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

IMMIGRANT DEFENDERS LAW CENTER,
et al.,

Plaintiffs,

v.

CHAD WOLF, et al.,

Defendants.

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

DECLARATION OF BENJAMIN DOE

1 I, Benjamin 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 43 years old and was born in Tegucigalpa, Honduras. I am
7 married to Jessica Doe, who is also a plaintiff in this case. We have three sons
8 together; they are seventeen, twelve, and five years old. I am also the stepfather of my
9 wife's oldest son, who is twenty-one years old.

10 3. On June 2, 2019, my family and I fled Honduras after receiving death
11 threats from the gangs MS-13 and Mara 18.

12 4. We cannot return to Honduras because if we did the MS-13 and Mara 18
13 would kill me and my family. The MS-13 shot me, and later killed my brother-in-law,
14 thinking he was me, and members of the two gangs have threatened my family and
15 followed us throughout Honduras.

16 5. I do not believe my government could protect me if I were to return to
17 my country because the government is corrupt and works with the gangs. The police
18 were not able to protect us when we reported what had happened to us. The local
19 Office of Human Rights also told us they could not protect us and recommended that
20 we obtain emergency passports and leave the country for our own safety.

21 6. We arrived in Tapachula, Chiapas, Mexico on June 4, 2019 by bus. On
22 October 7, 2019 we crossed the border into the U.S. from Mexicali across the Rio
23 Colorado intending to seek asylum. Immigration officials detained us for one day and
24 two nights in the "hielera."

25 7. After we asked to apply for asylum in the United States, we were sent
26 back to Mexico and told that we would have to stay there until our case is processed.
27 U.S. immigration officials told us we could not enter the United States and that we
28 were going to have court under the program called MPP. All that we understood was

1 that they were going to return us to Mexico to wait for our court dates. They gave
2 us a date for our first court hearing—February 28, 2020—which would take place in
3 San Diego, and told us to arrive at the San Ysidro port of entry at 3 am to be taken
4 there. Immigration officers asked us for a phone number so they could call us; we
5 provided one, but no one has ever called us. Immigration officers also told us we
6 should get an attorney to represent us in our case. They gave us a list of attorneys to
7 call but did not explain to us how a lawyer in the United States could represent us
8 while we were in Mexico.

9 8. When they returned us to Mexico, we were handed over to Mexican
10 immigration officials. The Mexican officials asked us for the paperwork that shows
11 when our next court date will be. They said that they needed this document to
12 process our permission to be in Mexico.

13 9. We have only been to court once, on February 28, 2020. Before our
14 court date, we tried to call the numbers on the list of attorneys given to us by the
15 immigration officers. But we called each number many times and no one answered
16 the phone.

17 10. It was difficult for us to get to the border so early in the morning to be
18 taken to our first court date. We had to ask a pastor that we know to drive us. We
19 were all afraid to be out that early in the morning because it was still dark, and being
20 out in Tijuana in the dark is dangerous. When we arrived, we were detained.
21 Immigration officials transported us to San Diego in a barred vehicle as if we were
22 prisoners.

23 11. We went to court without an attorney. The judge asked us if we wanted
24 a continuance so we could get an attorney and understand the proceedings. We said
25 that yes, we would like the continuance. The judge gave us the same list of
26 attorneys to call, but did not explain anything to us about how we would work with
27 an attorney from Mexico or how we could meet with that attorney. The judge did
28 not tell us what to do if nobody on the list would answer or return our calls.

1 Luckily, a friend in the United States connected us with her immigration lawyer.
2 That lawyer helped us find the attorney who began representing us in March 2020.
3 We have never met our attorney in person.

4 12. We were supposed to go to court on March 31, 2020, but that hearing
5 was canceled and rescheduled for April 28, 2020. The April 28 date was also
6 canceled and rescheduled for June 3, 2020; that date was also canceled and
7 rescheduled for July 16, 2020. That date was also canceled and rescheduled for
8 August 27, 2020. But we did not have court in August either; that date was
9 canceled and rescheduled for October 15, 2020, and then canceled again. Our next
10 court date is scheduled for December 10, 2020. I have found out about my canceled
11 court dates, and the newly rescheduled dates, from my immigration attorney. I have
12 not received any information from the government about the cancelation and
13 rescheduling of my hearings. According to my lawyer, we will likely not have court
14 on December 10 either.

15 13. Additionally, our visitor identification documents, which are our only
16 forms of photo identification from the Mexican government, expired on August 5,
17 2020. We have tried to renew them, but nobody answers the phone when we call
18 Mexican immigration. Everything is closed because of COVID-19. We renewed
19 our Formas Migratoria Multiple (FMMs) in June 2020, and they are valid for 180
20 days.

21 14. When we first arrived in Tijuana, we lived in a shelter called
22 Moviemiento Juventud 2000. The five of us slept on one mat in a tent. There was
23 no air conditioning or heat. It was very cold for much of the time we were there. To
24 get warm at night, we all had to sleep together and wear many layers of clothing.
25 We were warned by other people staying there that there were gang members at the
26 shelter as well.

27 15. The shelter was very crowded, and there were always long lines to use
28 the restrooms or to shower. I would often have to wait about 90 minutes in order to

1 use the shower. There were no medical services or doctors there unless a volunteer
2 organization came to provide services. When my son contracted chicken pox in
3 January of 2020, we had to wait about a week for the volunteer doctors to assist
4 him. We could not afford to take him to a private clinic, and we were told that we
5 could not access hospitals in Mexico without a social security number, which we do
6 not have.

7 16. In May 2020, we were able to move out of the shelter into a rented
8 apartment. The apartment was very small, and the conditions were very poor.
9 There were cockroaches everywhere and the bathroom and sinks were in disrepair.
10 The apartment had two rooms that were shared by about 15 other people we knew
11 from the shelter. We had to pay about 3,000 pesos a month for the room, plus extra
12 for water and lights.

13 17. It was difficult to pay for this housing because I have had a hard time
14 finding work in Mexico. I currently work cleaning a call center. It was hard to get
15 this job. When I first looked for work, no one wanted to hire me because I am not
16 Mexican and do not have the papers employers request, like a social security
17 number and a work permit. At my first cleaning job, I was paid only 1,200 pesos a
18 week, and sometimes they wouldn't pay me at all. Now that I am with another
19 contractor, I make 1,700 pesos a week. It is very expensive here and this is not
20 enough to support my family.

21 18. A nongovernmental organization moved us out of the apartment because
22 we were in such great danger from the cartels, who want to kidnap my oldest son.
23 The cartel tried to kidnap my son in July 2020. We were moved to different
24 housing in September 2020 because we were living near the place where the cartel
25 tried to kidnap him. We did not feel safe there, though. My wife stopped working
26 when my son was threatened, and she and our children rarely left the house. I left
27 only to go to work. The nonprofit brought us food and other things we need so we
28 could stay inside. But this housing was only provided to us temporarily.

1 19. Recently, we moved into the home of a local pastor who is allowing us
2 to stay with him. My family of five shares one bedroom. My wife and children
3 continue to stay inside most of the time for their safety. Sometimes we feel so
4 hopeless.

5 20. Recently, there has not been any running water in many parts of
6 Tijuana. We did not have reliable running water for about two months. Currently,
7 there is running water but only a little. If someone needs more water, for drinking
8 or for other personal needs, they have to buy it.

9 21. I am very afraid for my family. There is a lot of trafficking of children
10 and a lot of crime. When we were at the shelter, we were not allowed to leave after
11 six in the evening because of the dangerous conditions. My children cannot go to
12 school in person because it too dangerous. I tried to send one of my children to
13 school, but students were getting robbed by the cartels. This experience has been
14 very traumatic for my children.

15 22. We tried to ask for an interview with U.S. immigration officials to seek
16 parole into the United States because of our fear of staying in Mexico. We went to
17 the Otay Mesa port of entry on August 13, 14, and 15 of this year—three days in a
18 row—to ask for an interview and for parole into the United States because of the
19 cartel’s attempt to kidnap my son. Immigration officials refused to interview us.

20 23. My family and I have stayed in Tijuana, Mexico because that is where
21 we have to cross to go to our court hearings.

22 24. It has been very difficult to prepare our asylum case from Mexico. We
23 need to have long conversations with people in Honduras to convince them to help
24 us gather evidence about what happened to us, and they often need money from us
25 for the expense of the phone call or for other help they are providing. We have very
26 limited funds, and I do not know how we will support ourselves long-term. The
27 evidence we have been able to gather was sent to us by Whatsapp message, and the
28 copies are difficult to read.

1 25. Additionally, because our situation is so unstable, it has been difficult to
2 find confidential space to have these complicated conversations. When we lived in
3 the shelter and in the apartment, I could only talk to our attorney or make calls to
4 Honduras to gather evidence while I was at my work. This was challenging because
5 my boss does not like me to take time away to do this, and I still did not have a
6 private space to talk about our case.


7 26. My family and I have never met our attorney in person and only
8 communicate with her by phone. It is hard to share very personal things with
9 someone you have never met.

10 27. If we are allowed to go to the United States, we will live in Georgia.
11 My aunt by marriage has agreed to let us live with her and support us while we seek
12 asylum

13 28. Given that I have been harmed and threatened in my country, I fear that
14 if my identity and my status as an asylum applicant are released to the public, my
15 life and possibly that of my family will be in danger. I do not want my identity to
16 be publicly disclosed, and I wish to proceed with the use of a pseudonym in any
17 federal action.

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

22 Executed on October 21, 2020 at Tijuana, Mexico.

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24 *Benjamin Doe*
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27 BENJAMIN DOE
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CERTIFICATION

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

On October 21, 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 21, 2020 at Portland, Oregon, United States.



Jordan Cummings

10/21/2020

October 21, 2020