

Declaration of attorney Christina Rosado-Maher

1. I am attorney licensed to practice by the Supreme Court of New Mexico. I practice exclusively in the field of immigration law. My office is located in Albuquerque, New Mexico, and I represent clients in New Mexico and throughout the U.S. I have more than fifteen years of legal experience in the field of immigration law, including experience as a private sector attorney, an immigration advisor to international students in a university setting, and as the director of immigration services at a nonprofit organization.

2. On or about July 24, 2014, I was contacted by a family member of a woman who was being detained by Immigration and Customs Enforcement ("ICE") in a facility located in Artesia, New Mexico. I was hired to represent that woman in her immigration matters.

3. I was informed, and believe, that she arrived in the United States on [REDACTED] and was transferred to the facility in Artesia on [REDACTED]. Because my client already had a sister in the United States, located in [REDACTED], she attempted to contact the sister. She was able to inform the sister of her whereabouts, and her sister then attempted to find local counsel to represent my client. They contacted me for that purpose.

4. After being retained by her family members, I attempted to establish communication with my client. Artesia is located about 250 miles from my office in Albuquerque, New Mexico. My client was unable to contact me by telephone. It was extremely difficult for her to place phone calls despite asking officers for the use of the phone. They explained my client had to fill out a particular form, have me sign it and only then was she able to call me. She says she mailed the form from Artesia but I have never received it. Further, I was unable to contact the Artesia facility to leave a message for her to call me. The deportation officer told me that she had to call me and denied her explanation of the use of phones as explained by my client.

5. I filed a notice of my representation of my client on [REDACTED], 2014 with U.S. Citizenship and Immigration Services (USCIS). Nevertheless, when my client's Credible Fear Interview (CFI) took place on [REDACTED] 2014, I was not contacted. The asylum officer who conducted the interview wrote on the CFI documentation that my client gave permission to the officer to proceed with the interview without my presence, however my client has informed me that she did not give such permission. I do not believe that the asylum officer attempted to contact me at the time of the interview, as I did not receive a voicemail message or other indication of attempted communication. I also received no advanced notice of the date, time or place of the CFI. To my knowledge, neither did my client.

6. My client informed me that she spoke in Spanish during the CFI. An interpreter was provided (although I did not know if the interpreter was in person or on the telephone). However, my client informed me that she does not believe all of her answers were interpreted fully because she recalls providing a long answer in Spanish which was interpreted in such a short English translation that she believed it could not have been complete or correct.

7. After I received a copy of the transcript of my client's CFI (which was in English), I reviewed it with my client in Spanish, and translated the questions and answers to her and asked her if the responses listed in the transcript accurately reflected what she intended to say. She told me that they did not reflect her answers accurately because she had not understood the questions. Upon review of the transcript, I noted that many of the questions contained legal jargon and my client

indicated she had not understood the meaning of the words that were translated into Spanish for her. One example is the use of the term "particular social group" which has a very technical and complicated meaning in asylum law which my client did not understand and it was never explained to her. Therefore, she could not answer the question posed to her regarding whether or not she was a member of such a particular social group. I also concluded that the officer, intentionally or otherwise, failed to understand the meaning of my client's responses. For example, when my client was asked whether she feared returning to her home country, she indicated that she put herself in God's hands. The officer then marked her answer to that question as "no" which my client informed me was not an accurate reflection of the meaning of her response, as she does fear for her safety if she is returned to her country.

8. My client also informed me that she has a child, [REDACTED] who is detained with her. She has to care for the child at all times. The child was in her arms while she was interviewed for her credible fear interview. At that time, her child was screaming and thus constituted a significant distraction for her. No steps were taken to provide child care or otherwise reschedule the CFI despite her screaming child.

9. The asylum officer found that my client did not have a credible fear. My client then sought review by an immigration court. I was able to make contact with her after that first credible fear determination and before the review hearing with the immigration judge.

10. My client was at some point provided with a list of legal services providers. That list contains three organizations that provide legal services to those who appear before the El Paso Immigration Court. El Paso is 195 miles from Artesia, New Mexico. The El Paso Immigration Court jurisdiction includes New Mexico. Therefore, normally, individuals who are not in detention and who live in the state of New Mexico and who are placed in proceedings before an Immigration Court, would be scheduled to appear before the immigration court located in El Paso. However, to my knowledge, those detained in Artesia have not been scheduled to appear before the El Paso Court. To my knowledge based on my familiarity with those organizations and the services they provide, as well as my knowledge of who provides immigration representation in the state of New Mexico, the three organizations on that list have no ability or capacity to provide legal representation to those detained in Artesia.

11. My client detained in Artesia received no other information about legal services and received no legal orientation. My client was not aware of the legal issues pertinent to her credible fear interview before it took place. I was not able to speak with her until after that interview, and based on my discussion with her after that interview, when we met in person and discussed the matter was the first time she had ever received such legal information.

12. My client informed me that she had very limited access to the telephones in which to call anyone. She was told that she can make one phone call a day, limited to three minutes. She was told she had to make a request to the ICE officer in order to use the telephone, which was a mobile phone that the officers keep on their person when not in use. At no time was she provided with a confidential place in which to make a telephone call. My client chose to use her limited telephone access to call her sister, who in turn then contacted and hired me to represent my client.

13. I was able to visit my client in person on [REDACTED] 2014. That visit involved a drive of about four hours from Albuquerque to Artesia. When I arrived at the facility, I witness was appeared to

be a very chaotic situation in which detainees could not easily be located. I requested to see my client, and the officer with whom I spoke appeared to relay that request to another officer. However, when the officers could not quickly locate my client in the facility, I was told that I would have to wait. It did not appear that the officers made any regular attempt to continue to locate my client. Instead, I had to regularly re-request to see my client, and each time, the cycle of relay messages took place. I waited about 2-3 hours before the officials apparently located my client and I was finally able to see my client in person. I was told visiting hours are 10am to 7pm, and thus the long delays in waiting to see a client would have an effect because visiting hours are limited. I note that these delays occurred even though I had previously contacted the officials at the Artesia facility to learn of the visitation protocols and inform them of my intended visit.

14. I was brought to a room (which was more accurately described as a bungalow for its temporary looking nature) named the "law library." This "law library" had two computers that had no access to the internet. It was not clear what legal resources are available on those computers, in what language or whether any detainee had the ability to access them. While I was meeting with my client, there was an ICE officer present in the room the entire time. I was not able to meet with my client in a confidential place. There are no private meeting areas or rooms in which to meet with a client. At best, there are cubby holes, which are areas of the room with partitions on three sides, but the fourth side is open and thus no confidential or soundproof. If those areas are not available, then an attorney must meet with her client out in the open. I noticed sound machines which I understood were meant to give the appearance of confidentiality but in reality they provided no such thing.

15. During the visit, I was able to review the transcript of my client's CFI which she had. I requested to the officers to be able to make a copy of that important legal document, but no copying services or machines were available. Therefore, I had to take my client's only copy of the transcript with me in order to have a copy.

16. When I met with my client for the first time in that meeting, I found her to be extremely frustrated. She expressed concerns that her [REDACTED] was not eating and might have medical needs that were not being attended to. My client did not understand the process she was going through and was not able to sleep properly. She expressed that conditions seemed to be getting worse: the chaos was increasing with time, the ICE officers were often impatient (as if they were also feeling and exhibiting frustration). She mentioned and I observed that many of the children detained at the facility seemed lethargic and perhaps depressed. My client's state of mind seemed to improve after our visit when I was able to explain to her the procedure and the legal issues her case presented. After our visit, she was more prepared to present her own case to the Immigration Court in the review of the asylum officer's credible fear finding.

17. I also noticed in my visit that all of the detainees are women with children. All of the ICE officers that I saw were male. I observed an attitude among the ICE officers that reflected a belief that none of the detainees had viable legal claims, and that all of them would be detained for a relatively brief period, and then removed. The officers seemed to universally subscribe to this attitude and thus carried out their duties with that in mind, thinking that no one would be released to pursue their legal case, and only would be physically removed, about two weeks after their arrival. In fact, I was informed that even those few who are found to have a credible fear are not then released by ICE, and in fact ICE argues against their release to the Immigration Court.

18. I filed my form EOIR-28 with the Immigration Court on [REDACTED] 2014, indicating my representation of my client before the Immigration Court. The immigration court set the review hearing for [REDACTED] 2014 but neither I nor my client received notice of that hearing. The hearing took place by video, with the judge, and interpreter, located in Arlington, Virginia, and the client by video in Artesia. The immigration court 800 number which I normally use to confirm the date, time and place of an immigration hearing, had the time of the hearing in the wrong time zone, so I was able to learn of the hearing only at the very last minute. I appeared by telephone and requested a brief continuance so that I could file new evidence to the judge to explain why the judge should not rely on the answers my client gave at the CFI due to all of the problems she encountered at that interview, which I mentioned above. The Judge reset the hearing to the next day.

19. I was able to file my documents before the next hearing and was able to appear by telephone at the reset hearing. The Judge instructed me not to say anything during the hearing. At the end of the hearing, the judge concluded that my client did have a credible fear. My hearing was also observed in Virginia by attorneys from the public, which may have had some effect on the Judge's behavior.

20. In sum, based on my observations there and in speaking with other attorneys who have visited the Artesia facility and who have clients detained there, I would estimate that only about 10% of those detained are found to have a credible fear, which is significantly lower than the historical percentage found to have such a credible fear, even by the Houston asylum office, for those applicants who were not detained at Artesia.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge. Executed this 21 day of August, 2014 at

Albuquerque, New Mexico.



Christina Rosado-Maher

Declarant