

DECLARATION OF CHRISTINA BROWN

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

1. I am an immigration attorney in private practice in Denver, Colorado. My practice is focused on removal defense, asylum, family-based, and criminal immigration matters. I have exclusively practiced immigration law since 2013.
2. On [REDACTED] I traveled 543 miles from my office in Denver to the Federal Law Enforcement Training Center in Artesia, New Mexico, where the Department of Homeland Security is detaining hundreds of mothers and children. There, I joined a group of approximately 8 lawyers, all of whom were members of the American Immigration Lawyers Association (AILA). We provided legal consultations and representation on a pro bono basis to women detained there. I spent over \$4,000 in costs associated with my travel to and from Artesia and during my 30 days volunteering there.
3. In Artesia, I met with approximately 100 women and their children and reviewed the case files of approximately 160 families. I also appeared on behalf of 7 women at their credible fear interviews.
4. It has been extremely difficult to access my clients. During my time in Artesia, Immigration and Customs Enforcement (ICE) would not permit the detainees to come to talk to us on their own. They were only allowed to meet with us if their names and Alien Numbers (A#s) were on a list that the lawyers provided to ICE the prior evening. ICE officers then were supposed to locate the individuals on the list and bring them to meet with us in the "law library." ICE did not permit us to post a signup sheet so that the women could indicate their interest in meeting with us and so we could add them to the list. Instead, we had to rely on our clients to let other detainees know that we were available to provide legal assistance, and to bring us their names if they wanted to consult with us.
5. Client follow-up is a big problem at Artesia as a result of ICE's access policy. Some of my current clients wanted to talk with me because the government had scheduled an interview or hearing in their cases, but they were not permitted to meet with me because they were not on the list we had submitted the previous evening. Attorneys were not given notice of credible fear determinations or hearing notices from EOIR at the facility, and so we had to rely on the 1-800 number for EOIR, which has not been correct in weeks, or on our clients to give us notices as soon as, and if, they got them. Given how quickly interviews and hearings are scheduled at Artesia, this access policy interfered with my clients' ability to consult with me in advance of their credible fear interviews and reviews. As a result, my clients were at times unprepared for their credible fear interviews, and often had to request continuances of Immigration Judge reviews of credible fear denials so that I could be present.

6. In advance of our initial arrival in Artesia during the [REDACTED] we had given ICE a list of twenty women with whom we wanted to speak. When we arrived, we were brought to the “law library.” We waited for four hours for ICE to bring the women to us. At the end of four hours, some of the people on our list began coming into the facility to speak with us. An ICE officer told us that they could not find any of the women on the list. We checked in with the ICE officer repeatedly during the time we were waiting, but we were told that they could not locate any of the twenty women on the list.

7. Many of the women told me that before I arrived, they had no way of accessing legal assistance. They were given a legal service provider list with the names of three non-profit organizations in El Paso, which is over three hours away from Artesia. None of the providers on the list has the capacity to represent individuals detained in Artesia. Some of the women with whom I met had attempted to call the organizations on the list, but nobody answered the telephone when they called. Other women did not even try to call the legal service providers on the list because they were aware that these organizations could not represent them. None of the organizations on the list provide legal services for asylum seekers. Unfortunately, as a result, many family members of these women hired outside counsel who, according to the women, took their money and did nothing to prepare them to pursue their asylum claims.

8. In addition, many women reported to me that they had very limited access to telephones. They had to wait in long lines to make calls, and their calls were limited to three minutes. They reported they were forced to clean in order to “earn” their phone calls. Some women told me that they were denied calls when the ICE officers were upset with them. The women’s inability to make phone calls limited the capacity of attorneys to properly prepare clients and precluded clients from calling their attorneys to give them updated case information.

9. Many women also were deprived of a meaningful opportunity to seek asylum. Several women told me that asylum officers cut them off while they were answering questions during their credible fear interviews and prevented the women from finishing their responses. I have personally witnessed interpreters hired by the Asylum Office, on many occasions, interrupt women during their credible fear interviews and fail to interpret exactly what the women were trying to say.

10. Several women who did not have the opportunity to meet with attorneys received adverse credible fear determinations after they answered “no” when the asylum officer asked them if they were members of a “particular social group.” They did not understand the legal terminology and did not know that they had viable asylum claims based on membership in a particular social group. Many of them, after meeting with an attorney, were able to identify a particular social group. For some of my clients, this meant having a new interview in front of the Asylum Office or a reconsidered Immigration Judge decision that resulted in a positive credible fear determination.

11. One client had a credible fear review hearing before Immigration Judge [REDACTED]. He asked her three times if she belonged to a “particular social group.” She did not understand what

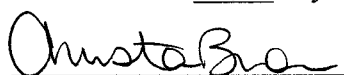
this meant and said “no” even though her testimony suggested that she was a member of a particular social group, specifically, spouses of transportation agents, such as bus or taxi drivers, who are targeted by gang members.

12. At the hearing, the Immigration Judge refused to permit me to make a statement or argument. If I had been able to do so, I would have asserted that her testimony indicated her membership in the above-described social group. The Immigration Judge affirmed the negative credible fear determination. Subsequently, I filed a motion to reconsider with the Asylum Office, arguing that my client’s testimony clearly conveyed a credible fear on the basis of a protected social group. While my motion was pending, the Immigration Judge reconsidered the case sua sponte and vacated the Asylum Officer’s decision. I strongly believe that my client’s declaration, submitted with my help, influenced the judge’s decision to reconsider the negative credible fear determination. In one case, I was barred from attending a credible fear interview. At the time of the interview, I had entered a notice of entry of appearance (Form G-28) for that particular client, but had not received notice of the interview. On the day of the interview, an ICE officer came to the law library looking for another pro bono attorney who had previously entered an appearance on my client’s behalf. He wanted to bring this prior attorney to the credible fear interview which was about to begin. I tried to explain that the prior attorney had left and that I had now entered my appearance, but he refused to listen to me and refused to allow me to accompany my client during the interview. Instead, the Asylum Officer called the prior attorney at her office and had her appear telephonically for the interview.

13. My clients also have been unable to access their own records. One client requested her medical records, but was told that she would have to wait seven days for copies, even though her hearing was scheduled sooner than that. Other clients have had to wait more than two weeks for medical records. Many clients had brought records with them from their countries, and ICE confiscated them when they were arrested. One client diligently attempted to obtain police reports that could be helpful in her asylum case, but ICE refused to provide her with either the original or copies they had confiscated, and we had to continue through the process without them.

14. Many of my clients have strong asylum claims, but due to mistreatment by ICE officials and the conditions at the Artesia detention facility, they are unable to devote themselves to pursuing their claims. ICE refuses to give medicine to the detainees despite rampant illness among the children (telling them to drink water if they want to feel better), refuses to give detainees flexible access to the “law library” to meet with their attorneys, refuses to serve food that is nutritious for their children, and above all refuses to treat these women with respect, although many of them fled to the United States to seek protection from persecution.

Executed this 20th day of August 2014 at Artesia, New Mexico.



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