the Border Refugee Assistance Fund, co-financed by the Diocese of El Paso, HOPE works with the Jesuit Refugee Service Mexico to provide psychosocial accompaniment services. Thanks to this border collaboration, highly qualified psychologists provide free services to people in situations of high vulnerability, especially to people forcibly displaced.



The offered services include the creation of safe listening spaces in shelters and other humanitarian spaces, individual psychosocial accompaniment sessions and psychological support for survivors of gender-based violence, torture and kidnapping. Depending on their needs, people are also referred to humanitarian and legal services.

Just in the first few months of 2024, more than 261 people received psychosocial attention, being able to start healing processes after the violence suffered during their migration journey.

IV. Recommendations: Community Responsibility for Those Most Vulnerable

Reverting these violent trends and finding remedy for the impacts on the health and rights of people on the move demand a concerted response.

We must first examine the true causes of the social upheavals forcing many to migrate. Then, we should critically evaluate the socio-political structures with which transit and destination countries are responding to migration. Beyond the debate about whether the number of border encounters is “high” or not, we need to examine the consequences of the immigration policies being implemented to reduce these numbers.

We firmly believe that the urgency lies not in the number of encounters or apprehensions at the US-Mexico border but rather in the dehumanizing and violent conditions that our policies are causing.

We must re-humanize migration and center migrants in our actions and policies. Therefore, we recommend:

1. Host Communities:
 - a. To adopt a dignified approach to migration; it is urgent that local communities welcome people on the move as equals.
 - b. To learn the stories of why people need to move and which conditions they navigate during their migration journeys.



- 2.** United States Government:
 - a. To stop pressuring the Mexican government to detain and return vulnerable individuals.
 - b. To restore access to asylum at its Southern border and work to expand legal migration pathways.

- 3.** Mexican Government:
 - a. To stop the militarization of migration governance.
 - b. To reject the efforts of border externalization by the United States.
 - c. To develop care protocols for people on the move who are survivors of serious crimes.
 - d. To reevaluate the admission criteria for legal stay for people on the move as well as more broadly interpret shelter admissibility criteria.
 - e. To increase support for humanitarian and psychosocial support services for people in vulnerable situations, including for people on the move.

- 4.** Churches and Faith Communities:
 - a. The pastoral and hierarchical leadership of churches should be more involved in the care of people on the move, as well as the reporting of violence against them.
 - b. To encourage a culture of hospitality at the community level.
 - c. To strengthen the technical capacities of pastoral services for people on the move.

- 5.** The Academic Community:
 - a. To document and investigate long-standing processes of violence linked to human mobility.
 - b. To facilitate connections with judicial authorities to create new judgment and remedy mechanisms for crimes committed against people on the move.

- 6.** Civil Society Organizations:
 - a. To strengthen advocacy and psychosocial care capabilities.
 - b. To train collaborators to accompany survivors of human rights violations and serious crimes.
 - c. To prioritize the care of collaborators against burnout and post-traumatic stress.

V. Conclusions

One of the main temptations when faced with the news of tragedies involving people on the move is to believe that they occur due to the personal decision to migrate or that the fault for suffering violence lies with the person who suffers it, particularly if the movement is “irregular.” Such a discourse re-victimizes people and obscures the underlying conditions and policies that cause violence against people on the move in the first place.

HOPE

Through interviews with 83 family units, representing more than 170 people, this report demonstrates that migration policies and their impacts on migration trajectories have devastating consequences for migrants, including severe impacts on their physical and mental health. However, the sampling that gave life to this report only reflects a small portion of what happens in the lives of so many who decide to migrate to the United States border with Mexico.

It is urgent that we critically examine our commitment to caring for one another. Governments and civil society must come together to reverse course in our migration governance so that policies respect the dignity, physical health and psychosocial health of people on the move.



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The Hope Border Institute (HOPE) brings the perspective of Catholic social teaching to bear on the realities unique to our US-Mexico border region. Through a robust program of research and policy work, leadership development and action, we work to build justice and deepen solidarity across the borderlands.

The Jesuit Refugee Service Mexico (JRS MX) is an initiative of the Society of Jesus with presence in Mexico that focuses on human mobility. Our mission is to accompany, serve and defend people in forced mobility so they can heal, learn and determine their own future as political and human agents.

Authors

- Alejandra Corona, Coordinator, Ciudad Juárez Office, JRS MX
- Jesús de la Torre, Assistant Director for Global Migration, HOPE
- Ileana Aguirre, Psychologist, JRS MX
- Yenifer Rosales, Psychologist, JRS MX

Contributions

Luke Monnich, policy intern, HOPE, contributed with background research.

Sara Villegas Torres, JRS MX.

Astrid Liden, policy and research intern at HOPE, and Sara Villegas, lawyer at JRS MX, translated the original Spanish version of this report into English

Design

Diego Adame

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"I am physically and mentally exhausted"

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EXHIBIT U

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mof.com*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mof.com*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
14 Facsimile: 212.614.6499

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

** pro hac vice forthcoming*

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
25 United States, in his official capacity, *et*
26 *al.*,
27 Defendants.

Case No. 3:25-cv-01501-RBM-BLM
**DECLARATION OF GUERLINE
JOZEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

1 MORRISON & FOERSTER LLP
 2 Robert W. Manoso
 3 (DC Bar No. 426323)
 4 *rmanoso@mof.com*
 5 2100 L Street, NW, Suite 900
 6 Washington, DC 20037
 7 Telephone: 202.887.1555
 8 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
 7 Rebecca Cassler (DC Bar No. 90017398)
 8 *rcassler@immcouncil.org*
 9 Suchita Mathur (DC Bar No. 90013156)
 10 *smathur@immcouncil.org*
 11 PMB2026
 12 2001 L Street, NW, Suite 500
 13 Washington, DC 20036
 14 Telephone: 202.507.7523
 15 Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
 12 RIGHTS
 13 Angelo Guisado* (NY Bar No. 5182688)
 14 *aguisado@ccrjustice.org*
 15 Adina Marx-Arpadi
 16 (NY Bar No 6019335)
 17 *amarxarpadi@ccrjustice.org*
 18 666 Broadway, 7th Floor
 19 New York, NY 10012
 20 Telephone: 212.614.6464
 21 Facsimile: 212.614.6499

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
 Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
 200 McAllister Street
 San Francisco, CA 94102
 Telephone: 415.565.4877
 Facsimile: 415.581.8824

CENTER FOR GENDER AND
 REFUGEE STUDIES
 Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
 c/o GIBBS HOUSTON PAUW
 1000 Second Avenue, Suite 1600
 Seattle, WA 98104
 Telephone: 206.682.1080
 Facsimile: 206.689.2270

DEMOCRACY FORWARD
 FOUNDATION
 Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
 Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
 P.O. Box 34553
 Washington, DC 20043
 Telephone: 202.448.9090
 Facsimile: 202.796.4426

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 20
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DECLARATION OF GUERLINE JOZEF

I, Guerline Jozef, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am over the age of 18. I make this declaration based on my own personal knowledge and, if called to testify, could and would testify as stated herein.

2. I am Co-Founder and Executive Director of the Haitian Bridge Alliance (HBA), a Black-led, women-led, Haitian Kreyòl-speaking grassroots and community-based nonprofit organization that provides migrants and immigrants with humanitarian, legal, and social services, with a particular focus on Black immigrants, the Haitian community, women and girls, LGBTQIA+ individuals, and survivors of torture and other human rights abuses, and also advocates for fair and humane immigration policies. HBA is headquartered in San Diego, California.

3. As the Co-Founder and Executive Director, I am responsible for the comprehensive oversight of the entire organization. I am the direct liaison to the Board of Directors, I directly supervise the management team, and I am engaged in both the programmatic and administrative functions of HBA. Furthermore, I play a critical role in amplifying the work of HBA and advocating for the needs of Black immigrant communities on national and international platforms through frequent speaking engagements, panel discussions, collaborations with media outlets, and relationship building with partners.

4. HBA was incorporated in California in early 2016 to address the needs of an influx of Haitian and other Black immigrants seeking humanitarian protections in the U.S. as conditions in their countries deteriorated. Informed by that experience, HBA's primary mission is to assist recently arrived Haitian and other Black immigrants in acclimating to the United States and ensure their success in navigating their new lives. This includes helping them pursue secure immigration status here

in the U.S., providing humanitarian services, and administering a welcoming program to assist with transitional needs. Starting in 2020, HBA has operated a legal department with a small staff of attorneys who provide direct representation to Haitian and other Black people in U.S. immigration matters in California and other jurisdictions, including people in ICE detention, those in removal proceedings before the Executive Office for Immigration Review (EOIR), and those filing applications for immigration benefits with USCIS. Further, as part of a joint project, HBA also launched and operates the Black Immigrant Bail Fund to help secure the release of individuals held in immigration detention. In addition, HBA's work focuses on local, state, national, and international advocacy for fair and humane immigration policies and pathways, including filing public comments on proposed federal rules that impact the migrant community.

5. HBA also provides a full panoply of humanitarian services to recently arrived Black immigrants, aiming to offset their chaotic, precarious, and confusing first few months in the United States with a dignified and supportive welcome. In addition to legal assistance, as a part of the welcoming project HBA provides individuals released from U.S. immigration detention or border processing with basic supplies and necessities, referrals to medical services, temporary housing or shelter, employment assistance, transportation, and translation services.

6. HBA has developed a significant and growing presence on the U.S.-Mexico border since its founding in 2016. Although HBA's primary focus has remained welcoming individuals to the United States, HBA has been forced to significantly expand its services in Mexico due to restrictive U.S. border policies. Such policies have diminished access to asylum, created a logjam, and forced Black migrants to stay in Mexico while awaiting the opportunity to present at U.S. ports of entry. In my experience, Black migrants predominantly refuse to apply for asylum by crossing between ports, instead preferring to wait to be processed in an orderly

fashion. As the U.S. continued to restrict access to ports of entry, a community of stranded and endangered individuals emerged whose needs HBA had to meet. HBA now provides services to Haitian and other Black migrants in Mexico, including: (1) coordinating access to medical services; (2) financially and logistically supporting migrant shelters; (3) organizing donation drives for migrants in need of clothes, tents, diapers, and toys; (4) funerary services and body repatriation assistance; (5) providing access to plane tickets for family reunification; (6) providing emotional support and case management; and (7) making referrals to HBA's legal team, which provides holistic and comprehensive trainings, consultations, and counsel.

7. While the shift to meet the exigent needs of the Black migrant community came at the expense of U.S.-based work, HBA concluded that in some ways it could help our domestic programs. By identifying individuals and assessing the totality of their needs while in Mexico, HBA could more easily and fully assist them once they were processed and released into the U.S., akin to a pipeline program. HBA's border work is critical in light of the scarcity of linguistically and culturally appropriate resources for our community in northern Mexico. There are few Haitian Kreyòl-speaking attorneys at the U.S.- Mexico border and, in addition to providing essential humanitarian services, our mere presence helps assuage existential concerns. Haitian migrants have immediate trust in HBA because most of our staff are Haitian or of African descent, and based on our language capacity, knowledge of Haitian country conditions and culture, and proven history of assisting this community at the border.

8. Immigration policy has changed significantly since HBA's founding. By and large, each new policy has narrowed the window of access to asylum and other forms of immigration protection available to our clients. HBA's role as the first (and often last) point of contact and line of defense results in an inundation of help requests from Black migrants panicking about how recent changes to the

asylum system will impact them, including whether a port of entry is safe to approach, whether they can still seek asylum, whether they could be subject to expedited removal, or whether they will be intercepted by Mexican immigration (INM) officials and deported to Haiti. As a result of immigration policy shifts, HBA has been forced to field increasing numbers of calls to our existing hotlines to address and correct misinformation, which sends our humanitarian and legal staff into chaos.

9. Despite this changing landscape, no policy has upended HBA's ability to serve the Black migrant community like President Trump's Proclamation issued on January 20, 2025, which essentially closed the entire border to asylum seekers and cancelled tens of thousands of CBP One appointments. Had there been an opportunity to provide comments to the government before it cancelled these appointments, HBA would have submitted a response detailing the immense harms resulting from this radical shift in policy and the high costs it would impose on the communities we serve. The thousands of already vulnerable Black migrants who waited patiently for months or even years on the promise of a notoriously hard-to-obtain CBP One appointment have now flooded our office with calls and messages due to the immense confusion and need for clarification. These thousands of individuals, relying on the promise of access to the U.S. asylum process, have long since bypassed Mexico's 30-day asylum application deadline and are currently stuck in Mexico without any recourse.

10. Prior to the Proclamation, it was common knowledge amongst migrants not to apply for asylum in Mexico while simultaneously attempting to obtain a CBP One appointment, which often required an eight to ten month-long wait. While some individuals told HBA they heard this from COMAR (the Mexican asylum office) directly, many heard it from other migrants. Black migrants report to HBA that they now fear approaching U.S. ports of entry without a CBP One

appointment because of ubiquitous stories of INM or CBP harassment, arrest, relocation, deportation, or worse. Many have heard reports of INM either bussing individuals into the southern Mexican wilderness or outright deporting them back to Haiti, where many face death.

11. Our office—already overwhelmed and exhausted from prior years’ attempts to meaningfully assist migrants in registering for the CBP One application—has struggled to meet the demands of a frightened, confused, and desperate community with no opportunity to seek asylum. The necessary but time-consuming work to attend to a whole host of disasters is compounded by the need to correct misinformation amongst migrant communities by providing accurate and up to date information to understand and digest U.S. asylum policy based on the Proclamation and the termination of CBP One. This stretches our limited resources and prevents us from doing some of our core domestic work intended to meet the basic economic and living needs of recent Haitian immigrants to the United States, such as fostering outreach and education, employment readiness, self-reliance, and acclimation within their adopted communities and providing other direct services.

12. At one point HBA consistently welcomed 500 migrants into the U.S. per day—that number is now essentially zero. As a result of the closure of asylum access at ports of entry, we have had to lay off four individuals contracted to work on our welcoming program—roughly ten percent of total staff—because of the drastic reduction of Black migrants arriving into the U.S. Further layoffs are possible, even likely, in the welcoming program as HBA seeks to restructure our entire organization due to the elimination of asylum at the U.S.-Mexico border.

13. These harms are real, tangible, pecuniary, and systemic. The Proclamation has threatened the lives and safety of Black migrants at the U.S.-Mexico border by cutting off our client population’s ability to seek protection in the United States. HBA has found it exceedingly difficult to function effectively because

of the constant need to address acute humanitarian emergencies resulting from people being permanently stranded in Mexico. We serve desperate and panicked communities who are increasingly sent to the fringes of Mexican society and face grave danger; our services can become matters of life – or death. Since January 20, 2025, HBA is aware of at least two clients who have died in Mexico waiting to obtain access to the U.S. asylum process, for which HBA had to arrange and fund funerary services. We are aware of many other clients in critical medical condition, whom in the past we might have been able to assist with parole applications or presenting at a POE to seek asylum and whom under the Proclamation we cannot meaningfully help. We predict that in the coming months these numbers will unfortunately increase. Many Black women migrants report enduring high-risk pregnancies, and we hear of miscarriages on a daily basis. Children routinely suffer from malnutrition, dehydration, and heat exhaustion—as the summer months approach, we also predict that these numbers will unfortunately increase. HBA clients have reported a host of pressing and serious physical ailments since January 20, including heart attacks, diabetes, the effects of dangerously high blood pressure, and many others. The stress and trauma-induced psychological harm imposed upon these communities are also evident, including regular panic attacks and nervous breakdowns, an increase in mental illness, severe and crippling depression, and even in one case a client going completely mute.


14. These issues are compounded by the fact that that hospitals and other healthcare providers in Mexico often discriminate against Black migrants and are unwilling to provide them with adequate care, which increases the amount of time we must spend trying to find other ways for our clients to obtain medical services. Black migrants have undertaken risky, arduous journeys to the U.S.-Mexico border, and anti-Black racism is a significant problem in countries throughout the Americas. Black asylum seekers routinely face violence and discrimination from criminal

organizations and local authorities and are often subject to robbery, rape, and physical assault. There is little recourse from authorities as police violence against Black people is common in states throughout the region. It is extremely difficult to provide meaningful services to our clients if – as is becoming more common since all access to POEs was cut off – they are kidnapped, deported, disappeared, jailed, in a hospital bed, or lying beaten, bloodied, and penniless on the street.

15. HBA is deeply committed to supporting the Haitian and Black migrant communities around the U.S.-Mexico border, but there is an institutional fear that we will not be able to meet our goals or effectively serve as a lifeline and advocate for them if this policy continues in force. We may have to restructure our entire organization to survive, let alone thrive. I fear greatly for our clients' safety and believe that it has already, and will continue to, cause grave and needless suffering.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed in Los Angeles, California on June 24, 2025.



Guerline Jozef

EXHIBIT V

DECLARATION OF TRACEY HORAN

1 I, Tracey Horan, make the following statement on behalf of the Kino Border
2 Initiative (“KBI”). I declare under penalty of perjury pursuant to 28 U.S.C. § 1746
3 that the following statement is true and correct.

4 1. I make this declaration based on my personal knowledge except where
5 I have indicated otherwise. If called as a witness, I could and would testify
6 competently and truthfully to these matters.

7 2. I am Associate Director of Education and Advocacy for KBI. I joined
8 KBI in July 2019 and have served in my current role since 2021. During my time at
9 KBI, I have facilitated intake interviews for individuals arriving in Nogales, Sonora
10 at various stages of their migration process. I have also participated in humanitarian
11 monitoring at the Deconcini port of entry in Nogales, supported migrants who wish
12 to file complaints about mistreatment by U.S. authorities, and facilitated
13 conversations between visiting groups and migrants in Nogales, Sonora, Mexico.

14 3. Founded in 2009, KBI is a non-profit Catholic organization that offers
15 humanitarian services and psycho-social accompaniment to migrants and advocates
16 on their behalf. KBI is a partnership of the Society of Jesus, Western Province and
17 Mexican Province, the Missionaries of the Eucharist, the Diocese of Tucson, the
18 Diocese of Nogales, and Jesuit Refugee Services. KBI is located in Nogales, Sonora,
19 Mexico and Nogales, Arizona. Our organization offers food, clothing, medical
20 attention, shelter, and other humanitarian, educational, and social services in our aid
21 center in Nogales, Mexico, known as the Migrant Outreach Center.

22 4. KBI also documents abuses that migrants report to staff members and
23 advocates for humane, just, and workable migration policy in the United States and
24 Mexico.

25 5. Individuals arriving at the Migrant Outreach Center include people who
26 have been deported from the United States and people who are arriving in Nogales,
27 Sonora, Mexico in the hope of seeking asylum in the United States. KBI conducts
28 an intake process for every individual who receives services at the Migrant Outreach

1 Center in Nogales, Mexico. During the intake process, KBI requests basic
2 information on country of origin, reason for migration, and any abuses that the
3 individual has suffered in their home country, Mexico, or the United States. If the
4 individual has suffered abuses, KBI staff ask for more details and offer to assist in
5 filing a complaint with the appropriate authorities in either Mexico or the United
6 States.

7 6. When migrants describe instances of police abuse or barriers to
8 reporting crimes and pursuing investigations when they have been victims of crimes
9 in Mexico, KBI staff assist in filing police reports with the Fiscalía General de la
10 Republica (FGR Mexican Attorney General's Office) when federal officials are the
11 perpetrators or with the Fiscalía General de Justicia del Estado (FGJE, State Attorney
12 General's Office) when local or state officials perpetrate the abuse. When migrants
13 fleeing persecution describe instances of abuse by Customs and Border Protection
14 (CBP) or Immigration and Customs Enforcement (ICE) or other obstacles to
15 accessing protection in the United States, KBI staff assist in filing complaints with
16 the Department of Homeland Security's Office for Civil Rights and Civil Liberties
17 (CRCL), and when relevant, the CBP Office of Professional Responsibility (OPR)
18 and Office of the Immigration Detention Ombudsman (OIDO, recently disbanded).
19 Depending on the severity of the abuse described in the complaint, DHS CRCL may
20 submit it for investigation with the DHS Office of Inspector General (OIG).

21 7. KBI maintains an internal database that tracks basic information from
22 the intake process, as well as all complaints filed with either the U.S. or Mexican
23 authorities. KBI does not keep detailed information about abuses suffered where the
24 individual has chosen not to pursue a complaint or shared their testimony
25 anonymously for advocacy or education purposes.

26 8. When individuals indicate that they are fleeing violence and seeking
27 protection, KBI directs them to a legal orientation run by the Florence Immigrant &
28 Refugee Rights Project's ("Florence Project") Border Action Team, which is housed

1 in KBI's Migrant Outreach Center. This legal orientation provides them with
2 information regarding the requirements for seeking asylum in the United States, the
3 asylum process, and how current policies impact the avenues that are available for
4 individuals seeking asylum at the U.S.-Mexico border.

5 9. KBI staff also provide information to assist individuals seeking asylum
6 who wish to approach the POE, including information about where the POE is
7 located and how to get to the POE if they have an appointment or wish to speak to a
8 CBP officer about their asylum claim. In certain situations, KBI offered to
9 accompany asylum seekers to the POE. For example, prior to January 20, 2025,
10 when individuals with CBP One appointments expressed concerns about language
11 barriers, safety issues, or how to navigate the POE, KBI on occasion accompanied
12 those individuals.

13 10. There are three pedestrian POEs located along the border of Nogales,
14 Mexico and Nogales, Arizona. The KBI Migrant Outreach Center in Nogales,
15 Mexico, is located just a few blocks from the Mariposa POE. KBI staff also
16 provided information about and accompanied asylum seekers to the DeConcini POE
17 in downtown Nogales.

18 11. KBI also engages in monitoring at POEs. KBI's monitoring consists of
19 a combination of holistic services and advocacy. Several times a week over the past
20 2 years, KBI staff have gone to the Nogales POE to interact with people seeking
21 asylum. This includes visiting the Oficina de Repatriación Humana adscrita a la
22 Garita Nogales (Mexican Repatriation office in Nogales, Mexico), and speaking to
23 individuals who were recently deported to learn about their experiences and inform
24 them of the services that KBI makes available to them. In the past, as recently as
25 March 2025, when individuals and families were sleeping at the POE awaiting the
26 opportunity to seek asylum, KBI would bring them meals and supplies. As of April
27 2025, KBI shifted humanitarian monitoring from the POE to the Mexican
28 Government-run shelter at the Unidad Deportiva (Sports Complex) in Nogales,

1 Sonora, which opened in February 2025 under the program “Mexico te Abraza”
2 (Mexico embraces you). This shift was due in large part to the fact that Mexican
3 officials at the repatriation office were no longer giving KBI access to people who
4 had been deported. During visits to this shelter, KBI similarly informs individuals
5 about available services, answers questions, and listens to experiences they wish to
6 share.

7 12. KBI only has contact with a portion of the total number of individuals
8 who present themselves at a POE in Nogales, Mexico to request asylum. Some
9 individuals fleeing persecution go directly to a POE and do not come to the KBI
10 Migrant Outreach Center. I am aware of only one couple from Guerrero, Mexico,
11 who have been able to present at the POE since January 20, 2025, and they were
12 denied processing.

13 13. According to KBI's internal database, in 2024, KBI received over 5,900
14 individual migrants arriving at its Migrant Outreach Center. Of those, 78% reported
15 that violence was their primary reason for migration.

16 14. On January 20, 2025, President Trump signed Proclamation No. 10888,
17 which “suspended the entry” of asylum seekers at the U.S.-Mexico border based on
18 an alleged “invasion” of migrants. That same day, President Trump issued an
19 executive order directing the Secretary of Homeland Security to cease using the CBP
20 One app, a government-issued mobile application that had effectively been the *only*
21 way to seek asylum at the U.S-Mexico border since June 2024.

22 15. Many individuals came to KBI in the days leading up to January 20,
23 2025, with questions regarding messages they had received on the CBP One
24 application.

25 16. I was at the Migrant Outreach Center on January 20, 2025. In the
26 morning, a couple dozen migrants had already gathered by the television at the
27 Migrant Outreach Center during breakfast to watch the announcements being made
28 concerning immigration policies. By this time, many of the migrants had already

1 received various messages through their CBP One applications indicating, for
2 example, that the date of their CBP One appointment had changed, that their CBP
3 One appointment had been cancelled, or that CBP One appointments in general were
4 no longer valid. The migrants were generally confused and unsure whether their
5 CBP One appointments would be honored. Around 10 a.m., KBI staff noticed that
6 upon opening the CBP One app, a message appeared at the top of the screen reading,
7 “Existing appointments scheduled through CBP One are no longer valid.” KBI
8 informed the individuals present at its Migrant Outreach Center that KBI had not
9 received any official information regarding CBP One ending, and that the
10 individuals had the right to approach a POE and seek asylum.

11 17. KBI’s advocacy coordinator, who was also at the POE in the morning,
12 reported that at approximately 8:30 a.m., CBP had begun their typical process for
13 the 50 CBP One morning appointments at the Deconcini POE. Although the
14 majority of people with appointments had been processed into the United States to
15 pursue asylum, CBP refused to process 16 people, including family units with
16 children and adults traveling alone, who had proof that their original CBP One
17 appointment was set for the morning of January 20, 2025, but had received a notice
18 over the weekend that their appointment had been changed to February 9, 2025.

19 18. Throughout the day on January 20, 2025, many individuals and families
20 approached KBI staff and came to the Migrant Outreach Center with questions
21 regarding the Proclamation’s impact on their ability to seek asylum in the United
22 States. For example, approximately five families approached KBI staff indicating
23 that they had CBP One appointments scheduled for the afternoon of January 20,
24 2025, or the following day, and asking KBI what they should do.

25 19. One family had a CBP One appointment scheduled for January 21,
26 2025, but grew concerned after receiving confusing messages on the application and
27 hearing that other appointments had been cancelled. KBI’s advocacy coordinator
28 and I approached the Nogales POE at approximately 3 p.m. with the family to see

1 what we could find out. When we asked whether the family's CBP One appointment
2 would be honored, the CBP officer responded that since the family's CBP One
3 appointment was for January 21, the family should come back the following day.
4 The CBP officer would not tell the family whether their appointment would be
5 honored and refused to provide any additional information.

6 20. Also on January 20, 2025, a KBI staff member, a KBI volunteer, and I
7 went to the Nogales POE before the afternoon CBP One appointments were
8 scheduled to begin. At approximately 4:00 p.m., we asked the private Mexican
9 security guard liaising with the CBP officials at the POE whether migrants with
10 appointments scheduled for that afternoon would be inspected and processed. After
11 consulting with a CBP officer, the Mexican security guard told us that the CBP
12 officer had indicated that the individuals with appointments should be lined up. We
13 lined up approximately 30 individuals, including families with children, who had
14 CBP One appointments for that afternoon. We waited with the individuals and
15 families until 4:30 p.m., but neither the Mexican security guard nor the CBP officers
16 made any formal announcements. Usually by 4:15 p.m. they would begin reading
17 out the names of the people with appointments and start processing them.
18 Throughout this waiting period, the Mexican security guard stood with the families
19 and asked about their outcomes. He said he wanted to know what was happening so
20 that he could direct other people if they came up to him with questions about the
21 process.

22 21. At that point, I approached a CBP officer and asked if the individuals
23 would be processed. The CBP officer responded that CBP One was over and that
24 they were not going to process anyone. When I asked the CBP officer to explain
25 this to the migrants waiting to be processed, the CBP officer went to get a supervisor.
26 The CBP supervisor told the migrants gathered that there were no more CBP One
27 appointments that day. One of the waiting migrants asked why some people were
28 able to be processed in the morning while the group in the afternoon could not be

1 processed. The officer responded that because the president had sent orders at noon,
2 when the administration changed, they would no longer honor those appointments.

3 22. One of the KBI volunteers then asked about people whose
4 appointments had been rescheduled to February 9. The officer responded that the
5 orders they had received said that from that day onward, CBP One appointments
6 would not be honored. A migrant who was waiting then asked what they should do
7 if they did not receive an email saying their appointment had been cancelled. The
8 officer responded that all the appointments had been cancelled and anyone who
9 crossed the border to seek asylum would be put into the Remain in Mexico program,
10 as they had done in 2020. The officer then told us that the people processed in the
11 morning had not been released as usual and that they were being held in detention
12 centers.

13 23. A KBI volunteer then asked why people's right to seek asylum under
14 U.S. and international law was not being respected now. The officer responded that
15 for now, people would have to stay in Mexico until another process opened up
16 because that is what the new administration had ordered. One of the waiting migrants
17 said that they had heard that if they have proof on hand of the persecution they
18 suffered, that they should be processed for asylum. The officer responded that this
19 was not true. A waiting migrant then said that if the people with appointments in
20 the morning had been processed, they should be, too. The officer responded that he
21 was sorry, but those are the rules of the U.S. government.

22 24. A Haitian man whose family had an appointment then said in broken
23 Spanish that he had been waiting for his appointment for a year and a half and did
24 not have anywhere to go. The officer responded that the new administration came
25 in and changed the rules, and that the order came directly from the president. The
26 Haitian man asked why the situation would change so quickly, without notice. The
27 officer responded that because of the change in administration, the CBP One app no
28 longer exists. The Haitian man repeated that he can't go back to Haiti and now can't

1 move forward. The exchange with the waiting migrants ended with the CBP Officer
2 telling the Haitian man that he is in Mexico and that Mexico should accept him.

3 25. At that point, every one of the waiting migrants left the Nogales POE.
4 Some of these individuals and families, including the Haitian man mentioned above,
5 are still in Nogales, Mexico and receive services from KBI.

6 26. Due to the significant confusion and uncertainty among the community
7 members, KBI partnered with the Florence Project to conduct a “town hall” style
8 presentation for migrants who wanted to understand their options for seeking asylum
9 after the proclamation. This presentation took place on January 23, 2025 at KBI’s
10 Migrant Outreach Center, with over 170 people in attendance. Based on anecdotal
11 information from KBI social workers, many of those in attendance had been waiting
12 in Mexico for weeks or months for a CBP One appointment and now were concerned
13 they would have no access to asylum whatsoever.

14 27. KBI understands that, prior to January 20, the Nogales POE generally
15 scheduled 50 CBP One appointments in the morning and 50 CBP One appointments
16 in the afternoon, every day. The CBP One appointments were scheduled three weeks
17 in advance. Accordingly, on January 20, 2025, KBI understands that approximately
18 2,100 CBP One appointments scheduled in advance at the Nogales POE were
19 cancelled.

20 28. From January 20 to mid-February, 2025, KBI conducted intake
21 interviews with 37 individuals (some of whom represent a family unit seeking
22 safety) who had arrived in the Nogales, Sonora, Mexico area with the intent to seek
23 asylum, registered for CBP One, and obtained CBP One appointments prior to
24 January 20 that were scheduled for the days or weeks following January 20, but were
25 cancelled when the Trump Administration ended CBP One processing for asylum at
26 ports of entry. KBI maintains contact with a number of individuals who have
27 remained in the Nogales, Mexico area after trying to seek asylum through the CBP
28 One application but never receiving an appointment or having their appointment

1 cancelled. These include the Haitian family referenced above, who indicated that
2 they could not return to their country and are at particular risk of discrimination in
3 Nogales, Mexico due to their race. To KBI's understanding, none of the individuals
4 whose CBP One appointments were scheduled for the weeks following January 20,
5 2025 and subsequently cancelled have been able to seek asylum in the United States.

6 29. From January 20 to May 1, 2025, KBI has conducted intake interviews
7 with 88 individuals who have come to the Nogales, Sonora, Mexico area with the
8 intent to seek asylum in the United States but were unable to access the asylum
9 process at the POE after CBP One ended on January 20, 2025. This group includes
10 the 37 individuals mentioned above who already had CBP One appointments
11 scheduled for January 20th or later that were cancelled, as well as other individuals
12 who had registered on the CBP One app but never got an appointment. All of these
13 individuals self-reported violence or persecution as their main reason for migrating
14 to the U.S.-Mexico border.

15 30. This group of 88 also includes a Mexican man in his 60s who shared
16 with KBI staff that he was fleeing threats from organized crime just a few hours
17 south of the U.S.-Mexico border. The criminal group had kidnapped him, and the
18 threats continued after he was released so he saw no other option but to leave his
19 town. He told a KBI staff member that when he arrived at the downtown Nogales
20 POE on February 22, he told a CBP officer that he wanted to seek asylum. The CBP
21 officer responded that there was no asylum and that he should go to a shelter or find
22 somewhere else to go for help.

23 31. KBI works with a Mexican lawyer to assist individuals seeking asylum
24 in Mexico. KBI's Mexican lawyer is currently pursuing a number of cases for
25 individuals whose 30-day time period to seek asylum in Mexico lapsed due to their
26 reliance on the CBP One process to seek asylum in the United States. From January
27 20, 2025, to May 15, 2025, KBI's Mexican lawyer submitted 18 applications for
28 refugee status in Mexico to the Comisión Mexicana de Ayuda a Refugiados, known

1 as COMAR. Of these 18 applications, 6 were for individuals who missed the 30-day
2 deadline to apply for refugee status in Mexico because they had obtained CBP One
3 appointments that were subsequently cancelled. Five more of these 18 cases were
4 for people who missed the 30-day deadline because they had registered through CBP
5 One and were waiting for appointments that they never secured. In cases where an
6 individual misses the 30-day deadline to seek asylum in Mexico, they would have to
7 apply for a waiver. As of the date of this declaration, only one of the 18 applicants
8 has received a waiver from the Mexican government that allowed him to apply for
9 asylum, although his case remains pending. Two cases received a response from
10 COMAR asking for the reasons they did not request refugee status within the 30-day
11 limit, even though KBI's Mexican lawyer included that information in the initial
12 filing. These 18 cases include 32 people from Venezuela, Colombia, Guatemala,
13 Ecuador, Haiti, Honduras, Bolivia and Afghanistan. Of these 18 cases, 9 are families
14 with children or adolescents.

15 32. KBI's Mexican lawyer is one of two lawyers in the city of Nogales that
16 accept cases for refugee status in Mexico. The other lawyer who takes on these cases
17 is a public defender who does not publicize that he offers this service. Migrants have
18 commented to KBI's Mexican lawyer that when they attempted to apply for refugee
19 status in Mexico without the assistance of a lawyer, the Mexican immigration official
20 in the Nogales office told them they needed to go to the office in Hermosillo, three
21 hours' drive south of Nogales, even though the law requires Mexican immigration
22 officials to process such petitions in places where there is no COMAR office.
23 Traveling to Hermosillo would create a risk of being detained by Mexican
24 immigration officials at checkpoints on the way south because these individuals do
25 not have legal status in Mexico. KBI's Mexican lawyer observed that it would be
26 highly unlikely for a migrant to successfully obtain refugee status in Nogales without
27 a lawyer given these obstacles, and that the two lawyers in Nogales who handle such
28 petitions do not have capacity to assist everybody who missed the 30-day deadline.

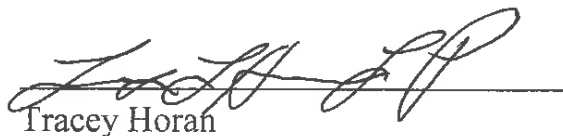
1 33. From January 20 to April 1, 2025, KBI staff continued to regularly
2 monitor the Nogales POE and routinely asked Mexican security guards if they had
3 seen anyone trying to approach the POE to seek asylum. The Mexican security
4 guards told KBI staff that they had not seen anyone trying to approach the POE to
5 seek asylum.

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of June, 2025 in Nogales, Arizona.



Tracey Horan

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
666 Broadway, 7th Floor
12 New York, NY 10012
13 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

14
15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

* *pro hac vice forthcoming*

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
25 United States, in his official capacity, *et*
al.,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF BAHER
AZMY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Hon. Ruth Bermudez Montenegro
Hearing Date: July 28, 2025
Courtroom: 5B

**NO ORAL ARGUMENT UNLESS
ORDERED BY THE COURT**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
(DC Bar No. 426323)
3 *rmanoso@mofo.com*
2100 L Street, NW, Suite 900
4 Washington, DC 20037
Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
Rebecca Cassler (DC Bar No. 90017398)
7 *rcassler@immcouncil.org*
Suchita Mathur (DC Bar No. 90013156)
8 *smathur@immcouncil.org*
PMB2026
9 2001 L Street, NW, Suite 500
Washington, DC 20036
10 Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
Angelo Guisado* (NY Bar No. 5182688)
13 *aguisado@ccrjustice.org*
Adina Marx-Arpadi
14 (NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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1 1. I am an attorney admitted to the Bar of New York and intend to apply to
2 be admitted to practice before this Court *pro hac vice* as plaintiffs’ counsel. I am the
3 Legal Director of the Center for Constitutional Rights (CCR) in New York and have
4 personal knowledge of the matters stated herein. I submit this Declaration in support
5 of Plaintiffs’ Motion for Class Certification and to specifically address the adequacy
6 of class representation by CCR and Co-Counsel appearing in this litigation.

7 2. The Center for Constitutional Rights is a national, not-for-profit legal,
8 educational and advocacy organization dedicated to protecting and advancing rights
9 guaranteed by the United States Constitution, federal civil rights law and international
10 law. Founded in 1966 to represent civil rights activists in the South, CCR has since
11 litigated numerous landmark actions protecting the rights of noncitizens as well as a
12 range of federal civil rights class actions challenging racial profiling by law
13 enforcement, discrimination against racial and ethnic minorities in public and private
14 employment, and harsh and unconstitutional treatment of state and federal prisoners.

15 3. CCR has litigated a number of historic civil rights cases such as *Monell*
16 *v. Department of Social Services*, 436 U.S. 658 (1978) (holding that municipalities can
17 be liable for damages in suits brought under 42 U.S.C. § 1983); *Palmer v. Thompson*,
18 403 U.S. 217 (1971) (equal protection challenge to Jackson, Mississippi’s decision to
19 close public facilities rather than desegregating them); *United States v. United States*
20 *District Court*, 407 U.S. 297 (1972) (holding Fourth Amendment’s warrant
21 requirements apply to electronic surveillance); *Texas v. Johnson*, 491 U.S. 397 (1989)
22 (holding First Amendment protects expressive activity of flag burning); *Holder v.*
23 *Humanitarian Law Project*, 561 U.S. 1 (2010) (First Amendment challenge to prospect
24 of being charged for material support of terrorism for nonviolent speech activity).

25 4. In recent years, CCR has served as class counsel in a number of
26 successful complex federal civil rights cases that include: demonstrating the New York
27 City Fire Department’s systematic, discriminatory hiring and promotion practices was
28 in violation of Title VII, *see Vulcans Society v. City of New York*, 717 F.3d 72 (2d Cir.

1 2013); that the New York City Police Department engaged in a systematic practice of
2 racial discrimination and unconstitutional “stop and frisks,” *see Floyd v. City of New*
3 *York*, 959 F. Supp.2d 540 (S.D.N.Y. 2013); that New York City and State teacher
4 certification requirements violated the Title VII rights of Black and Latino teachers
5 and candidates, *see Gulino v. Board of Education of the New York City School Districts*,
6 201 F.R.D. 326 (S.D.N.Y. 2001); and, ending indeterminate and long-term solitary
7 confinement for prisoners in California state facilities, *Ashker v. Brown*, 09-cv-05796,
8 Dkt 445 (N.D. Cal. Oct. 14, 2015) (court approval of class action settlement); *see also*
9 *Austin v. Wilkinson*, 545 U.S. 209 (2005) (Eighth and Fourteenth Amendment due
10 process challenge to Ohio’s practices with respect to its supermaximum prison)

11 5. CCR also has a breadth of experience in advancing the rights of non-
12 citizens and litigating international human rights norms in U.S. courts. CCR filed the
13 first petitions on behalf of foreign nationals challenging the legality of indefinite
14 detention in Guantanamo Bay, resulting in the Supreme Court’s recognition of
15 statutory and constitutional habeas corpus rights for detainees imprisoned there, *see*
16 *Rasul v. Bush*, 542 U.S. 466 (2004); *Boumediene v. Bush*, 553 U.S. 723 (2008), and
17 has represented numerous men detained there on a broad range of legal questions
18 governing the scope of substantive and procedural rights available in Guantanamo.
19 CCR pioneered the use of the Alien Tort Statute, 28 U.S.C. § 1350 (ATS), in *Filartiga*
20 *v. Pena-Irala*, 630 F.2d 876 (2d Cir. 1979), a case which recognized that the ATS – a
21 claim asserted in this case – confers jurisdiction to hear claims brought by aliens for
22 violations of the law of nations, *see also Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004).
23 CCR has represented aliens subject to unlawful government and private conduct such
24 as extraordinary rendition, *Arar v. Ashcroft*, 535 F.3d 559 (2d Cir. 2009), and torture
25 and abuse at Abu Ghraib. *See Al Shimari v. CACI Premier Technology, Inc.*, 758 F.3d
26 516 (4th Cir. 2014) (“*Al Shimari II*”) (holding that ATS applies to claims of torture
27 and abuse against Iraqi citizens that occurred extraterritorially); *Al Shimari v. CACI*
28 *Premier Technology, Inc.*, 840 F.3d. 147 (4th Cir. 2016) (holding that claims of torture

1 and war crimes brought by Iraqi citizens against U.S. entity were not barred by political
2 question doctrine). Since 2002, CCR has brought cases, including a class action, on
3 behalf of non-citizens challenging the unconstitutional treatment of Muslim, Arab and
4 South Asian by federal officials in connection with investigations into the September
5 11th attacks, *see, e.g., Ziglar v. Abassi*, 137 S. Ct. 1843 (2017).

6 6. The team of CCR attorneys working on this case includes myself, Angelo
7 Guisado and Adina Marx-Arpadi. I am a 1996 graduate of NYU School of Law,
8 *magna cum laude*. Prior to assuming my current position as Legal Director of CCR, I
9 was for over ten years a law professor at Seton Hall Law School in Newark, New
10 Jersey, where I directed a Civil Rights and Constitutional Litigation Clinic and
11 regularly taught a five-credit course in U.S. Constitutional Law; prior to that teaching
12 position I served as a law clerk to the then-Chief Judge of the Third Circuit Court of
13 Appeals, Dolores Sloviter, and worked in private practice. For over twenty-five years,
14 I have been involved in dozens of complex civil rights actions, including a number of
15 class actions, in areas of immigration enforcement and detention, policing and racial
16 and religious profiling, government surveillance, free speech, separation of powers,
17 and involving the rights of Guantanamo detainees and victims of torture and abuse,
18 including a number of cases that reached the U.S. Supreme Court. I have published a
19 number of scholarly articles in prominent law journals on issues relating to access
20 justice and appear regularly in the media and at academic conferences on questions
21 related to civil and human rights. For the past five years, I have taught Civil Rights
22 Law at Yale Law School and NYU School of Law as an adjunct professor.

23 7. Angelo Guisado is a Senior Staff Attorney at CCR, where he has litigated
24 complex class actions such as: *Al Otro Lado, et al. v. Executive Office for Immigration*
25 *Review, et al.*, 120 F.4th 606 (9th Cir. 2024) (certified border-wide class of asylum
26 seekers challenging turnbacks by immigration officers at ports of entry along the U.S.-
27 Mexico border); *Al Otro Lado and Haitian Bridge Alliance, et al. v. Noem, et al.*, 2024
28 WL 4370577 (S.D. Cal. September 30, 2024) (putative class action on behalf of asylum

1 seekers without CBP One appointments challenging turnbacks by immigration officers
2 at ports of entry along the U.S.-Mexico border); *Furlow v. Belmar*, 52 F.4th 393, 397
3 (8th Cir. 2022) (putative class action challenging police department policy of
4 circumventing warrant requirement). Prior to working at CCR, Mr. Guisado served as
5 a law clerk to Judge Damon J. Keith of the Sixth Circuit Court of Appeals and was an
6 associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York City, where
7 he litigated a broad range of both commercial and *pro bono* civil rights cases. He is a
8 2012 *cum laude* graduate of Fordham Law School and has published several articles
9 in academic law reviews and other periodicals.

10 8. Adina Marx-Arpadi is a Justice Fellow and attorney at CCR, where she
11 works on issues of abusive immigration practices, racial justice, and mass incarceration,
12 including *Ortiz et al. v. Orange County, New York et al.*, 2024 WL 113705 (S.D.N.Y.
13 Jan. 10, 2024). Prior to working at CCR, Ms. Marx-Arpadi was a staff attorney at The
14 Bronx Defenders, where she represented parents in Article 10 abuse and neglect
15 proceedings in Bronx Family Court, and where many of her clients faced collateral
16 immigration consequences. As a law student, she worked with non-citizens in a variety
17 of immigration-related proceedings, including at the CUNY CLEAR clinic, Make the
18 Road New York, and American Friends Service Committee. She is a 2022 graduate
19 of the City University of New York School of Law, and a co-author of an article
20 published in the *Columbia Journal of Race and Law*.

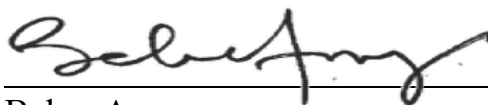
21 9. I am aware of no conflicts of interest between myself, CCR, and any
22 members of the class.

23 10. CCR has committed substantial time and resources to represent the
24 proposed class in this case. CCR has been heavily involved in the investigation and
25 litigation of this matter for over a year and has sufficient resources to vigorously
26 prosecute this case.

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1 I, Baher Azmy, declare under penalty of perjury, under 28 U.S.C. § 1746 and
2 the laws of the United States of America, that the foregoing Declaration is true and
3 correct.

4 Executed this 23rd day of June 2025 in New York, NY

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6 _____
7 Baher Azmy
8 *Counsel for Plaintiffs and the Putative Class*

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1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
12 666 Broadway, 7th Floor
New York, NY 10012
13 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

15 *Additional Attorneys for Plaintiffs Listed
on Next Page*

* *pro hac vice forthcoming*

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
25 United States, in his official capacity, *et*
al.,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF BRIAN
NETTER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Hon. Ruth Bermudez Montenegro
Hearing Date: July 28, 2025
Courtroom: 5B

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1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
(DC Bar No. 426323)
3 *rmanoso@mofo.com*
2100 L Street, NW, Suite 900
4 Washington, DC 20037
Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
Rebecca Cassler (DC Bar No. 90017398)
7 *rcassler@immcouncil.org*
Suchita Mathur (DC Bar No. 90013156)
8 *smathur@immcouncil.org*
PMB2026
9 2001 L Street, NW, Suite 500
Washington, DC 20036
10 Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
Angelo Guisado* (NY Bar No. 5182688)
13 *aguisado@ccrjustice.org*
Adina Marx-Arpadi
14 (NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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1 1. I am a Legal Director at Democracy Forward Foundation (“DFF”) and
2 Co-Counsel of record for Plaintiffs and the Proposed Class in this matter. I make this
3 declaration based on my personal knowledge.

4 2. I submit this declaration to detail my qualifications to serve as class
5 counsel in support of Plaintiffs’ Motion for Class Certification.

6 3. DFF is a nonprofit national legal organization that advances democracy
7 and social progress through litigation, policy and public education, and regulatory
8 engagement. DFF represents clients, including non-profits, local governments, tribes,
9 small businesses, unions, and individuals, in challenging harmful and unlawful
10 governmental action and in supporting governmental action. As part of this work,
11 DFF has successfully litigated dozens of administrative law cases generally and cases
12 involving immigration matters specifically.

13 4. I have worked at DFF since May 2025. I earned my J.D. from Yale Law
14 School in 2006.

15 5. I have been a member of the Illinois Bar since 2006 and the District of
16 Columbia bar since 2008. I am also a member of the bars of the U.S. Supreme Court,
17 the U.S. Courts of Appeals for the First, Second, Third, Fifth, Sixth, Seventh, Eighth,
18 Ninth, Tenth, District of Columbia, and Federal Circuits, the U.S. Tax Court, and the
19 U.S. District Courts for the District of Columbia and the Western District of New
20 York.

21 6. From April 2021 until January 2025, I served as Deputy Assistant
22 Attorney General for the Civil Division at the U.S. Department of Justice. In that
23 role, I oversaw the litigation activities of the Federal Programs Branch, which
24 defends federal agencies in cases raising constitutional, statutory, and regulatory
25 challenges. Prior to that, I was a litigation partner at the law firm Mayer Brown LLP.

26 7. I served as appellate counsel for the plaintiff class in *Morgan v. U.S.*
27 *Soccer Federation*, No. 21-55356 (9th Cir.).

28 8. Sarah Rich is a Senior Attorney at DFF who will serve as co-counsel in

1 this case. She earned her J.D. from the University of California at Berkeley School
2 of Law in 2011. Ms. Rich has been a member of the California bar since 2011, the
3 Texas bar since 2013, and the Georgia bar since 2015. She is admitted to practice
4 before the U.S. District Courts for the Northern and Middle Districts of Georgia and
5 the Western District of Texas, the U.S. Courts of Appeals for the Ninth, Eleventh,
6 and D.C. Circuits, and the California, Texas, and Georgia Supreme Courts.

7 9. Ms. Rich joined DFF in 2024. Before that she worked at the Southern
8 Poverty Law Center's Immigrant Justice Project as a Staff Attorney (2014-18),
9 Senior Staff Attorney (2018-20), and a Senior Supervising Attorney (2020-24); at
10 Texas RioGrande Legal Aid as a Staff Attorney (2012-14); and as a law clerk at the
11 U.S. Court of Appeals for the Ninth Circuit (2011-12).

12 10. Ms. Rich has personally served as part of the class counsel team in three
13 certified Rule 23 class actions: *Al Otro Lado, Inc. v. Executive Office for Immigration*
14 *Review*, -- F.4th --, 2024 WL 5692756 (9th Cir. May 14, 2025) (statutory and
15 constitutional challenge to government's policy of turning back asylum seekers at
16 ports of entry on the U.S.-Mexico border); *Moodie v. Kiawah Island Inn Co.*, 309
17 F.R.D. 370 (D.S.C. 2015) (wage and contract case brought by Jamaican workers on
18 H-2B temporary work visas); and *Garcia-Celestino v. Ruiz Harvesting, Inc.*, 843
19 F.3d 1276 (11th Cir. 2016) (wage theft case brought by Mexican farmworkers on H-
20 2A temporary work visas).

21 11. Ms. Rich has also served as counsel on complex litigation and federal
22 cases involving constitutional and/or statutory claims on behalf of non-citizens,
23 including *Barrientos v. CoreCivic, Inc.*, No. 4:18-cv-00070 (M.D. Ga.) (forced labor
24 claims by detained noncitizens at Stewart County Detention Center); *Brown v.*
25 *Ramsay*, No. 4:18-cv-1-279 (S.D. Fla.) (Section 1983 claim against sheriff's
26 department for unconstitutionally arresting a U.S. citizen based on a detainer request
27 from ICE); *Southern Poverty Law Center v. Dep't of Homeland Security*, 359 F.
28 Supp. 3d 1267 (D.D.C. 2018) (case challenging lack of access to counsel for

1 attorneys at various immigration detention centers in Georgia and Louisiana);
2 *E.E.O.C. and Latonya Hodges v. Wayne Farms*, No. 5:16-cv-01347 (N.D. Ala.)
3 (ADA claims against poultry company for firing workers for excess absences
4 accumulated due to their disabilities); *Carrillo-Ramirez v. Culpepper Enterprises,*
5 *Inc.*, No. 3:15-cv-409 (S.D. Miss.) (wage and hour and contract case brought by
6 Mexican H-2B visa holders); *Cruz v. Mississippi Dep't of Human Servs.*, 9 F. Supp.
7 3d 668 (S.D. Miss. 2014) (claims under 42 U.S.C. § 1983 and Title VI of the Civil
8 Rights Act by immigrant mother against state officials for removal of newborn child
9 from her custody); *Alfaro-Huitron v. WKI Outsourcing Solutions, LLC*, No. 3:14-cv-
10 159 (W.D. Tex.) and *Santos-Trejo v. WKI Outsourcing Solutions, LLC*, No. 3:14-cv-
11 161 (claims against farm labor recruiter and various farms for violations of H-2A
12 guestworker regulations); and *Solorzano-Vargas v. AJK Enterprises*, No. 3:14-cv-
13 00027 (W.D. Tex.) (case on behalf of farmworkers for violations of Migrant and
14 Seasonal Agricultural Workers' Protection Act standards for farmworker housing).

15 12. Adnan Perwez is a Legal Fellow at DFF who will serve as co-counsel
16 in this case. He earned his J.D. from the University of California at Berkeley School
17 of Law in 2024. Mr. Perwez has been a member of the D.C. bar since 2024. He is
18 admitted to practice before the U.S. District Court for the District of Columbia.

19 13. Mr. Perwez joined DFF in 2024. Before that, he worked as a Law Clerk
20 for the Council on American-Islamic Relations National (CAIR-National) (2024), a
21 Legal Intern for the ACLU Speech, Privacy, and Technology Project (2023), and a
22 Judicial Extern for the District Court of Nevada (2022).

23 14. Mr. Perwez served as a law student co-counsel in a case involving
24 claims on behalf of a non-citizen client, *Castro-Perez v. Garland*, No. 22-949, 2024
25 WL 1874989 (9th Cir. April 30, 2024) (asylum appeal).

26 15. Ms. Rich, Mr. Perwez, and I have committed substantial time and
27 resources to representing the proposed class in this case. We have been heavily
28 involved in the investigation and preparation of this matter for several months.

1 Additionally, DFF, along with co-counsel, has sufficient resources to vigorously
2 prosecute the case. Neither DFF nor I nor other DFF staff have received or will
3 receive reimbursement from the Plaintiffs or putative class members in this case.

4 16. I am aware of no conflicts of interest between myself, DFF, and any
5 members of the class.

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I, Brian Netter, declare under penalty of perjury, under 28 U.S.C. § 1746 and the laws of the United States of America, that the foregoing Declaration is true and correct.

Executed this 20th day of June 2025 in Washington, D.C.



Brian Netter
Counsel for Plaintiffs and the Putative Class

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
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crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
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P.O. Box 34553
Washington, DC 20043
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Facsimile: 202.796.4426

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* *pro hac vice forthcoming*

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

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23 v.
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25 United States, in his official capacity, *et*
al.,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF MELISSA
CROW IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Hon. Ruth Bermudez Montenegro
Hearing Date: July 28, 2025
Courtroom: 5B

**NO ORAL ARGUMENT UNLESS
ORDERED BY THE COURT**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
(DC Bar No. 426323)
3 *rmanoso@mofo.com*
2100 L Street, NW, Suite 900
4 Washington, DC 20037
Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
Rebecca Cassler (DC Bar No. 90017398)
7 *rcassler@immcouncil.org*
Suchita Mathur (DC Bar No. 90013156)
8 *smathur@immcouncil.org*
PMB2026
9 2001 L Street, NW, Suite 500
Washington, DC 20036
10 Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
Angelo Guisado* (NY Bar No. 5182688)
13 *aguisado@ccrjustice.org*
Adina Marx-Arpadi
14 (NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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1 1. I am Co-Counsel for the Plaintiffs in the above-captioned case and
2 submit this declaration in support of Plaintiffs’ Motion for Class Certification to
3 demonstrate adequate class representation.

4 2. I am the Director of Litigation at the Center for Gender and Refugee
5 Studies (CGRS), have personal knowledge of the facts set forth herein, and can testify
6 to them if needed.

7 3. For more than two decades, CGRS has advanced the rights of refugees
8 through litigation, scholarship, and policy recommendations intended to ensure that
9 humanitarian protection under U.S. law comports with our international obligations.
10 CGRS litigates in two key areas: advancing substantive asylum law to keep legal
11 avenues open for refugees and protecting the asylum system to ensure that those
12 seeking protection have access to a fair legal process. We also provide nationwide
13 technical assistance to attorneys representing individuals seeking asylum,
14 withholding of removal, and protection under the Convention Against Torture,
15 reaching over 7,000 unique fear of return cases at all levels of the immigration and
16 federal court system in the past year alone. CGRS is based in San Francisco,
17 California and also has an office in Washington, DC, where I am based.

18 4. Since joining CGRS in 2022, I have been integrally involved in the
19 following class actions or complex litigation matters seeking to protect the rights of
20 individuals seeking asylum and other protection: *Refugee and Immigrant Center for*
21 *Education and Legal Services, et al. v. Noem, et al.*, No. 25-306 (D.D.C., amended
22 complaint filed February 19, 2025) (putative class action challenging executive
23 action denying access to the U.S. asylum process to individuals on U.S. soil); *Al Otro*
24 *Lado, et al. v. Executive Office for Immigration Review, et al.*, 120 F.4th 606 (9th
25 Cir. 2024) (certified border-wide class of asylum seekers challenging turnbacks by
26 immigration officers at ports of entry along the U.S.-Mexico border); *Al Otro Lado*
27 *and Haitian Bridge Alliance, et al. v. Noem, et al.*, 2024 WL 4370577 (S.D. Cal.
28 September 30, 2024) (putative class action on behalf of asylum seekers without CBP

1 One appointments challenging turnbacks by immigration officers at ports of entry
2 along the U.S.-Mexico border); *Immigrant Defenders Law Center, et al. v. Noem, et*
3 *al.*, 2023 WL 3149243 (C.D. Cal. March 15, 2023) (certified class of individuals
4 outside the United States challenging 2019 Migrant Protection Protocols); *East Bay*
5 *Sanctuary Covenant, et al. v. Trump, et al.*, 134 F.4th 545 (9th Cir. 2025) (vacating
6 district court’s vacatur of Circumvention of Lawful Pathways rule and remanding for
7 further proceedings); *M.A., et al. v. Mayorkas, et al.*, No. 1:23-cv-1843 (D.D.C.
8 amended complaint filed July 10, 2023) (challenging expedited removal provisions
9 of Circumvention of Lawful Pathways rule); *Las Americas Immigrant Advocacy*
10 *Center v. DHS*, 2025 WL 1403811 (D.D.C. May 9, 2025) (largely vacating Securing
11 the Borders rule); *Innovation Law Lab v. Wolf*, 951 F.3d 1073 (9th Cir. 2020),
12 *vacated as moot by* 5 F.4th 1099 (9th Cir. 2021) (challenge to Migrant Protection
13 Protocols).

14 5. Prior to joining CGRS, I served as a Senior Supervising Attorney with
15 the Immigrant Justice Project of the Southern Poverty Law Center (SPLC). In that
16 capacity, I served as lead counsel or co-counsel in many of the cases listed above, as
17 well as the following additional class actions or complex litigation matters on behalf
18 of noncitizens seeking asylum and other protection: *East Bay Sanctuary Covenant v.*
19 *Trump*, 993 F.3d 640 (9th Cir. 2023) (affirming district court’s preliminary injunction
20 of interim final rule rendering individuals who entered the United States between
21 ports of entry ineligible for asylum); *East Bay Sanctuary Covenant v. Barr* (affirming
22 district court’s preliminary injunction of interim final rule rendering most individuals
23 who transited through third countries en route to the United States ineligible for
24 asylum and denying rehearing en banc).

25 6. Prior to joining SPLC, I spent seven years as the Litigation Director of
26 the American Immigration Council in Washington, DC. In that capacity, I served as
27 lead counsel or co-counsel in a number of class actions seeking to protect the rights
28 of noncitizens. These included: *A.B.T. v. USCIS*, No.11-cv-2108, 2013 WL 5913323

1 (W.D. Wash. Nov. 4, 2013) (nationwide class action on behalf of asylum applicants
2 seeking work authorization; class certified prior to court approval of settlement);
3 *Rosario v. USCIS*, No. 15-cv-0813, 2017 WL 3034447 (W.D. Wash. July 18, 2017)
4 (certified nationwide class of asylum applicants challenging delays in U.S.
5 Citizenship and Immigration Services' adjudication of work authorization
6 applications); *Brown v. CBP*, 132 F. Supp. 3d 1170 (N.D. Cal. 2015) (nationwide
7 putative class action challenging Customs and Border Protection's extensive delays
8 in processing FOIA requests); *J.E.F.M. v. Lynch*, 837 F.3d 1026 (9th Cir. 2016)
9 (seeking recognition of right to appointed counsel for certified nationwide class of
10 unrepresented children in removal proceedings); *Doe v. Johnson*, 878 F.3d 710 (9th
11 Cir. 2017) (challenge to deplorable conditions in Customs and Border Protection
12 detention facilities on behalf of certified class of individuals detained in U.S. Border
13 Patrol's Tucson Sector).

14 7. I received my J.D. degree from New York University School of Law in
15 1994 and am admitted to practice law in the District of Columbia, Maryland, and
16 New York. I am admitted to the U.S. District Court for the District of Columbia, the
17 U.S. Courts of Appeals for the First, Second, Fourth, Fifth, Ninth, and District of
18 Columbia Circuits, and the U.S. Supreme Court.

19 8. I have practiced immigration law since 2000. During that time, I have
20 personally litigated cases and/or supervised law students in litigating cases on behalf
21 of noncitizens before immigration judges, the Board of Immigration Appeals, federal
22 district courts, and federal circuit courts of appeals. I have also litigated cases on
23 behalf of *amici curiae* before various federal circuit courts of appeals, the Board of
24 Immigration Appeals, and state courts.

25 9. From November 2007 to January 2010, I was a partner with Brown,
26 Goldstein & Levy, LLP, a prominent public interest and civil rights law firm in
27 Baltimore, Maryland. In that capacity, I served as lead counsel in numerous collective
28 actions on behalf of noncitizens, including *Gonzalez Corrado et al. v. Tempo, Inc. et*

1 *al.*, No. 1:08cv02759 (collective action on behalf of immigrant workers seeking
2 unpaid wages under Fair Labor Standards Act), and *Lopez et al. v. NTL LLC et al.*,
3 No. 8:08cv01579 (collective action on behalf of immigrant workers seeking unpaid
4 wages under Fair Labor Standards Act), both in the U.S. District Court for the District
5 of Maryland. As a result of my work on *Lopez et al. v. NTL LLC et al.*, the firm
6 received the Outstanding Achievement Award in the field of Immigrant and Refugee
7 Rights from the Washington Lawyers' Committee for Civil Rights and Urban
8 Affairs.

9 10. Prior to entering private practice, I taught for a total of four years in the
10 Safe Harbor Clinic at Brooklyn Law School and the International Human Rights
11 Clinic at American University's Washington College of Law. In both positions, I
12 supervised second and third-year law students on immigration court cases. I also
13 spent a year as the Gulf Coast Policy Attorney at the National Immigration Law
14 Center in Washington, DC, where I undertook a range of litigation on behalf of
15 immigrant workers in post-Katrina New Orleans, including serving as co-counsel
16 (admitted *pro hac vice*) in *Castellanos-Contreras et al. v. Decatur Hotels, LLC*, 622
17 F.3d 393 (E.D. La. 2010) (collective action on behalf of immigrant workers seeking
18 unpaid wages under Fair Labor Standards Act). In addition, I worked as an associate
19 in the Washington, DC office of Foley Hoag LLP, where I handled immigration-
20 related and other matters for foreign governments and represented asylum seekers on
21 a pro bono basis.

22 11. The team of CGRS attorneys working on this case includes Robert
23 Pauw, a Consulting Attorney based in Seattle, Washington; Blaine Bookey, Legal
24 Director, based in San Francisco, California; and Peter Habib, a Legal Fellow based
25 in San Francisco, California.

26 12. Mr. Pauw is an attorney licensed to practice in the State of Washington
27 since 1983. He is one of the founding members of Northwest Immigrant Rights
28 Project in Seattle, and from January 1994 to the present he has been a partner in the

1 law firm of Gibbs Houston Pauw. His area of expertise is immigration-related
2 litigation. He has had extensive experience handling class action litigation and has
3 been counsel in many significant immigration lawsuits, including: *Zuniga v. Barr*,
4 946 F.3d 464 (9th Cir. 2019) (challenge to expedited removal under 8 U.S.C. § 1228
5 based on lack of access to counsel); *Rosario v. USCIS*, 365 F. Supp. 3d 1156 (W.D.
6 Wash. 2018) (nationwide class action lawsuit challenging USCIS delays in
7 adjudicating work authorization applications); *A.B.T. v. USCIS*, No. 11-cv-2108,
8 2013 WL 5913323 (W.D. Wash. Nov. 4, 2013) (nationwide class action on behalf of
9 asylum applicants seeking work authorization; class certified prior to court approval
10 of settlement); *Ruiz-Diaz v. U.S.*, 618 F.3d 1055 (9th Cir. 2010) (nationwide class
11 action lawsuit challenging USCIS policy of refusing to allow religious workers to
12 file concurrent I-360/I-485 applications); *Morales-Izquierdo v. Gonzales*, 477 F.3d
13 691 (9th Cir. 2007) (en banc), (challenge to DHS policy of reinstating prior orders of
14 deportation); *Lee v. Gonzales*, No. 04-cv-449 RSL (W.D. Wash. 2006) (class action
15 lawsuit challenging naturalization denials based on lack of good moral character);
16 *Immigrant Assistance Project v. INS*, 306 F.3d 842 (9th Cir. 2002) (W.D. Wash.
17 1989) (class action lawsuit challenging INS policies relating to the legalization
18 program); *Proyecto San Pablo v. INS*, 189 F.3d 1130 (9th Cir. 1999) (class action
19 lawsuit on behalf of legalization applicants who were deported after January 1, 1982);
20 *Walters v. Reno*, 145 F.3d 1032 (9th Cir. 1998) (class action lawsuit challenging
21 procedures used by the Immigration & Naturalization Service in assessing penalties
22 for use of false documents); *Gete v. INS*, 121 F.3d 1285 (9th Cir. 1997) (class action
23 lawsuit challenging procedures used by the Immigration & Naturalization Service in
24 seizure and forfeiture cases); *UFW v. INS*, Civ. No. S-87-1064-LKK (E.D. Cal. 1989)
25 (class action lawsuit for legalization applicants challenging procedures used by INS
26 in adjudicating SAW legalization applications). Mr. Pauw has been admitted to the
27 U.S. District Courts for the Western District of Washington, Eastern District of
28 Washington, District of Colorado, and Eastern District of Michigan; the U.S. Courts

1 of Appeals for the Fifth, Eighth and Ninth Circuits; and the U.S. Supreme Court. He
2 will be submitting a Notice of Pro Bono Appearance in this case.

3 13. Ms. Bookey is an attorney licensed to practice law in the State of
4 California since 2009. She has been an attorney at CGRS since 2011 and Legal
5 Director since 2014. She has served as co-counsel in several class actions or complex
6 litigation matters to protect the rights of noncitizens including: *Huisha-Huisha v.*
7 *Mayorkas*, 642 F. Supp. 3d 1 (D.D.C. Nov. 15, 2022), *cert. and stay granted sub*
8 *nom. Arizona v. Mayorkas*, 143 S. Ct. 478, 214 L. Ed. 2d 312 (2022), *and vacated*,
9 No. 22-5325, 2023 WL 5921335 (D.C. Cir. Sept. 7, 2023) (class action challenge to
10 Title 42 policy); *P.J.E.S. by & through Francisco v. Mayorkas*, 652 F. Supp. 3d 103
11 (D.D.C. 2023) (class action challenge to Title 42 policy on behalf of unaccompanied
12 noncitizen children); *Pangea Legal Servs. v. DHS*, 512 F. Supp. 3d 966 (N.D. Cal.
13 2021) (challenge to omnibus asylum rule); *Grace v. Barr*, 965 F.3d 883 (D.C. Cir.
14 2020) (challenge to application of asylum precedent decision in credible fear
15 proceedings); *U.T. v. Barr*, 1:20-cv-00116-EGS (D.D.C. filed Jan. 15, 2020)
16 (challenge to asylum cooperative agreements); *Innovation Law Lab v. Wolf*, 951 F.3d
17 1073 (9th Cir. 2020), *vacated as moot* by 5 F.4th 1099 (9th Cir. 2021) (challenge to
18 Migrant Protection Protocols); *Matter of A-B-*, 28 I&N Dec. 307 (A.G. 2021)
19 (challenge to Attorney General precedent asylum decision); and *Matter of*
20 *A-C-A-A-*, 28 I&N Dec. 351 (A.G. 2021) (challenge to Attorney General precedent
21 asylum decision). Before joining CGRS, Ms. Bookey served as a federal judicial law
22 clerk for the Honorable Dolores K. Sloviter on the U.S. Court of Appeals for the
23 Third Circuit. Ms. Bookey has been admitted to the U.S. District Courts for the
24 Northern District of California, Central District of California, Southern District of
25 California, District of Columbia and the U.S. Courts of Appeals for the First, Third,
26 Fourth, Fifth and Ninth Circuits.

27 14. Mr. Pauw, Ms. Bookey, Mr. Habib, and I have committed substantial
28 time and resources to representing the proposed class and subclass in this case. CGRS

1 has been heavily involved in the investigation and litigation of issues relating to the
2 Executive Orders issued on and after January 20, 2025, including Presidential
3 Proclamation No. 10888, 90 Fed. Reg. 8333 (Jan. 20, 2025), and has sufficient
4 resources to vigorously prosecute the case. Neither CGRS nor I are receiving
5 reimbursement from the Plaintiffs or putative class members in this case.

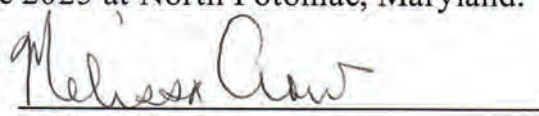
6 15. I am aware of no conflicts of interest between myself, Mr. Pauw, Ms.
7 Bookey, Mr. Habib, and any member of the class or subclass.

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I, Melissa Crow, declare under penalty of perjury, under 28 U.S.C. § 1746 and the laws of the United States of America, that the foregoing Declaration is true and correct.

Executed this 23rd day of June 2025 at North Potomac, Maryland.



Melissa Crow
Counsel for Plaintiffs and the Putative Class

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mofocom*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mofocom*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy* (NY Bar No. 2860740)
11 *bazmy@ccrjustice.org*
666 Broadway, 7th Floor
12 New York, NY 10012
Telephone: 212.614.6464
13 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

14
15 *Additional Attorneys for Plaintiffs Listed*
16 *on Next Page*

* *pro hac vice forthcoming*

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20
21 AL OTRO LADO, INC., *et al.*,
22 Plaintiffs,
23 v.
24 DONALD J. TRUMP, President of the
25 United States, in his official capacity, *et*
al.,
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF MICHELLE
LAPOINTE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Hon. Ruth Bermudez Montenegro
Hearing Date: July 28, 2025
Courtroom: 5B

**NO ORAL ARGUMENT UNLESS
ORDERED BY THE COURT**

1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
(DC Bar No. 426323)
3 *rmanoso@mofo.com*
2100 L Street, NW, Suite 900
4 Washington, DC 20037
Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
Rebecca Cassler (DC Bar No. 90017398)
7 *rcassler@immcouncil.org*
Suchita Mathur (DC Bar No. 90013156)
8 *smathur@immcouncil.org*
PMB2026
9 2001 L Street, NW, Suite 500
Washington, DC 20036
10 Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
Angelo Guisado* (NY Bar No. 5182688)
13 *aguisado@ccrjustice.org*
Adina Marx-Arpadi
14 (NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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1 1. I am the Legal Director at the American Immigration Council (“the
2 Council”) and Co-Counsel of record for Plaintiffs and the Proposed Class in this
3 matter. I make this declaration based on my personal knowledge.

4 2. I submit this declaration to detail my qualifications to serve as class
5 counsel in support of Plaintiffs’ Motion for Class Certification.

6 3. The Council is a national non-profit organization that aims to increase
7 public understanding of immigration law and policy, advocate for the just and fair
8 administration of our immigration laws, protect the legal rights of noncitizens, and
9 educate the public about the enduring contributions of America’s immigrants.

10 4. The Council frequently files class action immigration lawsuits in federal
11 court, including in courts in the Ninth Circuit. *See, e.g., Rosario v. United States*
12 *Citizenship & Immigr. Servs.*, 365 F. Supp. 3d 1156 (W.D. Wash. 2018); *Rojas v.*
13 *Johnson*, 305 F. Supp. 3d 1176 (W.D. Wash. 2018); *Nightingale et al. v. USCIS et*
14 *al.*, 507 F. Supp. 3d 1193 (N.D. Cal. Dec. 17, 2020); *MadKudu Inc., et al. v. USCIS,*
15 *et al.*, Case No. 20-cv-02653, 2020 WL 7389419 (N.D. Cal. Nov. 17, 2020). We also
16 have filed class action lawsuits on the rights of migrants in custody and at the
17 southern border. *See, e.g., Al Otro Lado, Inc. v. Executive Office for Immigration*
18 *Review*, 120F.4th 606 (9th Cir. 2024); *Al Otro Lado v. Mayorkas*, No. 23-cv-1367,
19 2024 WL 4370577 (S.D. Cal. Sept. 30, 2024); *Padilla v. ICE*, No. C18-928 MJP
20 (W.D. Wash. Dec. 4, 2023); *Doe v. Kelly*, 878 F.3d 1070 (9th Cir. 2017).

21 5. I have worked at the Council since May 2024. I earned my J.D. from
22 American University Washington College of Law in 2008. Prior to joining the
23 Council, I was the Deputy Legal Director at the National Immigration Law Center
24 (“NILC”), which I joined in 2020. Before NILC, I worked at the Southern Poverty
25 Law Center’s Immigrant Justice Project as a Law Fellow (2008-2010), Staff Attorney
26 (2010-2014), Senior Staff Attorney (2014-2018), and Senior Supervising Attorney
27 (2018-2020). I also served as Acting Deputy Legal Director of SPLC from November
28 2017 through August 2018. During my tenure at the Council, SPLC and NILC, I have

1 represented thousands of individuals involved in class action litigation.

2 6. I have been a member of the Georgia Bar since 2008 and a member of
3 the D.C. Bar since February 2025. I am also admitted to practice before the Georgia
4 Supreme Court, the U.S. District Courts for the Northern and Middle Districts of
5 Georgia and the District of Columbia, and the U.S. Courts of Appeals for the
6 Eleventh, Fourth, Fifth, Ninth, and District of Columbia Circuits.

7 7. I have personally served as part of the class counsel teams appointed by
8 the court in seven certified Rule 23 class actions: *Zelaya v. Hammer*, 342 F.R.D. 426,
9 430 (E.D. Tenn. 2022) (certified class under 42 U.S.C. §§ 1985 and 1986 on behalf
10 of workers subjected to discriminatory conduct in worksite immigration raid);
11 *Moodie v. Kiawah Island Inn Co.*, 309 F.R.D. 370 (D.S.C. 2015) (wage and contract
12 case brought by Jamaican workers on H-2B temporary work visas); *J.E.C.M. v.*
13 *Hayes*, 1:18-cv-00903-LMB-MSN (E.D. Va. 2019) (challenging prolonged detention
14 of unaccompanied immigrant youth); *Alonso as Next Friend of I.A. v. Sch. Bd. of*
15 *Collier Cnty., Fla.*, No. 216CV379FTM38MRM, 2018 WL 5304813 (M.D. Fla. Aug.
16 8, 2018) (certifying due process claim in case challenging denial of high school
17 enrollment to foreign-born English Learner students); *Nunag-Tanedo v. E. Baton*
18 *Rouge Parish Sch. Bd.*, No. LA CV-10-011720-JAK (MLGx), 2011 WL 7095434
19 (C.D. Cal. Dec. 12, 2011) (certified class case bringing trafficking claims on behalf
20 of Filipino teachers on H-1B work visas); *Perez-Benites v. Candy Brand, LLC*, 267
21 F.R.D. 242 (W.D. Ark. 2010) (wage and contract claims on behalf of Mexican
22 agricultural workers on H-2A temporary work visas) and *Orantes-Hernandez v.*
23 *Garland* (nationwide class action resulting in judgment and permanent injunction
24 governing treatment of Salvadoran nationals detained by immigration authorities;
25 published decisions at 685 F. Supp. 1488 (C.D. Cal. 1988) (permanent injunction),
26 504 F. Supp.2d 825 (C.D. Cal. 2007) (denying motion to dissolve permanent
27 injunction)).

28

1 8. I have also served as counsel on numerous federal cases involving
2 constitutional and/or statutory claims on behalf of non-citizens, including
3 *Farmworker Ass'n of Fla., Inc. v. Uthmeier*, No. 23-CV-22655-RAR, 2025 WL
4 1133682 (S.D. Fla. Apr. 17, 2025) (challenging state immigration statute); *Iowa*
5 *Migrant Movement for Justice v. Bird*, 24-CV-00161-SHL-SBJ (S.D. Iowa filed May
6 9, 2024) (challenging state immigration statute); *Hispanic Interest Coalition of*
7 *Alabama v. Governor of Alabama*, 691 F.3d 1236 (11th Cir. 2012) (challenging state
8 immigration statute); *Georgia Latino Alliance for Human Rights v. Deal*, 691 F.3d
9 1236 (11th Cir. 2012) (challenging state immigration statute); *United States et al. v.*
10 *South Carolina et al.*, 720 F.3d 518 (4th Cir. 2013) (representing private plaintiffs in
11 suit consolidated with action brought by the United States challenging state
12 immigration statute); *Cruz v. Mississippi Dep't of Human Servs.*, 9 F. Supp. 3d 668
13 (S.D. Miss. 2014) (claims under 42 U.S.C. § 1983 and Title VI of the Civil Rights
14 Act by immigrant mother against state officials for removal of newborn child from
15 her custody).

16 9. Suchita Mathur is a Senior Litigation Attorney at the Council who will
17 serve as co-counsel in this case. She earned her JD from Columbia Law School in
18 2014. Ms. Mathur has been a member of the New York bar since 2015 and the D.C.
19 Bar since 2023. She is admitted to practice before the U.S. District Courts for District
20 of D.C. and Southern and Eastern Districts of New York, and the U.S. Courts of
21 Appeals for the Second and Ninth Circuits.

22 10. Ms. Mathur joined the Council in 2022. Before that she worked as a U.S.
23 Immigration Attorney at the Institute for Women in Migration (IMUMI) in Mexico
24 City from 2021 to 2022, as a Federal Practice Attorney and Immigration Staff
25 Attorney at The Bronx Defenders from 2015 to 2020, and as a law clerk at the U.S.
26 District Court for the Southern District of New York from 2014 to 2015. Ms. Mathur
27 has personally served as part of the class counsel team appointed by the court in one
28 certified Rule 23 class action: *Al Otro Lado, Inc. v. Executive Office for Immigration*

1 *Review*, 120 F.4th 606 (9th Cir. 2024). She has also served as counsel on complex
2 litigation and federal cases involving constitutional and/or statutory claims on behalf
3 of non-citizens, including *Al Otro Lado v. Mayorkas*, No. 23-cv-1367, 2024 WL
4 4370577 (S.D. Cal. Sept. 30, 2024), *Guevara Enriquez v. USCIS*, 2:23-cv-00097-
5 TSZ (W.D. Wash. 2023), and *Americans for Immigrant Justice, et al., v. DHS*, 1:22-
6 cv-03118-CKK, 2023 WL 4364096 (D.D.C. Feb. 1, 2023).

7 11. Rebecca Cassler is a Senior Litigation Attorney at the Council who will
8 serve as co-counsel in this case. Ms. Cassler earned her J.D. from the University of
9 Minnesota Law School in 2016. Ms. Cassler has been a member of the Georgia Bar
10 since 2018 and a member of the D.C. Bar since 2023. She is admitted to practice
11 before the Georgia Supreme Court, the U.S. District Courts for the Northern, Middle,
12 and Southern Districts of Georgia, and the U.S. Courts of Appeals for Fifth, Ninth,
13 and Eleventh Circuits.

14 12. Ms. Cassler joined the Council in November 2024. Before that, she
15 worked at the Southern Poverty Law Center’s Immigrant Justice Project as a Law
16 Fellow (2018-2020), Cooperating Attorney (2020-2021), and Senior Staff Attorney
17 (2021-2024). Prior to that she was a law clerk in the U.S. District Court for the
18 District of Minnesota and the U.S. Court of Appeals for the Eighth Circuit.
19 Ms. Cassler has personally served as part of the class counsel team appointed by the
20 court in one certified Rule 23 class action: *Al Otro Lado, Inc. v. Executive Office for*
21 *Immigration Review*, 120 F.4th 606 (9th Cir. 2024). She has also served as counsel
22 on complex litigation and federal cases involving constitutional and/or statutory
23 claims on behalf of non-citizens, including *Dorley v. Normand*, No. 5:22-cv-62, 2023
24 WL 3620760 (S.D. Ga. Apr. 3, 2023), *report and recommendation adopted*, 2023
25 WL 3174227 (May 1, 2023); and *J.N.C.G. v. Warden, Stewart Detention Center*, No.
26 4:20-cv-62-MSH, 2020 WL 5046870 (M.D. Ga. Aug. 26, 2020); and *Barrientos v.*
27 *CoreCivic, Inc.*, 951 F.3d 1269 (11th Cir. 2020).

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1 13. Ms. Mathur, Ms. Cassler, and I have committed substantial time and
2 resources to representing the proposed class in this case. We have been heavily
3 involved in the investigation and preparation of this matter for several months.
4 Additionally, the Council, along with co-counsel, has sufficient resources to
5 vigorously prosecute the case. Neither the Council nor I nor other Council staff have
6 or will receive reimbursement from the Plaintiffs or putative class members in this
7 case.

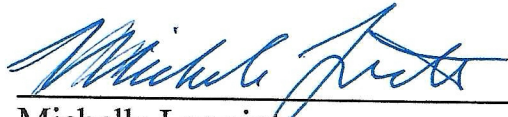
8 14. I am aware of no conflicts of interest between myself, the Council, and
9 any members of the class.

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I, Michelle Lapointe, declare under penalty of perjury, under 28 U.S.C. § 1746 and the laws of the United States of America, that the foregoing Declaration is true and correct.

Executed this 23rd day of June 2025 in Decatur, Georgia.



Michelle Lapointe
Counsel for Plaintiffs and the Putative Class