

The Honorable Thomas S. Zilly

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8 UNITED STATES DISTRICT COURT  
9 FOR THE WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

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

13 Plaintiff-Petitioners,

14 v.

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

17 Defendants-Respondents.

No. 14-cv-01026-TSZ

**DECLARATION OF CHERYL  
POLLMAN**

18 I, Cheryl Pollman, declare as follows:

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

22 2. I am a member of the National Council of Jewish Women, Greater Dallas Section  
23 (NCJW). NCJW is a faith-based grassroots organization, which has worked for over 100 years in  
24 support of social justice, seeking to improve the quality of life for women, children, and families and  
25 to safeguard individual rights and freedoms. I have volunteered with NJCW for over 15 years.  
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1           3.       Several weeks ago, I heard through our local bar association, Catholic Charities, and  
2 the press that the Dallas immigration courts would hear expedited “rocket dockets” for children.  
3 Along with other volunteers from NCJW, I decided to observe these juvenile hearings in order to  
4 collect information that would help promote transparency, accountability, and adherence to the  
5 requirements of due process. Between August 11 and August 18, 2014, NCJW volunteers observed  
6 five juvenile dockets at the Dallas immigration court, with Immigration Judge (IJ) Michael Baird  
7 presiding.  
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9           4.       I personally observed the juvenile dockets on the mornings of August 11 and August  
10 14, 2014. NCJW volunteer Julie Lowenberg observed the juvenile dockets on the afternoons of  
11 August 11 and August 18, 2014, and NCJW volunteer Cheri Komaiko observed the juvenile docket  
12 on the afternoons of August 11 and August 14, 2014. Julie Lowenberg and Cheri Komaiko provided  
13 me with their notes after observing the juvenile dockets so that I could compile all of the information  
14 that we collected.  
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16           5.       On the morning of August 11, 2014, seven of the eighteen children scheduled to  
17 appear were present in court. Ten children not present in court were issued in absentia orders, and  
18 one was granted a continuance. Of the children who appeared in court, six were unrepresented by  
19 attorneys. Five of these children received continuances of between two and two and a half weeks.  
20 Two of the children appeared in court without their parent or custodian. The IJ told those two  
21 children that he would proceed with their cases at next hearing, regardless of whether they had a  
22 parent, custodian, or attorney with them. The last unrepresented child on the docket had turned 18  
23 years old, and so he was moved to an adult docket. He received a longer continuance, about seven  
24 weeks.  
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1           6.       On the afternoon of August 11, 2014, twenty children were present in court. Eight  
2 children were unrepresented by attorneys. Two unrepresented children took voluntary departure, and  
3 the rest received continuances. Four unrepresented children received continuances of only three  
4 days; two of these children, who did not speak English, were told to come back to court with asylum  
5 applications completely filled out in English. The other two children who appeared without attorneys  
6 received continuances of about three weeks—one to complete an asylum application and the other to  
7 come back with his attorney. Of the twelve children who were represented by attorneys, two took  
8 voluntary departure, and the others received continuances of between two and half and three and a  
9 half weeks.  
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11           7.       On the morning of August 14, 2014, eight of the twenty-one children scheduled to  
12 appear were present in court. Eleven children not present in court were issued in absentia removal  
13 orders, and two received continuances. Five children appeared without attorneys, and the IJ gave  
14 them continuances of about three weeks. Of these five children, two were five years old and one was  
15 eight years old. The IJ informed them that he would proceed at the next hearings regardless of  
16 whether they have an attorney. Three children had attorneys, including one boy who had turned 18  
17 years old who was moved to the adult docket. The 18 year old had completed an asylum application,  
18 and the IJ set the date for his individual asylum hearing almost two years out, on June 10, 2016.  
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21           8.       On the afternoon of August 14, 2014, eighteen children were present in court. Seven  
22 children appeared without attorneys. Of those seven children, four received continuances of either 6  
23 days or 4 weeks. One of the unrepresented children who received a 6 day continuance was told to  
24 come back with a completed asylum application; the IJ denied his mother's request for a few more  
25 days to find an attorney. Neither the child nor his mother spoke English. One unrepresented child  
26 had completed an asylum application, and the IJ set the child's individual hearing in about seven  
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1 weeks, to September 30, 2014. The mother of one unrepresented child requested that her son's case  
2 be consolidated with her own case; the child told the IJ that he did not want to be separated from his  
3 mother and that he wanted be voluntarily removed on the same date that she was removed. The court  
4 clerk tried to locate the mother's case, but determined that her case had not yet been filed in court.  
5 The judge issued a voluntary departure order for the child.  
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7 9. Also on August 14, 2014 during the afternoon docket, an unrepresented child  
8 appeared with his mother, who requested another continuance to get a lawyer. The IJ denied the  
9 request and asked the mother how she wanted to proceed—did she want voluntary departure or a  
10 removal order for her son, or did she want to fight the case? She indicated she wanted to fight the  
11 case. The IJ then swore in the mother and asked her questions about the allegations and charges on  
12 the notice to appear. The IJ then asked the mother why her son came to the United States. She said  
13 he wanted to reunite with family and get an education. The IJ then stated that her son is not eligible  
14 for any relief and that his only options are a Pre-Conclusion Voluntary Order of Removal or an  
15 Order of Removal. The IJ explained that if her son accepted a Voluntary Order of Removal, he  
16 would waive all rights to appeal this order and be withdrawing or waiving all other requests for relief  
17 from deportation. He also explained that one of the benefits of the Voluntary Order of Removal is  
18 that her son can immediately try to re-enter the country legally. Further, the IJ explained that if the  
19 son took an Order of Removal, he might have to wait up to 10 years in order to be eligible to re-enter  
20 the country legally.  
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23 10. At first, the mother said she would accept the Voluntary Order of Removal, but when  
24 the Judge specifically asked her if she waives all appeal rights and if she would abide by this  
25 voluntary order, the mother changed her mind. She requested the Order of Removal so that she  
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1 retained the right to appeal. The Judge told her she had 30 days to file her appeal to the Court in  
2 Falls Church, VA.

3 11. On the afternoon of August 18, 2014, four of the fifteen children scheduled to appear  
4 were present in court. None of the children who were present had an attorney. Three children  
5 received four week continuances, including a child who had traveled from Oklahoma for his hearing.  
6 The other child was going to turn 18 years old within the month, and so the IJ moved him to an adult  
7 docket and gave him a longer continuance, more than seven weeks. The judge told all of the children  
8 that he would proceed with their cases at the next hearing whether or not they had attorneys.  
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11 I declare under penalty of perjury of the laws of the State of Texas and the United States that  
12 the foregoing is true and correct to the best of my knowledge and belief.  
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14 Executed this 24th day of August 2014, in Dallas, Texas.

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18 CHERYL POLLMAN