

DECLARATION OF LYNLY S. EGYES

I, Lynly S. Egyes, 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 a senior staff attorney at the Sex Workers Project at the Urban Justice Center. I am based in New York City. My practice focuses on representing victims of human trafficking in immigration and criminal proceedings. I have represented clients in immigration proceedings for approximately 5 years.
2. I traveled to Roswell, New Mexico on [REDACTED]. My plane ticket cost \$1159.20. I rented a car for six days which cost approximately \$500.00. I rented a room in Roswell which cost approximately \$150 for the week.
3. Every morning I traveled from Roswell to Artesia, which took approximately 60 minutes. At night, I left Artesia and returned to Roswell. While in Artesia, I joined a group of lawyers, members of the American Immigration Lawyers Association (AILA), who were there to provide legal consultations and representation on a pro bono basis to women detained there. I spent most of my time working with the women and children at the detention facility.
4. On my second day at the detention facility, I spoke with the supervisor of Detention and Removal Operations. I voiced concerns about women who had been ordered deported, but who had viable claims. I told him I was concerned in particular about victims of trafficking whom I had identified, but whom USCIS had not identified during their credible fear interviews. He told me that it was the job of the detainee to come out and say that she was a victim of trafficking. I explained that in general, it was quite rare for a victim to know the word "trafficking" and in particular how it relates to her case. I told him that the agents I worked with back home understand how difficult it is for victims to tell their stories and how it often can take many interviews for the full story to come out. He sarcastically asked me what agents I was talking about, and I explained that I work closely with Homeland Security Investigations (a division of Immigration and Customs Enforcement (ICE)), and I am an attorney for victims of trafficking. He then repeated that it was the detainees' job to say they were victims of trafficking in their interviews. I asked about filing stays of removal with his office, and he told me – and kept repeating – that he would be denying any stays we filed. I asked him how he could deport victims of trafficking and finally he said that maybe he would not deny all stays.
5. Most of the children and some of the mothers were very ill and were being denied access to doctors and medicine. On my first day in Artesia, I met with a young woman and her very sick baby. She had received a negative credible fear determination, which was affirmed by the Immigration Judge. I looked through her paperwork, and I told her that I could file a motion to reconsider for her. She told me she wanted to be deported. I asked her why given that she had just told me that she feared for her life if she were forced to return to her home country. She told me her baby was very sick, and she had been trying get medicine for her baby since she got here, which I believe was two or three weeks prior to our meeting. She said that her job was to take care of her baby, and even if she was killed when she returned, someone would care for her baby

and get her baby medicine. She had to put her child's health before her own safety. The woman thought she was being deported that night. I never saw her again.

6. One woman had a [REDACTED] baby who kept getting a fever. She was told to just give the baby water. Another client told me that she wanted to go to the doctor, but the request sheet (known as a "kite") was in English and she could not read English. I had one client whose child had [REDACTED]. The child was in the hospital for a few days and when the child returned, all of the documents and medication were confiscated from the mother, and the child was not given further care. Multiple children had horrible congestion and coughs. They were only given water.

7. One child in particular was so sick that it was difficult for her to move. She just kept coughing. Her eyes were glazed over. Her mother had requested to go to the doctor multiple times.

8. One baby, younger than a year had a fever for over 4 days. The mother kept requesting an appointment, and it took four days for the baby to receive any medication. She was repeatedly told to give the baby water.

9. The children and babies also did not have adequate clothing. I saw multiple babies and toddlers without any type of blankets, shivering while their mothers held them close to their bodies for warmth. The mothers used tiny washcloths as makeshift blankets. I told multiple officers that I would buy blankets for the babies because they were getting sicker and they were shivering, and I was told that they would not allow me to give the blankets to the women and their children.

10. The law library consisted of two cubicles with desks, and two separate desks on the other side of the room. I sometimes met with clients on the floor and out in the open because no desk or chairs were available. This creates a huge barrier when trying to build trust with a person who has experienced trauma. There was no confidential meeting space. Even the cubicles, which were the most private, had to be shared by attorneys. What made it worse was that the officers would walk around and appear to be listening in to the conversations we were having.

11. Every day that I was at the detention facility, I provided a list of clients that I needed to see that day. Sometimes I would wait over an hour for an ICE officer to bring my clients to meet with me. Every day there were at least one or two people ICE did not produce. This interfered with my ability to zealously represent my clients. For example, due to time constraints and restrictions on access to clients, I had to file motions to reconsider without attaching declarations from my clients.

12. I was required to list my phone number on the notices of entry of appearance (Forms G-28 and EOIR-28) that I filed. However, because I was not permitted to bring my phone into the detention facility, Asylum Officers could not reach me to let me know when a hearing or interview would take place. As a result, I believe I missed at least one interview.

13. I met with several people to help prepare them for credible fear interviews, but had not yet filed a G-28 because it was unclear when the interview would be, and I was told by an asylum officer to file them during the interview. A number of those clients were interviewed without me being present.

14. Upon review of the credible fear interview transcripts of at least two clients, I discovered that they had in fact established credible fear, but were improperly denied because they had not established that the governments in their home countries were unable or unwilling to protect them. However, they had not been afforded an opportunity to explain why they felt that their governments could not protect them. I believe the Asylum Officer only asked one or two questions regarding this issue and did not ask my clients to expand on the answers.

15. Another client had experienced severe domestic violence, but because she had called the police and they arrested her husband, her case was denied and the immigration judge affirmed the adverse determination. The police only held the husband for one day before releasing him. I believe the incident that led to the only arrest was connected to [REDACTED] being killed by her abusive husband.

16. Several of my clients who received adverse credible fear determinations were victims of human trafficking. They were not screened at all for trafficking.

17. All of my clients were told that they had to have their children with them during their credible fear interviews. In one case in particular, my client was discussing being raped repeatedly by the father of her child. The child was in the room and able to hear this entire conversation.

18. I had one client who received a negative credible fear determination, and the Immigration Judge affirmed this decision. She was interviewed with her daughter present. I believe this caused her to hold back sensitive information that she could have shared and that would have affected the outcome of her case. However, based on my reading of the transcript, she should have received a positive determination even without that information because she established that she was a member of a particular social group, she experienced past persecution, and she could not rely on the government to protect her. Also, based on a comment that my client made to me, I asked to speak with her [REDACTED] alone and discovered that her [REDACTED] was a victim of trafficking [REDACTED] This child would have had a claim on her own, but was never interviewed.

19. Another client with whom I met after her credible fear interview reported that the interview did not go well. I asked her some questions about her case and discovered that she was a [REDACTED] who experienced significant persecution in her home country because of her [REDACTED]. During the interview, however, she was not asked a lot of questions regarding her [REDACTED]. Luckily, I already had an index for country conditions materials related to her claim that were relevant to her case. I provided these country conditions materials to the Asylum Officer and he agreed to a second interview. I asked to review the transcript from the first interview before we moved on to the second interview and I was told that I could not review it. During the second interview, I was not allowed to ask any questions or help clarify any issues.

At the end of the interview, the Asylum Officer permitted me to suggest questions and then he decided whether or not to pose the questions to my client.

20. During an IJ review, before the hearing even began, the judge told me I was not allowed to speak at all. It was difficult for the judge to hear my client because of technology problems. It was also difficult for the interpreter to interpret correctly. When I brought this issue of misinterpreting up, the judge told me I was not allowed to speak. During the hearing, two children walked into the room. I asked the judge to stop the hearing because two children had entered. [REDACTED] told me no one had entered, and if they had, it was the ICE officer's job to deal with them. I responded that the officer was not doing anything about the children. [REDACTED] then got angry at me and told me that I was not following [REDACTED] rule regarding no talking. The judge concluded that my client was not credible, despite the disruptions, the technology problems, and the fact that my client did not understand the questions she had been asked.

21. When I entered the detention facility in Artesia, sometimes I would have to wait up to 45 minutes for ICE to drive me to the law library.

22. On one occasion, when I had waited over an hour for clients to arrive at the law library, I decided to sit outside because I was cold inside the facility. I sat on the curb and one of officers was nice enough to get me a chair. I was dressed in a suit dress that came slightly above my knee. As I began working on my laptop, one of the officers bent down, put his hand on my shoulder, and whispered in my ear that I needed to keep my legs closed because I was distracting the officers who were walking by. I was shocked. My legs were closed and his behavior was completely inappropriate.

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