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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.

ALEJANDRO MAYORKAS, et al.,

*Defendants.*

**SUPPLEMENTAL DECLARATION OF LUIS GONZALEZ**

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

3 1. I make this declaration based on my personal knowledge except where  
4 I have indicated otherwise. If called as a witness, I could and would testify  
5 competently and truthfully to these matters. This declaration is intended to  
6 supplement the earlier declaration I submitted in this case.

7 2. I am the Supervising Immigration Attorney at Jewish Family Service  
8 of San Diego (JFSSD) where I have been employed for nearly two and a half years.  
9 In my role as Supervising Immigration Attorney, I oversee the JFSSD Removal  
10 Defense Program, which includes providing consultations and legal representation  
11 to individuals and families subject to the Migrant Protection Protocols (“MPP”),  
12 commonly referred to as “Remain in Mexico,” and supervising six staff who are also  
13 engaged in this work.

14 3. Since February 19, 2021, members of JFSSD’s Removal Defense  
15 Program team have been at the San Ysidro Port of Entry five days a week providing  
16 legal and humanitarian support to individuals who have been permitted to enter the  
17 United States during Phase One of the rollback of MPP. Only individuals with  
18 “active” MPP cases are eligible for Phase One processing, but the government has  
19 not issued clear guidance about whether certain categories of cases are included.

20 4. As of March 12, 2021, we have welcomed 718 people with active MPP  
21 cases who were processed at the San Ysidro Port of Entry. Through JFSSD’s  
22 WhatsApp MPP hotline, we have also advised hundreds of affected individuals who  
23 had questions about Phase One processing or were simply unaware of it due to the  
24 U.S. government’s failure to provide adequate information.

25 5. The implementation of the rollback of MPP has been chaotic and  
26 dangerous in many respects. The government left nongovernmental organizations,  
27 legal practitioners, and migrants completely in the dark as to how the rollback would  
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1 work and who would be eligible, causing confusion and further jeopardizing the  
2 safety of the thousands of vulnerable migrants in Mexico.

3 6. In the hope that the Biden-Harris Administration would fulfill its  
4 campaign promise to end the MPP program, JFSSD joined a number of  
5 organizations in California and Mexico to coordinate our response beginning in mid-  
6 January 2021. This collaborative effort eventually became the California  
7 Welcoming Task Force, a binational group committed to welcoming asylum seekers  
8 and other migrants to California with dignity and respect. Over Zoom, our  
9 organizations met weekly to formulate potential strategies to help migrants who  
10 were released into the United States. We also worked together to fundraise and hire  
11 more staff to ensure that we would be ready for what promised to be a herculean  
12 task. Until early February 2021, however, we had no idea what the government was  
13 planning to do.

14 7. JFSSD had a particular interest in ensuring we were prepared for the  
15 end of MPP. In March 2019, shortly after MPP began, a California district court  
16 temporarily enjoined the program. Our shelter quickly filled with migrants subject  
17 to MPP because DHS was prohibited from sending them back to Mexico following  
18 their hearings in U.S. immigration court. During the week the injunction was in  
19 effect, our team worked day and night to provide humanitarian support and legal  
20 services. Based on this experience, we knew that unwinding MPP in the midst of a  
21 pandemic would impose an extraordinary burden on our team.

22 8. In early February 2021, DHS headquarters informed us that some  
23 people subject to MPP would be permitted to enter the United States. In the days  
24 that followed, local DHS officials met with our team a couple of times, but they  
25 never provided specifics regarding the process DHS headquarters planned to roll  
26 out.

27 9. Finally, on February 11, the White House formally announced that  
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1 processing of individuals with active MPP cases would begin the following week.  
2 We were told that the government would start by processing 25 people a day, with  
3 the goal of ultimately processing 300 people a day at the San Ysidro Port of Entry.  
4 We subsequently learned that DHS would not provide any sort of transportation  
5 from the San Ysidro Port of Entry (as it had traditionally done for people coming to  
6 our shelter), and that DHS would not provide or require any COVID-19 testing on  
7 the U.S. side of the border. Despite numerous requests, we did not receive clear  
8 information about how those processed could obtain a change of venue of their  
9 immigration proceedings once they reached their final destinations in the United  
10 States.

11 10. I do not recall a single Zoom meeting where every agency involved in  
12 the rollback was present. Thus, many critical questions were punted to other  
13 agencies and ultimately went unanswered—including whether individuals would be  
14 detained following processing, whether they would be required to undergo COVID-  
15 19 testing and/or to quarantine after entering the United States, whether those  
16 released would be given identification documents allowing them to travel within the  
17 United States, and whether they would be required to check in with Immigration and  
18 Customs Enforcement (ICE) upon reaching their final destinations. The agencies  
19 involved in planning efforts should, at a minimum, have included: Executive Office  
20 for Immigration Review (EOIR) (to advise on how individuals included in Phase  
21 One could change the venue of their immigration proceedings), ICE (detention,  
22 transportation, and monitoring of individuals subject to alternatives to detention),  
23 Customs and Border Protection’s Office of Field Operations (CBP OFO)  
24 (responsible for processing individuals at POE), Centers for Disease Control and  
25 Prevention (CDC) (COVID-19 testing and quarantine requirements in the United  
26 States), International Organization for Migration (IOM) (COVID-19 testing and  
27 quarantine requirements on the Mexican side of the border), and the United Nations  
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1 High Commissioner for Refugees (UNHCR) (registration and pre-processing in  
2 Mexico), along with JFSSD, which has coordinated with the government since 2018  
3 to receive asylum seekers from all DHS agencies and assist in providing respite  
4 shelter and assistance, and other state and local public health agencies involved in  
5 receiving migrants after they are processed. Instead, DHS failed to adequately  
6 coordinate with and communicate critical information to agencies and  
7 nongovernmental organizations involved in the response effort, which caused  
8 massive confusion and wasted precious time.

9 11. Since the MPP rollback started, problems with the registration process  
10 through the Conecta website have caused uncertainty, confusion, and desperation  
11 for vulnerable migrants and prevented some from registering at all. Confirmation of  
12 registration sometimes is sent as late as a week after registration happens or not at  
13 all, leaving many registrants unsure about their status. Those who do not receive  
14 confirmation must call numbers listed on the website that often disconnect or do not  
15 connect to a live person.

16 12. We have been in touch with several local attorneys who are having  
17 similar problems. One attorney explained that she had registered a Cuban client and,  
18 in accordance with the instructions on the website, indicated a time when she would  
19 be available to receive a call back. The attorney never received a confirmation email.  
20 She did receive a call from UNHCR, which was disconnected when she answered.  
21 She called back at the same number and received a recorded message from UNHCR,  
22 after which the call was disconnected again. After calling back a few more times,  
23 she was finally able to leave a message, but never received a call back. Over a week  
24 later, she received an email indicating that her client would receive a phone call (the  
25 second step in the pre-registration process) on March 9, 2021, but he was never  
26 called that day. After calling many more times, on March 11, 2021, the attorney  
27 finally reached a live person, who informed her that her client provided a non-

1 working phone number. She then verified that all the phone numbers provided for  
2 her and her client were correct. Since that phone call, the attorney has not received  
3 any further instructions from UNHCR and contacted JFSSD to find out if we  
4 recommend registering him for a second time.

5 13. This account is consistent with registration problems reported by our  
6 clients and other individuals who call our MPP hotline for help. In cases where  
7 people are unable to register on their own—for example, where they do not have a  
8 working phone number, lack internet access, cannot read, or are struggling to get  
9 through on the phone, we do our best to assist them in registering. Many people call  
10 our MPP hotline because they are unsure if they are registered; the only advice we  
11 can give them is to keep calling UNHCR in the hope of reaching a live person.

12 14. Since Phase One began on February 19, 2021, seven JFSSD staff have  
13 spent from three to seven hours per day (Monday through Friday) at the San Ysidro  
14 Port of Entry assisting individuals who have been processed to enter the United  
15 States. The many hours our team spends at the Port of Entry working with  
16 individuals previously subject to MPP are hours diverted from other work, but  
17 critical to ensure that they receive the support they need before traveling to their  
18 final destinations. After these individuals move to JFSSD's shelter, our staff spend  
19 hundreds more hours providing humanitarian and legal support.

20 15. Our staff sit at folding tables in a sally port directly behind CBP's Ped  
21 West processing facility in a restricted area. As the migrants exit the processing  
22 facility, we take their manila envelope of documents, which should include the  
23 results of their COVID-19 tests in Mexico, a health passport, and their EOIR-33  
24 (Change of Address) forms. We review the documents to make sure all the  
25 information is correct. We also check identification documents against people's  
26 names to ensure accuracy. If individuals do not have identification documents, we  
27 request that CBP provide substitute documents that will enable them to travel to their  
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1 final destinations. If an EOIR-33 form contains mistakes, the venue of the  
2 individual's immigration proceedings may not be changed—in which case the  
3 person may be ordered removed in absentia.

4 16. We are currently aware of at least five cases where venue was not  
5 changed properly according to the address on the EOIR-33 form. In all five cases,  
6 the venue of the immigration proceedings was changed for some family members,  
7 but not all, even though the addresses on the EOIR-33 forms were the same for the  
8 entire family. In these cases, we flagged the errors for the San Diego Immigration  
9 Court, and they have been corrected. However, as processing numbers increase, the  
10 margin for error will increase, and we may not be able to catch all the mistakes made  
11 by court clerks. In addition, because EOIR has not provided any official information  
12 about how to address problems in changing venue, the court could at some point  
13 refuse to speak with our attorneys in cases where we are not the attorney of record.  
14 We have heard that obtaining a change of venue is particularly difficult for those  
15 with appeals pending before the Board of Immigration Appeals (BIA). If a change  
16 of venue is not granted after the BIA remands a case, a migrant will be forced to  
17 travel back to the border for their hearing in immigration court.

18 17. JFSSD also assists migrants in completing Form G-56 (Interview  
19 Notice). This form provides notice that an individual must present to an ICE office  
20 for a check-in within 90 days of entry into the United States. It states that failure to  
21 comply with this requirement could lead to detention and instructs the individual to  
22 present the form when they check in with ICE. Individuals need the information on  
23 the form to schedule their first check-in with ICE.

24 18. When we arrive at the San Ysidro Port of Entry in the morning, there is  
25 always a pile of blank G-56 forms on the table where we work. Attached to each  
26 form is a list of ICE field offices, which individuals need to identify the ICE office  
27 closest to their final destination. Unfortunately, not all ICE offices are listed so  
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1 individuals sometimes end up contacting an office that is two hours away from their  
2 home when there is another one only thirty minutes away. Although ICE usually  
3 completes the G-56 forms, DHS has asked that JFSSD distribute them to migrants  
4 released from MPP. We do not understand why DHS has delegated responsibility  
5 for completing such an important legal document.

6 19. If the G-56 form is not properly completed when an individual presents  
7 for an ICE check-in, the migrant may not be allowed to enter the building or to check  
8 in for their appointment. To check in with ICE in San Diego, migrants must go  
9 through security to enter the building and must show identification and reason for  
10 entry. Many migrants in MPP do not have identification and instead rely only on  
11 immigration paperwork to enter the building. Security officers have prevented  
12 people from entering the building if they did not have identification or an  
13 immigration document showing they have an appointment.

14 20. Since Phase One processing began, the State of California has  
15 supported JFSSD's shelter operations by funding non-congregate hotel sites to  
16 enable migrants to quarantine until a negative PCR test is received. The California  
17 Department of Public Health is providing health guidance related to COVID-19  
18 testing and the requisite quarantine periods. DHS has not required or planned for any  
19 sort of quarantine for migrants who enter the United States after having been trapped  
20 in Mexico under MPP. If the State of California had not intervened, people would  
21 have been able to travel immediately from the port of entry to their final destinations.  
22 Given the ongoing pandemic, this policy would have presented a serious public  
23 health risk.

24 21. Given the government's unwillingness to transport individuals released  
25 from MPP from the San Ysidro Port of Entry to the hotel sites where we provide  
26 services, JFSSD has been forced to assume this responsibility. The services we  
27 provide include case management, medical care, travel coordination, legal support,  
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1 and other assistance during the quarantine period. Once individuals receive  
2 clearance from local public health officials, JFSSD assists those planning to live  
3 outside San Diego to make travel arrangements.

4 22. Meanwhile, JFSSD continues to receive and support migrants who  
5 cross the U.S.-Mexico border between ports of entry, as well as others not subject to  
6 MPP whom CBP is processing at the San Ysidro Port of Entry in increasing  
7 numbers.

8 23. JFSSD has grave concerns that numerous categories of people subject  
9 to MPP may be left out of Phase One processing. To date, we still do not have a clear  
10 definition of what constitutes an active MPP case. For example, we do not know if  
11 this category includes individuals subject to MPP who have pending appeals or  
12 pending motions to reopen. We also have no idea if the government intends to  
13 implement additional phases of processing and, if so, what we should do to prepare  
14 for them.

15 24. JFSSD's WhatsApp MPP hotline currently receives an average of 30-  
16 40 calls and 70-80 text or voice messages per day. All these callers are trying to  
17 understand how the Phase One process works and if it applies to them.

18 25. The challenges JFSSD has encountered in trying to assist individuals  
19 released into the United States pale in comparison to the anxiety of affected  
20 individuals still waiting in Mexico and elsewhere, who fear that they might be killed  
21 before reaching safety in the United States. We have spoken with many such  
22 migrants who are living in hiding from their kidnappers, in filthy overcrowded  
23 shelters without adequate resources or personal protective equipment, or on the  
24 streets. Given ongoing security threats in Mexico, JFSSD remains unable to safely  
25 and reliably access clients and potential clients who are trapped there.

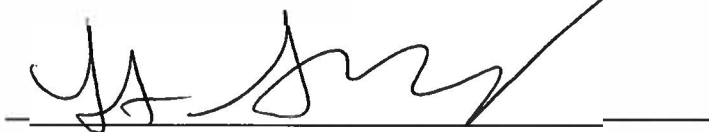
26 26. JFSSD also receives calls from people subject to MPP who desperately  
27 need emergency medical services. We refer them to nongovernmental organizations  
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1 of Phase One processing has prompted many of them to return to dangerous border  
2 towns for fear of missing their opportunity to be processed. In fact, those who have  
3 not previously registered on the Conecta website are not eligible for processing.  
4 Although the program assistant who manages JFSSD's MPP hotline has repeatedly  
5 pleaded with affected individuals to stay where they are until the government  
6 provides further information, many feel so desperate that they come to the border  
7 despite the security risks involved.

8 28. The devastating impact of MPP on the lives of affected individuals and the  
9 government's complete disregard for their due process rights cannot be overstated.  
10 In the course of our work, we have consulted with hundreds of individuals subject  
11 to MPP who received final orders of removal following proceedings devoid of due  
12 process or had their cases unjustly terminated. Our understanding is that these  
13 individuals, among many others, are excluded from Phase One processing.

14  
15 I declare under penalty of perjury under the laws of the United States of  
16 America that the foregoing is true and correct.

17 Executed on March 15<sup>th</sup>, 2021 at San Diego, California

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20 Luis Gonzalez