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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 NICHOLAS DOE

1 I, Nicholas 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
4 where I have indicated otherwise. If called as a witness, I could and would testify
5 competently and truthfully to these matters.

6 2. I am 33 years old. I was born in Nicaragua. I am single and traveled
7 to the United States alone.

8 3. I fled my home country because I was being targeted by the
9 Nicaraguan government due to my participation in anti-government protests
10 beginning in April 2018. Recently, a friend of mine was killed by the government
11 because of his participation in these protests.

12 4. If I am sent back to my country, I fear that I will be killed or
13 disappeared by government officials.

14 5. I sought asylum in the United States on March 5, 2020. I was arrested
15 and detained by immigration officials. The immigration officials frisked me, took
16 photos of me, took my fingerprints, and took a statement from me. I wasn't able to
17 review the statement, which was in English, but the officials told me I had to sign
18 it, so I did. I told the officials that I was afraid to return to Nicaragua because I
19 was being targeted by the government. The officials asked if I wanted to seek
20 asylum in the United States, and I said yes. The officials then took me to a
21 freezing cold cell, which we called the "hielera," or "icebox." There were about
22 twenty other people in the cell from all over the world. In the cell, there weren't
23 any beds, and we had to sleep on mats with metal blankets. There was also no
24 shower, and there was no door to the toilet.

25 6. After three days in the cell, the immigration officials told me that I
26 was being placed in a program called MPP and that I would have to return to
27 Mexico to wait for my hearing. The officials did not ask me if I was afraid to
28 return to Mexico. They gave me a packet of information, which included a sheet

1 in Spanish explaining that because I was in MPP I would have to remain in
2 Mexico until the date of my hearing, which was scheduled for March 23, 2020.
3 They told me that on the morning of my hearing, I should return to the San Ysidro
4 port of entry no later than 4 AM. The officials did not give me any instructions on
5 how I should get to the border for my hearing or where I should live in Mexico. I
6 gave the officials my telephone number, and they said they would contact me by
7 phone regarding my hearing. To this day, no one has ever called me to update me
8 about my hearing.

9 7. When I was returned to Mexico, a U.S. immigration official walked
10 me over the Mexican immigration office, just on the other side of the border.
11 There, the Mexican immigration officials told me I could apply for a humanitarian
12 visa. The officials told me that this visa did not allow me to work, and that it
13 would only be valid while I waited for my immigration hearing in the United
14 States.

15 8. The packet of information I received from U.S. immigration officials
16 also included a list of legal services organizations, and the U.S. immigration
17 officials said that these organizations might be able to help me with my case.
18 After I was returned to Mexico, I spent a week going down the list and calling
19 many of these organizations to see if I could find an attorney to help me with my
20 asylum case. I had to use my limited cell phone minutes to try reach these
21 organizations. I would explain that I was in Mexico, seeking asylum, and under
22 the MPP program. The organizations told me that they could not represent me
23 because I was in Mexico.

24 9. In mid-March, I reached Jewish Family Service in San Diego and
25 was connected with an attorney who has been helping me prepare my asylum
26 case. My access to my attorney has been obstructed because I have not been able
27 to meet with my attorney or access the resources I need to prepare my asylum
28 claim. I have only been able to speak with my attorney by phone, and I have

1 limited money to buy minutes to speak with him. Sometimes when I am speaking
2 with my attorney, we lose the phone connection or it's hard to hear or understand
3 each other. I don't feel as comfortable talking with my attorney over the phone as
4 I would feel talking in person, especially about my experiences being targeted by
5 the government in Nicaragua. I don't have access to a computer, printer, or
6 photocopier in Mexico; I just have my cell phone.

7 10. On March 23, 2020, I returned to the San Ysidro port of entry for the
8 first time. It is a very dangerous journey to the border and I am scared to travel
9 there at night. Since I had to arrive at the border no later than 4 AM, I traveled to
10 the border in the afternoon the day before, and waited outside the port of entry all
11 night until I could present myself. In the morning, I presented myself at the port of
12 entry and showed the immigration official the piece of paper with my hearing date
13 on it. The official told me that my hearing had been rescheduled, took the paper
14 with my hearing date, crossed out the original date, and provided a new date on
15 April 29, 2020.

16 11. I returned to the border twice—in April and July—to present myself
17 for my hearing. Each time I arrived in the afternoon the day before and waited at
18 the border to present myself at the port of entry at 4 AM. Each time, when I got to
19 the front of the line, the U.S. officials told me that my hearing had been
20 rescheduled for a later date.

21 12. Finally, in August 2020, my attorney advised me that I could track
22 my case online to see whether it had been rescheduled so I wouldn't have to go to
23 the border each time. U.S. immigration officials never advised me that I could
24 track my case online. Since March 2020, my hearing has been rescheduled five
25 times. The last time, my hearing was rescheduled for November 2, 2020, but I
26 checked again on October 21, and saw that my hearing has been rescheduled for
27 February 18, 2021. Because my hearing has been rescheduled so many times, I
28 don't think I am actually going to have my hearing on that day.

1 13. I lived in a shelter in Tijuana for a little while when I was first
2 returned to Mexico. There were about 25 people in the shelter all sleeping in one
3 big room. We only had running water some of the time. There was violence all
4 around us at the shelter, including shootings and kidnappings, and people told me
5 that it was because of the mafia. I felt like I had to sleep with one eye open
6 because I was constantly scared that something would happen to me. One day,
7 there was a shooting outside the shelter and bullets came through the wall. I was
8 afraid that I would be killed if I stayed there.

9 14. In April, I left Tijuana with four other people from Nicaragua and
10 found a place to stay in Rosarito, about 40 minutes from Tijuana. There is a
11 charitable group here that helps us pay for our housing. It is still dangerous where
12 I am in Rosarito and I am afraid for my life. I have been threatened by people who
13 told me I had to give them money or else they would hurt me, and I was robbed
14 and had my passport stolen. Even though I don't feel safe in Rosarito, I don't feel
15 like I can leave because I have nowhere else to go. I feel like I need to stay near
16 the border for my hearing, and I don't have the resources to go anywhere else.

17 15. I haven't been able to find steady work while I've been in Mexico
18 because my humanitarian visa doesn't allow me to work. In Tijuana, I was able to
19 sell masks on the street for a short time. When I moved to Rosarito, I tried to sell
20 oranges on the street, but the police took them from me because I do not have a
21 work permit. I have been able to find odd jobs, such as cleaning, but not a steady
22 source of income.

23 16. I have been stopped by police three times in Mexico. Each time, I
24 feel that the police only stopped me and harassed me because I am not from
25 Mexico. The police can tell from my accent that I'm not from Mexico, and they
26 have told me that I don't belong there. The first time I was stopped by police was
27 on Saturday, March 21, 2020, two days before the date of my first hearing. I was
28 walking to the grocery store with a friend in Tijuana when we were stopped by

1 police officers. The officers asked if we were from Mexico and we told them that
2 we weren't, and that we were in immigration proceedings in the United States.
3 The officers arrested us, put us in their car, and told us that we would have to stay
4 at the police station until Monday, which was the day of my hearing. When I told
5 the officers that I needed to leave before then, they said that I would have to pay
6 them. I gave the officers 300 pesos, which was all the money I had, so that I
7 would be able to present myself at the U.S. border for my first scheduled hearing.

8 17. A couple weeks later, at the beginning of April, I was walking with a
9 friend to a church in Tijuana when I was stopped again by the police, who frisked
10 me and asked for my papers. I showed them my humanitarian visa, and they told
11 me that this was not valid and that they were going to take me to immigration and
12 have me deported. A neighbor saw what was happening and came out and talked
13 to the police for me, and the police decided to let me go.

14 18. On October 20, 2020, I was walking around Rosarito with a friend
15 from Nicaragua trying to find a new place to stay because my lease is ending
16 soon. I was also hoping I might be able to find some work. I was stopped by the
17 police, who asked us what we were doing. I think the police could tell by my
18 accent that I'm not from Mexico, so they asked to see my papers. The police
19 threatened to have us deported, and called immigration officials. The police
20 detained us while they called immigration officials to check our visa. During this
21 time they told us that we didn't belong in Mexico and made fun of us for the way
22 that we were dressed. Finally, after half an hour, they let us go.

23 19. My humanitarian visa will expire on November 5, but the last date I
24 got for my hearing is not until February 21, 2021. I do not know what will happen
25 to me once my humanitarian visa expires. Based on my experiences with Mexican
26 government officials, I am worried that if I have to go back to the Mexican
27 immigration officials I will be deported.
28

1 20. I am worried about the coronavirus pandemic because I have chronic
2 respiratory issues that I developed after I was beaten and had my nose broken by
3 police in Nicaragua.

4 21. If I am allowed to enter the United States, I would reside with my
5 aunt in California.

6 22. Given that I have been targeted by the Nicaraguan government, I fear
7 that if my identity and my status as an asylum applicant are released to the public,
8 my life and possibly that of my family will be in danger. I do not want my
9 identity to be publicly disclosed, and I wish to proceed with the use of a
10 pseudonym in any federal action.

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

15 Executed on October 23, 2020 at Rosarito, Mexico.

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17 Nicholas Doe

18 _____
19 Nicholas Doe

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CERTIFICATION

I, Caroline Kelly, 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 of the laws of the United States of America that the foregoing is true and correct.

Executed on October 23, 2020 at Washington, D.C.

Caroline Kelly
Caroline Kelly

10/23/2020
Date