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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

LAS AMERICAS IMMIGRANT  
ADVOCACY CENTER; ASYLUM  
SEEKER ADVOCACY PROJECT;  
CATHOLIC LEGAL IMMIGRATION  
NETWORK, INC.; INNOVATION LAW  
LAB; SANTA FE DREAMERS  
PROJECT; AND SOUTHERN POVERTY  
LAW CENTER,

Plaintiffs,

Case No. 3:19-cv-02051-SB

**DECLARATION OF SWAPNA REDDY IN  
SUPPORT OF EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER  
PURSUANT TO 28 U.S.C. § 1651(a)**

DECLARATION OF SWAPNA REDDY IN  
SUPPORT OF EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER

**Perkins Coie LLP**  
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v.

DONALD J. TRUMP, in his official capacity as President of the United States; WILLIAM BARR, in his official capacity as Attorney General of the United States; U.S. DEPARTMENT OF JUSTICE; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; AND JAMES MCHENRY, in his official capacity as EOIR Director of the United States,

Defendants.

I, Swapna Reddy, declare:

1. I am a Co-Executive Director of the Asylum Seeker Advocacy Project (ASAP).
2. I make this sworn statement based upon personal knowledge, files and documents of ASAP that I have reviewed such as case files, reports, and collected case metrics, and information supplied to me by employees of ASAP whom I believe to be reliable, including ASAP's management, attorneys, paralegals, and administrative staff. These files, documents and information are of a type that is generated in the ordinary course of our business and that I would customarily rely upon in conducting ASAP business.
3. ASAP was founded in 2015 and is incorporated in New York with its primary office located in New York City. However, ASAP employs staff working remotely in Colorado, Connecticut, Florida, Illinois, New York, North Carolina, and Virginia.
4. ASAP's work focuses on serving families who have little or no access to traditional legal service providers, including in rural places and states with relatively few legal aid organizations. ASAP aims to provide community support and legal aid to asylum seekers, regardless of where they are currently located. To achieve this goal, ASAP provides legal representation and related forms of assistance to individuals who have sought asylum at the

Mexico-U.S. border. We also conduct trainings, create guides and resources, and provide technical assistance to other attorneys.

5. ASAP has assisted asylum seekers with filings in over 35 immigration courts across the United States as part of its remote legal assistance practice. ASAP has also represented asylum seekers before the Board of Immigration Appeals (BIA), the Department of Homeland Security (DHS), and federal courts.

6. In order to offer our services to families who are facing deportation nationwide, ASAP's staff provide legal assistance at a distance regardless of families' current location.

7. ASAP's staff consists of attorneys, a law clerk, paralegals, and administrative support. Our attorneys, law clerk, and paralegals primarily focus on providing legal assistance to asylum-seeking families in removal proceedings. We often partner with other immigration legal services providers, including the Catholic Legal Immigration Network, Inc. (CLINIC), the Immigrants' Rights Clinic (IRC) at Columbia Law School, the International Refugee Assistance Project (IRAP), and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR).

8. Defendants' response to the COVID-19 global pandemic has created significant barriers to ASAP's continued practice of remote legal assistance for our clients and the *pro se* respondents we serve. Defendant Executive Office of Immigration Review (EOIR) continues to require in-person immigration court hearings in many cases and the mailing of paper filings that potentially place ASAP staff, clients, and the *pro se* respondents we serve at risk.

9. Defendant EOIR has been inconsistent and haphazard in its dissemination of information about immigration court closures and filing requirements in response to the ongoing pandemic. As a result, it is now difficult to know when and where filings must be submitted.

10. For example, we are concerned about re-filing an asylum application for a client whose case was reopened and transferred to New York – Federal Plaza Immigration Court. For

this reason, we have closely followed announcements about where to re-file her asylum application since New York – Federal Plaza Immigration Court is now closed.

11. On March 23, 2020, EOIR reported via Twitter that the New York – Varick Immigration Court would be closed the next day due to a “confirmed case of coronavirus in EOIR space.” On March 24, 2020 at 9:26 AM, EOIR then tweeted: “While immigration courts in New York City are closed, filings can be delivered to Elizabeth Immigration Court. Filings by mail remain the preferred method and may be sent to the case’s assigned court.” However, within a few hours, the same EOIR account tweeted that the Elizabeth Immigration Court “will be closed for the rest of the day . . . due to a report of an individual with a test-confirmed coronavirus diagnosis.”

12. In addition to creating confusion over *where* to submit filings, EOIR’s announcements over Twitter have made it difficult to know *when* and *whether* filing deadlines are being moved as a result of COVID-19. For example, EOIR tweeted that the New York – Broadway Immigration Court would reopen to accept filings that were due after the March 24, 2020 immigration court closure, leading ASAP staff to believe that filings would be due on their originally scheduled day. EOIR then deleted that initial tweet less than 24 hours after sharing it, and stated that “effective tomorrow, the below immigration courts [including the New York – Broadway Immigration Court] [were] reopened for the limited purpose of accepting filings,” but that “[a]ny filings due during their closure should be filed by March 30.”

13. On March 26, 2020, EOIR launched a website meant to track immigration court closures. However, it is still unclear whether the information on the national website is superseded by information shared via Twitter or by local decisions communicated in other ways. Information about the website has been disseminated to immigration attorneys through immigration attorney listservs, but it is only available in English and has not been publicized to those not steeped in immigration court practice.

14. Because of Defendants' slow and disjointed response to the pandemic, ASAP has already diverted staff resources to track immigration courts closures across the country on a daily and sometimes hourly basis in order to serve our clients and assist *pro se* respondents nationwide. We have been forced to refer to Twitter, immigration attorney listservs, direct calls to immigration courts, and other informal sources of information in order to continue our practice. We will continue to monitor as many sources of information as possible in addition to the EOIR website in order to ensure we have accurate information. Indeed, the new website may only increase the burden on practitioners by adding an additional incomplete source of information on sudden changes to court openings and filing deadlines that must also be tracked.

15. Continuing to require paper filings to be mailed or hand-delivered to immigration courts puts ASAP staff, clients, and the *pro se* respondents we serve at risk. Given the changing circumstances and the reported presence of individuals with COVID-19 in immigration courts, forcing individuals to file documents by mail or in person risks their exposure to the virus, either at post offices or inside the immigration courts, despite widespread shelter-in-place orders.

16. Additionally, Defendants' requirement that immigration court filings continue to include original signatures exacerbates the public health crisis. This requirement means that ASAP's staff must use mail services to send filings to clients, increasing risk of exposure for both staff and clients. Our clients must often sign documents and mail them back to ASAP staff.

17. The *pro se* respondents we assist have struggled to comply with filing and mailing requirements at a time when many business establishments are closed. For example, one *pro se* respondent in New York expressed concern about whether he was even allowed to mail a filing given the state's stay-at-home order. Another *pro se* respondent who lives near Seattle expressed serious concern about going to the post office due to COVID-19, but felt she had no other option because of what could happen to her family's immigration status if she missed the filing deadline for their asylum application.

18. As part of ASAP's remote practice, ASAP provides *pro se* assistance to asylum seekers seeking to reopen their cases after receiving an *in absentia* removal order. Additionally, ASAP attorneys train attorneys at private law firms, nonprofits, and other organizations to prepare motions to reopen *in absentia* orders.

19. During the COVID-19 pandemic, EOIR has required asylum seekers to attend individual hearings and issued *in absentia* removal orders for many who missed their hearings. Defendants have thus forced many asylum seekers to choose between receiving a removal order or risking exposure to COVID-19. Asylum seekers who miss their hearings due to pandemic concerns and receive *in absentia* removal orders are in danger of being detained by ICE.

20. Preparing a motion to reopen—a complex immigration court filing—typically requires legal assistance. However, given the COVID-19 pandemic and the lack of adequate response from EOIR, I believe it will be very difficult for asylum seekers to find local counsel willing to take on new immigration court matters, such as a motion to reopen.

21. I am hopeful that motions to reopen based on COVID-19 will be granted as this pandemic should be found to constitute an exceptional circumstance under relevant immigration law. However, prevailing on these motions will require asylum seekers and advocates, including ASAP staff, to do countless hours of legal work, which could have been prevented if EOIR did not require individuals to appear in court during the current public health crisis.

22. If immigration courts continue to force individuals to appear in court despite the COVID-19 pandemic, and if immigration judges continue to issue *in absentia* removal orders to those who do not appear, Defendants will continue to cause a substantial burden on ASAP to assist *pro se* respondents and attorneys on the resulting required motions to reopen.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 27, 2020  
Chicago, Illinois



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Swapna Reddy

6 - DECLARATION OF SWAPNA REDDY IN  
SUPPORT OF EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER

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