IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAITIAN BRIDGE ALLIANCE, et al., *Plaintiffs*, v. JOSEPH R. BIDEN, PRESIDENT OF THE UNITED STATES, *in his official capacity*, et al., *Defendants*.	Civil Action No. 21-cv-03317 (JMC)

PLAINTIFFS' UNOPPOSED MOTION FOR NEWLY ADDED PLAINTIFFS TO PROCEED USING PSEUDONYMS AND FOR LEAVE TO FILE DECLARATION UNDER SEAL

Plaintiffs move the Court for permission to use pseudonyms for newly added Doe Plaintiffs, who were named as Plaintiffs for the first time in the First Amended Complaint (Dkt. 75), and whose sensitive and highly personal information is described in that Complaint and will necessarily be described in detail in further documents filed in this matter as the case proceeds. Plaintiffs also seek permission, consistent with the Court's prior Order (Dkt. 9), for leave to file a declaration, under seal, containing the real identities of the new Doe Plaintiffs within ten days of its order on the instant Motion.

New Doe Plaintiffs are individuals who, as described below, each fled life-threatening violence in their home country of Haiti; came to the United States–Mexico border near Del Rio, Texas, in September 2021 to seek asylum and other immigration relief from the United States government; were deprived of basic human necessities such as food, water, shelter, and sanitation facilities for multiple days, while they followed the directives of U.S. officers to wait their turn to be processed by U.S. immigration officials; and were forcibly removed back to Haiti or compelled by U.S. officials' actions to return to Mexico. Each new Doe Plaintiff

reasonably fears that revealing their name would destroy their privacy and subject them and their family members to harm, either at the hands of persecutors in the countries where they currently are, or in the form of retaliation from the United States government or other foreign governments (such as state actors in Haiti), possibly in connection with their attempt to seek immigration relief from the United States. Defendants will not be prejudiced by allowing the new Doe Plaintiffs to proceed using pseudonyms. Defendants do not oppose Plaintiffs' Motion, on the condition that Plaintiffs' sealed disclosure of Doe Plaintiffs' identities includes any immigration identification numbers issued by DHS.

For the reasons set forth in the attached Memorandum of Law and in the accompanying new Doe Plaintiff declarations, Plaintiffs respectfully request the Court to grant the instant Motion and allow the new Doe Plaintiffs to proceed under pseudonym and, consistent with the Court's prior Order (Dkt. 9), grant Plaintiffs leave to file a declaration, under seal, containing the real names, residential addresses, and, to the extent they exist and are known, DHS-issued immigration identification numbers of the new Doe Plaintiffs within ten days of its order on the instant Motion. A Proposed Order accompanies this motion.

DATED: March 18, 2024

Respectfully submitted,

/s/ Alexander L. Schultz

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PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR NEWLY ADDED PLAINTIFFS TO PROCEED USING PSEUDONYMS AND FOR LEAVE TO FILE DECLARATION UNDER SEAL

Plaintiffs file this memorandum of law in support of Plaintiffs' Unopposed Motion for Newly Added Plaintiffs to Proceed Using Pseudonyms and for Leave to File Declaration Under Seal ("Motion"). Plaintiffs Eric and Florence Doe, Pierre and Ginette Doe, James Doe, and Delgado Doe (collectively, "Doe Plaintiffs"), who were named as Plaintiffs for the first time in the First Amended Complaint (Dkt. 75), are individuals who, as further described below, each fled life-threatening violence in their home country of Haiti; came to the United States–Mexico border near Del Rio, Texas in September 2021 to seek asylum and other immigration relief from the United States government; were deprived of basic human necessities such as food, water, shelter, and sanitation facilities for multiple days, while they followed the directives of U.S. officers to wait their turn to be processed by U.S. immigration officials; and were forcibly removed back to Haiti or compelled by U.S. officials' actions to return to Mexico. Each Doe Plaintiff reasonably fears that revealing their name would destroy their privacy and subject them and their family members to harm, either at the hands of persecutors in the countries where they currently are, or

in the form of retaliation from the United States government or other foreign governments (such as state actors in Haiti), possibly in connection with their attempt to seek immigration relief from the United States. Defendants will not be prejudiced by allowing these Doe Plaintiffs to proceed under pseudonym. Defendants do not oppose Plaintiffs' Motion, on the condition that Plaintiffs' sealed disclosure of Doe Plaintiffs' identities includes any immigration identification numbers issued by DHS. For the reasons set forth below and in their accompanying declarations, Doe Plaintiffs respectfully request the Court to grant the Motion and permit them to proceed under pseudonym, just as the Court granted a prior such motion. *See* Dkt. 9 (granting substantially identical motion and permitting Plaintiffs Wilson Doe, Jacques Doe, Esther and Emmanuel Doe, Samuel and Samentha Doe, and Paul Doe to proceed under pseudonym).

BACKGROUND

Doe Plaintiffs are two sets of married parents and two single adults who fled and/or have a well-founded fear of life-threatening violence in their native country of Haiti and have been unable to avail themselves of congressionally created legal protections to seek asylum or other forms of immigration relief. Plaintiffs came to the United States seeking safety after being subjected to, or being reasonably fearful of, politically motivated threats of violence and actual violence in Haiti.[1]

Before traveling to Del Rio, Texas, in late summer 2021, Eric Doe, for example, endured threats, being shot in the leg, and an attempt to burn his house down because of his political party affiliation in Haiti. Eric Doe Decl. ¶ 6; *see also* Florence Doe Decl. ¶ (explaining that as Eric's

[1] *See* First Amended Complaint (Dkt. 75) ¶¶ 310, 319, 326, 336–337; Declaration of Eric Doe ("Eric Doe Decl.") ¶¶ 4–6; Declaration of Florence Doe ("Florence Doe Decl.") ¶ 4; Declaration of Pierre Doe ("Pierre Doe Decl.") ¶¶ 4–5; Declaration of Ginette Doe ("Ginette Doe Decl.") ¶ 8; Declaration of James Doe ("James Doe Decl.") ¶¶ 3–4; Declaration of Delgado Doe ("Delgado Doe Decl.") ¶ 4.

wife, Florence also became a target). Pierre Doe, a local political party delegate, similarly received threats from members of an opposing political party in Haiti, including threats that he will be beaten and killed. Pierre Doe Decl. ¶ 5; *see also* Ginette Doe Decl. ¶ (explaining that because of the threats against her husband, Ginette and her family could not safely return to Haiti). After Haiti's 2016 elections, the prevailing political party began aggressively targeting members of the political party that James Doe actively participated in, causing him to reasonably fear for his physical safety in Haiti. James Doe Decl. ¶ 4. Delgado Doe received threats and, on one occasion, was shot at for publicly supporting his cousin's political campaign for a Haitian parliament seat. Delgado Doe Decl. ¶ 4. In addition to their experience in Haiti, Doe Plaintiffs also faced violence and discrimination in the countries to which they first fled before ultimately seeking safety in the United States in late summer 2021.[2]

Doe Plaintiffs were each present in the encampment under and around the Del Rio International Bridge that U.S. Customs and Border Protection established and maintained in September 2021 (hereinafter "CBP Encampment"). There, they endured horrific conditions, including inadequate food, water, shelter, and sanitation facilities as they attempted to access the asylum system in the United States.[3]

Including the full names of the Doe Plaintiffs risks revealing the Doe Plaintiffs' identities and destroying their privacy and could result in further violence against them or their families in Haiti or in the countries where they are currently present.

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[2] *See* First Amended Complaint ¶¶ 310–312, 319–320, 326–327, 336–37; Eric Doe Decl. ¶¶ 4, 7–8; Florence Doe Decl. ¶¶ 5–6; Pierre Doe Decl. ¶¶ 7–8; Ginette Doe Decl. ¶¶ 7–9; James Doe Decl. ¶¶ 5–6; Delgado Doe Decl. ¶ 5.

[3] *See* First Amended Complaint ¶¶ 312–316, 321–324, 328–332, 338–340; Eric Doe Decl. ¶¶ 11–12; Florence Doe Decl. ¶ 7; Pierre Doe Decl. ¶ 9; Ginette Doe Decl. ¶ 10; James Doe Decl. ¶¶ 7–9; Delgado Doe Decl. ¶¶ 6–9.

LEGAL STANDARD

Federal courts have discretion to allow parties to proceed anonymously when "the impact of the plaintiff's anonymity" outweighs "the public interest in open proceedings and on fairness to the defendant." *Nat'l Ass'n of Waterfront Emps. v. Chao*, 587 F. Supp. 2d 90, 99 (D.D.C. 2008). To determine whether anonymity is warranted, this Court has considered: (1) whether the party's request seeks "to preserve privacy in a matter of a sensitive and highly personal nature," (2) whether "identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties," (3) "the ages of the persons whose privacy interests are sought to be protected," (4) "whether the action is against a governmental or private party," and (5) "the risk of unfairness to the opposing party" as a result of anonymity. *Id.*; *see also United States v. Hubbard*, 650 F.2d 293, 317–21 (D.C. Cir. 1980) (applying a similar balancing test with factors including "the strength" of the property and privacy interests involved, as well as "the possibility of prejudice" to those opposing disclosure, to determine whether a party moving to seal has overcome the presumption against sealing records).

Whichever test applies, the same general balancing inquiry is at issue: "whether the non-speculative privacy interest that the movants have identified outweigh the public's substantial interest in knowing the identities of the parties in litigation, along with any legitimate interest that the non-moving parties' interest may have in revealing the identity of the movants." *John Doe Co. No. 1 v. CFPB*, 195 F. Supp. 3d 9, 17 (D.D.C. 2016); *see also Chao*, 587 F. Supp. 2d at 99 (assessing whether "the impact of the plaintiff's anonymity" outweighs "the public interest in open proceedings and on fairness to the defendant").

ARGUMENT

All of the relevant factors supporting anonymity weigh in favor of allowing the Doe Plaintiffs to proceed using pseudonyms in this litigation. In granting Plaintiffs' December 21,

2021, Motion to Proceed Using Pseudonyms, this Court recognized the strong interests in protecting highly sensitive personal information for seven other Plaintiffs initially named in this litigation, preventing retaliatory harm against those Plaintiffs and their families, and protecting the anonymity of Plaintiffs with minor children. *See* Dkt. 9 at 4–6. The same logic applies to newly added Doe Plaintiffs, named for the first time in the First Amended Complaint, seeking to proceed using pseudonyms here.

Plaintiffs have provided and will continue to provide highly sensitive personal information about their experiences in both Haiti and in the United States, including in the First Amended Complaint and in the Declarations accompanying this Motion. Plaintiffs and their families would face significant risks, including physical harm and death, if their identities were publicly revealed. *See id.* at 7 (granting Plaintiffs' motion and noting "the deadly threat that [] disclosure would entail"); *see also* Mem. & Order, *M.G.U. v. U.S. Dep't of Homeland Sec.*, No. 18-cv-1458-PLF (D.D.C. June 21, 2018) (Howell, J.), ECF No. 7 at *5 ("*M.G.U.* Order") (granting plaintiffs' motion to proceed using pseudonyms; "public identification might expose the plaintiffs and their families" to "significant risk of deadly violence."). Doe Plaintiffs have witnessed or experienced human rights abuses and deliberate deprivation of basic human necessities perpetrated by U.S. government agents and, as a result, the federal government may have already retaliated against them, by expelling them to Haiti or forcing them to cross back into Mexico, or may yet retaliate against them in the future. Plaintiffs, moreover, have described the violence and threats that they have survived or were reasonably fearful of facing in Haiti, as well as the extreme physical hardship that they endured in the CBP Encampment because of the U.S. government's failure to provide them and others with basic human necessities such as food, water, shelter, and basic

sanitation facilities.[4] Identification of the Doe Plaintiffs on the public record would expose them and their families, including minor children, to a high "risk of retaliatory physical or mental harm." *J.W. v. District of Columbia*, 318 F.R.D. 196, 198–99 (D.D.C. 2016) (noting that the confidentiality afforded to a child by proceeding under pseudonym "would be 'eviscerated unless the parent was also permitted to proceed using initials'" (citation omitted)); *Chao*, 587 F. Supp. 2d at 99; *see also* Dkt. 9 at 5 (finding that risk of retaliatory harm to Doe Plaintiffs weighs in favor of granting pseudonym motion). As discussed further below, this matter also involves highly sensitive information about what happened to families that have minor children. Disclosure of their parents' names—from which minor children's own identities could be discovered—would further harm these families and children by publicly disclosing sensitive and traumatic details of their lives.[5] *See id.* at 6 (finding that "for the Doe Plaintiffs who have minor children, the risks to their children from disclosing the identities of the parents weighs heavily in favor of sealing").

Whereas Doe Plaintiffs and their families will be severely prejudiced if their identities were to be disclosed, allowing Doe Plaintiffs to proceed anonymously does not risk any unfairness to Defendants, all of whom are Government agencies or Government officials sued in their official capacities. *See id.* at 6–7 (finding that "allowing the Doe Plaintiffs to proceed anonymously will not compromise the defendants' ability to defend this action"). Furthermore, the public has only *de minimis* interest in the exposure of Plaintiffs' identities. *See* Dkt. 9 at 4–5 ("The public's interest in the litigants' identities is *de minimis* compared to the significant privacy interests of the Doe Plaintiffs, who, along with their families would face significant risks, including physical harm and death, if their identities were publicly revealed." (quotation and citation omitted)); *see also* Mem.

[4] *See supra* notes 2–3.

[5] *See* Pierre Doe Decl. ¶¶ 9–13, 15; Florence Doe Decl. ¶¶ 10–13.

& Order, *S.M.S.R. v. Trump*, No. 18-cv-2838-RDM (D.D.C. Dec. 3, 2018) (Howell, J.), ECF No. 2 at *5 ("*S.M.S.R.* Order") ("The public's interest in the litigants' identity is *de minimis* compared to the significant privacy interests of the plaintiffs, asylum seekers who would face significant risks, including physical harm and death, if their identities were publicly revealed." (quotation and citation omitted)).

I. The Complaint and Accompanying Documents Reveals Highly Personal and Sensitive Information About the Doe Plaintiffs and Their Children.

As this Court has already recognized, this case involves sensitive and highly personal information, *see* Dkt. 9 at 5, such that the names of Eric and Florence Doe, Pierre and Ginette Doe, James Doe, and Delgado Doe should not be exposed to the public. That information is particularly sensitive due to the life-threatening conditions—further detailed in the First Amended Complaint—that these individuals have already experienced and would likely face again should their identities be revealed. The information to be presented and discussed in these proceedings includes a range of matters that would subject the Doe Plaintiffs and their children to the risk of physical danger and to emotional trauma and embarrassment. Examples appear below and in the First Amended Complaint.

- Eric Doe was targeted by the political party running Haiti's national government because of his affiliation with an opposition party that oversaw the local government and had appointed him to his government position as an ambulance driver. Eric Doe Decl. ¶¶ 4–6. Members from this dominant political party threatened his life multiple times, shot him in the leg, and attempted to set fire to his house. *Id.* ¶ 6. Since being deported back to Haiti, Eric Doe has been in hiding because members of the dominant political party are still looking for him. *Id.* ¶ 15. Three armed men came to Eric and Florence's home while Eric was not there and threatened to burn down their home and burn Florence, who was pregnant at the time, to death. *Id.* ¶ 15; Florence Doe Decl. ¶

10. This incident prompted Florence Doe to go into hiding with her children, requiring her to be separated from her husband. Florence Doe Decl. ¶¶ 10–11; Eric Doe Decl. ¶ 15. Eric and Florence Doe are fearful that if it becomes public knowledge that they are plaintiffs in this lawsuit that their and their family's safety will be jeopardized because of the ongoing threats of violence from the political opposition. Eric Doe Decl. ¶ 16; *see also* Florence Doe Decl. ¶ 13.

- Pierre Doe received death threats in Haiti because of his role as a regional delegate for a political party. Pierre Doe Decl. ¶¶ 4–5. Through text messages, phone calls, and in-person encounters, political opponents told him to quit politics or be assaulted and killed with a machete. *Id.* ¶ 5. Pierre and Ginette Doe met and were married in Chile, where they faced persistent violent threats from their neighbor and their neighbor's son. *Id.* ¶ 7; Ginette Doe Decl. ¶¶ 6–8. When Pierre, Ginette and their then-four-year-old child were expelled back to Haiti, they could not return to Pierre's hometown due to fears that the same people that previously threatened him would do so again. Pierre Doe Decl. ¶ 15; Ginette Doe Decl. ¶ 15. Pierre, Ginette and their two children are now in Chile but are constantly fearful for their safety because of the dangers they previously faced in Chile. Pierre Doe Decl. ¶ 17; Ginette Doe Decl. ¶ 15. Pierre and Ginette fear that if their names are made public as plaintiffs in this lawsuit it would jeopardize their ability to seek immigration relief in the United States and would expose them and their children to more threats in Chile and to retribution from both Haitian gangs and the government. Pierre Doe Decl. ¶ 18; Ginette Doe Decl. ¶ 17.

- James Doe fled Haiti because the political party he volunteered for came under threat when their parliamentary candidate lost in Haiti's 2016 elections. James Doe Decl. ¶¶ 3–4. His fellow party members recounted numerous threats they received from members of the prevailing political party, including threats to imprison opponents as political prisoners. *Id.* ¶ 4. This situation

continued to escalate, and James Doe reasonably believed that his physical safety was at risk. *Id*. Since being deported back to Haiti, he continues to harbor concerns that the threats prompting his departure from Haiti may persist; as a result, he refrains from engaging in any form of political activity. *Id.* ¶ 15. Further, James lives in an area with a heavy gang presence and frequent kidnappings, and he does not go far from home for fear of being kidnapped too. *Id.* He is afraid that if those around him become aware that he is a plaintiff in a lawsuit against the United States government, it would endanger his ability to maintain a low profile in Haiti and adversely affect his future ability to seek immigration relief in the United States. *Id.* ¶ 16.

- Delgado Doe fled Haiti after receiving threats and, on one occasion, was shot at for his visible role in his cousin's political campaign for a parliament seat. Delgado Doe Decl. ¶ 4. After being deported to Haiti, Delgado has been too fearful to return to his hometown and continues to fear that the same people who previously threatened to harm him will do so again. *Id.* ¶ 12. Delgado is living in Port-au-Prince and is constantly fearful for his and his family's safety; because of the strong gang presence and kidnappings where he lives, Delgado often has to move around or hide at a friend's house. *Id.* ¶ 12 Delgado is afraid that if his name were publicly disclosed as a plaintiff in this lawsuit, it could endanger his changes of seeking immigration relief in the United States and make him and his family vulnerable to retaliation from both Haitian gangs and the government. *Id.* ¶ 14.

These traumatic experiences, as further detailed in the First Amended Complaint, are of a "sensitive and highly personal nature," such that the Doe Plaintiffs' identities should not be disclosed. *Chao*, 587 F. Supp. at 99; *see also, e.g.*, *Bird v. Barr*, 2019 WL 2870234, at *5 (D.D.C. July 3, 2019) (first *Chao* factor weighed in favor of anonymity if Petitioners' safety or livelihoods could be jeopardized if their names were to be disclosed); Dkt. 9 at 5 (finding "the Doe Plaintiffs

do not seek to proceed under pseudonym 'merely to avoid . . . annoyance and criticism,' but to 'preserve privacy in a matter of [a] sensitive and highly personal nature" (quotation and citation omitted)); *M.G.U.* Order, at *5 (granting plaintiffs' motion to proceed using pseudonyms where plaintiffs "detailed the deadly threats they and their families have already faced and continue to face, and how public identification would only exacerbate these threats."); *J.W.*, 318 F.R.D. at 199 (noting that the confidentiality afforded to a child by proceeding under pseudonym "would be 'eviscerated unless the parent was also permitted to proceed using initials'" (citation omitted)).

II. Public Knowledge of Family Involved in This Petition Would Create a Risk of Physical or Mental Harm.

If Doe Plaintiffs' names are disclosed through this litigation, both they and their children face a serious risk of retaliatory physical and mental harm. *See supra* Part I. Numerous courts, including this Court, have allowed plaintiffs and petitioners to proceed anonymously where doing so would protect them or their families from similar risks of violence. *See* Dkt. 9 at 5–6 (finding that the "[p]otential retaliatory physical or mental harm against individuals in another country . . . weighs in favor of proceeding under pseudonym"); *see also Doe v. U.S. Dep't of State*, 2015 WL 9647660, at *1–3 (D.D.C. Nov. 3, 2015) (allowing plaintiff to proceed pseudonymously in order to avoid "disclosing information that would help people who oppose the U.S.-led reconstruction efforts [in Iraq], such as ISIL members, to find [him] and kill him and his family"); *Doe v. Gonzales*, 484 F.3d 445, 446 (7th Cir. 2007) (allowing petitioner to litigate pseudonymously "because of his fear that if he is returned to El Salvador he will be killed"); *Doe v. INS*, 867 F.2d 285, 286 n.1 (6th Cir. 1989) ("Although the use of pseudonyms is not favored, we have resorted to it here to protect the petitioner's family, who remain in China, from possible reprisals."). And as this Court has recognized, it would "eviscerate[]" the confidentiality rightfully afforded to Doe

Plaintiffs if Eric and Florence Doe, Pierre and Ginette Doe, James Doe, and Delgado Doe are not permitted to proceed anonymously. *J.W.*, 318 F.R.D. at 199.

As asylum seekers, Doe Plaintiffs are "particularly vulnerable" to retaliation if their true names are revealed. *Al Otro Lado, Inc. v. Nielsen*, 2017 WL 6541446, at *6 (S.D. Cal. Dec. 20, 2017). Petitioners have already faced physical violence in Haiti and other countries to which they fled, as noted above, and exposing Doe Plaintiffs' identities would leave them and their children vulnerable to the additional risk of retaliatory violence in the United States, Haiti, or elsewhere. In particular, if their identities are disclosed in this litigation, Doe Plaintiffs fear that the same individuals, political parties, and gangs who threatened them and their families previously will seek out them or their children if they learn that Doe Plaintiffs have previously fled the country, wish to seek asylum in the United States, and are participating as plaintiffs in a lawsuit against the U.S. government. The fear of Doe Plaintiffs' identities being revealed publicly is especially concerning as all of the Doe Plaintiffs remain in unsafe locations outside the United States.

III. Anonymity Is Particularly Important Given That Minor Children Are Involved.

As this Court has recognized, protecting "Plaintiffs' anonymity is all the more warranted because some of them are parents to minor children."[6] Dkt. 9 at 6 (internal quotation and citation omitted)). Indeed, the Federal Rules of Civil Procedure and the Local Rules of this Court mandate that the identities of minors be shielded from disclosure. Fed. R. Civ. P. 5.2(a); Local Civ. R. 5.4(f)(2) (requiring use of initials to refer to minor children in court filings). This Court has also frequently recognized a paramount interest in protecting anonymity in similar circumstances. *See, e.g.*, *S.M.S.R.* Order, at *6 (finding in lawsuit initiated by an asylum-seeking mother and her minor son that "Plaintiffs' interests in anonymity are especially acute," given the involvement of a child).

[6] *See* Eric Doe Decl. ¶ 2; Florence Doe Decl. ¶ 2; Pierre Doe Decl. ¶ 2; Ginette Doe Decl. ¶ 2; Delgado Doe Decl. ¶ 2.

Revealing the names of Plaintiffs who are parents in public documents preserved in perpetuity risks revealing the identities of their minor children as well. This Court recognizes the critical importance of protecting identities where disclosure would implicate risks to children. *See U.S. Dep't of State*, 2015 WL 9647660, at *3 (anonymity is favored "when the interests of minors are involved because children are perceived as more vulnerable or because the child whose privacy is at stake has not chosen for himself or herself to pursue the litigation" (quotation and citation omitted)).

IV. Respondents Are Government Officials and Agencies Who Will Not Be Prejudiced By Allowing Doe Plaintiffs to Proceed Pseudonymously.

Allowing Doe Plaintiffs to proceed pseudonymously is especially appropriate because Defendants are government officials sued in their official capacities. "When a plaintiff challenges the government or government activity, courts are more like[ly] to permit plaintiffs to proceed under a pseudonym than if an individual has been accused publicly of wrongdoing." *Chao*, 587 F. Supp. 2d at 99 n.9 (quotation omitted); *see also, e.g.*, *S.M.S.R.* Order, at *6 ("[A]llowing the plaintiffs to proceed under pseudonyms will have no impact on any private rights, as the only defendants are government agencies and officers.").

Moreover, Doe Plaintiffs' identities already are known or knowable to Defendants in connection with Doe Plaintiffs' detention in the Del Rio encampment, such that "[a]llowing the plaintiffs to proceed pseudonymously thus will not compromise the defendants' ability to defend this action and poses little risk of unfairness to the opposing party." *Id.* (quotation and citation omitted); *see also, e.g.*, *U.S. Dep't of State*, 2015 WL 9647660, at *3 (government was unlikely to be prejudiced by plaintiff's pseudonymous filing because it had "long been in possession" of plaintiff's immigration application and was "fully apprised of all relevant information"); *Al Otro*

Lado, 2017 WL 6541446, at *6 (finding no prejudice to government defendants who "know the Individual Plaintiffs' names" and "have the information they need to defend against the claims").

Defendants will not suffer prejudice if the Court allows Doe Plaintiffs to proceed anonymously. The primary dispute in this case turns on Defendants' compliance with their obligations under the Constitution, the Administrative Procedure Act, and the asylum and withholding laws. The government's ability to demonstrate compliance will not diminish if Doe Plaintiffs' full names are omitted from public filings. As this Court previously recognized, "allowing the Doe Plaintiffs to proceed anonymously will not compromise the defendants' ability to defend this action." Dkt. 9 at 7. The same logic applies with respect to the Doe Plaintiffs here.

V. The Public Interest Is Not Served By Disclosing Doe Plaintiffs' Identities.

In addition, the public's interests would not be served by the disclosure of Doe Plaintiffs' identities. Federal courts have the discretion to allow parties to proceed anonymously when "the impact of the Petitioners' anonymity" outweighs "the public interest in open proceedings and on fairness to the defendant." *Chao*, 587 F. Supp. 2d at 99. Here, no public interest weighs in favor of exposing the identities of these individuals and their vulnerable children. *See* Dkt. 9 at 4–5; *S.M.S.R.* Order, at *5. While the public does indeed have an interest in seeing important asylum questions litigated, that interest in no way demands that the public obtain sensitive personal information about the litigants themselves. *See, e.g.*, *J.W. v. District of Columbia*, 318 F.R.D. 196, 202 (D.D.C. 2016) (permitting student to file anonymously because court documents would allow the public to understand those decisions and hold defendant accountable "regardless of whether the public can identify the parents of the particular student at issue"). As this Court previously recognized, "[a]ny general presumption in favor of open proceedings or public interest in disclosing the identities of the Doe Plaintiffs is significantly outweighed by the deadly threat that such disclosure would entail." Dkt. 9 at 7. So too here. Further, disclosure of Doe Plaintiffs' names

would *harm* the public interest because the danger of exposing Doe Plaintiffs' identities would "create[] an unnecessary risk of chilling the willingness of asylum seekers from litigating important issues like the ones raised in this case." *Al Otro Lado*, 2017 WL 6541446, at *7.

Indeed, weighed against the minimal apparent interest in disclosure, Doe Plaintiffs' strong interest in maintaining their anonymity is more than sufficient to overcome any general presumption in favor of open proceedings. *See Horowitz v. Peace Corps*, 428 F.3d 271, 278 (D.C. Cir. 2005) ("If there is no public interest in the disclosure of certain information, 'something, even a modest privacy interest, outweighs nothing every time.'" (quoting *Nat'l Ass'n of Retired Fed. Emps. v. Horner,* 879 F.2d 873, 879 (D.C. Cir. 1989))). In short, "the Doe Plaintiffs' privacy interests outweigh the public's presumptive and substantial interest in knowing the details of judicial litigation." Dkt. 9 at 4.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant Plaintiffs' Motion and issue an order allowing the Doe Plaintiffs to proceed under pseudonym and, consistent with the Court's prior Order (Dkt. 9), grant Plaintiffs leave to file a declaration, under seal, containing the real names; residential addresses; and, to the extent they exist and are known, DHS-issued immigration identification numbers of the newly added Doe Plaintiffs within ten days of such order.

DATED: March 18, 2024

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAITIAN BRIDGE ALLIANCE, et al., *Plaintiffs*, v. JOSEPH R. BIDEN, PRESIDENT OF THE UNITED STATES, *in his official capacity*, et al., *Defendants.*	Civil Action No. 21-cv-03317 (JMC)

[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR NEWLY ADDED PLAINTIFFS TO PROCEED USING PSEUDONYMS AND FOR LEAVE TO FILE DECLARATION UNDER SEAL

Upon consideration of Plaintiffs' Motion for Newly Added Plaintiffs to Proceed Using Pseudonyms and for Leave to File Declaration Under Seal (the "Motion"), the attached Memorandum of Law, and the accompanying declarations of Eric and Florence Doe, Pierre and Ginette Doe, James Doe, and Delgado Doe, the Court hereby ORDERS that the Motion is GRANTED.

Finding good cause therefore, and for substantially the same reasons stated in the Court's prior Memorandum and Order granting Plaintiffs' December 21, 2021, Motion to Proceed Using Pseudonyms (Dkt. 9), Plaintiffs Eric and Florence Doe, Pierre and Ginette Doe, James Doe, and Delgado Doe may proceed in the action using pseudonyms, and the Court hereby ORDERS that Plaintiffs file, under seal, within ten days of this Order, a declaration containing the real names, residential addresses, and, to the extent they exist and are known, DHS-issued immigration identification numbers of these Doe Plaintiffs.

IT IS SO ORDERED.

DATE: _____

_____
Judge

DECLARATION OF PIERRE DOE

I, Pierre Doe, upon my personal knowledge, hereby declare as follows:

1. I am a 36-year-old Haitian national. I was born in Arcahaie, Haiti.

2. I am married to Ginette Doe and we have two children. Our children were born in October 2017 and July 2022.

3. I currently live in Santiago, Chile with my older child. My wife and my younger child live together in the south of Chile, about a 5-hour bus ride from me. Our family used to live together in Santiago, but my wife is now afraid to live in urban areas in Chile because a neighbor previously physically attacked my wife when we lived in Santiago together. She and my younger child now live in the countryside because they feel safer there.

4. I lived in Arcahaie, Haiti until July 2015. I was a plumber. Life was difficult because there was not much work. In 2014, I became involved in the political party, Fanmi Lavalas, as a delegate for the countryside region. I was a messenger and delivered the party's communications.

5. I fled Haiti to go to the Dominican Republic in July 2015 because I received death threats from opposing political parties for my role in Fanmi Lavalas, and I feared that I would be killed. I had received text messages, phone calls, and threats in person. I was told to stop my political activities, or I would be beaten and killed with a machete. My brother was also targeted because of my affiliation, even though my brother was not involved with the political party. My brother went missing at about the same time as I fled Haiti in 2015, and he is now presumed dead.

6. I left the Dominican Republic after two weeks because I had a temporary visitor visa that was going to expire in two months. If I stayed past my visa, I could be stopped on the street and be deported to Haiti. I was afraid to go back to Haiti, so I went to Santiago, Chile.

7. In Chile, I met my wife Ginette who is also a citizen of Haiti. I had a job and life was okay until a neighbor started to threaten my wife. One day, while I was at church, the neighbor came to my apartment and tried to attack my wife with a knife. The neighbor threw a knife at my wife who was carrying our child in her arms. My wife saved herself and our child by locking herself in a room and calling the police. The police came and arrested the neighbor, but when she was released two days later, she continued making threats. Later, the neighbor's son also threatened me multiple times with a gun. The police did not help us, so we no longer felt safe. We decided to leave Chile in July 2021 because we lived in fear of being attacked.

8. I left Chile to go to the United States with my wife and child who was almost four years old at the time. We risked our lives for over a month traveling from Chile to the United States on foot and on busses. I was very afraid due to the dangerous conditions across the countries, but I thought it was worth it to try to get protection in the United States. I thought the United States government would hear my story and give us refuge, but no one did.

9. My family arrived in Del Rio around September 2021. When we crossed the border into the United States, an immigration officer handed us a ticket with a number, but we were not told anything else. We tried to take shelter under the Del Rio Bridge while we waited to be helped. For the first three nights after we crossed the border, we slept on the ground. I laid my shirt on the ground so that my child could sleep there instead of on the sand. U.S. officials did not give us any food or water, so during these three days, I crossed the river back into Mexico to get food because my child was crying from hunger. When I crossed the river to get food, I took many precautions because I had heard that a man and child had drowned.

10. After spending approximately three days under the bridge, the number on our ticket was called. We were put on a bus and taken to a detention center. We were not allowed to leave that place. We did not have the freedom to brush our teeth or take a

shower and were given a limited amount of food. For breakfast and dinner, the officers gave us two slices of bread. We were also given lunch, but it was not enough. I gave my child my lunch and only ate the two slices of bread and drank water so I would not die of hunger. Since we were not allowed to leave, we depended on the officers to provide food for us. Whatever food they gave us, that is all we had, but it was not enough. This was a very difficult time.

11. Even though we were sleeping indoors, the evenings were very cold and windy because a fan was turned on, and we were only given foil with which to cover ourselves. We slept on the floor because there were no mattresses. My time in the detention center was one of the worst things I have ever experienced.

12. After approximately seven days in the detention center, my family and I were put on a bus late in the evening. With no warning, we were taken to an airport in San Antonio, Texas. Early the next morning, I was handcuffed, and we were put on a flight back to Haiti. I had not done anything wrong; I had not hurt or threatened anyone. I had just come to ask for refuge for me and my family.

13. My child understood what was happening as I was handcuffed, and he was traumatized after watching the way we were treated. To this day, my child is afraid of the police. If he sees a police car, he runs, and I comfort him. He lives in fear.

14. I never had the chance to ask for protection in the United States, and I still want this opportunity. No one asked me any questions; I was just handcuffed and sent to Haiti.

15. When my family and I were deported back to Haiti on or about September 19, 2021, I did not return to my hometown because I was afraid that the same people that previously threatened to harm me would do so again. My family had to seek medical care once we arrived in Haiti. My child had to be treated for bronchitis due to the conditions at the detention center. My wife was also treated for an infection she developed during that time because we were not allowed to take care of our personal hygiene. I, too, could not

eat for several days after arriving in Haiti because my lips had peeled from not being allowed to brush my teeth or take care of my personal hygiene needs for several days.

16. Because I was afraid of what would happen to me and my family if we stayed in Haiti, we left for Chile again as soon as I could.

17. I have been living in Chile since December 2021 and I am constantly fearful for the safety of myself and my family. Because of the attack my wife previously faced in Chile, she is still afraid to live in Santiago, where I live, and instead lives in a different part of Chile. I have suffered discrimination at work because of my race.

18. I ask the Court to allow me to participate in this lawsuit without making my name public. I am fearful that participating in this lawsuit could jeopardize my efforts to seek immigration relief in the United States. I do not want my participation in this lawsuit to adversely affect my immigration applications or prevent me from being able to seek immigration relief in the United States. I am also afraid that if my name were revealed publicly, it could endanger me and my family. I fear what would happen if the Haitian government or gangs found out that I am participating in this lawsuit. The same political party that threatened me is still in power, and I fear that I would be targeted again if I made my name public. I am also afraid of exposing my family to more threats in Chile since we have been targeted before.

19. I believe that joining this lawsuit is the right thing to do because I was treated unlawfully, but I would like to request that the Court permit me to proceed under pseudonym in this lawsuit for my protection and the protection of my family.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Santiago, Chile on March 6, 2024.

PIERRE DOE

CERTIFICATION OF INTERPRETATION

I, Donirud Jean, declare that on March 6, 2024, I caused the foregoing declaration to be interpreted faithfully and accurately from English into Haitian Creole for the declarant through telephonic interpretation. I am fluent in English and Haitian Creole, and employed by Respond Crisis Translation. Before beginning the interpretation, I confirmed that the declarant was able to understand me. After I finished reading 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 March 6, 2024 in Batchelder St., Brooklyn, NY, USA.

Jean Donirud

Donirud Jean

DECLARATION OF JAMES DOE

I, JAMES DOE, upon my personal knowledge, hereby declare as follows:

1. I am a 27-year-old Haitian national. I was born in Gonaives, Haiti.

2. I am currently in Gonaïves, Haiti.

3. Until 2017, I lived in Gonaïves, where I was a student. Leading up to the 2016 elections in Haiti, I volunteered with the campaign of Francois Rigot, a parliamentary candidate from the political party called Fusion. Rigot lost the election, while candidates from another political party called Haiti in Action (referred to as "AAA" based on its acronym in Haitian Kreyol) won several seats in parliament.

4. As AAA gained power, it began targeting Fusion supporters. During regular Fusion party meetings, people would report to the group about threats AAA supporters had made in their neighborhoods. I heard about many threats during those meetings, including that AAA would "show what people in power do" and jail Fusion supporters as political prisoners. Also, an AAA-affiliated neighbor that I grew up with warned that things could soon get very bad, and that in AAA meetings they were discussing plans to identify and riot the neighborhoods that had cast few votes for their party. The threats became increasingly heated, so I eventually decided to leave Haiti because I had been active with Rigot's campaign and believed my physical safety was at risk.

5. I left Haiti for Argentina in or around December 2017. Upon arriving in Argentina, I did the best I could to build a life for myself there, but still had difficulty meeting my basic needs, and experienced constant discrimination for being Black and a foreigner. For example, sometimes I wouldn't be let onto the bus or allowed to sit, and one time, someone on the street

told me to cut myself so he could see if my blood was red like his. After about three and a half years, I decided I needed to leave Argentina because of how difficult my life was there.

6. In or around July 2021, I left Argentina to seek safety in the United States. I traveled with my cousin and several friends up through South and Central America, which was an extremely grueling journey. We were robbed of all our belongings, and once I was physically assaulted. Around early August 2021, we arrived to Tapachula, in southern Mexico. The conditions in Mexico were difficult—I felt unsafe and struggled to meet my basic needs. For about a month, we made the challenging journey through Mexico to Ciudad Acuna, Mexico, at the U.S.-Mexico border.

7. We arrived at Ciudad Acuna on approximately September 4 or 5, 2021, and crossed the river into Del Rio, Texas. Many other people were gathered under the bridge when we arrived. A U.S. immigration official gave me a numbered ticket and explained that I should wait until my number was called. I expected that when my number was called, I would be able to explain to U.S. officials why I was seeking safety in the United States. I hoped I could reunite with my brother-in-law, a U.S. citizen who lived in Orlando, Florida and was willing to take me in.

8. The conditions under the bridge were dire. We received some water and food, but it wasn't enough. Some people had tents, while others put together makeshift shelter out of sheets or leaves. It was extremely hot, and we would try to find shade in the bushes or trees. Helicopters would occasionally fly near us, causing strong winds which kicked up a lot of dust. There were some portable toilets, but not nearly enough for all the people there, so we would relieve ourselves in the bushes. I feared I would get sick in these unsanitary and exposed conditions.

9. I never imagined I would have to endure such poor conditions in the United States for

so long. At one point, I began to get desperate and started to lose hope of my number being called, and I considered trying to leave to cross back into Mexico. However, I saw that officers on horses were preventing people from crossing the river back into Mexico, so I did not think I would be able to leave if I tried.

10. Around September 14 or 15, 2021, my number was called. I approached the U.S. officials, who put me on a bus with many others. After a few hours, the bus arrived at a detention center, where U.S. officials threw away all my belongings, like my clothes and toothbrush. They made us remove our belts and hand over our documents, and I was not allowed a shower or given a toothbrush. While I was stressed to be in those conditions, I expected that eventually I would have a chance to explain my situation and ultimately would be released from detention and allowed to be safely reunited with my brother-in-law in Florida.

11. After about eight days, officials put me on a bus to another detention center, where I spent about six days. Then, officials took me by bus to a third detention center for one day. I was surprised to be detained for so long and I began to lose hope. When I asked U.S. immigration officials what was happening to me, they told me that we were being detained and to wait and see what happened. I wanted to explain my story, but there was never the opportunity; upon initially detaining us, U.S. officials performed intake procedures, like taking our fingerprints and making us take off our clothes, but there was no chance to tell them about my specific situation or why I was afraid to go back to Haiti. One official in the detention center told us to get a lawyer, so I called my brother-in-law for help, but before he was able to find and connect me with a lawyer, I was deported back to Haiti.

12. At the third detention center, U.S. officials put chains around my wrists, waist, and

ankles, and put me on a bus along with many others to an airport. We were not told where we were going; we assumed we were being transported to another detention facility, perhaps in another state.

13. When the plane landed, I was shocked to realize we were in Haiti. I was never told that I would be deported, and I never expected that would happen. Throughout my time in Del Rio and in detention, I wanted to tell U.S. immigration officials my story so they could help me, but I never got the chance. I never had the opportunity to explain to U.S. officials my fear of return to Haiti or ask for asylum. I still want the opportunity to do so.

14. Upon landing in Port-au-Prince, officials removed my shackles and gave me an envelope with some of the documents I had handed over to U.S. officials previously. However, I noticed my passport was missing, so I later emailed the detention facility to ask about my passport. I was never able to retrieve it, so I had to apply for a new passport.

15. Having nowhere else to go, I went back to Gonaïves to live with my mother. I was very worried about reintegrating after being away for five years. For one, I worried about being able to find work, and to this day I have not been able to find a job. I also worried that the threats that led me to flee Haiti would continue, so I have not participated in any political activity since being returned to Haiti and I continue to fear the AAA party. And in Gonaïves, there is a heavy gang presence and lots of kidnappings so I cannot go too far from home. A friend's brother was kidnapped in December 2023, and he hasn't been heard from since. I worry I could be kidnapped, too. Every time I leave home, arrive at my destination, and then return home safely, I thank God. Because of these risks, upon being returned to Haiti I went under the radar, and to this day I live practically in hiding.

16. If possible, I would like to participate in this lawsuit without publicly revealing my

name. I believe it is necessary for my safety to maintain a low profile in Haiti; I worry I would be at risk if my identity were to be disclosed publicly in this lawsuit. I also worry my participation in this lawsuit against the U.S. government could adversely impact my ability to seek immigration relief in the United States.

17. For these reasons, I respectfully ask the Court to allow me to proceed as a plaintiff in the lawsuit under a pseudonym to protect myself.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct. Executed at Gonaïves, Haiti on February 15, 2024.

JAMES DOE

CERTIFICATION OF INTERPRETATION

I, Daniel Tillias, declare that on February 15, 2024, I caused the foregoing declaration to be interpreted faithfully and accurately from English into Haitian Creole for the declarant through telephonic interpretation facilitated by a professional interpreter fluent in English and Haitian Creole and employed by Haitian Bridge Alliance. Before beginning the interpretation, I confirmed that the declarant was able to understand the interpreter. After I finished reading the foregoing declaration via the interpreter, 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 February 15th, 2024 at Delray Beach Florida.

Daniel Tillias

DECLARATION OF GINETTE DOE

I, Ginette Doe, upon my personal knowledge, hereby declare as follows:

1. I am a 32-year-old Haitian national. I was born in Cabaret, Haiti.

2. I am married to Pierre Doe and we have two children. Our children were born in October 2017 and July 2022.

3. I currently live in Longavi, Chile with my younger child. My husband and my older child live together in Santiago, Chile because my husband's job is in the city. Our family used to live together, but I moved to the countryside after being attacked by a neighbor in Santiago.

4. I was born and lived in Cabaret, Haiti until March 2015. Life was hard because I could not find a job to help support my parents or myself.

5. I left Haiti to go to the Dominican Republic in March 2015 to try to find a job. I had a visitor visa for one month. After a few weeks, I realized that staying in the Dominican Republic was not possible since my visa was going to expire, and I had not been able to find a job. I had a cousin who lived in Chile who told me he would help me move there.

6. I arrived in Chile in April 2015. In July of that year, I met my husband, Pierre, who is also a citizen of Haiti, who fled Haiti due to threats against him for his political beliefs. We both had jobs in Santiago; I worked in manufacturing.

7. In 2018, when Pierre and I were living in an apartment complex, my husband's cousin came to visit. When I opened the door to let Pierre's cousin in, our neighbor forced herself into our house and threatened me and my child with a knife. I called Pierre and told him about the incident. When he came home, we tried to leave through the yard, but the neighbor continued to threaten us. We called the police and they arrested her, but she continued making threats against us when she was released about two days later. Our neighbor also had a son who threatened my husband with a gun multiple times when my husband left the house to go to work.

8. Since the threats from our neighbors continued, I had to attend many meetings with the Prosecutor's Office to try to get some protection for my family and me. I lost my job due to all the meetings with them, but they never did anything. I decided to leave Chile due to the years of threats and feeling like there was no justice. My life was in danger, and no one was going to protect me there. We could not go back to Haiti because of the threats against my husband. I wanted to ask for refuge in the United States.

9. I left Chile to go to the United States with my husband and young child in July 2021.We had to cross the Darien Forest. It was a very difficult and long journey and I still have trouble talking with others about what we experienced. We lived through terrible moments trying to reach the United States.

10. My family arrived in Del Rio, Texas around September 2021. When we crossed the river into Del Rio, an immigration officer gave us a ticket with a number and said to wait until our number was called, but he did not explain what would happen after. We spent three days under the bridge at Del Rio. During those three days, U.S. officials did not give us any food or water. I did not think we would survive. My husband had to cross to Mexico to get food for us and our child. We only had access to a portable toilet, but not a shower, so we were covered in dust from sleeping on the ground.

11. After approximately three days, the number on our ticket was called. We were placed on a bus and taken to a detention center for approximately seven days. Each day, we were only given two slices of bread and two bottles of water at 5 am, a small lunch at noon, and then two more slices of bread and water in the afternoon. It was not enough food. We were not able to leave to get more food so both my husband and I gave our child our lunch and we only ate the slices of bread.

12. At the detention center, we only had access to a toilet, but no showers. The immigration officers took our bags away, so we had no change of clothes or anything with which to brush our teeth. We had to ask permission, even if we just wanted to use

the bathroom. I needed medical attention, but I was too afraid to ask. When I arrived in Haiti, I had to be treated for an infection due to the lack of hygiene.

13. After seven days in the detention center, with no warning, we were put on a bus and taken to an airport. My husband was handcuffed, but I was not because my child was sitting on my lap. We did not know we were being sent back to Haiti until we were landing in the Port-au-Prince airport.

14. I never had the chance to ask for protection in the United States for me and my family. No one talked to us. The immigration officers would not have known if we were able to speak or not, because they never asked us anything.

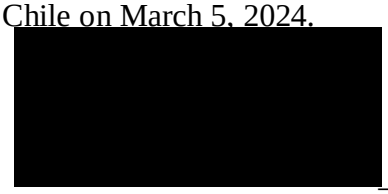
15. When my family and I were deported back to Haiti, we did not return to my husband's hometown because of the threats he had received when he lived there. We stayed in Haiti for approximately three months and then made our way back to Chile because we did not feel safe in Haiti. I still do not feel safe in Chile because of what happened with my neighbor. I live in fear.

16. I have read the declaration of my husband, Pierre Doe, and it accurately reflects what has happened to us in our journey to seek asylum in the United States, including what we experienced in Del Rio, Texas and our expulsion to Haiti.

17. I ask the Court to allow me to participate in this lawsuit without making my name public. I am fearful that participating in this lawsuit against the United States President and other federal government officials could jeopardize my efforts to seek immigration relief in the United States. I do not want my participation in this lawsuit to adversely affect my immigration applications or prevent me from being able to seek immigration relief in the United States. I am also afraid that I would be targeted if my neighbor found out I was living in Chile again.

18. I believe that joining this lawsuit is the right thing to do because I was treated unlawfully, but I would like to request that the Court permit me to proceed under pseudonym in this lawsuit for my protection and the protection of my family.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Santiago, Chile on March 5, 2024.

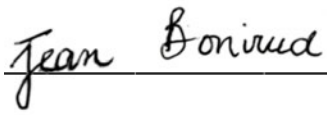


GINETTE DOE

CERTIFICATION OF INTERPRETATION

I, Donirud Jean, declare that on March 5, 2024, I caused the foregoing declaration to be interpreted faithfully and accurately from English into Haitian Creole for the declarant through telephonic interpretation. I am fluent in English and Haitian Creole, and employed by Respond Crisis Translation. Before beginning the interpretation, I confirmed that the declarant was able to understand me. After I finished reading 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 March 5, 2024 in Batchelder St., Brooklyn, NY, USA.



Donirud Jean

DECLARATION OF FLORENCE DOE

I, FLORENCE DOE, upon my personal knowledge, hereby declare as follows:

1. I am a 32-year-old Haitian national. I was born in Saint-Michel de l'Atalaye, a town in the countryside of Haiti.

2. My husband, Eric Doe, is also a plaintiff in this case. We have three children: a fifteen-year-old daughter, a ten-year-old son, and an infant son who was born on January 10, 2024.

3. I currently live in Saint-Michel de l'Atalaye with our children.

4. Until 2016, I lived in Gonaïves with my husband, and I took care of our children and our home. My husband began receiving threats and was attacked because of his affiliation with the political party Unité. As his wife, I became a target as well, and I felt my safety was at risk, too.

5. In 2016, Eric fled to Chile. About five months later, we decided I would join him, and he sent money for my flight. I left our children in my mother's care, because we thought that would be best for them. Life in Chile was very difficult. I was never able to find work. I applied for jobs, but I was never hired—instead, they would hire a Chilean or someone from another country besides Haiti. People on the street would often yell at me and tell me to go back to my country.

6. After several months together in Chile, my husband and I decided we needed to leave. It was a very challenging journey north. For several days, we traveled through the jungle in Panama without food, and I witnessed animals eating dead human bodies.

7. We lived in Mexico for a few years, but life there was very difficult, too. In September 2021, we arrived at the U.S.-Mexico border and crossed the river. I almost drowned; luckily my husband can swim and he saved me. When we reached the other side, we found ourselves in very poor conditions. I thought that after so much suffering, we would finally have some relief when

we arrived in the United States. But I was shocked at how bad the conditions were in Del Rio. There was not enough to eat or drink. I saw women deliver babies under the bridge. The most horrific thing I saw was law enforcement officers on horses dragging people.

8. After waiting at the bridge in Del Rio for several days, my husband and I were taken to a detention facility where we were separated. It was terrible to be apart from him and to not be able to see or speak to him. The facility was very cold and we had no other option but to drink water from the faucet next to the toilet.

9. In the detention facility, I did not understand what was going on. I hoped that I would be able to explain my situation, but I never had the opportunity and no official ever explained what was happening. One day, they shackled us and took us to a plane. Only when the plane landed did I realize we had been returned to Haiti. I was shocked. I had never been told I would be deported and I never expected that would happen. I did not have the chance to explain my situation or ask for protection and still want the opportunity to seek asylum in the United States.

10. After we were deported to Haiti, my husband and I went from the airport to Gonaïves, where we were reunited with our children. We lived in hiding from the very danger we had fled Haiti to escape. In January 2024, three men with guns came looking for my husband at our home. When they discovered my husband was not there, they threatened to burn the house down and burn me alive. My mother and children were home at the time, and I was just a few days away from giving birth to our youngest child.

11. This experience was so frightening to me that we decided I would move away from Gonaïves to the countryside with our children in order to keep myself and our children safe. It is very difficult to live in hiding and to be away from my husband.

12. I have read the declaration of my husband, Eric Doe, and it accurately reflects what has

happened to us in our journey to flee Haiti and seek asylum in the United States, including what we experienced in Del Rio, Texas and our expulsion to Haiti.

13. I ask the Court to allow me to participate in this lawsuit without making my name public. I already live in fear, and I would be even more afraid for my safety and the safety of my family if people in Haiti learned I was involved in this lawsuit. I believe that joining this lawsuit is the right thing to do because I was treated unlawfully by U.S. government officials in Del Rio in 2021, but I would like to request that the Court permit me to proceed under pseudonym in this lawsuit for my protection and the protection of my family.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct. Executed at Saint-Michel de l'Atalaye, Haiti on March 5, 2024.

FLORENCE DOE

CERTIFICATION OF INTERPRETATION

I, Soleya Cherubin, declare that on March 5, 2024, I caused the foregoing declaration to be interpreted faithfully and accurately from English into Haitian Creole for the declarant through telephonic interpretation. I am fluent in English and Haitian Creole and am employed by Respond Crisis Translation. Before beginning the interpretation, I confirmed that the declarant was able to understand me. After I finished reading 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 3-7-24 at GA, USA.

Soleya Cherubin

DECLARATION OF ERIC DOE

I, Eric Doe, upon my personal knowledge, hereby declare as follows:

1. I am a 32-year-old Haitian national. I was born in Gonaïves, Haiti.

2. My wife, Florence Doe, is also a plaintiff in this case. We have three children: a fifteen-year-old daughter, a ten-year-old son, and an infant son who was born on January 10, 2024. I also have a twelve-year-old son with another partner.

3. I am currently in Gonaïves, Haiti.

4. Since 2006, I have been involved in Haitian politics, working for several political figures and parties in various roles. Over the years, my country has experienced cycles of political crisis, and I periodically was forced to flee to the Dominican Republic for a while to escape threats by the political opposition. However, there's a lot of discrimination against Haitians in the Dominican Republic. Once, a Dominican stabbed me in the ribs with a knife; I believe he did this because I am Haitian. I still have scars on my side. I have heard Dominicans say Haitians make the Dominican Republic dirty and that we should go back to Haiti. I felt unsafe there as a Black Haitian man.

5. In approximately 2010, my two brothers and I joined the National Unity Party ("Unité"), which ran the local government where we lived, and in 2011, Unité appointed us to jobs at the public hospital in Gonaïves. I became an ambulance driver, one brother delivered medication, and the other—a physician—became the medical director at the hospital.

6. Around that time, members of the rival political Haitian Tèt Kale Party ("PHTK"), which ran the national government, began aggressively targeting members of Unité to take control of the local government. In approximately 2012, PHTK members shot me in the leg. It took me a long time to recover, and I still have a scar on my leg. Then, about three years

later in 2015, PHTK members attempted to burn down my house. Luckily, I was not inside my house at the time, and my neighbors quickly put out the fire before it consumed my house. It did, however, burn my fence and destroy my motorcycle. I knew PHTK was responsible because they had previously threatened to burn down my house, and I knew that they had burned down houses of other government employees nearby. I attempted to hide in Saint-Michel de l'Atalaye, where my wife is from, but the political instability continued to escalate. One of my brothers fled Haiti, and around May 2016, I fled Haiti as well because my life was in danger from PHTK.

7. I fled briefly to the Dominican Republic, and a few days later, I fled to Chile. Life in Chile was very hard. I had no immigration status there, and, as a result, I could not find an employer that would give me a job. Moreover, I experienced a lot of discrimination there for being a Black Haitian man. Chileans cursed our mothers, called us faggots, made us get off public transportation, and fought us. A few months after I arrived in Chile, my wife joined me. She left our children in her mother's care, as we thought it would be best for them, given the discrimination I had been experiencing in Chile and given how much time and effort we would have to devote to looking for work. We tried to get by, but we eventually decided that we had to leave Chile.

8. My wife and I left Chile for Mexico in 2017. It was a difficult journey that took us through the Darién Gap, where we were attacked by men who raped many of the women and young girls in our group. It was very difficult for me to witness.

9. Once we got to Mexico, our situation continued to be difficult. We passed through different cities, struggling to find safe work conditions and a stable place to live. We could not get an asylum interview with the Mexican Commission for Refugee Assistance ("COMAR"). After several challenging years, we decided to seek protection in the United States instead.

10. Around September 2021, my wife and I crossed the river from Mexico to Del Rio, Texas. It was a terrible situation. The water level was low when we began to cross, but it rose rapidly and picked up speed as we were crossing, and approximately five people near us were swept away and drowned right in front of me. My wife almost died as well, but thank God I was able to rescue her from the strong currents. Our clothes got ripped, and I lost the bag carrying our important documents.

11. On the other side of the river, I didn't understand what was going on. U.S. officials did not explain what was happening or how to apply for asylum. I saw people getting picked up by a little van, which I thought was how we were getting processed, and how I could explain why I could not go back to Haiti. So, my wife and I waited for it to be our turn.

12. We waited for approximately six days with many other Haitians. It wasn't a good situation. There wasn't adequate drinking water or food. Sometimes U.S. officials passed out juice and crackers, but there wasn't enough to feed all of us. I was often hungry and thirsty. There were no facilities that I could see for us to bathe or relieve ourselves. I could not even brush my teeth. There was also nothing for us to sleep on, and we were exposed to mosquitos and the desert animals. Moreover, we could not cross back and forth across the river because government officials with batons prevented us from doing so. I felt like my wife and I were trapped at the Del Rio International Bridge.

13. After these six miserable days, U.S. officials put us and many others in a van. They never told us where we were going. We arrived at a detention facility, where officials separated us as they were placing women with women and men with men. Florence wasn't feeling well and started crying. We were at this detention facility, separated and confused about what was happening, for about two weeks.

14. I expected officials at the detention facility would provide me with a translator so that I could explain why I could not go back to Haiti. Instead, one day without any explanation, officials chained my legs, waist, and arms. They placed some of us, including my wife, in a van and drove us to an airport. They never told us where we were going. It was not until the plane landed in Haiti that I realized I had been deported. It was such a shock. I never had an opportunity to express my fear of returning to Haiti or my intention to seek refuge in the United States, or to seek any other form of immigration relief, and I still want this opportunity.

15. Upon being expelled to Haiti, my wife and I returned to Gonaïves, where my mother-in-law brought our children to reunite with us. However, Haiti is in political crisis, and the party in power is always trying to shut down any opposition parties. Members of PHTK continued to target me and my brothers. In August 2022, PHTK members went so far as to violently assault one of my brothers and break his leg. In January 2024, armed men came to our house looking for me. My wife, who was pregnant at the time, was home with her mother and our children. When the men discovered I was not there, they threatened to burn the house down. After that incident, my wife fled to the countryside to protect herself and the children. I cannot join them because there are no job opportunities there. I continue to live in hiding, constantly fearful for my safety and that of my family.

16. I ask the Court to allow me to participate in this lawsuit without making my name public. I continue to live in fear from threats and ongoing violence from the political opposition. I worry that if my name were revealed publicly in connection with this lawsuit, my physical safety would be at risk, as well as the safety of my family. I believe that joining this lawsuit is the right thing to do because I was treated unlawfully by U.S. government officials in Del Rio in

2021, but I would like to request that the Court permit me to proceed under pseudonym in this lawsuit for my protection and the protection of my family.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct. Executed at Gonaives, Haiti on March 11, 2024.

[redacted]

ERIC DOE

CERTIFICATE OF INTERPRETATION

I, Billy Pinera Elve, declare that on March 11, 2024, I caused the foregoing declaration to be interpreted faithfully and accurately from English into Haitian Creole for the declarant through telephonic interpretation. I am fluent in English and Haitian Creole and employed by Respond Crisis Translation. Before beginning the interpretation, I confirmed that the declarant was able to understand me. After I finished reading 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 March 11, 2024, at Orlando, Florida.

Billy Pinera Elve

DECLARATION OF DELGADO DOE

I, DELGADO DOE, upon my personal knowledge, hereby declare as follows:

1. I am a 38-year-old Haitian national. I was born in Marmelade, Haiti.

2. I am married, and my wife and I have a young son who is less than one year old.

3. I am currently in Port-au-Prince, Haiti.

4. Up until 2016, I lived in my hometown of Marmelade, Haiti. I was self-employed and ran a small barber shop and beauty salon. I also worked as my cousin's right-hand man in his campaign for Deputy in the 2015 elections. Haiti's House of Deputies are members of the National Assembly (or Parliament) along with senators. I tried to attend all campaign meetings with my cousin; wherever my cousin went, I went with him. Because of my work supporting my cousin's campaign, I received threats on the phone, and, on one occasion, a bullet was fired at me. In approximately 2016, I fled Marmelade for Port-au-Prince and have not felt safe to go back to my hometown since then due to the threats against me.

5. From approximately 2017 to 2018, I lived in the Dominican Republic. I left the Dominican Republic because I had to be in hiding there because I had no immigration status permitting me to lawfully reside or work in that country. I returned to Port-au-Prince in approximately 2018 because I did not feel safe to return to Marmelade. I lived in Port-au-Prince until I fled to Chile in approximately 2020. I continued to feel unsafe in Haiti, including because gangs had become so powerful and were killing people near me in my neighborhood. In Chile, my life was difficult. I could not get a job, and I think people treated and looked at me differently because I am a Black man.

6. I left Chile for the United States in approximately August 2021. I crossed the river into Del Rio, Texas, in September 2021. When I crossed the river, I saw that other people were having problems crossing the river and were almost getting swept

away in the water. Many of us in the water, including me, would reach out to help the people struggling to get across safely.

7. U.S. officials at the border gave me a colored card with a number on it. I spent quite a bit of time under the Del Rio International Bridge, maybe nine or ten days, but my number was never called.

8. The conditions under the bridge were horrible. The dust was everywhere, and the wind was really strong. Sometimes I had to bend over to walk because the wind was so strong. I slept on the ground with no protection from the dust. I had no tent or blanket. I only had a small bag to put under my head to use as a pillow. I developed a cough from the dust. There were some bathrooms but not enough for everyone. There were no showers, so I had to wash in the river.

9. You could get water and some food from U.S. officials, but there were so many people waiting in line that there was not enough for everyone. I received no food or water from U.S. officials. I had to rely on other people under the bridge for food, and sometimes I went hungry. I would give money to people who would cross the river back into Mexico and buy me food. I did not attempt to cross the river myself to get food because I had friends tell me that U.S. officials on horseback said they were not supposed to cross back into Mexico. While I was under the bridge, I saw officers on horseback chasing people, and I believe this is because those people were trying to cross back to Mexico to buy food. If a U.S. official said not do to something, I would not do it.

10. I became afraid under the bridge because I started to learn from friends whose numbers had been called by the U.S. officials that they were deported back to Haiti. I was really scared to be sent back to Haiti. When I realized that people whose numbers were called were being deported without the chance to ask for asylum, I felt I had no choice but to cross the river back into Mexico. I never had a chance to explain my fear of return to Haiti or to ask for asylum. I was going to tell the U.S. immigration officials, but there was never an opportunity.

11. I returned to the United States and tried to ask for protection there a second time in February 2022. I was detained by U.S. officials for approximately one week. An immigration officer just asked me if I was Haitian and did not give me an opportunity to talk about my fear of being returned to Haiti. I wanted to ask for asylum but did not have the chance. The immigration officers did not explain anything or give me any papers. They put me in a vehicle, shackled my wrists, waist, and ankles like I was a criminal, and sent me on a plane back to Haiti.

12. Since I was deported back to Haiti in February 2022, I have not returned to my hometown because I am afraid that the same people that previously threatened to harm me will do so again. I am living in Port-au-Prince, and I am still constantly fearful for the safety of myself and my family. Sometimes I have to move around or go into hiding at a friend's house because there are shootings and kidnappings by gangs near where I live.

13. I never had the chance to ask for asylum protection or other immigration relief in the United States, and I still want this opportunity.

14. I ask the Court to allow me to participate in this lawsuit without making my name public. I am fearful that participating in this lawsuit against the United States President and other federal government officials could jeopardize my efforts to seek immigration relief in the United States. I do not want my participation in this lawsuit to adversely affect my immigration applications or prevent me from being able to seek immigration relief in the United States. I am also afraid that if my name were revealed publicly, it could endanger me and my family in Haiti. I fear what would happen if the Haitian government or gangs found out that I am participating in this lawsuit.

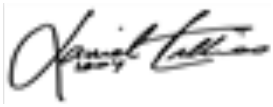
15. I believe that joining this lawsuit is the right thing to do because I was treated unlawfully by U.S. government officials in Del Rio in 2021, but I would like to request that the Court permit me to proceed under pseudonym in this lawsuit for my protection and the protection of my family.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Port-au-Prince, Haiti on January 19, 2024.

DELGADO DOE

CERTIFICATION OF INTERPRETATION

I, Daniel Tillias, declare that on January 19, 2024, I caused the foregoing declaration to be interpreted faithfully and accurately from English into Haitian Creole for the declarant through telephonic interpretation. I am fluent in English and Haitian Creole and employed by Haitian Bridge Alliance. Before beginning the interpretation, I confirmed that the declarant was able to understand me. After I finished reading 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 January 19, 2024 in Delray, Florida.



Daniel Tillias