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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

IMMIGRANT DEFENDERS LAW CENTER,
et al.,

Case No. 2:20-cv-09893-JGB-SHK

Plaintiffs,

v.

CHAD WOLF, et al.,

Defendants.

DECLARATION OF DANIEL DOE

1 I, Daniel Doe, hereby declare under the penalty of perjury pursuant to 28 U.S.C.
2 § 1746:

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

6 2. I am 39 years old and was born in Nueva Libertad, Peten, Guatemala. I
7 have three children. My 8-year-old daughter and 7-year-old son live in Guatemala.
8 My 14-year-old daughter lives with me in Mexico.

9 3. On May 15, 2019, I left Guatemala after Mara 18 threatened my oldest
10 daughter and me with violence if I did not give my daughter to them. After I refused
11 to let them take my daughter, Mara 18 members intentionally struck me with a vehicle
12 while I was walking, causing me to be hospitalized.

13 4. If I am sent back to my country, I fear that Mara 18 will seriously harm
14 or kill my daughter and me.

15 5. I do not believe my government would protect me if I were to return to
16 my country. The Mara 18 pays the police to not interfere with their activities.

17 6. On June 12, 2019, my daughter and I crossed the border into the United
18 States from Reynosa, Mexico intending to seek asylum. We were detained in Texas
19 for about two days, and then immigration officials sent us by plane to San Diego. We
20 were detained there for one night and one day.

21 7. After we asked to seek asylum in the United States, we were sent back to
22 Mexico and told that we had to stay there until our case was processed. Immigration
23 officials asked me to complete some paperwork and told us that we would have the
24 opportunity to enter the United States to attend court, but that we would have to wait
25 in Mexico until then. They gave us a piece of paper that had a date for our first court
26 appearance, which was October 29, 2019, and told us to return to the port of entry to
27 be transported to our hearing in San Diego. They told me we would have a chance to
28 look for an attorney to represent us in our case, and a chance to meet with our attorney

1 if we found one, but they did not give me any information about how to find an
2 attorney. I also received no information from U.S. officials about where my daughter
3 and I could live or how we could support ourselves while waiting in Mexico.

4 8. When we were returned to Mexico, U.S. immigration officials handed us
5 over to Mexican immigration. Mexican immigration officers asked us the date of our
6 hearing in the United States, and gave us a slip of paper that gave us permission to be
7 in Mexico until that date.

8 9. Since my daughter and I returned to Mexico, we have been living in
9 Tijuana. We rent a room from a woman who lets us live in her house. Eight of us live
10 in the house, including the woman who helps us and her children.

11 10. There is no heat or air conditioning in the house. We each sleep on a
12 mattress. We have two blankets and no sheets.

13 11. During the day, I work as an assistant at a construction site. I work six
14 days a week. It was difficult to find work in Mexico because I am not from here. I
15 need to work so we can buy food and other necessities, and so we can pay rent of
16 2500 pesos a month to the woman who has given us a room.

17 12. While I am at work, my daughter stays in our room. She should be going
18 to school, like the children of the woman we rent from, but we cannot afford to pay
19 for it, and I do not feel that it is safe for her to leave the house. She gets very lonely.

20 13. When we were first returned to Mexico, I knew that I needed to find a
21 lawyer to help us with our immigration case, but I had no idea how to do so. I did not
22 have the money to pay an attorney, and I also did not know how to find an attorney
23 who would help us with our immigration case in the United States while we were
24 living in Mexico. I asked my cousin in the United States if she could help us get a
25 lawyer, but she said she could not help us.

26 14. I was very scared when we went to our first court date because I did not
27 have a lawyer to represent us. Our first court date was on October 29, 2019 in the
28 afternoon. We had to arrive at the port of entry at 8 AM to be processed and

1 transported to our court in San Diego. In court, the judge agreed to give me more time
2 to look for an attorney, and gave us a list with the names of lawyers who might
3 represent us for free. By the time we were returned to Tijuana after our hearing, it
4 was evening and dark outside. We had to take a taxi back to where we live, and I was
5 very frightened for my daughter because Tijuana is dangerous at night.

6 15. I immediately began calling the lawyers on the list that they gave us in
7 court. I reached one lawyer who said he might help me, but when I called back, he
8 would not take my calls. I was very anxious to find an attorney because I do not
9 speak English, and I knew I could not figure out the asylum process without the help
10 of an attorney. I called and called but, besides the one time that someone answered,
11 no one answered my calls.

12 16. Our second hearing in immigration court was on December 12, 2019.
13 Again, we had to arrive at the port of entry hours before our hearing time to be
14 transported to the court in San Diego. Since we arrived in San Diego before our court
15 hearing started, they locked us up in a room while we waited. They gave us cold
16 burritos to eat and escorted us to the bathroom when we asked.

17 17. At this hearing, the judge gave me an application and told me to fill it out
18 in order to proceed with my case. The application was in English. I do not speak
19 English so I did not understand the application. After our hearing was over, my
20 daughter and I again were returned to Mexico. Mexican immigration gave us a new
21 paper with permission to stay in Mexico until our next court date.

22 18. I tried to ask for help understanding the application form that the judge
23 wanted me to complete. I even asked a fellow migrant who spoke English for help,
24 but though he tried to explain it to me, I could not understand or complete the form. I
25 continued to call the names on the attorney list without luck. When my calls went
26 unanswered, I asked other migrants and friends for help finding a lawyer. Another
27 man from Guatemala told me about a clinic where they offered advice to asylum
28

1 seekers. I went to this clinic and was able to meet with an attorney there, and thank
2 God she agreed to take my case.

3 19. Our third court date was on January 24, 2020. This hearing was
4 scheduled for the morning so my daughter and I had to arrive at the port of entry in
5 San Ysidro at 3 am. I was very afraid for my daughter to be out in the dark at this
6 early hour. The taxis charge more to be out at this time because it is so dangerous.
7 Again, U.S. immigration officers took us to the court in San Diego. The process was
8 the same as before, except this time our attorney was with us in court. U.S.
9 immigration officials gave us about 5-10 minutes to talk with her before the hearing.
10 After the hearing, we spoke with her until officials loaded us up on the bus to return to
11 Mexico. Back in Mexico, immigration officials gave us permission to be in the
12 country until our next hearing date, which was February 14, 2020.

13 20. The next court date will be my merits hearing. My merits hearing was
14 first scheduled for April 24, 2020. Because of court closures due to the coronavirus, it
15 has been rescheduled several times. My attorney tells me the new hearing date when
16 it is rescheduled and I do not risk going to the port of entry. My hearing is currently
17 scheduled for November 18, 2020. However, my attorney tells me that this hearing is
18 unlikely to occur because of COVID-19. She does not know when the next hearing
19 will be. I haven't heard anything from immigration about my case or received any
20 documents from immigration since my last court hearing.

21 21. While we've been in Mexico, my daughter has suffered from pain in her
22 stomach and in the bones of her arms and her legs. The pain is so bad that it often
23 prevents her from sleeping. In February 2020, she saw a doctor in Tijuana who said
24 that she needed more exams. But these exams cost money, and I have not been able to
25 pay for them.

26 22. I am afraid to stay in Mexico because it is not a safe place for my
27 daughter and me. A group of policemen stopped me and asked me for money. I had to
28 pay them because they said they would hand me over to Mexican immigration if I did

1 not do so. I am very afraid of being handed over to Mexican immigration because my
2 permission to be in Mexico has expired.

3 23. Also, some men with tattoos followed me and tried to rob me. They said
4 that I was not from their country because I do not talk like them. Luckily, I was able to
5 get away.

6 24. I am terrified that something could happen to my daughter. I am afraid
7 that the cartels or other men could kidnap her and harm her. I do not let her leave the
8 house even to go to the store.

9 25. Because of our fear of being in Mexico, my attorney requested a
10 nonrefoulement interview for us. We were interviewed in March 2020 about why we
11 are afraid. We did not pass the interview and were returned to Mexico. My attorney
12 also asked that we be allowed into the United States because of my daughter's medical
13 problems, but that request was also denied.

14 26. I am also afraid that we could get sick from COVID-19 because of our
15 crowded living conditions. The daughters of the woman who has given us a room
16 leave the house to go study, and the woman's friends sometimes come to the house.

17 27. My daughter and I do not feel safe in Tijuana. We can sometimes hear
18 gunfire near where we live, and two people were recently murdered in our
19 neighborhood. I am very afraid that a stray gunshot could hit my daughter, which is
20 why she always stays in the house.

21 28. Although the area where we live is dangerous, we must live in Tijuana
22 because we have no connections in Mexico. We also need to live near the port of
23 entry because we must arrive at 3 AM to be taken to court when we have a hearing in
24 the morning, and buses do not run from other places that could get us there at that
25 time. It takes us 30 minutes in a taxi to get to the port of entry from where we live
26 now.

27 29. It has been very difficult for me to help my attorney prepare my case.
28 Communicating by phone is different from speaking in person. I mostly communicate

1 with my attorney by phone and by WhatsApp message. The WhatsApp messaging
2 service does not work well on my phone. My phone connection is often bad and
3 makes it difficult to hear the person on the other end of the line. I struggle to pay for
4 our basic expenses, and I have to pay for minutes for phone calls and for internet
5 credits to use WhatsApp.

6 30. It is also very difficult to speak over the phone about personal things like
7 why we had to leave Guatemala. Additionally, my daughter is also present with me,
8 which makes it hard to discuss certain aspects of our case that I do not want to share
9 with her. Before the coronavirus we met in person three times outside of court, but my
10 lawyer cannot come to Mexico anymore because of COVID-19. When we did meet in
11 person, we were not able to meet in private. I could not share freely with my lawyer
12 in these in-person meetings because of the communal space.

13 31. It has also been hard to get the evidence I need to support my case. I
14 need to call people in Guatemala to ask for help. The calls are expensive, and I need
15 the money I earn to pay for our rent and food. I have been unable to gather original
16 documents because I do not have a reliable way to receive mail in Mexico- all I have
17 are pictures of evidence that I receive via WhatsApp.

18 32. Additionally, it is very difficult to talk about my case in front of my
19 daughter. There is no private space where I can talk to our attorney and to people
20 back home other than in the room that we share. I do not want to discuss our case in
21 great detail because I want to protect my daughter from bad memories. I understand
22 that my daughter will also need to prepare to talk about our case in front of the judge.
23 It is very hard for her to talk about what happened, and I know it will be even harder
24 for her to do so by phone with someone we have only met a few times.

25 33. If we were allowed to seek asylum from inside the United States, my
26 daughter and I would live with my cousin in Los Angeles. My cousin would provide
27 us with a place to live and help support us.

28

1 34. Given the threats my daughter and I received in our country, I fear that if
2 my identity and my status as an asylum applicant are released to the public, my life
3 and possibly that of my family will be in danger. I do not want my identity to be
4 publicly disclosed, and I wish to proceed with the use of a pseudonym in any federal
5 action.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct to the best of my knowledge and
8 recollection. This declaration was read back to me in Spanish, a language in which I
9 am fluent.

10 Executed on October 23, 2020 at Tijuana, Mexico.

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13 DANIEL DOE
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CERTIFICATION

I, Jordan Cunnings, declare that I am fluent in the English and Spanish languages.

On October 23, 2020, 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 foregoing declaration, the declarant verified that the contents of the 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 October 23, 2020 at Portland, Oregon, United States.



JORDAN CUNNINGS