

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

JUNIOR ONOSAMBA-OHINDO and ANTONIO
LOPEZ AGUSTIN, on behalf of themselves and all
others similarly situated,

Petitioners-Plaintiffs,

v.

WILLIAM BARR, in his official capacity as Attorney
General of the Department of Justice; et al.,

Respondents-Defendants.

Case No.

NOTICE OF MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE that the plaintiffs-petitioners will move this Court on a return date to be determined by the Court for an order pursuant to Federal Rule of Civil Procedure 23 certifying the following class and subclass along with such other and further relief as this Court deems just and proper:

Class:

All individuals currently detained under Section 1226(a) who have had or will have a custody hearing before the Batavia or Buffalo Immigration Courts.

Subclass:

All individuals currently detained under Section 1226(a) who have had or will have a custody hearing before the Batavia or Buffalo Immigration Courts, in front of either Immigration Judge Philip Montante or Immigration Judge Mary Baumgarten.

In support of this motion, the petitioners file the attached Petitioners-Plaintiffs' Memorandum of Law in Support of their Motion for Class Certification dated March 10, 2020, the Declaration of Victoria Roeck (Mar. 10, 2020) with supporting exhibits, the Declaration of Dalya Kefi (Mar. 10, 2020) with supporting exhibits, the Declaration of Junior Onosamba-

Ohindo (Mar. 10, 2020), the Declaration of Antonio Lopez Agustin (Mar. 10, 2020), the Declaration of Christine Lao-Scott (Mar. 10, 2020) with supporting exhibits, the Declaration of Kimberly Hunter (Mar. 10, 2020), the Declaration of Nicholas J. Phillips (Mar. 10, 2020), the Declaration of Jesse Barber (Mar. 10, 2020), and the Declaration of Tanika Vigil (Mar. 10, 2020).

Dated: March 10, 2020
New York, N.Y.

Respectfully Submitted,

/s/ Victoria Roeck
MEGAN SALLOMI*
VICTORIA ROECK
JORDAN LARIS COHEN*
AMY BELSHER
CHRISTOPHER DUNN
New York Civil Liberties Foundation
125 Broad Street, 19th Floor
New York, N.Y. 10004
Tel: (212) 607-3300

JIM DAVY**
PHIL TELFEYAN**
Equal Justice Under Law
400 7th St. NW, Suite 602
Washington, D.C. 20004
Tel: (202) 505-3599

Counsel for Petitioners-Plaintiffs

*Application for admission to the Western District of New York forthcoming
** Application for admission *pro hac vice* forthcoming

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

JUNIOR ONOSAMBA-OHINDO and ANTONIO
LOPEZ AGUSTIN, on behalf of themselves and all
others similarly situated,

Petitioners-Plaintiffs,

v.

WILLIAM BARR, in his official capacity as Attorney
General of the Department of Justice; et al.,

Respondents-Defendants.

Case No. 1:20-cv-290

NOTICE OF MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE that the plaintiffs-petitioners will move this Court on a return date to be determined by the Court for an order pursuant to Federal Rule of Civil Procedure 23 certifying the following class and subclass along with such other and further relief as this Court deems just and proper:

Class:

All individuals currently detained under Section 1226(a) who have had or will have a custody hearing before the Batavia or Buffalo Immigration Courts.

Subclass:

All individuals currently detained under Section 1226(a) who have had or will have a custody hearing before the Batavia or Buffalo Immigration Courts, in front of either Immigration Judge Philip Montante or Immigration Judge Mary Baumgarten.

In support of this motion, the petitioners file the attached Petitioners-Plaintiffs' Memorandum of Law in Support of their Motion for Class Certification dated March 10, 2020, the Declaration of Victoria Roeck (Mar. 10, 2020) with supporting exhibits, the Declaration of Dalya Kefi (Mar. 10, 2020) with supporting exhibits, the Declaration of Junior Onosamba-

Ohindo (Mar. 10, 2020), the Declaration of Antonio Lopez Agustin (Mar. 10, 2020), the Declaration of Christine Lao-Scott (Mar. 10, 2020) with supporting exhibits, the Declaration of Kimberly Hunter (Mar. 10, 2020), the Declaration of Nicholas J. Phillips (Mar. 10, 2020), the Declaration of Jesse Barber (Mar. 10, 2020), and the Declaration of Tanika Vigil (Mar. 10, 2020).

Dated: March 10, 2020
New York, N.Y.

Respectfully Submitted,

/s/ Victoria Roeck
MEGAN SALLOMI*
VICTORIA ROECK
JORDAN LARIS COHEN*
AMY BELSHER
CHRISTOPHER DUNN
New York Civil Liberties Foundation
125 Broad Street, 19th Floor
New York, N.Y. 10004
Tel: (212) 607-3300

JIM DAVY**
PHIL TELFEYAN**
Equal Justice Under Law
400 7th St. NW, Suite 602
Washington, D.C. 20004
Tel: (202) 505-3599

Counsel for Petitioners-Plaintiffs

*Application for admission to the Western District of New York forthcoming

** Application for admission *pro hac vice* forthcoming

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

JUNIOR ONOSAMBA-OHINDO and ANTONIO
LOPEZ AGUSTIN, on behalf of themselves and all
others similarly situated,

Petitioners-Plaintiffs,

v.

WILLIAM BARR, in his official capacity as Attorney
General of the Department of Justice; et al.,

Respondents-Defendants.

Case No. 1:20-cv-290

**DECLARATION OF VICTORIA ROECK IN SUPPORT OF MOTION FOR
CERTIFICATION OF CLASS**

VICTORIA ROECK, a member of the Bar of New York and a member of the bar of this Court, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am an attorney at the New York Civil Liberties Union (“NYCLU”) and have served as co-counsel for the petitioners-plaintiffs in this putative class action. I submit this declaration in support of the petitioners’ motion seeking certification of a class and subclass.

2. The NYCLU was founded in 1951 as the New York affiliate of the American Civil Liberties Union (“ACLU”) and has successfully litigated civil-rights class-action cases against New York State, New York City, the federal government, and other government defendants in the Western District and elsewhere in New York since its founding. The NYCLU also has years of experience litigating cases defending the constitutional rights of immigrants. *See, e.g., Abdi v. Duke*, 280 F. Supp. 3d 373 (W.D.N.Y. 2017) (granting classwide preliminary injunction ordering

government to provide arriving asylum-seekers detained by Immigration and Customs Enforcement fair access to release on parole); *L.V.M. v. Lloyd*, 318 F. Supp. 3d 601 (S.D.N.Y. 2018) (certifying class of detained immigrant children challenging unnecessarily prolonged detention); *V.W. v. Conway*, 236 F.Supp.3d 554 (N.D.N.Y. 2017) (granting preliminary injunction and certifying class in action challenging use of solitary confinement on juveniles in Syracuse jail); *Peoples v. Annucci*, 180 F.Supp. 3d 294 (S.D.N.Y. 2016) (approving class settlement of action challenging solitary confinement in New York State Prisons); *Ligon v. City of New York*, 925 F. Supp.2d 478 (S.D.N.Y. 2013) (granting preliminary injunction in Fourth Amendment challenge to NYPD stop-and-frisk practices in private residential buildings).

3. The NYCLU litigation team on this matter includes Christopher Dunn, Amy Belsher, Megan Sallomi, Victoria Roeck, and Jordan Laris Cohen. Mr. Dunn is the Legal Director of the NYCLU, and he has over thirty years of experience litigating civil rights class actions in federal and state courts, including all of the cases cited in the previous paragraph and numerous other civil rights actions asserting federal constitutional and statutory claims. He supervises Amy Belsher, Megan Sallomi, and Victoria Roeck, all of whom are Staff Attorneys at the NYCLU. Mr. Dunn also supervises Jordan Laris Cohen, who is a Legal Fellow. Ms. Belsher is currently class counsel on *Saravia v. Sessions*, No. 17-cv-03615 (N.D. Cal.); *Duchitanga v. Lloyd*, No. 18-cv-10332 (S.D.N.Y.); and *L.V.M. v. Lloyd*. Ms. Sallomi has been class counsel on *Lyon v. ICE*, No. 13-cv-05878 (N.D. Cal.); and *Doe v. Johnson*, 15-cv-00250 (D. Ariz.). Ms. Roeck is currently class counsel on *Abdi v. McAleenan*, No. 17-cv-721 (W.D.N.Y.).

4. Our proposed class co-counsel, Equal Justice Under Law (“EJUL”), also has significant experience litigating class actions and cases involving ability-to-pay issues in the criminal justice system and related contexts. EJUL is an award-winning organization that provides

pro bono legal services to individuals suffering from discrimination in the criminal justice system because of their financial status. Topics of litigation include (but have not been limited to) cash bail, drivers' license suspensions, and criminal justice privatization.

5. EJUL has litigated several 23(b)(2) class actions in jurisdictions across the country, including in California, Montana, Michigan, Texas, Missouri, Louisiana, and Pennsylvania. *See, e.g., Rodriguez v. Providence Community Corrections, Inc., et al.*, No. 15-1048, 155 F. Supp. 3d 758, 768 (M.D. Tenn. 2015) (granting classwide injunctive relief); *E.B. v. Landry*, No. 19-cv-862 (M.D. La.); *Wright v. Missouri Dept. of Soc. Servs. Family Support Div.*, No. 19-cv-398 (E.D. Mo.). The EJUL team on this matter includes James Davy. Mr. Davy has represented several classes in complex litigation seeking injunctive relief pursuant to Rule 23(b)(2). *See, e.g., Woods v. Marler*, No. 17-4443, 2018 WL 1439591, *5-6 (E.D. Pa. Mar. 22, 2018) (ordering certification of 23(b)(2) class and finding adequacy of class counsel, including Mr. Davy).

6. Proposed class counsel is committed to serving the interests of the class and has the resources and expertise to do so. Before filing this class-action lawsuit, counsel spent significant time identifying and interviewing witnesses, researching the government's practices and relevant law, and analyzing data concerning bond hearings at the Batavia and Buffalo Immigration Courts. Counsel has engaged in significant work researching and investigating the claims in this matter and is prepared to provide adequate staffing and funding to see this case through to its conclusion.

7. Attached as **Exhibit A** is a true and correct copy of the Buffalo Federal Detention Facility Handbook, dated April 2016. I received this handbook from a person formerly detained

at the facility, and he confirmed that it was a true and accurate copy of the handbook he received upon his arrival there.

8. Attached as **Exhibit B** is a declaration from myself, Victoria Roeck, dated December 7, 2018, filed in *Abdi v. McAleenan*, No. 17-CV-721 (W.D.N.Y.), and docketed as ECF No. 99-6 in that case.

/s/ Victoria Roeck
VICTORIA ROECK

Dated: March 10, 2020
New York, N.Y.

EXHIBIT A



Enforcement and Removal Operations

Buffalo Federal Detention Facility Handbook

Batavia, New York



U.S. Immigration
and Customs
Enforcement



U.S. Immigration and Customs Enforcement

Enforcement and Removal Operations (ERO) Buffalo Federal Detention Facility Handbook

TABLE OF CONTENTS

Topic	Page No.	Topic	Page No.
Introduction/Mission.....	2	Attorney Visits	5
Purpose.....	2	Group Legal Rights Presentations	5
Mailing Address.....	2	Inspections of Persons and Property.....	6
Basic Detainee Responsibilities.....	2	Marriage Requests	6
Initial Admission.....	2	Public Visitation	6
Living Conditions	3	Correspondence	6
Evacuation Drills.....	3	Packages.....	8
Official Counts	3	Classification.....	8
Meals	3	Detainee Discipline	8
Smoking Policy	3	Prohibited Acts.....	10
Medical Care.....	3	Grievance Procedures.....	15
Clothing Exchange.....	3	DHS Office of the Inspector General (OIG).....	15
Personal Hygiene.....	3	Sick Call.....	16
Barbering Service.....	4	Suicide Screening and Prevention	16
Sleeping Area/Sanitation	4	Recreation Facilities.....	16
Finances.....	4	Detainee Dress Code.....	16
Telephone Access	4	Clothing.....	17
Religious Services	5	Contacting ICE, ERO Staff, Your Deportation Officer or Consular Official	17
Commissary	5	Contraband	17
Detainee Voluntary Work Program	5	General Rules.....	18
Library.....	5	Sexual Abuse and Assault Awareness	18
Law Library	5	Rights and Responsibilities	21

INTRODUCTION/MISSION

The Buffalo Federal Detention Facility (BFDF) in Batavia, New York, is a detention facility of U.S. Immigration and Customs Enforcement (ICE) and the United States Marshals Service (USMS).

The mission of the facility is to provide for and maintain a set of standards and conduct, ensuring detainees are treated with respect and dignity and provides the best possible care while they are in the custody of the facility.

The Buffalo Federal Detention Facility will attempt to make available competent foreign language and/or sign language interpreters to ensure effective communication with detainees with Limited English Proficiency (LEP) and disabilities (e.g., detainees who are deaf, hard of hearing or blind and detainees with low vision). Detainees can receive disability-related auxiliary aids (e.g., Text Telephone or TTY) and services to allow for effective communication as well as other disability-related services to assist with filing a grievance, receiving medical and mental healthcare, using the telephone, participating in the disciplinary system, filing a complaint of sexual violence, etc.

PURPOSE

The purpose of this handbook is to explain the specific rules, regulations, policies and procedures that must be followed while in custody at the facility. This handbook, together with the detainee orientation video, will help provide you with a general overview of the programs, rules, regulations and services of the facility. You will be held accountable for your actions while in custody at the facility. It is your responsibility to become familiar with the contents of this handbook.

Copies of this handbook are issued to each detainee upon intake. Pertinent sections may be posted on the bulletin boards in each detainee housing unit and other bulletin boards.

MAILING ADDRESS

All mail must include:

Your name
Last four digits of your A-number or USMS number
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, NY 14020

BASIC DETAINEE RESPONSIBILITIES

It is ICE policy to treat detainees with dignity and respect while maintaining a safe, secure and sanitary detention facility. It is expected that the staff will receive your full cooperation while you are waiting for your case to process.

In the simplest terms, you are expected to adhere to the following:

- Follow and obey safety and sanitation procedures, rules, laws and policies.
- Obey all orders as given by staff members.
- Respect staff and other detainees at all times.
- Respect government property and the property of others.
- Keep yourself, your clothing and living area clean at all times.

If you comply with the above guidelines you should have no problems while detained at this facility. When addressing staff you will not refer to them by their first name, rather refer to staff by their titles, as in, mister, miss, doctor, officer, and their last name.

The housing unit officer is the direct supervisor of your *housing unit*. It is your responsibility to address any questions or concerns to the housing unit officer. Any further guidance or clarification, if needed, can be addressed to the shift supervisor on a detainee request form. If you need interpretive services, you can make a request directly to the processing agent upon intake, or to your housing unit office verbally or in writing on a detainee request form.

INITIAL ADMISSION

Upon arrival, your clothes, personal property, valuables and funds will be retained by the facility for safekeeping and you will be given an itemized receipt. You must keep these receipts to claim your property, valuables and funds when you are released. **You will not be allowed access to your personal property after the time of initial admission until you leave the facility.** You will be given an identification wristband that includes your name, A-number and photograph. You must wear this wristband at all times. If you are found not wearing your wristband, an incident report will be written and you will be sanctioned accordingly.

A claim for lost or damaged property can be filed by completing a detainee request form and submitting it to the processing officer or to your housing unit officer. If necessary, the appropriate form will be provided to further investigate this claim.

While at this facility you are permitted to retain:

- Authorized religious items such as a facility-issued rosary, one article of authorized religious headwear, one prayer rug, etc.
- One religious book such as a prayer book, Bible, Koran, etc. This must be a soft covered book
- Legal documents and papers
- Prescription glasses
- Dentures
- Soft-covered address book or addresses of family, friends and other correspondence
- Wedding ring – solid band with no stones
- Personal photos, no more than 25 (no instant photos are allowed); no obscene, lewd or inappropriate photos will be allowed
- Other items approved by the assistant field office director (AFOD)

Your initial issuance of clothing includes:

- Two sets of the detainee uniform
- Underclothes - four sets of drawers, t-shirts and socks
- Two towels and one washcloth
- Slip-on soft soled sneakers, shower shoes
- Jacket and two pairs of shorts

Personal hygiene items issued are toothpaste, a toothbrush, shaving lotion and a comb. Soap is available from dispensers in the dormitory units and shampoo is available from dispensers in all housing units.

These items, with the exception of shaving lotion and combs, are replenished by the housing unit officer on a scheduled weekly basis.

Writing material and envelopes for personal use will be provided by your housing unit officer. These items are also available through the commissary.

A medical examination will be conducted by a member of the ICE Health Services Corps (IHSC) within 14 days of your arrival.

LIVING CONDITIONS

The Buffalo Federal Detention Facility is a 650-bed facility which uses a classification system and houses detainees accordingly. The housing units consist of single cell/double occupancy and dormitory style units. The facility has indoor and outdoor recreation available.

You are required to keep your assigned living areas clean at all times. Your bed must be made immediately upon waking and remain made when not in use. It is in your best interest to maintain a clean living area and avoid many of the problems associated with unsanitary living conditions.

EVACUATION DRILLS

Periodically, evacuation drills will be conducted at the facility. Drills can help you get out safely in a real emergency, such as a fire, gas leak, civil disaster, or other danger. In most cases, you will not know about a drill ahead of time. The drills are not done to scare or inconvenience you. In your housing unit, there is a diagram showing you the location of all fire exits and which exit to use. Study this diagram carefully.

You must follow instructions during a drill or a real emergency. If you do not follow instructions, you may be disciplined.

OFFICIAL COUNTS

Official counts take place at 2 a.m., 6 a.m., 11:30 a.m., 4:30 p.m. (standing face to photo count) and 11:30 p.m.

Additional counts may be conducted at any time as needed.

During all formal counts, no movement or talking is permitted, to include showers and phone calls. Televisions will be turned off during the count.

The facility will be placed in a "locked down" status until the count is completed. The 4:30 p.m. count is a standing face to photo count. You must remain on your bunk or bed for all other counts.

At the 11:30 p.m. count, the facility will be locked down for the evening, and you must remain in your cell or on your bed. All unnecessary movement will stop.

MEALS

The facility serves meals three times every day. You are allowed one meal at each meal time. The meals are nutritionally balanced, approved by a dietitian, served in a clean, safe place, and served with napkins and utensils, which must be returned at the end of each meal. Meals are served in your housing unit or the special housing unit.

The facility offers a standard menu. Menus and meal times may be posted on the housing bulletin board. This facility does not serve pork.

If you need a special diet for religious reasons, ask the chaplain for a Halal, Kosher or common fare meal. If you need a special diet for medical reasons, ask the medical staff to evaluate your request. Your request must be approved before you can get special meals. It is up to you to ask for a special diet if you need it.

SMOKING POLICY

Smoking and tobacco are not allowed anywhere at the facility (inside or outside). If you are found with any smoking contraband you will be charged and sanctioned accordingly.

MEDICAL CARE

The IHSC provides medical care. If you are sick or need medical attention, you must attend sick call in your unit between 7 a.m. and 9 a.m. daily. (See pg. 16 Sick Call). Emergency care is always available.

CLOTHING EXCHANGE

Clothing and linen exchange will be made on a one-for-one basis according to the following schedule:

- Outer garments, socks, underwear and facecloths are laundered twice a week. Each bed location will be issued two laundry bags. The housing unit and bed numbers are labeled on the bags and returned when clean. Do not place towels, sheets, pillowcases or blankets in the clothing bags.
- Clothing that needs to be replaced or exchanged will be done after a detainee request form is submitted to the housing unit officer, and need is verified. This exchange will be on a one-for-one basis.
- Sheets, pillowcases and towels are laundered weekly. Blankets and facecloths are exchanged monthly.
- All detainee food service detainee workers must change outer garments (whites) daily. Each worker will be issued three sets of whites for wear in the kitchen. This clothing will be laundered with the general laundry schedule.
- You may not stockpile clothing. Excess clothing is considered contraband and will be confiscated.
- You are not permitted to wash clothing, bedding, sneakers or other items in the housing unit.

PERSONAL HYGIENE

You will be living in a dormitory or a locked housing unit with other people. Good personal hygiene helps to keep everyone healthy. You are expected to bathe regularly and to keep your hair clean. Personal hygiene items are issued to you upon admission. Nail clippers are available from your housing unit officer. You are expected to keep your fingernails and toenails clipped short.

A disposable razor will be provided on a check out basis daily between 8:30 a.m. and 9:30 a.m. Detainees attending court will be given the opportunity to shave before reporting to court.

BARBERING SERVICE

Free barbering services are available to all detainees. Each housing unit is scheduled to receive barbering services on a regular basis. You must use the signup sheet in order to receive barbering services. You must be dressed in complete uniform before being escorted from your housing unit to the barbering services. When participating in barbering services, you will be required to utilize the next available barber. **Failure to do so will forfeit your privilege for that month.** The SHU has its own schedule for barbering services as determined by the AFOD.

SLEEPING AREA/SANITATION

You are required to keep your bed and immediate area clean, neat and sanitary. You are also required to make your bed daily before reporting for your work assignment or when you begin your daily routine. Your bed must be made when not in use.

You may not hang sheets, towels, blankets, paper or clothing from shelves, overhead lights or on beds. Nothing can be attached to the walls, windows or doors. Ceiling and wall air circulation vents will not be covered or blocked in any way. Extra clothing should be folded and neatly stored on shelves or in the gray storage box you have been provided. The gray storage box must be placed under the bed in the cells and at the end of the bunks in the dormitories.

Any bags, food wrappers, cardboard, plastic or any other packaging materials that may be received as part of a commissary purchase or an approved package must be discarded in the wastebasket upon receipt of the item. Recycling bins have been placed in all units. The **blue** bin is for plastic products and the **green** bin is for paper products. This packaging material is considered contraband and will be confiscated. Failure to comply with any of these regulations will result in an incident report with the appropriate sanctions.

FINANCES

Detainees are not allowed to carry money inside the facility. When you are processed into the facility, you will be required to relinquish all funds (money or check) in your possession to the processing officer and given a receipt for your funds. Before you leave the facility, if you have any funds remaining, you will be issued cash if you are an ICE detainee or a check if you are a USMS detainee.

All purchases through the commissary or telephone calls use the debit system for payment. A non-interest bearing account will be established in your name.

You are allowed to receive funds by mail or from a visitor during an authorized visit. Only certified checks or money orders will be accepted. Cash will not be accepted in person or by mail. If you receive funds from outside the facility, you will be given a receipt for the funds and your money will be forwarded to your commissary account.

A U.S. Postal Service money order is the only guaranteed money order and is the only type of money order not subject to a hold. All other money orders and certified checks drawn on a U.S. bank may be subject to a 15-day hold. Money orders and certified checks drawn on a bank outside of the U.S. may be subject to a 30-day hold.

Sometimes, you may want to send money to your family or pay for legal services. To send money, you must complete a detainee money order request form and forward it to the housing unit officer. Arrangements will be made by the shift supervisor and the commissary department for you to send a money order at your own expense. Request forms must be submitted by Sunday evening for consideration that week. You will be charged a money order fee in accordance with the current U.S. Postal Service money order rate. If your request is approved, you may expect to receive the money order for mailing on Wednesdays.

Funds cannot be transferred from one detainee to another at any time.

TELEPHONE ACCESS

Each housing unit has anywhere from seven to ten phones available. The phones are collect and debit only. Collect international calls, including Canada, are unavailable. The phone system does not allow 1-800 or other toll-free calls. Upon admission to the facility, you will be issued a Personal Identification Number (PIN). You must safeguard this number at all times. Giving your PIN to another detainee or using the PIN of another detainee is prohibited. Violators will be charged and sanctioned accordingly.

Upon admission, you will be given instructions to set up a voice password. This system is designed to ensure no other detainee can access your prepaid account. Prepaid accounts are your responsibility. Once your voice password is activated, you are entitled to a free three minute phone call within 24 hours of your arrival at the facility.

You can place or add money to your prepaid phone account by calling the customer service phone number from the housing unit telephones. You must have money in your commissary account to transfer to your phone account.

Your family or friends can add money to your prepaid account through the website posted in the housing units or by using the kiosk in the facility lobby. These kiosks take cash and credit cards, or this could be done online at www.intelmate.net/kiosk/login.

Three way calls are not allowed and will be blocked. A fee will be charged by the phone service provider to unblock numbers blocked in this manner.

Phone calls may be limited during high usage periods. The telephones are available for your use seven days a week from 7 a.m. - 11:20 p.m., except during count times.

All calls made from the detainee phone system may be monitored, except for attorney calls.

In case of a verified emergency, access to telephones will be available. Routine phone calls to attorneys are not considered to be emergencies.

If a family member needs to contact you, a message system has been set up. This is an answering machine only. Your family should call 1-585-344-6500, and follow the instructions to leave a message. The messages are checked three times per day and forwarded to detainees.

A list of pro-bono (free) legal organizations, including their phone numbers and dialing instructions, are posted in the housing units. Some of these phone calls may be free.

RELIGIOUS SERVICES

You will have opportunities to practice your religious faith. These opportunities will only be limited if you present a specific documented threat to the safety of the individuals involved in the religious activities, or if you disrupt order in the facility. All facilities must give you reasonable access to religious services and providers of your faith.

The religious service schedule is posted in your housing unit. You will be allowed to participate in religious services for one denomination of your preference. Any changes in religion must be documented via a detainee request form forwarded to the chaplain.

COMMISSARY

Each housing unit may have a store, called a commissary available for detainee use. The use of the commissary is a privilege, not a right. The housing unit has a posted schedule as to when these services are available. Detainees under disciplinary segregation, administrative segregation pending a disciplinary hearing, or commissary sanctions may be allowed to purchase only from the restricted commissary sheet.

You are limited to a \$60 weekly spending and possession limit for commissary items. For safety and security reasons, stockpiling of commissary items is not allowed. It is a violation of policy to give or receive anything of value to or from any other detainee (see code violation #400 on pg. 14).

DETAINEE VOLUNTARY WORK PROGRAM

The facility utilizes volunteer detainee workers in the following areas:

- Kitchen - food preparation and custodial duties (pending medical and classification approval)
- Recreation - custodial duties
- Barbering - custodial duties
- Processing - custodial duties
- Housing units - custodial duties in common areas
- Main hallway and traverse areas (visiting, court holding area) - custodial duties
- Grounds maintenance within the perimeter
- Library - detainee librarian

Every effort will be made to provide you an opportunity to participate in the voluntary work program. Detainees will not be denied voluntary work opportunities based on race, religion, national origin, gender, sexual orientation or disability. Any detainee wanting a work detail position must put in a written request to the detainee work program coordinator for review and approval. Wages are \$1 per day. Typically, you are not allowed to work more than eight hours daily, five days per week or 40 hours per week unless a request is made and approved by the AFOD. In addition, you are required to sign a voluntary work program statement. You may only work one job assignment at any given time.

Detainees who participate in the volunteer work program are required to work according to an assigned work schedule. Unexcused absences from work or unsatisfactory work performance will result in removal from the voluntary work program. If you receive an incident report, you may not be eligible to volunteer for or continue a work detail.

LIBRARY

The library at this facility contains standard library materials and is located in the indoor recreation area. Specific times will be set for use by each housing unit and will be posted in that unit. The facility considers the detainees' needs, interests and abilities when deciding on its materials. The recreation specialist or detainee librarian can assist you. You must give other detainees a chance to read library materials. Take care of the materials you check out and return them on time.

LAW LIBRARY

The law library is available to assist you in any legitimate legal preparation. The law library may not be used to loiter. All ICE detainees have the right to use the facility's law library to access approved legal materials and office equipment (such as copy machines and computers) to copy and prepare legal documents only. The schedule for use is posted in all housing units. **Detainees housed in the SHU must make a written request to the AFOD or designee for access to the law library or law library materials.**

Self-help material is provided and made available to all detainees for their use in research or preparation of their defense. You are permitted to use the law library for the purpose of assisting other detainees in their case, only with written approval from the AFOD or designee. Violators, or detainees who assist other detainees for some form of payment, will be charged with code violation #321 and sanctioned accordingly.

If you need additional time in the law library or additional legal references not normally maintained in the law library, complete a detainee request form located in the housing unit stating your needs. If you notice materials in the law library are damaged or missing, notify the recreation staff.

This facility subscribes to the LexisNexis system, CD-based software that lets you find legal materials on a computer. Instructions for its use are available in the law library from the recreation staff.

ATTORNEY VISITS

Legal representatives may visit detainees seven days a week. Attorney visits do not need to be scheduled; however, it is encouraged that attorneys call ahead when possible to advise the facility of their pending visit. Attorney visits are generally not conducted during meal times. Every effort will be made to accommodate attorney visits; however, this may not always be possible.

A list of pro-bono (free) legal organizations will be posted in all detainee housing units and other appropriate areas. This list is updated when necessary. If you wish to see a representative or paralegal from that organization, you should contact the organization by utilizing the phone number provided in the detainee housing area, or contact your housing unit officer.

GROUP LEGAL RIGHTS PRESENTATIONS

Group legal rights presentations will be offered to all eligible detainees at this facility on a regularly scheduled basis. Presentations are open to all eligible detainees, regardless of the presenter's audience, except when a particular detainee's attendance would pose a security risk.

INSPECTIONS OF PERSONS AND PROPERTY

You are subject to a search upon admission into the facility, and when there is reasonable cause to believe you may have contraband concealed on your person. Searches are routine requirements when entering or exiting any area throughout the facility. Routine, unscheduled searches of the facility, detainee's persons and property will be conducted as deemed necessary.

Staff may search a detainee's housing and work area, and personal items contained within those areas without notice to, or approval from, the detainee and in the detainee's absence.

You must allow the officer or officers to search you. Follow their directions and do everything they tell you.

MARRIAGE REQUESTS

Requests for permission to marry while in ICE custody will be considered on a case-by-case basis.

A detainee request form should be submitted to the AFOD asking for permission to marry and should state the name of the person you intend to marry and that you are eligible to be married in New York state.

In addition, your intended spouse must submit a letter to the AFOD confirming his or her intent to marry you. These requests will be forwarded to the AFOD for approval; however, before being approved, it must be verified that you are eligible to be married in New York state. If approved, your intended spouse must contact the Batavia town clerk for a marriage license. The town clerk will bring the license to the facility for you to sign. Once the marriage license is signed by the detainee, it remains on file at the facility until the wedding.

You or your spouse must make arrangements to retain an appropriate official to perform the marriage ceremony. Only immediate family members are allowed to attend the ceremony, and children of the marrying couple are allowed to attend when accompanied by an adult on a one-to-one basis. The detainee is responsible for providing two witnesses to legally verify the marriage.

Only solid wedding bands with no stones are allowed in this facility.

PUBLIC VISITATION

General Visitation Rules and Regulations:

General visitation is conducted seven days a week during the following hours:

Monday through Friday:

9 a.m. - 11 a.m., 1 p.m. - 3 p.m and 6 p.m. - 8 p.m.

Saturday and Sunday:

9 a.m. - 11 a.m. and 1 p.m. - 3 p.m.

Visitors may arrive no more than 15 minutes prior to the scheduled visit or 30 minutes prior to the end of scheduled visitation.

Transportation and lodging options are posted on the housing unit bulletin board to help assist visitors. Visitors may also receive a copy on request from the lobby officer.

All visits must be scheduled and will be non-contact.

You will have nothing in your possession when you leave your housing unit for a visit. Request forms for visits are obtained from the housing unit officer on the Monday prior, and must be completed no later than 11:30 p.m. the evening prior. Visits are limited to 60 minutes in duration. Any disruptive conduct on either party will result in the termination of the visit. Visits following a detainee wedding ceremony are subject to the 60-minute limitation.

There will be a limit of four visitors approved for any one 60-minute visit. Every child younger than 18 years of age must be accompanied by an adult. Each adult may only be responsible for one child at any time while visiting the facility. If your visitor brings children (younger than 18 years of age), they are expected to remain under the direct supervision of the adult visitor so they will not disturb others who have visitors. No visits will be permitted for minors unless they are accompanied by an adult (18 years or older). The number of visitors in the visiting booth is limited to one adult and one non-adult visitor. Children must not be left unaccompanied in the waiting room.

You can have visitors. Visitors must follow facility visitation policy and procedures. It is your responsibility to ensure your visitors know the visitation rules.

Visitors must be in appropriate and socially accepted attire.

The following is a list of unacceptable attire (but is not limited to this list):

- Miniskirts (shorter than mid-thigh when seated) and Short shorts (shorter than mid-thigh)
- Top of clothing lower than the underarm in the front and the back
- Bare midriffs, halter, strapless, tube and tank tops
- Swim suits and bare feet
- Sexually explicit attire
- Transparent or translucent material (see-through clothing) or anything not deemed appropriate attire by the officer on duty

Immigration Court Hearings Rules and Regulations:

Visitors wishing to attend a court hearing may arrive no more than 15 minutes prior to the scheduled hearing.

Generally, no more than five persons will be allowed on the facility premises for the purpose of attending a court hearing. Children less than 10 years of age are not permitted to attend court hearings. If there is a need to deviate from standard procedures regarding visitors or witnesses in the court, the court administrator will confer with the AFOD and decide accordingly. Requests of this nature must be submitted to the AFOD in writing well in advance of your scheduled court date.

Visitors wishing to attend a court hearing must be in appropriate and socially accepted attire as listed above.

CORRESPONDENCE

You have the right to correspond with persons or organizations consistent with the safety, security and orderly operation of the facility, in accordance with the following procedures. If you are unable to communicate a need that you have in English, you may request interpretive services by filling out a detainee request form and submitting it to any officer.

You may send or receive mail to or from anyone you know personally. You may seal your outgoing letters and place them in the detainee mailbox. All letters are subject to inspection, both for content and contraband. You will only be permitted to mail correspondence and you are responsible for the contents of your letters. Any enclosed items, such as candy, t-shirts, etc., will be considered contraband and an incident report will be written. You are allowed to mail out removable media purchased through commissary only after the contents have been reviewed.

If the staff has reason to believe you are violating or circumventing mail regulations, your mailing privileges could be restricted. Circumvention or violations of mail regulations usually means mailing threatening letters or engaging in criminal activity. Mail restriction usually means you may only write to people that have been approved by the AFOD. It also means all of your incoming and outgoing mail could be censored or read by the staff. Incoming mail that does not meet the facility standards will be considered contraband and withheld.

You are required to write your name, last four digits of your Alien ID Number (e.g. A# 0000) and the facility address on the top left corner of the envelope of all outgoing mail.

Your incoming mail must also include your A-number or USMS Number as part of the address (see pg. 2).

Incoming mail that does not list your last four digits of your Alien ID Number (e.g. A# 0000) or USMS Number will be rejected and returned to the sender. This includes legal mail and packages.

The facility may refuse to deliver your mail if:

- It is considered contraband
- Shows, describes, or might cause violence or disorder
- Explains how to escape, make weapons or explosives, break the law, disobey ICE rules, or make drugs or alcohol
- Has explicit pictures or descriptions of sex
- Contains threats, bribes, or obscene material
- Contains anything illegal or not allowed, messages in code, or anything that threatens the safety and security of the facility

You may not subscribe to magazines, catalogs, or other publications, but you may have a relative or friend send them to you.

All of your incoming mail will be delivered within 24 hours of receipt by the facility staff. Outgoing mail will be routed to the proper postal office no later than the day after receipt by the facility staff (weekends, holidays or exceptional circumstances excluded). The only exception is mail requiring privileged handling. For security reasons, the AFOD has directed all general mail will be issued in the housing units already opened and inspected. Issuance of mail will be in the evening. Outgoing mail will be collected weekday mornings.

You may not write to or receive correspondence from another penal, correctional or detention facility without the expressed permission of the AFOD or designee. You must request this permission by completing a detainee request form.

If you attempt to send mail to another penal, correctional or detention facility without an approved request, the correspondence is considered contraband and an incident report will be written. You may not write to another detainee at the facility.

Legal or special correspondence is defined as your written communication to or from:

- Private lawyers, legal representatives and government lawyers
- Judges and courts; embassies and consulates
- U.S. president, vice president or member of Congress
- U.S. Department of Justice, DHS (including ICE, DHS OIG, DHS Office for Civil Rights and Civil Liberties, and ICE Health Services Corps)
- Health care practitioners
- Grievance systems administrators
- Reporters and other new media representatives

Legal correspondence may be held for a reasonable period (not to exceed 24 hours) to allow verification of the privileged status of the addressee or sender. Incoming legal correspondence will be opened in the presence of the detainee and inspected for contraband, but will not be read unless reasonable suspicion exists of abuse of legal correspondence and unless authorized by a supervisory officer

Outgoing legal correspondence will be sealed.

Incoming legal correspondence will be treated as privileged only if the name and official status of the sender appear on the envelope.

Outgoing legal correspondence similarly requires that not only the name, but also the official status of the recipient appear on the envelope. Both incoming and outgoing legal mail must be labeled "Legal Mail" on the envelope. Tell your lawyer that all incoming legal mail must be labeled like this.

Incoming priority, overnight and certified mail will be recorded in a log book maintained by the facility and distributed to you within the same 24-hour period, excluding weekends and holidays.

The facility will forward identity documents you receive in the mail to your ICE officer and notify you of this action. You can get a certified copy of the identity document by requesting it in writing from your ICE officer.

When you depart the facility, your incoming mail will be returned to sender. All such mail will be returned to the U.S. Post Office.

If the facility determines you cannot afford to pay for postage or mailing materials, you can send some kinds of mail for free, including legal mail, mail to your consulate, and to any court.

You will be able to send up to three letters for your personal mail each week. You can get paper, pencils, and envelopes from your housing unit officer.

If the facility determines you can afford to buy mailing materials, you will not receive them for free. You may buy supplies from the commissary.



PACKAGES

You are not allowed to send or receive packages without the AFOD or designee's approval. When you are in-processed, you will only be allowed to retain property that fits inside of the storage bin. Any additional property must be mailed out at your own expense or will be disposed of as contraband; outlined in the national performance-based national detention standards policy.

ICE detainees may, upon issuance of a final removal order, request to receive one package via U.S. mail or another certified carrier containing **ONLY ONE** set of clothes to be worn during removal. This request must be made on the detainee request form and must be approved by the unit manager or designee. Anything more than one set of clothing will be refused and returned to sender. If any package is received without prior approval, it will be refused. Absolutely no food products will be accepted, and if received, the food products will be destroyed.

In addition, a small bag in which to pack property may also be received. This must arrive in the package with your set of clothes. You will not be allowed to receive more than one package.

If you receive authorized property in the mail, you will be taken to the processing area for the items to be placed in storage. The processing officer will receipt any property received. Property may only be received if prior approval was obtained from a supervisor via a detainee request form.

Any outgoing packages will be searched prior to being sealed.

For USMS detainees, the only authorized personal property you are allowed to take with you upon your departure from the facility are the following items:

- Legal paper or materials - These materials should be relevant to the current or draft federal court proceeding. Once you have been sentenced, all legal paperwork must be mailed out at your expense or destroyed. Any amount of legal paperwork deemed to be excessive by the USMS will need to be mailed out to an address you provide.
- Eyeglasses with soft case only
- Prescribed medication
- The balance of your commissary account
- Wedding band - rings with stones are not authorized only plain wedding bands are permitted
- One set of clothing to be worn upon your departure

At the time of your transfer by the USMS, you will not be allowed to retain any property other than listed above, to include a Bible or other religious books, commissary items, photographs, personal letters, etc. Any property you have accumulated during your stay must be destroyed or mailed out at your own expense prior to your departure from the facility.

You may put a request into processing to make arrangements for your property to be packaged and weighed for shipping costs. You will need to purchase a money order, made out to the U.S. Postal Service for the amount required to ship your package. It is your responsibility to take this action in a timely manner to ensure your property is handled appropriately.

All detainees may also retain up to three soft covered books of your own in your cell or cubicle, in addition to one soft covered religious book. If you wish to receive books in the mail, you must request permission on a detainee request form, and they must be sent directly from the publisher. Hard-covered books are prohibited.

CLASSIFICATION

All detainees admitted to the facility will be classified accordingly. Level one is the lowest classification level, level two is the medium classification level and level three is the highest classification level. Detainees will be separated into different units according to this classification process. Certain work assignments in the facility may be unavailable to detainees dependent upon classification. Each detainee with a classification level of two or three has the right to appeal their classification to the classification officer by completing a detainee request form.

All classifications are generally reviewed every 60-90 days, or when new information affecting a detainee's management is received. Your initial classification score or reclassification score may result in your placement into a new housing unit suitable for your classification level.

DETAINEE DISCIPLINE

Order and discipline are important for the safety and well-being of detainees and staff. Some problems can be taken care of informally with counseling, but other problems may require discipline. You have the right to due process, including the prompt resolution of a disciplinary matter, in accordance with the following procedures.

The Buffalo Federal Detention Facility will attempt to make available competent foreign language and/or sign language interpreters to ensure effective communication with detainees with Limited English Proficiency (LEP) and disabilities (e.g., detainees who are deaf, hard of hearing or blind and detainees with low vision). Detainees can receive disability-related auxiliary aids (e.g., Text Telephone or TTY) and services to allow for effective communication as well as other disability-related services to assist with filing a grievance, receiving medical and mental healthcare, using the telephone, participating in the disciplinary system, filing a complaint of sexual violence, etc.

If you allegedly commit a prohibited act, you will be given a copy of the incident report during the formal investigative process, but no less than 24 hours before your appearance before the institution disciplinary panel (IDP).

If the incident is serious, you may be placed in administrative segregation or lockdown. An investigation will be started within 24 hours of the supervisor being notified that an incident has occurred.

There are two kinds of segregation:

Administrative

You may be placed in administrative segregation for any one of three conditions:

- You are being investigated or have a hearing for disciplinary violations;
- You are scheduled to be transferred or released within 24 hours; or
- You need protection and cannot be safely housed in a less restrictive environment.

Administrative segregation is intended for detainees with special housing requirements, such as:

- Pending investigation or hearing of prohibited acts;
- Medical observation;
- Security risk; or,
- Protective custody.

Disciplinary

You may be placed in disciplinary segregation for any one of these three conditions:

- You cause serious disruption at the facility;
- You need stricter supervision; or
- The Institutional Disciplinary Panel (IDP) has disciplined you.

After the investigation, the incident may be resolved by a unit disciplinary committee (UDC), or it may be forwarded to the IDP, depending on the severity of the prohibited act and outcome of the investigation. If the case is referred to the IDP the hearing may take place on the first business day after receiving the UDC referral. The IDP uses a system of charges and sanctions for rule violations. The IDP may render a verdict in your case using these charges and sanctions. The IDP can reduce the charges if it is deemed appropriate to do so. If you do not accept the IDP verdict, you may use your right to appeal as listed below.

Prior to referring the incident report to the IDP, you will be informed of your rights during the investigative process, both verbally and in writing.



The following is a list of your rights prior to appearing before the IDP:

Before the incident report is sent to the IDP, the facility must notify you in writing about your rights at the IDP hearing, including your right to:

- Receive a copy of the Notice of Charges against you at least 24 hours before the IDP hearing
- Have a full-time staff member of your choice speak for you at the IDP hearing
- Call witnesses and present evidence before the IDP
- Remain silent. You do not have to speak if you do not want to. Your silence may not be used against you.
- Be at all phases of the hearing:
 - You may or may not be present when the IDP meets to make a decision on your case. Also, you will not be allowed to be present if your presence threatens order or safety at the facility.
- Receive translation and interpreter services so you can understand and communicate
- Receive aids or services that the facility can provide to ensure effective communication because of your limited hearing, sight, or other disability
- Receive the IDP decision and an explanation of how they made their decision in writing
- Appeal the IDP decision if you disagree

Appeals must be submitted through the formal detainee grievance process.

At any time during the hearing, the IDP (for justifiable cause) may order a further investigation into the alleged prohibited act and may continue the hearing to a future time.

All detainees located in administrative segregation shall be reviewed within three working days of being placed in administrative segregation to determine if the reasons for placement in the SHU still exist. If you remain in administrative segregation for seven days, a shift supervisor will conduct another review to determine if continued segregation is warranted. You may appeal the administrative segregation order or the review decision by writing to the AFOD.

Detainees in segregation status are reviewed every seven days to ensure the detainee is abiding by all rules and regulations and is offered showers, meals, recreation, etc. The maximum the IDP can impose for a rule violation is 14 days for all violations arising out of one incident; anything greater must be approved by the AFOD. All detainees placed in disciplinary segregation require the review and approval of the AFOD. All detainees are subject to all laws of the United States and of the state of New York. Any detainee violating these laws may be charged and tried for that violation in the appropriate local, state or federal court.

The filing of charges in a judicial court of record for the violation of local, state or federal law does not, in any way, prevent or preclude the administrative handling of the same act as an institution disciplinary matter, or of the taking of disciplinary action against the detainee in question.

Any combination of high moderate or low moderate categories within a 90-day period will constitute a high category violation.

PROHIBITED ACTS

Greatest Category		
CODE	PROHIBITED ACTS	SANCTIONS
100	Killing	<p>A. Initiate criminal proceedings</p> <p>B. Disciplinary transfer (recommend)</p> <p>C. Disciplinary segregation (up to 60 days)</p> <p>D. Make monetary restitution</p> <p>E. Loss of privileges: movies, commissary, recreation, etc.</p>
101	Assaulting any person (including sexual assault)	
102	Escaping from escort; escaping from a secure institution	
103	Setting a fire (charged with this found to pose a threat to life or act in this category only when a threat of serious bodily harm or in furtherance of a prohibited act of greatest severity [i.e. in furtherance of a riot or escape]; otherwise the charge is properly classified as code 219 or 322)	
104	Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, escape tool or device, explosive, or any ammunition	
105	Rioting	
106	Encouraging others to riot	
107	Taking a hostage or hostages	
108	Assaulting a staff member or law enforcement officer	
109	Threatening a staff member or any law enforcement officer with bodily harm	
198	Interfering with a staff member in the performance of duties (conduct must be of the greatest severity in nature). This charge is to be used only when another charge of greatest severity is not applicable	
199	Conduct that disrupts or interferes with the security or orderly running of the facility (conduct must be of the greatest severity nature). This charge is to be used only when another charge of greatest severity is not applicable	

High Category

CODE	PROHIBITED ACTS	SANCTIONS
200	Escape from unescorted activities, open facility and/or from a secure facility without violence	A. Initiate criminal proceedings B. Disciplinary transfer (recommend) C. Disciplinary segregation (up to 30 days) D. Make monetary restitution E. Loss of privileges: commissary, recreation, etc. F. Change housing (quarters) G. Remove from program and/or activity H. Loss of job I. Impound and store detainee's personal property J. Confiscate contraband K. Restrict to quarters L. Warning
201	Fighting, boxing, wrestling, sparring and any other form of physical encounter including horseplay, which causes or could cause injury to another person (except as part of an approved recreational policy or athletic activity)	
202	Possession or introduction of an unauthorized tool	
203	Loss, misplacement or damage of any restricted tool	
204	Threatening another with bodily harm or other offense	
205	Extortion, blackmail, protection, demanding or receiving money, or anything of value in return for protection against others to avoid bodily harm, or under threat of informing	
206	Engaging in sexual acts	
207	Making sexual proposals or threats	
208	Wearing a disguise or a mask	
209	Tampering with or blocking any locking device	
210	Adulteration of any food or drink	
211	Possession, introduction or use of any narcotics, narcotic paraphernalia or drugs not prescribed for the individual by the medical staff	
212	Possessing any officer's or staff clothing	
213	Engaging in, or encouraging a group demonstration	
214	Encouraging others to refuse to work, or to participate in a work stoppage	
215	Refusing to provide a urine sample or to take part in other drug abuse testing	
216	Introduction of alcohol into the facility	
217	Giving or offering an official officer or staff member a bribe, or anything of value	
218	Giving money to, or receiving money from any person for purposes of introducing contraband or for any other illegal or prohibited purpose	
219	Destroying, altering, or damaging government property, or the property of another person, having a value in excess of \$100	
220	Being found guilty of three or more of any combination of high moderate or low moderate categories within a 90-day period	
221	Signing, preparing, circulating or soliciting support for group petitions prohibited	

(Continued on next page)

High Category (continued)		
CODE	PROHIBITED ACTS	SANCTIONS
222	Possession or introduction of any incendiary device including, but not limited to, matches, lighters, etc.	A. Initiate criminal proceedings
223	Any act which may cause endangerment to people and/or property	B. Disciplinary transfer (recommend)
224	Engaging or encouraging others to engage in unauthorized organizational activities or meetings; or display, wear, possess, distribute, or use unauthorized insignias or materials to include hand signing and gestures. (An unauthorized organization is any gang, group or organization that has not been approved by the AFOD.)	C. Disciplinary segregation (up to 30 days)
298	Interfering with a staff member in the performance of duties. (Conduct must be of the high severity of nature.) This charge is to be used only when another charge of highest severity is not applicable.	D. Make monetary restitution
299	Conduct which disrupts or interferes with the secure, orderly running of the facility. (Conduct must be of the high severity nature.) This charge is to be used only when another charge of highest severity is not applicable.	E. Loss of privileges: commissary, recreation, etc.
		F. Change housing (quarters)
		G. Remove from program and/or activity
		H. Loss of job
		I. Impound and store detainee's personal property
		J. Confiscate contraband
		K. Restrict to quarters
		L. Warning

High Moderate Category

CODE	PROHIBITED ACTS	SANCTIONS
300	Indecent exposure	<p>A. Initiate criminal proceedings</p> <p>B. Disciplinary transfer (recommend)</p> <p>C. Disciplinary segregation (up to 72 hours)</p> <p>D. Make monetary restitution</p> <p>E. Loss of privileges: commissary, recreation, etc.</p> <p>F. Change housing (quarters)</p> <p>G. Removal from program and/or group activity</p> <p>H. Loss of job</p> <p>I. Impound and store detainee's personal property</p> <p>J. Confiscate contraband</p> <p>K. Restrict to quarters</p> <p>L. Reprimand</p> <p>M. Warning</p>
301	Stealing (theft)	
302	Misuse of authorized medication	
303	Loss, misplacement or damage of a less restricted tool	
304	Loaning of property or other item of value for profit or increased return	
305	Possession of anything not authorized for retention or receipt by the detainee and not issued through regular channels	
306	Refusing to clean assigned living quarters	
307	Refusing to obey an order of any staff member or security officer (may be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed; i.e. failure to obey an order that furthers a riot would be charged as 105; refusing to obey an order that furthers a fight would be charged 201; refusing to provide a urine sample when ordered would be charged as 214)	
308	Insolence (insubordination) towards a staff member	
309	Lying or providing a false statement to a staff member or security officer	
310	Counterfeiting, forging or unauthorized reproduction of any money, security or other official document, article or identification paper (may be categorized in terms of greater severity according to the nature of the item reproduced; i.e. counterfeiting release papers to affect escape would be charged as 102 or 200)	
311	Participating in an unauthorized meeting or gathering	
312	Being in an unauthorized area	
313	Failure to stand count	
314	Interfering with the taking of the count	
315	Making, possessing or using intoxicants	
316	Refusing to breathe into a breathalyzer or other method of alcohol abuse testing	
317	Gambling	
318	Preparing or conducting a gambling pool	
319	Possession of gambling paraphernalia	
320	Unauthorized contacts with public	
321	Giving money or anything of value to, or accepting money or anything of value from, another detainee or any other person without staff authorization	
322	Destroying, altering or damaging government property or that of another person, having a value of \$100 or less	
398	Interfering with a staff member in the performance of duties (conduct must be of the moderate severity in nature). This charge is to be used only when another charge of moderate severity is not applicable.	
399	Conduct which disrupts or interferes with the security or orderly running of the facility (conduct must be of the moderate severity nature). This charge is to be used only when another charge of moderate severity is not applicable.	

Low Moderate Category

CODE	PROHIBITED ACTS	SANCTIONS
400	Possession of property belonging to another person	A. Loss of privileges: commissary, recreation, etc. B. Change housing (quarters) C. Removal from program and/or group activity D. Loss of job E. Impound detainee's personal property F. Confiscate contraband G. Restrict to quarters H. Reprimand I. Warning
401	Possessing unauthorized clothing	
402	Malingering, feigning illness	
403	Smoking	
404	Using abusive or obscene language	
405	Tattooing or self-mutilation	
406	Unauthorized use of mail or telephone (restriction or loss of these privileges for a specific period of time may often be an appropriate sanction)	
407	Conduct with a visitor in violation of rules and regulations (restriction or loss of these privileges for a specific period of time may often be an appropriate sanction)	
408	Conducting a business	
409	Possession of money or currency, unless specifically authorized	
410	Failure to follow safety or sanitation regulations	
411	Using any equipment or machinery which is unauthorized	
412	Using any equipment or machinery contrary to posted safety standards	
413	Being unsanitary or untidy, failing to keep yourself and your quarters in accordance with posted standards	
498	Interfering with a staff member in the performance of their duties (conduct must be of the low moderate severity nature.) This charge is to be used only when another charge of low moderate severity is not applicable.	
499	Conduct which disrupts or interferes with the security or orderly running of the facility (conduct must be of the low moderate nature.) This charge is to be used only when another charge of low moderate severity is not applicable.	

GRIEVANCE PROCEDURES

If you have a problem, try talking to an officer or other staff member. He or she will try to solve the problem informally. If you do not feel comfortable talking to an officer or other staff member, or if talking has not helped to solve the problem, you may file a formal grievance.

Formal grievance forms are available in all housing units. You have the right to pursue a grievance in accordance with the following procedures.

Grievance forms are available in all housing units. When you have a complaint or grievance, every effort should be made to resolve it at the lowest level possible. You must present your grievance in an orderly and timely manner. You should first attempt to resolve a grievance with the housing unit officer. If an informal grievance is made orally to an officer or other staff member, he or she will first attempt to resolve it at that level. If an informal grievance is resolved, the employee does not need to provide you with written confirmation of the outcome but will document the result for the record in your detention file. If the attempt to resolve the grievance informally is unsuccessful, the facility has four levels of a formal grievance review.

All medical grievances are immediately forwarded to the IHSC medical administration for review.

These reviews consist of the grievance officer (GO) review; department head, grievance appeals board (GAB) review; and appellate review.

GO review:

The designated GO shall conduct the initial adjudication of a formal or informal grievance. You will be provided with a written or oral response within five days of receipt of the grievance.

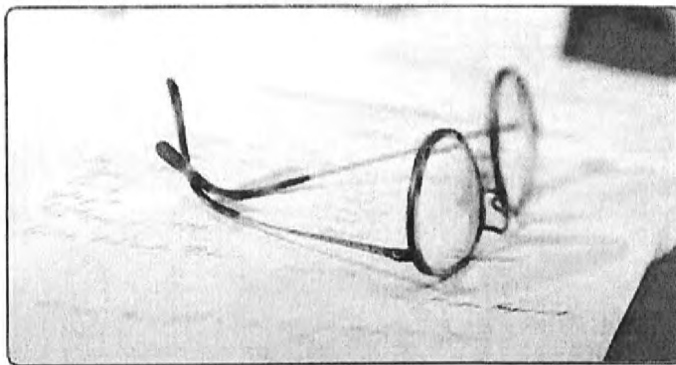
GAB review:

You have the option to file an appeal if you are dissatisfied with a GO decision. The designated members of the GAB (as determined by the department head) will review and provide a decision on the grievance within five days of receipt of the appeal. The GAB will not include any individuals named in the grievance. If the grievance involves a medical issue, at least one member of the GAB will be a medical professional.

Appellate review:

You have the option to file an appeal if you are dissatisfied with a GAB decision. The facility administrator, in some cases in conjunction with the field office director, shall review the grievance appeal and issue a decision within five days of receipt of the appeal. A written decision will be issued to you in all cases and forwarded to the field office director. The appellate reviewer's decision will be final.

Time sensitive emergency grievances are brought to a designated GO or directly to the facility administrator or their designee. If these personnel are not available, a shift supervisor may be informed of the complaint. If the facility administrator determines that the grievance is not an emergency, standard grievance procedures will apply.



If you claim the issue is sensitive or that your safety or well-being may be jeopardized if others in the facility learn of the grievance, you must:

- Describe in the grievance the reason for circumventing standard procedures; and
- Be given the right to seal the grievance in an envelope clearly marked "sensitive" or "medically sensitive," and submit it directly to the facility administrator, administrative health authority or designee.

You may not submit a grievance on behalf of another detainee. You may, however, seek assistance from another detainee or staff member in preparing your grievance. Even if you need someone to help you, you must adhere to all of the deadlines.

You cannot be harassed, punished, or disciplined because you made a complaint. If you believe that you have been retaliated against because you filed a complaint, contact the GO or the facility administrator immediately.

However, if you demonstrate a pattern of abuse of the grievance system, resulting in unnecessary burdens at the expense of legitimate complaints, such grievances will be returned unprocessed.

A copy of your complaint stays in your detention file for three years.

The Buffalo Federal Detention Facility will attempt to make available competent foreign language and/or sign language interpreters to ensure effective communication with detainees with Limited English Proficiency (LEP) and disabilities (e.g., detainees who are deaf, hard of hearing or blind and detainees with low vision). Detainees can receive disability-related auxiliary aids (e.g., Text Telephone or TTY) and services to allow for effective communication as well as other disability-related services to assist with filing a grievance, receiving medical and mental healthcare, using the telephone, participating in the disciplinary system, filing a complaint of sexual violence, etc.

DHS OFFICE OF THE INSPECTOR GENERAL (OIG)

Contact the DHS Office of Inspector General (OIG)

- Call: 1-800-323-8603
- Fax: 1-202-254-4297
- Mail: DHS Office of Inspector General
Attn: Office of Investigations Hotline
245 Murray Drive, SW
Building 410/Mail Stop 2600
Washington, D.C. 20528

SICK CALL

If you are sick, you can request to be seen in the medical clinic. To receive this care, notify the unit officer or the medical staff when they visit you in the housing areas. Sick call will be conducted seven days a week in every housing unit by a registered nurse between 7 a.m. and 9 a.m.

If you are not sure how sick call works, ask any staff member.

If you are having dental pain or swelling, use the sick call process to get help. Routine care such as dental cleanings will not be done unless you are here for more than 12 months.

If you are feeling overwhelmed, have thoughts of hurting yourself or feel like you might hurt someone else, let an officer or a medical staff member know immediately and you will be seen.

SUICIDE SCREENING AND PREVENTION

All detainees will receive an initial mental health screening by a qualified health care professional who has been specially trained, within 24 hours of admission. Detainees with mental illness or depression, or who may be at risk for suicide, will be treated with sensitivity and referred to an appropriate mental health professional. Tell your housing officer right away if you are depressed, think you may hurt yourself, someone else has threatened to hurt themselves, or you want to talk to someone.

Qualified, on-call clinical medical staff is available 24 hours per day for immediate consultation. All potentially suicidal or severely depressed individuals are treated with confidentiality and receive the proper referrals for assistance.

You can also communicate with ICE via the Detention Reporting and Information Line (DRIL) at 1-888-351-4024 or 9116#. You will be referred to an appropriate health professional.

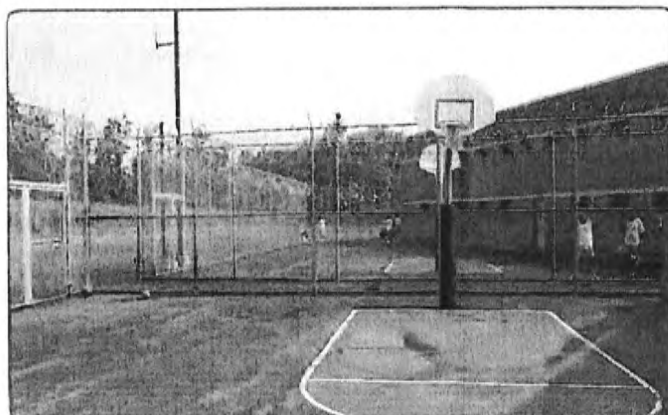
RECREATION FACILITIES

Access to outside recreation

The BFDL will offer outdoor recreation one hour per day. Each housing unit will have a schedule posted as to what times the outdoor recreation is available. No food will be allowed in the recreation yard.

Day-room and indoor recreational facilities

In the housing units, there is recreation including, but not limited to, board games, card games, dominoes and television. In each housing unit an area has been designated as the day room. There are game tables, chairs and television available for use. This area is a common area for all detainees assigned to that housing unit. The use of the day room, board games and television is a privilege and not a right, and use will be at the discretion of the housing unit officer.



The following rules apply for television viewing:

- The housing unit officer is responsible for monitoring and controlling the television programming.
- Televisions will be turned off during official counts, mealtime, cleaning of housing areas and when it will interfere with the facility's operations.
- Television volume must be kept at a reasonable level in order to not disturb other detainees or the facility's operations.

Any requests for special scheduling should be forwarded to the housing unit officer for consideration.

There is indoor recreation available for use. Indoor recreation will be used when the weather does not permit the use of the outdoor recreation area.

DETAINEE DRESS CODE

Poor hygiene and unsanitary habits can harm health and safety at the facility. If you do not obey the dress and grooming rules, it could cause conflicts with others at the facility and the staff may counsel and discipline you. The facility will accommodate your religious preferences about your grooming to the extent possible. You must keep yourself neat and clean and always wear appropriate clothes and shoes.

You may have any hairstyle if it is safe and clean, with the following exceptions:

- For safety and hygiene reasons, kitchen workers and detainee workers operating machinery will keep their hair in a neat, clean and commonly acceptable style. The hairstyle will not interfere with safety and hygiene requirements.
- In addition, all kitchen workers and housing unit workers will wear a hairnet, and those with facial hair must wear a beard guard when handling or serving food at all times.

You may have facial hair with the following exceptions:

- For safety and hygiene reasons, kitchen workers and detainee workers operating machinery must wear a beard guard if they have facial hair, while performing the above described functions.
- These restrictions are a requirement for employment in the above described work assignments, and acceptance of the job denotes acceptance of the grooming standards for the above described work assignments. There will be no exceptions to this requirement including medical reasons.

CLOTHING

You will get a uniform (shirt, pants, and shoes) and a wristband. The basic uniform for detainees is distinct in appearance as to identify the detainee according to their classification level.

- **Blue** uniforms – Level One detainees
- **Orange** uniforms – Level Two detainees
- **Red** uniforms – Level Three detainees

White uniforms will be the work uniform for kitchen workers only. In the housing units, the kitchen workers will wear the appropriate color uniform. Kitchen workers must wear a white uniform, but only when on duty.

All issued clothing must be worn as specified in the following prescribed instructions and in no other manner.

These requirements are essential to ensure compliance of security, hygiene and conduct:

- Clothing must be clean and not torn.
- Only kitchen workers are authorized to wear white uniforms.
- Undergarments may be worn without outer garments only while inside the sleeping quarters or the restroom. **NO EXCEPTIONS**
- Shower shoes may be worn only inside the housing unit.
- Sneakers will be worn at all times when outside the housing units.
- No hats or head coverings, unless it is part of your work uniform or has been approved by the chaplain for religious reasons.
- You will wear a complete uniform (pants, sneakers and uniform shirt) while in medical, court, religious services, educational classes, library, legal rights presentations and at all visitations.
- While in the housing unit, you may wear pants, t-shirt or uniform shirt, and footwear. No baggy or oversized clothing will be worn; sagging or low riding pants are not permitted. Bare feet and bare chests are not allowed.
- Work boots are only to be worn for outside work details.
- No belt will be worn.
- Do not change or re-purpose your uniform if issued (for example, do not wear your shirt as a headband or roll up long pants to make them short).
- Clothes must be worn to and from the shower.
- You are allowed to order one pair of sneakers every six months, provided the pair being replaced is turned into processing and destroyed. You will only be allowed to be in possession of one pair of sneakers at any time. This does not include sneakers issued by the facility.

CONTACTING ICE, ERO STAFF, YOUR DEPORTATION OFFICER OR CONSULAR OFFICIAL

If you have a question, request, concern, complaint, or want more information about the facility's rules, you may ask a staff member at the facility, talk to an ICE officer, or send a written request to the facility or directly to ICE.

You may write your request on a blank piece of paper or ask your housing officer for a detainee request form. See how to file a grievance below.

The detainee request form is an informal request. It is not the same as a grievance. If you would like to pursue a formal complaint, you may file a grievance.

The detainee request form is a form you can fill out to make a request or informal complaint to the facility or ICE staff. If you need help filling out the detainee request form, you may ask another detainee, your housing officer, or other staff member at the facility.

You may contact your deportation officer regarding the status of your immigration case by completing a case management worksheet. This form can be obtained from your housing unit officer. The form must specify a particular concern or question in order to receive a response. The completed form will be forwarded to your deportation officer who will reply to you in writing or in person during the deportation officer rounds in the housing units.

As a non-U.S. citizen who is being arrested or detained, you are entitled to have ICE notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, contact your family and visit you in detention, among other things. If you want ICE to notify your country's consular officials, you can request this notification now, or at any time in the future, with your deportation officer. After your consular officials are notified, they may call or visit you.

Each housing unit has a secure dropbox for you to correspond directly with ICE management. Only ICE personnel has access to the dropbox.

You may correspond directly with the Buffalo Field Office at the following address:

ICE ERO Field Office Director - Buffalo
130 Delaware Avenue
Buffalo, New York 14202

You may also call 1-716-551-4741 during normal business hours (Monday - Friday, 8 a.m. to 4 p.m.)

A listing of free consular phone numbers is posted in each housing unit.

CONTRABAND

Contraband is anything not allowed at the facility. You are not allowed to have anything unsafe or that interferes with the orderly operations of the facility. It is your responsibility to know the rules for what is and is not allowed at the facility. If you have anything listed below, or anything else not allowed by the facility, you may be disciplined.

Contraband items include, but are not limited to:

- Alcohol or illegal drugs
- Dangerous objects, deadly weapons and explosives
- Anything that could disguise or change a detainee's appearance or be used to help someone escape
- Any camera, video, recorder, cell phones, or other device that could be used to make photos, audio or video recordings of detainees, staff, or government property
- Any article of clothing or item for personal use or consumption that has not been purchased through commissary or first approved by the AFOD

- Any article of clothing or item for personal use or consumption that has been altered from its original form, (i.e. radios, playing cards, games or fruit)
- Any authorized item (i.e. photographs) in excessive amounts
- Cameras, video, audio or related equipment that can be used to make unauthorized photographs, audio or video recordings

Any radio found with the numbers altered or in the possession of a detainee other than the proper owner is considered contraband. Therefore all radios, or any other item of value, must be properly secured in your cell or locker any time you leave the housing unit, to include leaving the facility on a temporary basis.

All contraband, to include the above-mentioned radios and altered items, shall be confiscated in accordance with established facility policy and procedure. Detainees found in possession of contraband, to include the above-mentioned radios and altered items, shall be subject to disciplinary procedures.

GENERAL RULES

- No loud or profane language in the unit.
- No horseplay or running.
- Only the detainee assigned to a specific bed is allowed to occupy that bed.
- No yelling across the unit.
- No leaning on or hanging around the officer's station.
- No items will cover lights or vents in cells or cubicles:
- No pillows, blankets or sheets outside of cells or cubicles.
- Staff will control the television.
- No clothes, sheets or towels will be hanging from the bunks in the dormitories.
- When a detainee is locked down in a cell, you will stay away from that cell.
- No loitering on the top tier of the single cell units or dorms.
- Access to the quiet room is at the discretion of the housing unit officer and is limited to one detainee. You must sign up on the quiet room sign in sheet at the officer's station to access the quiet room. There is to be no congregating around the quiet room or cells.
- No talking in the corridor.
- No items will be carried in clothing pockets.
- No food (including commissary) will be taken outside of the unit to visitation, religious services, the library, the law library, indoor recreation, etc.
- Cell doors shall be closed whether in your cell or outside of your cell.
- Additional housing unit guidelines will be placed on the detainee bulletin board in each housing unit.

SEXUAL ABUSE AND ASSAULT AWARENESS

ICE has a zero tolerance policy against sexual abuse or assault of anyone in ICE custody. While detained by ICE you have a right to be safe and free from sexual abuse and sexual assault. ICE requires all facilities to have a sexual abuse and assault prevention and intervention (SAAPI) program, which includes facility procedures for reporting and investigating all incidents of sexual abuse or assault, and ensuring you are provided medical care and other services if you are victimized.

Detention as a Safe Environment

While you are detained, no one has the right to pressure you to engage in sexual acts or unwanted sexual behavior. Regardless of your age, size, race, ethnicity, sexual orientation or gender identity, you have the right to be safe from unwanted sexual advances and acts. If any staff member or service provider tells you they can help you stay in the United States in exchange for sexual contact or gratification or hurt your chances of staying in the United States if you do not allow sexual contact or gratification, they are lying.

Definitions

Detainee-on-detainee sexual abuse and assault

All forms of sexual abuse and assault by a detainee against another detainee(s) are prohibited. If another detainee forces you to engage in a sex act, touches the sexual parts of your body, forces you to touch the sexual parts of his/her body, or uses threats or intimidations to pressure you to engage in sex, it is sexual abuse.

Staff-on-detainee sexual abuse and assault

All forms of sexual abuse and assault against a detainee by a staff member (including contract guards, medical professionals and volunteers) are prohibited and against the law. If a staff member has sex with you, intentionally touches you in a sexual manner, makes sexual advances or repeated sexual comments, displays his or her genitals, or engages in voyeurism, it is sexual abuse.

Examples of sexual abuse and assault:

- While speaking to you, a staff member or another detainee caresses your buttocks;
- A staff member or detainee walks into the walk-in fridge and grabs your breasts;
- Someone threatens to rape you while you are sleeping;
- Someone forces you to have sex with them or another person to repay a debt;
- Someone offers you protection in exchange for sex; or
- A staff member or detainee offers you a privilege or a favor in exchange for sex.

Prohibited Acts

A detainee or staff member who commits sexual abuse or assault shall be punished administratively and may be subject to criminal prosecution.

A detainee who engages in such behavior can be charged with the following Prohibited Acts under the Detainee Disciplinary Policy (DDP):

- Code 101: Sexual Assault
- Code 207: Making a Sexual Proposal or Threat
- Code 404: Using Abusive or Obscene Language
- Code 206: Engaging in a Sex Act
- Code 300: Indecent Exposure

No one can retaliate against you for reporting sexual abuse or assault, participating in an investigation about sexual abuse or assault, or participating in sexual activity as a result of force, coercion, threats, or fear of force.

This means you cannot be subject to disciplinary action, housing changes, removal from facility programs, or other negative actions for reporting.

Reporting sexual abuse or assault will not negatively impact your immigration proceedings

There are many emotional and physical challenges in the aftermath of sexual abuse or assault, but reporting the crime is an important step for you to take in regaining control and seeking justice. If you experience retaliation for reporting sexual abuse or assault, participating in an investigation about sexual abuse or assault, or for engaging in sexual activity as a result of force or coercion, you can report it in the same way that you report an incident of sexual abuse or assault.

Consensual sexual conduct between detainees is also prohibited. While consenting sex between detainees is not sexual abuse or assault, it is a violation of facility rules and subject to administrative and disciplinary action.

Avoiding Sexual Abuse and Assault

Sexual abuse and assault is never the victim's fault. However, you are better protected if you carry yourself in a confident manner. Many abusers choose victims who look like they would not fight back or who they think are emotionally weak. Do not accept gifts or favors from others. Most gifts or favors come with special demands or limits the giver expects you to accept.

You should also:

- Report staff members of the opposite sex who do not announce themselves before entering a bathroom or other area.
- Report any staff member who escorts you ALONE to certain remote areas.
- Do not accept an offer from another detainee to be your protector.
- Find a staff member with whom you feel comfortable discussing your fears and concerns.
- Do not use drugs or alcohol. These weaken your ability to stay alert and make good judgments.
- Be clear, direct, and firm. Do not be afraid to say "no" or "stop it now."
- Choose your associates wisely. Look for people who are involved in positive activities like educational programs, work opportunities, or counseling groups. Get yourself involved in these activities if they are available at your facility.
- Trust your instincts. Be aware of situations that make you feel uncomfortable. If it does not feel right or safe, leave the situation or seek assistance. If you fear for your safety, report your concerns to a staff member.

Report All Sexual Abuse and Assaults

If you are afraid of being abused or assaulted, or if you become a victim of a sexual abuse or assault, talk to someone immediately. Only if the abuse is reported can perpetrators be held accountable and subject to discipline or potentially prosecuted.

You can report a sexual abuse or assault incident to facility staff, ICE/ERO personnel, DHS or ICE headquarters, or a consular official.

You can also report anonymously or through a third party (such as a relative or friend).

Below are some ways you can make a report:**Report to the facility**

Tell any trusted staff member at the facility (for example, your housing unit officer, chaplain, supervisor, officer in charge, health care provider, the designated Sexual Abuse and Assault Prevention and Intervention (SAAPI) Compliance Manager, etc.). Your local handbook may have more information about who to contact.

File an informal or formal grievance with the facility (including an emergency grievance)

This handbook contains information on filing grievances on pg. 15. Your housing officer or unit supervisor can also explain how this process works.

File a written informal or formal request or grievance to ICE/ERO

There should be locked boxes at your facility for ICE requests. Ask your housing unit officer where this box is located if you need help finding it. Only ICE can access this information.

Report to DHS or ICE Headquarters**Contact the ICE Detention Reporting and Information Line (DRIL)**

Call the toll-free hotline at 1-888-351-4024 or 911#

Contact the DHS Office of Inspector General (OIG)

Call the toll-free hotline at 1-800-323-8603 or 518#, or write a letter to:

DHS Office of Inspector General
Attn: Office of Investigations Hotline
245 Murray Dr., SW
Building 410/Mail Stop 0305
Washington, D.C. 20528

Report to your consular official

Call or write to your consular official. Your facility can give you the contact information for your consulate.

Anonymous reporting

You do not have to give your name to report sexual abuse or assault, but the more information you can provide, the easier it will be to investigate what happened. Staff members are required to keep the reported information confidential and only discuss it with the appropriate officials on a need-to-know basis.

Confidentiality

Information about a victim of sexual assault, and the facts of the report itself, will be limited to those who need to know to make decisions concerning the victim's welfare and for law enforcement investigative purposes. People who may need to know include but may not be limited to:

- Staff members who make decisions about your care;
- Law enforcement;
- Facility investigators.
- Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE); and
- Local victim service provider.

If you are abused or assaulted, the facility will help you get medical care, counseling, and victim services

If you feel that confidentiality has been breached by facility staff, you can report it the same way you report sexual abuse, assault, or retaliation.

After reporting sexual abuse or assault or attempted sexual abuse or assault

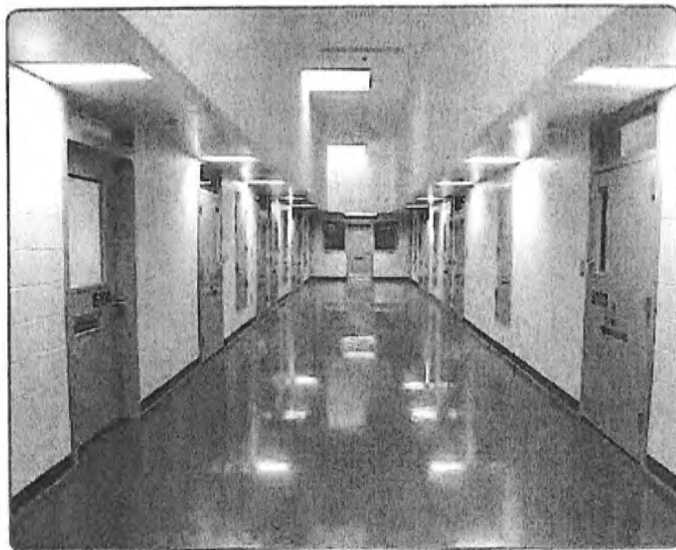
You will be offered immediate protection from the perpetrator and referred for medical examination and clinical assessment. You do not have to name the detainee(s) or staff member who assaulted you in order for you to receive assistance, but specific information may make it easier for staff to help you. You will continue to receive protection from the perpetrator, whether or not you have identified your attacker or agree to testify against them.

Save anything that may contain the perpetrator's DNA

If you are a victim of sexual abuse or assault, you should make every effort to save anything that might contain the perpetrator's DNA. You should not bathe or shower, use the restroom, change clothes, comb your hair, clean up the scene where the incident occurred, or move anything the perpetrator may have touched. It is important to bring with you to the medical exam, the clothes and undergarments that you had on at the time of the assault.

Receiving medical attention

Immediately after a sexual abuse or assault incident, it is important that you receive medical attention, regardless of your decision to participate in a criminal investigation. For your health and self-protection, it is important to be checked and treated for possible injuries, even if none are visible. This includes testing for HIV and other sexually transmitted infections (STIs), as well as receiving preventative treatments, such as medications to prevent STIs, pregnancy (if applicable), and to protect against HIV transmission. You are also entitled to ongoing medical care as needed.



Sexual assault forensic exams

In addition to receiving medical attention, some victims will also be encouraged to receive a sexual assault forensic medical exam. This exam is important because preserving evidence can be key to criminally prosecuting the perpetrator.

You have a right to accept or decline any or all parts of the exam.

It is important to remember, however, that critical evidence may be missed if not collected or analyzed. It is also important to bring with you to the medical exam the clothes and underwear that you had on at the time of the assault. If the facility staff has these items, let the examiner know.

Sexual assault forensic medical exam

A sexual assault forensic medical exam will be performed at a hospital or other healthcare facility, by a SANE, SAFE or another medical professional. This exam is complex and on average, takes three to four hours.

To start, the medical professional will write down your detailed health history. Next the examiner will conduct a head-to-toe, detailed examination and assessment of the entire body (including an internal examination). This may include collection of blood, urine, hair, and other body secretion samples, photo documentation of injuries, and collection of clothing. Finally the medical examiner will speak about treatment for sexually transmitted infections to which victims may have been exposed during the assault and for female victims, pregnancy risk evaluation and care. The facility or center will follow up to ensure that any additional treatments, counseling, medical care, or victims' services are provided.

Mental health and victim services

You are entitled to mental health services and ongoing care, as appropriate, including counseling and access to outside victim services. At your request, the facility staff will put you in touch with a local community victim advocate.

If not available, the facility will contact ICE. The agency will provide you with a trained, experienced professional to provide crisis intervention. Victim advocates and crisis intervention services are available to help you cope and prepare you for any long-term processes. These might include criminal investigation, sexual assault forensic medical exam, emotional and physical reactions after an assault, etc., and your presence during the forensic medical exam or investigative interviews. A professional will also help you build on your strengths and identify your support network, problem solve, communicate to the facility any additional referrals you may need (psychological, medical, legal) for additional support and information, help with any immigration relief support specific to the incident, and help you if you are released from ICE custody.

Your Rights and Responsibilities

RIGHTS	RESPONSIBILITIES
You have the right to be informed of the rules, procedures and schedules concerning the operation of the facility where you are detained.	You have the responsibility to know them and abide by them.
You have the right to freedom of religious affiliation and to voluntary religious worship that does not detrimentally affect others or the order and security of the facility.	You have the responsibility to recognize and respect the rights of other religious groups and/or beliefs.
You have the right to reasonable care. You have the right to be held in acceptable conditions of confinement, which includes nutritious meals, proper bedding and clothing, a regular laundry schedule, an opportunity to shower regularly, proper ventilation for warmth and fresh air, a regular exercise period, toilet articles and medical treatment.	It is your responsibility not to waste food, to follow the laundry and shower schedules, maintain neat and clean living quarters, and to seek medical care as needed.
You have the right to receive visits from family members and friends, according to the facility's rules and schedules.	It is your responsibility to conduct yourself properly during visits and to not accept or pass contraband.
You have the right to legal counsel from an attorney of your choice by means of interviews and correspondence, at no cost to the U.S. government. USMS detainees have the right to an attorney; if you cannot afford an attorney, an attorney will be provided to you.	It is your responsibility to obtain the services of an attorney.
You have the right to unrestricted and confidential access to your attorney and the courts by correspondence.	Presentation of your case is your responsibility, in consultation with your attorney.
You have the right to use law library reference materials to assist you in resolving legal problems. You also have the right to receive help, when it is available, through a legal assistance program.	It is your responsibility to use those resources according to the prescribed procedures and schedule, and to respect the rights of other detainees to use of the materials.
You have the right to a wide range of reading material for educational purposes and for your own enjoyment.	It is your responsibility to use these materials for personal benefit, without depriving others of their equal rights to the use of this material.
You may have the right to participate in a work program, depending on your detention location.	You have a responsibility to take advantage of work opportunities and activities that may help you live more successfully within the facility and the community. You are expected to abide by the regulations governing the use of such activities.
You may have the right to an administrative hearing before an immigration judge, depending on the particular facts and circumstances of your case. Alternative removal proceedings (as authorized by statute) may be used to determine your status in the United States. Should you have any questions in these areas, you should discuss them with your deportation officer.	Presentation of your case is your responsibility, in consultation with your attorney.
You may be authorized for release on bond until your scheduled administrative hearing.	It is your responsibility to arrange methods of payment for your bond.
You have the right to apply for political asylum if you believe that you could be persecuted in your native country because of your race, religion, nationality, membership in a particular social group or political opinions.	It is your responsibility to prepare and submit the proper forms requesting consideration for political asylum in the United States.
If statutorily eligible, you have the right to request voluntary departure prior to a hearing. If voluntary departure is granted, you waive your right to have your case presented at a hearing.	It is your responsibility to inform an ICE officer that you request voluntary departure.



U.S. Immigration
and Customs
Enforcement

Report Suspicious Activity:
1-866-347-2423
www.ice.gov

4/2016

EXHIBIT B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HANAD ABDI; JOHAN BARRIOS RAMOS;
on behalf of himself and all others similarly situated,

Petitioners,

v.

KIRSTJEN NIELSEN, in her official capacity as
Secretary of U.S. Department of Homeland Security;
THOMAS BROPHY, in his official capacity as Acting
Director of Buffalo Field Office of Immigration and
Customs Enforcement; JEFFREY SEARLS, in his
official capacity as Acting Administrator of the
Buffalo Federal Detention Facility, and JEFFERSON
SESSIONS, in his official capacity as Attorney
General of the United States,

Respondents.

**DECLARATION OF
VICTORIA ROECK**

Case No. 17-cv-721 (EAW)

I, **VICTORIA ROECK**, pursuant to 28 U.S.C. § 1746, declare the following under penalty of perjury:

1. I am a legal fellow at the New York Civil Liberties Union (“NYCLU”) and am part of the litigation team that represents petitioners in the above-captioned case. I have passed the July 2018 New York Bar Examination, and my application to the New York Bar is forthcoming. I performed the following research under the supervision of NYCLU Staff Attorney Aadhithi Padmanabhan.
2. I submit this declaration to inform the Court of how long district courts in five circuits take to grant habeas petitions challenging prolonged immigration detention and the impact of counsel on these petitions’ outcomes.

Methodology

3. For my calculations, I reviewed all district court habeas decisions published on Westlaw challenging immigration detention under 8 U.S.C. Section 1225(b) and 8 U.S.C. Section 1226(c) in district courts in five circuits — the First, Second, Third, Sixth, and Eleventh — where courts frequently adjudicate habeas petitions challenging pre-removal mandatory detention and when these courts had not adopted a bright-line six-month rule in determining whether or not to grant the petitioners bond hearings.

4. In the First, Third, Sixth, and Eleventh Circuits, my search included all such decisions between January 1, 2010 and September 30, 2018.¹ In the Second Circuit, my search included all such decisions between January 1, 2010 and October 28, 2015, the date on which the Second Circuit decided *Lora v. Shanahan*, 804 F.3d 601, 617 (2d. Cir. 2015), *cert. granted, judgment vacated*, 138 S. Ct. 1260 (2018), which established a bright-line entitlement to a bond hearing for immigrants mandatorily detained under 8 U.S.C. Section 1226(c) after six months in detention.²
5. To be most comparable to the bond subclass in the above-captioned case, I only included in my analysis cases where it was clear the petitioner had been detained for six months or more at the time of filing a habeas.
6. Based on the methodology set out in paragraphs 4 and 5, the data set included 161 decisions.

Impact of counsel on case outcome

7. Of the 161 decisions, 152 listed whether the petitioner was represented by counsel or *pro se*; in the remaining nine decisions, it was unclear if petitioner was *pro se* or represented.
8. In those 152 cases, petitioners were *pro se* in approximately 56 percent and were represented in approximately 44 percent.
9. *Pro se* petitioners' habeas petitions were granted in approximately 44 percent of decisions; petitioners with counsel were granted habeas relief in approximately 69 percent of decisions.

Case adjudication length

10. Out of the 161 decisions, courts granted habeas in 88. For these 88 decisions, the average length of time between when the petition was filed and when the court issued a final decision was 168 days, or approximately 5.6 months. The average length of time a

¹ These circuit courts have all adopted non-bright-line-rule approaches to habeas petitions challenging prolonged pre-removal immigration detention. See *Reid v. Donelan*, 819 F.3d 486, 497 (1st Cir. 2016), *cert. denied*, 138 S. Ct. 1547, 200 L. Ed. 2d 769 (2018), and *opinion withdrawn on reconsideration*, No. 14-1270, 2018 WL 4000993 (1st Cir. May 11, 2018); *Diop v. Dep't of Homeland Sec.*, 656 F.3d 221, 233 (3d Cir. 2011); *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 474 (3d Cir. 2015); *Ly v. Hansen*, 351 F.3d 263, 271 (6th Cir. 2003); *Sopo v. U.S. Att'y Gen.*, 825 F.3d 1199, 1215 (11th Cir. 2016), *vacated*, 890 F.3d 952 (11th Cir. 2018).

² To isolate this universe of decisions, I searched Westlaw for citing references to 8 U.S.C. Section 1225 and 8 U.S.C. Section 1226 in the appropriate circuits and date ranges. I read each district court decision to determine if it addressed the merits of a habeas challenge to prolonged pre-final-order mandatory detention under these statutes. A NYCLU intern, Daria Brosius, helped me pull decisions from the First and Sixth Circuits, but I read all relevant decisions and updated the spreadsheet accordingly. I excluded from my analysis cases that mooted out before a decision and cases that had been remanded from the circuit court since it would be difficult to calculate adjudication length for such cases. For each relevant decision, I logged case name, district, *pro se* or represented, date of initial ICE custody, date habeas petition was filed, date of final adjudication by the district court of the habeas petition, outcome, and detention statute.

successful petitioner was detained at the time of a final decision was 546 days, or approximately 18.2 months.

11. The length of time courts took to grant habeas petitions varied widely. The 25th percentile for length of time a court took to grant habeas was 68 days, or approximately 2.3 months. The 75th percentile was 216 days, or approximately 7.2 months. In eight percent of these decisions, the court took more than one year to grant a habeas petition.

Dated: December 7, 2018
New York, N.Y.


VICTORIA ROECK

DECLARATION OF DALYA KEFI

I, Dalya Kefi, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an immigration staff attorney with the Volunteer Lawyers Project at the Erie County Bar Association. My office is located at 8 South Lyon Street in Batavia, New York. I am admitted to practice law in the State of New York.
2. In the course of my practice, I have observed more than 20 bond hearings at the Batavia immigration court.
3. In all of those hearings, the burden was placed squarely on the respondent to prove that they were not a danger or a flight risk. Though I recall hearing attorneys ask judges to consider ability to pay or alternatives to detention, I do not recall seeing a judge ever consider those factors in her custody decision.
4. I represent Junior Onosamba-Ohindo in his immigration matters. This affidavit is being prepared based on my personal knowledge and my work on their cases, including a review of various documents relating to it.
5. Mr. Onosamba-Ohindo had a bond hearing before Judge Aikman at the Batavia Immigration Court on February 10, 2020.
6. In advance of his bond hearing, I submitted evidence about Mr. Onosamba-Ohindo, including that the refugee shelter where he was previously living was willing to house him upon release and letters of support from his community. A true and correct copy of the documents I submitted, with some redactions, is attached as Exhibit A (bond evidence for Mr. Onosamba-Ohindo).
7. At Mr. Onosamba-Ohindo's bond hearing, I asked the court for the minimum bond allowed under the statute. I explained that he was living in a shelter and had no money to pay for bond.
8. I also asked for Judge Aikman to consider alternatives to detention, including periodic check-ins with ICE agents or ankle monitoring. Judge Aikman said that she didn't have the ability to order things like that.
9. ICE conceded that Mr. Onosamba-Ohindo had no criminal history, but argued that he may have committed fraud when he crossed the border and presented "as a family unit" with his cousin's child. ICE did not file any evidence in the bond proceedings in support of this allegation.
10. In fact, ICE did not file any evidence at all in the bond hearing.

11. In response, I argued that the child was Mr. Onosamba-Ohindo's relative, and he was taking care of the child because he was separated from his deceased cousin's wife, the child's mother. I also argued that there was no proof before the Court that Mr. Onosamba-Ohindo ever represented to immigration officials that the child was his son.
12. Because the burden was on Mr. Onosamba-Ohindo to prove that he is not a flight risk or danger, he had to attempt to disprove the government's allegation of fraud. Unfortunately, Mr. Onosamba-Ohindo is detained and therefore unable to get in contact with the child's mother, who currently lives in Canada. As such, we have not been able to obtain a letter from her refuting the government's suggestion that Mr. Onosamba-Ohindo committed fraud.
13. Despite evidence that Mr. Onosamba-Ohindo had no income and was previously living in a shelter, Judge Aikman set an unaffordable bond of \$8,000.
14. For the past four weeks, Mr. Onosamba-Ohindo has been detained simply because he cannot pay the \$8,000 bond.
15. Mr. Onosamba-Ohindo has a pending application for relief and is scheduled for a merits hearing on March 17, 2020.
16. Mr. Onosamba-Ohindo's detention has harmed my ability to prepare for his merits hearing. I retained an expert to testify, but due to the expedited timeline for detained cases, the expert will not be available to testify on March 17. I moved the court to continue his hearing, but my motion was denied. If Mr. Onosamba-Ohindo is released, his case would be transferred to a slower, non-detained docket and we would have sufficient time to present this expert testimony in his case.
17. I also represent Mr. Onosamba-Ohindo's wife. She entered with Mr. Onosamba-Ohindo and was detained with him. I presented substantially similar evidence at her bond hearing two days after Mr. Onosamba-Ohindo's hearing. Judge Aikman also granted her an \$8,000 bond. She also remains detained because she is unable to pay that bond.
18. It has been especially difficult for me to prepare for Mr. Onosamba-Ohindo's wife's merits hearing because we have difficulty communicating. While Mr. Onosamba-Ohindo speaks fluent French, his wife's preferred language is Lingala. There are not always interpreters available for our meetings. I cannot readily reserve a Lingala interpreter for our meetings in detention because there are often long waits for visiting rooms to become available at the facility.

19. I also believe that, if Mr. Onosamba-Ohindo and his wife were not detained, they would be able to better assist me obtaining corroborating evidence from their home countries for their application for relief. They could also contact Mr. Onosamba-Ohindo's cousin's wife and present proof of their relationship to their cousin's child.

20. Mr. Onosamba-Ohindo and his wife have now been detained for over six months.

21. If Mr. Onosamba-Ohindo loses his merits hearings on March 17, he will likely appeal to the Board of Immigration Appeals. An administrative appeal in a detained case may take six to nine months to adjudicate. After that, they may appeal to the Second Circuit, which could take another one to two years. As such, his detention is likely to continue for some time.

Executed this 10th day of March, 2020 in Batavia, NY.



Dalya Kefi

EXHIBIT A

file

CERTIFICATE OF SERVICE

Case Name: ONOSAMBA OHINDO, Junior
File # A [REDACTED]

I HEREBY CERTIFY that on this 6th day of February, 2020, I caused to be served:

EXHIBITS IN SUPPORT OF BOND

- by placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid and depositing the same with the United States Postal Service to the person at the address set forth below.
- by causing to be personally delivered a true copy thereof to the person at the address set forth below.
- by UPS to the person at the address set forth below.
- by certified mail-return receipt requested to the person at the address set forth below.

RECEIVED
 U.S. DEPARTMENT OF JUSTICE
 2020 FEB -5 PM 2:44
 FEDERAL BUREAU OF INVESTIGATION
 DEPARTMENT OF JUSTICE
 BOSTON, MA

ADDRESS OF THE PERSON BEING SERVED

U.S. Department Homeland Security
Batavia Office of Chief Counsel
4250 Federal Dr.
Batavia, NY 14020

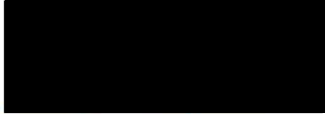
I declare under penalty of perjury that the foregoing is true and correct. Executed on the 6th day of February, 2020.



Dalya Kefi, Esq.
Erie County Bar Association
Volunteer Lawyers Project, Inc.

Bond Exhibit 1

Dalya Kefi, Esq.
Erie County Bar Association
Volunteer Lawyers Project, Inc.
8 South Lyon Street
Batavia, New York 14020



DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
BATAVIA, NEW YORK**

In the Matter of:)
)
ONOSAMBA OHINDO, Junior)
)
In Bond Proceedings)
_____)

File No.: A 

Immigration Judge: Susan Aikman

Next Hearing: February 10, 2020 @ 8:30am

EXHIBITS IN SUPPORT OF BOND

EXHIBITS IN SUPPORT OF BOND

TAB

A. Information regarding bond sponsor, Vive: Jericho Road Community Health Center

- Letter of Support from Bryan Overland, Legal Services Manager at Vive: Jericho Road Community Health Center, dated February 4, 2020, with copy of United States passport
- Copy of Vive: Jericho Road Community Health Center's 2017 Form 990
- Copy of National Grid electricity bill for Vive
- Copy of National Fuel gas bill for Vive
- Copy of Department of Justice Executive Office for Immigration Review Approval of Application for Renewal of Recognition letter for Jericho Road Ministries, Inc., dated September 20, 2019
- Copy of Department of Justice Executive Office for Immigration Review Approval of Application for Partial Accreditation for Bryan Overland, dated September 20, 2019
- Copy of Jericho Road Community Health Center Annual Report for Fiscal Year 2017-2018
- Copy of Jericho Road Community Health Center Newsletter, 2019 Fall/Winter Issue

B. Letter of Support from Anna Elisabeth Porter, dated February 5, 2020, with copy of United States passport

C. Letter of Support from Pastor Jean Pierre Kabeya, dated January 19, 2020

DATED: February 6, 2020

Signed: _____

Dalya Kefi, Esq.

Attorney for Respondent

February 4, 2020

Vive: Jericho Road Community Health Center
50 Wyoming Ave
Buffalo, NY 14215



Re: US Asylum Support
Junior Onosamba Ohindo, [REDACTED]
Merlise Elemu Lowenga, [REDACTED]

To Whom This May Concern:

I am the Legal Services Manager at Vive, a shelter located at 50 Wyoming Ave, Buffalo, NY that has specialized in serving asylum seekers since 1984. Vive provides legal, social, and medical services along with food, clothing, and shelter. Vive is a program of Jericho Road Community Health Center (JRCHC), a federally qualified community health center located in Buffalo, NY.

This letter is to verify that we currently have bed space for Junior Onosamba Ohindo and Merlise Elemu Lowenga at Vive. We will be able to support them throughout the duration of their removal proceedings. Our support includes shelter, food, clothing, and medical services. They will also be able to work with a social worker to find job training classes and employment services in the event that they receive employment authorization. We will help connect them to legal assistance and make sure they are aware of and prepared for any and all upcoming court dates.

For clients who can afford it, we do charge a nominal fee for our services. However, no one is refused service due to inability to pay, and services provided do not differ between paying and non-paying clients. As Junior Onosamba Ohindo and Merlise Elemu Lowenga do not have any form of income, they will be staying at our shelter and receiving services for no charge.

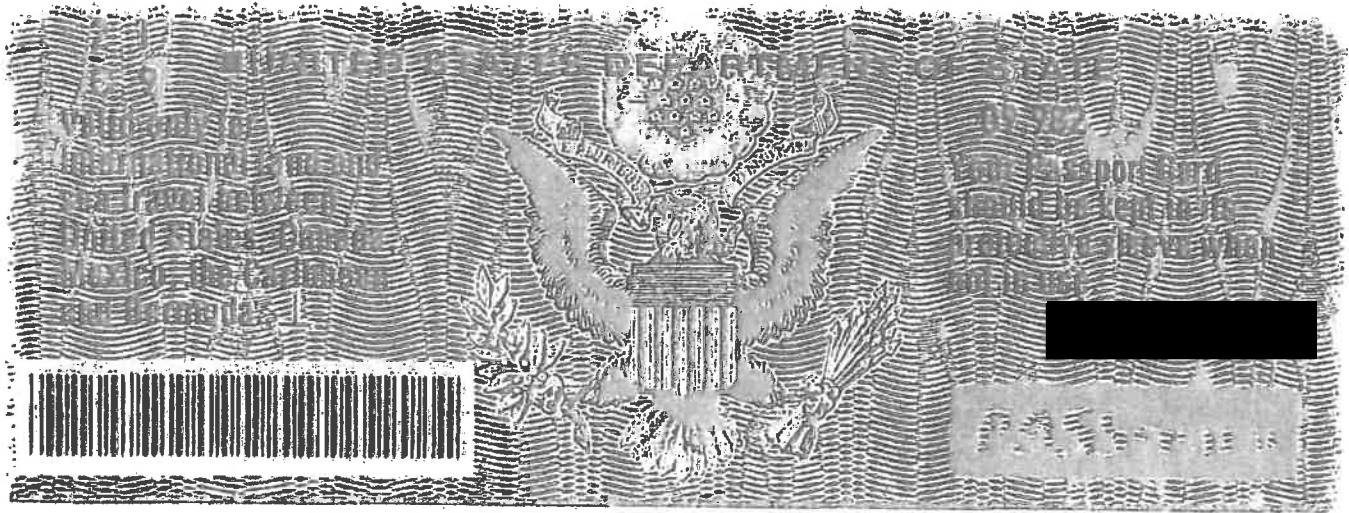
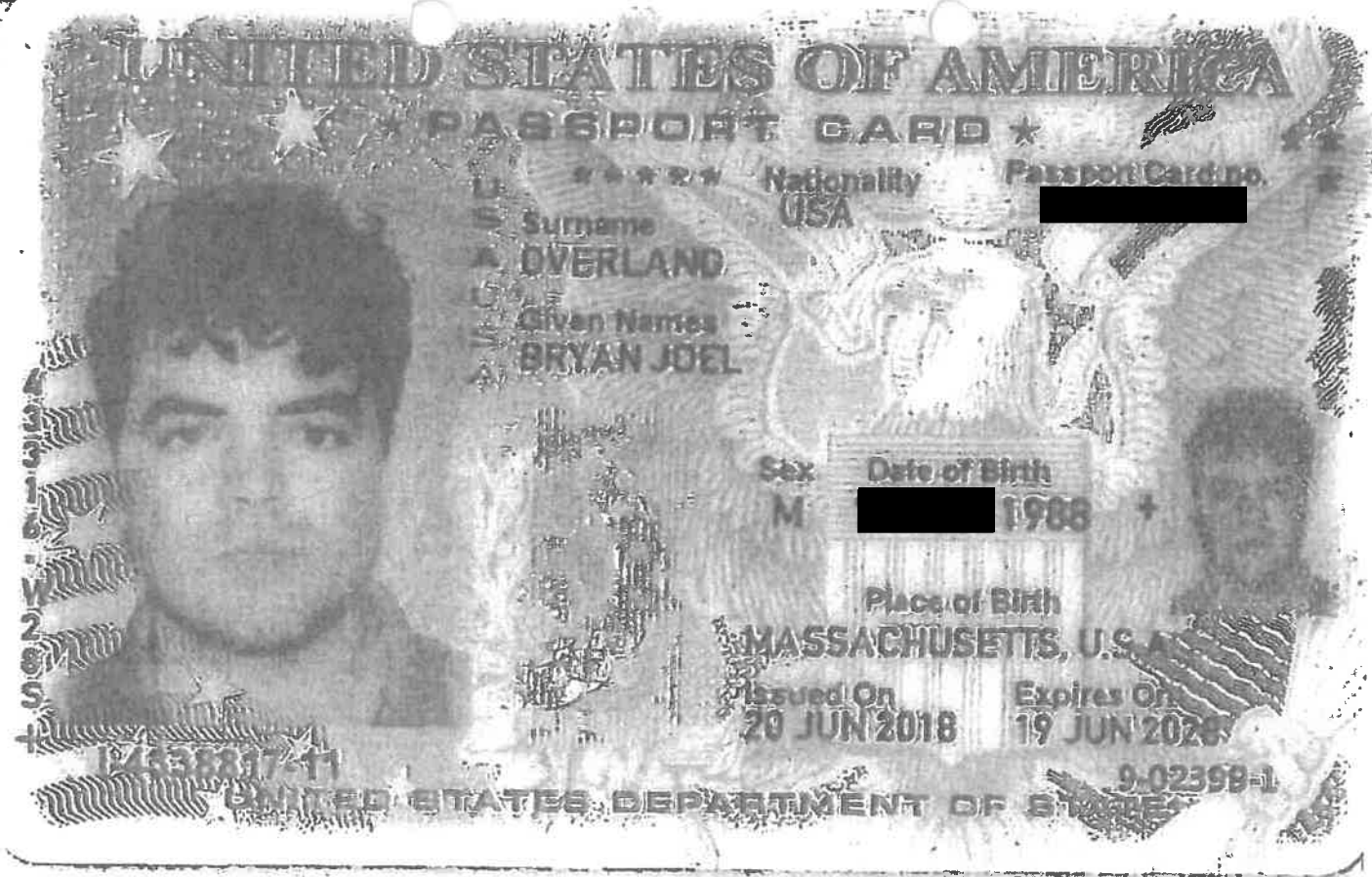
If you have any further questions or need any other documentation to verify the support we can provide for Junior Onosamba Ohindo and Merlise Elemu Lowenga, please contact me at my information below.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Overland".

Bryan Overland
Legal Services Manager
DOJ Accredited Representative





IPUSA [REDACTED] <<11<33<B02<588
8809195M2806192USA<<6160362688
OVERLAND<<BRYAN<JOEL<<<<<<<<<<<

PUBLIC DISCLOSURE COPY - STATE REGISTRATION NO. 40-16-34

Form **990**

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

Department of the Treasury
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public.

Go to www.irs.gov/Form990 for instructions and the latest information.

2017
Open to Public Inspection

A For the 2017 calendar year, or tax year beginning **JUL 1, 2017** and ending **JUN 30, 2018**

<p>B Check if applicable:</p> <p><input type="checkbox"/> Address change</p> <p><input type="checkbox"/> Name change</p> <p><input type="checkbox"/> Initial return</p> <p><input type="checkbox"/> Final return/terminated</p> <p><input type="checkbox"/> Amended return</p> <p><input type="checkbox"/> Application pending</p>	<p>C Name of organization JERICHO ROAD MINISTRIES INC.</p> <p>Doing business as JERICHO ROAD COMMUNITY HEALTH CT</p> <p>Number and street (or P.O. box if mail is not delivered to street address) Room/suite 184 BARTON ST.</p> <p>City or town, state or province, country, and ZIP or foreign postal code BUFFALO, NY 14213-1573</p> <p>F Name and address of principal officer: CLAITY MASSEY PH.D. SAME AS C ABOVE</p>	<p>D Employer identification number [REDACTED]</p> <p>E Telephone number [REDACTED]</p> <p>G Gross receipts \$ [REDACTED]</p> <p>H(a) Is this a group return for subordinates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>H(b) Are all subordinates included? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," attach a list. (see instructions)</p> <p>H(c) Group exemption number ▶</p>
<p>I Tax-exempt status: <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c)() (insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527</p> <p>J Website: ▶ WWW.JRCHC.ORG</p> <p>K Form of organization: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other ▶</p> <p>L Year of formation: 2002 M State of legal domicile: NY</p>		

Part I Summary

Activities & Governance	<p>1 Briefly describe the organization's mission or most significant activities: THE ORGANIZATION'S MISSION IS TO PROVIDE A CULTURALLY SENSITIVE MEDICAL HOME, ESPECIALLY FOR REFUGEE</p> <p>2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.</p> <p>3 Number of voting members of the governing body (Part VI, line 1a) 3</p> <p>4 Number of independent voting members of the governing body (Part VI, line 1b) 4</p> <p>5 Total number of individuals employed in calendar year 2017 (Part V, line 2a) 5</p> <p>6 Total number of volunteers (estimate if necessary) 6</p> <p>7a Total unrelated business revenue from Part VIII, column (C), line 12 7a</p> <p>7b Net unrelated business taxable income from Form 990-T, line 34 7b</p>					
Revenue	<p>8 Contributions and grants (Part VIII, line 1h)</p> <p>9 Program service revenue (Part VIII, line 2g)</p> <p>10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)</p> <p>11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)</p> <p>12 Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">Prior Year</th> <th style="width:50%;">Current Year</th> </tr> <tr> <td style="height: 100px;">[REDACTED]</td> <td style="height: 100px;">[REDACTED]</td> </tr> </table>	Prior Year	Current Year	[REDACTED]	[REDACTED]
Prior Year	Current Year					
[REDACTED]	[REDACTED]					
Expenses	<p>13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)</p> <p>14 Benefits paid to or for members (Part IX, column (A), line 4)</p> <p>15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)</p> <p>16a Professional fundraising fees (Part IX, column (A), line 11e)</p> <p>b Total fundraising expenses (Part IX, column (D), line 25) ▶ 519,016.</p> <p>17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)</p> <p>18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)</p> <p>19 Revenue less expenses. Subtract line 18 from line 12</p>					
Net Assets or Fund Balances	<p>20 Total assets (Part X, line 16)</p> <p>21 Total liabilities (Part X, line 26)</p> <p>22 Net assets or fund balances. Subtract line 21 from line 20</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">Beginning of Current Year</th> <th style="width:50%;">End of Year</th> </tr> <tr> <td style="height: 100px;">[REDACTED]</td> <td style="height: 100px;">[REDACTED]</td> </tr> </table>	Beginning of Current Year	End of Year	[REDACTED]	[REDACTED]
Beginning of Current Year	End of Year					
[REDACTED]	[REDACTED]					

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	<p>Signature of officer CLAITY MASSEY PH.D., PRESIDENT</p> <p>Type or print name and title</p>	<p>Date</p>
Preparer Use Only	<p>Print/Type preparer's name MICHAEL ORLOWSKI</p> <p>Firm's name ▶ DOPKINS & COMPANY, LLP</p> <p>Firm's address ▶ 200 INTERNATIONAL DR BUFFALO, NY 14221-5794</p>	<p>Preparer's signature MICHAEL ORLOWSKI</p> <p>Date 12/04/18</p> <p>Check if self-employed <input type="checkbox"/> PTIN [REDACTED]</p> <p>Firm's EIN ▶ [REDACTED]</p> <p>Phone no. [REDACTED]</p>

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No



SERVICE FOR
JERICH ROAD MINISTRIES INC
 50 WYOMING AVE
 BUFFALO NY 14215

BILLING PERIOD
 Nov 20, 2019 to Dec 20, 2019

PAGE 1 of 3

ACCOUNT NUMBER [REDACTED] PLEASE PAY BY **Jan 15, 2020** AMOUNT DUE **\$ 343.00**

www.nationalgridus.com
 C & I BUSINESS TEAM M-F 8-5
 1-800-864-6729

AUTOMATED SERVICES
 1-888-932-0301

GAS EMERGENCIES
 1-800-892-2345
 (Does not replace 911 emergency medical service)

OUTAGE AND ELECTRIC EMERGENCIES
 1-800-867-5222

CORRESPONDENCE ADDRESS
 300 Erie Blvd West
 Syracuse, NY 13202

DATE BILL ISSUED
Dec 20, 2019
 Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:
 Loadzone Frontier
 Asst No: [REDACTED] Cycle: 18, JERI

Electric Usage History

Month	kWh	Month	kWh
Dec 18	8877	Jul 19	10900
Jan 19	10699	Aug 19	9934
Feb 19	9534	Sep 19	8307
Mar 19	8855	Oct 19	7648
Apr 19	9840	Nov 19	8342
May 19	8557	Dec 19	8210
Jun 19	7797		

Billed Demand Last 12 months

Minimum	19.5
Maximum	24.2
Average	21

YOUR PAYMENT THIS MONTH

Budget Plan Amount	343.00
Amount Due ▶	\$ 343.00

PLAN STATUS

Budget Plan - Started Apr 15	
Accumulated Budget Plan charges	-3,087.00
Accumulated Actual Charges	3,999.76
Amount Due Company after paying this bill	\$ 282.76

ACCOUNT ACTIVITY

Previous Balance	343.00
Payment Received on DEC 6 (Direct Deposit) THANK YOU	- 343.00
Current Charges	+ 391.13

Your Budget Bill amount was reviewed and will change to \$ 411.00 effective with your next bill.

DO NOT PAY. Your Automated Payment Transfer will occur on January 7, 2020.

SUMMARY OF CURRENT CHARGES

	DELIVERY SERVICES	SUPPLY SERVICES	TOTAL
Electric Service	391.13	Billed by supplier	391.13
Total Current Charges	\$ 391.13		\$ 391.13

- Save time and money! Sign up for paperless billing and receive a \$ 0.41 credit on your monthly bill. Visit our website to enroll today.
- Tougher Penalties Help Protect Utility Workers:** New York State has new laws in place to help better protect our field workers who face a number of challenges. Now, any action by a member of the public that prevents a utility worker from performing their job, or causes the worker physical injury, is considered a felony.
- Payment concerns?** We are here to help. To learn about solutions to help you take control of your energy use and bills, visit www.ngrid.com/billhelp.

KEEP THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.



ACCOUNT NUMBER [REDACTED]	PLEASE PAY BY Jan 15, 2020	AMOUNT DUE \$ 343.00
------------------------------	--------------------------------------	--------------------------------

300 Erie Blvd West
 Syracuse NY 13202-0980

*****ALL FOR AADC 140
 JERICH ROAD MINISTRIES INC
 ATTN: ACCOUNTS PAYABLE
 184 BARTON ST
 BUFFALO NY 14213

075585

Please do not mail payment
 Your account is set up for
 automatic payment. Thank you.

000039113 [REDACTED] 5000034300015



PO Box 371835
Pittsburgh PA 15278-3735
National Fuel®

JERICO ROAD
184 BARTON ST STE 1
BUFFALO NY 14213-1573

1909

**Amount Due
DIRECT PAY**

We will automatically deduct \$1,057.00 from your checking account on October 10, 2019.

Account Number [REDACTED]

*A-32-VG1-AM-00815

11-MA JERICO ROAD
MINISTRIES INC
184 BARTON ST STE 1
BUFFALO NY 14213-1573

00000000000000000000000105700009



National Fuel®

FOR EMERGENCIES CALL: 1-800-444-3130

For questions or service call National Fuel: (716) 686-6123 7:00am to 6:00pm Mon-Fri

Account Number: [REDACTED]
Service Address: 50 WYOMING AVE
Name: JERICO ROAD
Service Classification: 02-SC01 - NY RESIDENTIAL CHOICE

We will automatically deduct \$1,057.00 from your checking account on October 10, 2019.

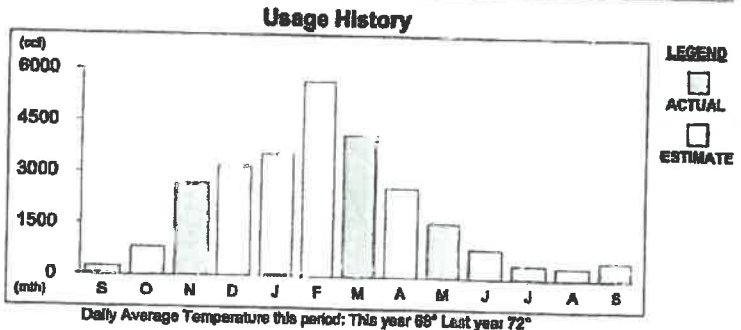
Account Summary as of September 16, 2019
(Complete detail of Current Month Charges on reverse side)

Last Month's Ending Balance	1,057.00
Direct Debit Payment Received	-1,057.00
Balance Remaining	0.00
National Fuel Budget Plan Monthly Payment Amount	1,057.00
Total Account Balance	1,057.00

General Information
Your Natural Gas Delivery Company is:
NATIONAL FUEL GAS DISTRIBUTION CORPORATION

409 MAIN ST
BUFFALO NY 14203
Office Hours: Monday-Friday 8:15am to 4:30pm
WWW.NATIONALFUELGAS.COM

Your Natural Gas Supplier is:
CHAUTAUQUA ENERGY MANAGEMENT, INC.
3850 W RT 20
WESTFIELD, NY 14787
1-877-288-1922
WWW.CEMNY.COM



Budget Plan Summary

National Fuel	
Plan year ends: Mar 2020	
Current Month Charges:	256.15
Budget Plan Add:	800.85
Monthly Budget Plan Amount:	1,057.00
Actual Charges Year to Date:	3,240.65
Budget Billed Year to Date:	6,525.00
Plan Difference Year to Date:	-3,284.35

Gas Usage

Meter No.	Present Read Date	Present Read	Present Read Type	Prev. Read Date	Prev. Read	Prev. Read Type	Additional CCF	Total Meter CCF
90042	09/12/2019	35103	COMPANY	08/14/2019	34585	ESTIMATED	0	518
Total Consumption (ccf) for 29 days								518
12 Month Total Usage 26361 ccf								518
12 Month Average 2196 ccf								
Next Meter Read on or about 11/12/2019								

Please see other side for more information



U.S. Department of Justice

Executive Office for Immigration Review

Office of Legal Access Programs

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

SEP 20 2019

Jericho Road Ministries, Inc.
184 Barton Street
Buffalo, NY 14213

U.S. Citizenship and Immigration Services
Buffalo District Office
306 Delaware Avenue
Buffalo, New York 14202-2404

**Approval of Application for Renewal of Recognition –
Jericho Road Ministries, Inc.**

Dear Jericho Road Ministries, Inc.,

The Office of Legal Access Programs (OLAP) has received your organization's application for renewal of recognition of an organization under 8 C.F.R. § 1292.11, 1292.16. Upon review of the application and the materials submitted, we are satisfied that your organization meets the qualifications for recognition. Therefore, the application is approved.

Please note that recognition of an organization is valid only for a period of six years from the date of this letter. 8 C.F.R. § 1292.11(f). To maintain valid recognition, your organization would need to submit to OLAP an application for renewal of recognition prior to the expiration date. 8 C.F.R. § 1292.16. Please refer to the Recognition & Accreditation (R&A) regulations at 8 C.F.R. § 1292.11–1292.20, and the R&A website (<https://www.justice.gov/eoir/recognition-and-accreditation-program>) for more information on Recognized Organizations' duties and responsibilities, including recordkeeping, reporting changes, and submitting timely renewal applications. Your organization's duty to report changes in accordance with 8 C.F.R. § 1292.14 applies to the principal office and all extension offices. Additionally, your organization's Accredited Representatives may provide services out of this office only.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Lang".

Steven Lang
Program Director
Office of Legal Access Programs



U.S. Department of Justice

Executive Office for Immigration Review

Office of Legal Access Programs

5107 Leesburg Pike, Suite 2500

Falls Church, Virginia 22041

SEP 20 2019

Jericho Road Ministries, Inc.
184 Barton Street
Buffalo, NY 14213

U.S. Citizenship and Immigration Services
Buffalo District Office
306 Delaware Avenue
Buffalo, New York 14202-2404

Approval of Application of Partial Accreditation – Bryan Overland

Dear Jericho Road Ministries, Inc.,

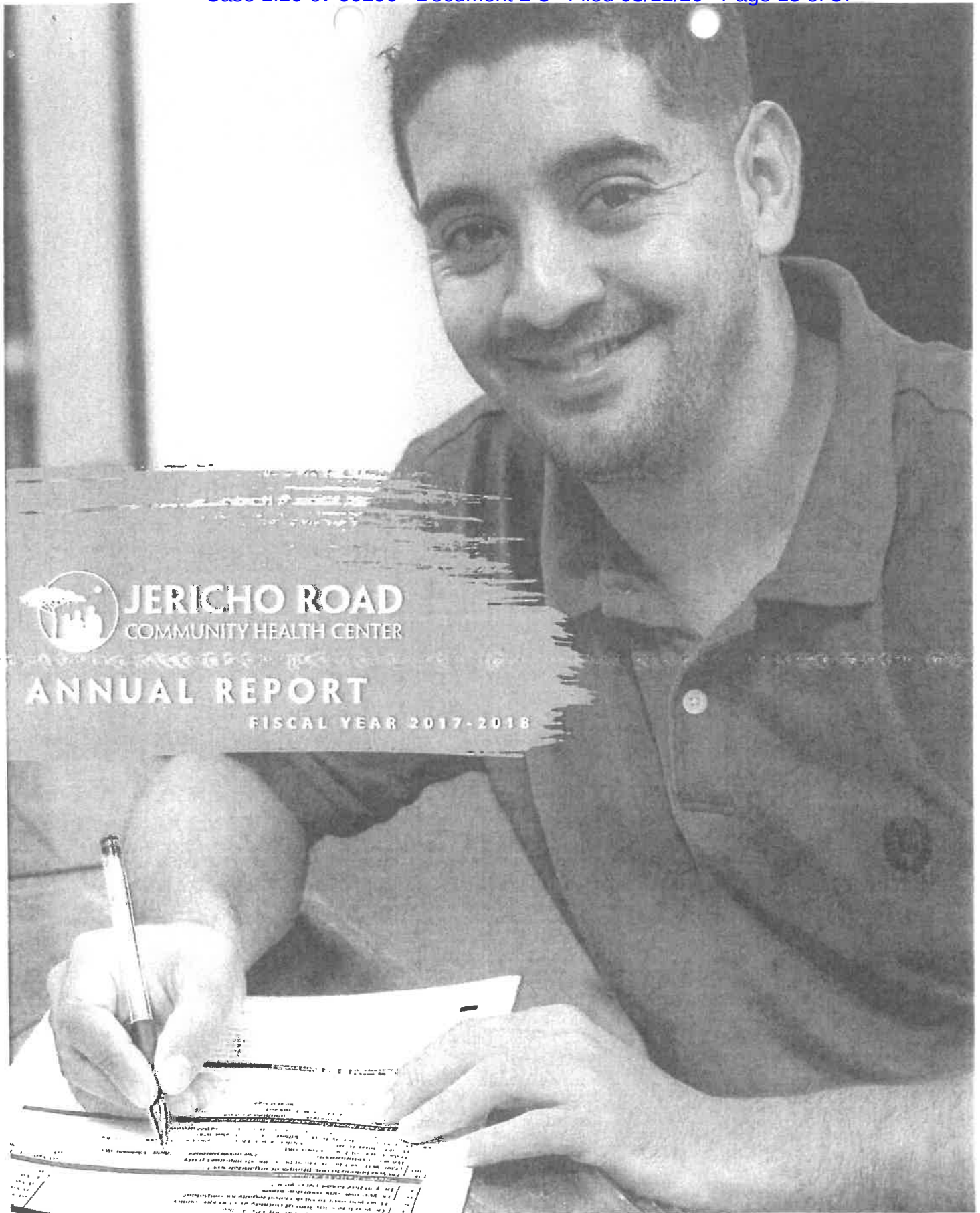
The Office of Legal Access Programs (OLAP) has received your application for partial accreditation for Bryan Overland under 8 C.F.R. § 1292.12. Based upon our review of the application and the materials submitted, we are satisfied that Bryan Overland possesses the character and fitness and broad knowledge and adequate experience in immigration law and procedure to practice before the Department of Homeland Security (DHS). Therefore, the application for partial accreditation is approved.

Please note that accreditation of the representative is valid for a period of three years only from the date of this letter. 8 C.F.R. § 1292.16(g). To maintain valid accreditation, your organization must submit to OLAP an application for renewal of the representative's accreditation prior to the expiration date. The application for renewal of accreditation must establish that the representative remains eligible for accreditation and has continued to receive formal training in immigration law and procedure (annually with supporting documentation) for the three-year period of the representative's accreditation. 8 C.F.R. § 1292.16(c)(2). Please also note that, as practitioners, whether before DHS or the Executive Office for Immigration Review, Accredited Representatives are subject to and responsible for the Professional Conduct Rules found at 8 C.F.R. §§ 292.3 *et seq.* and 1003.102 *et seq.*

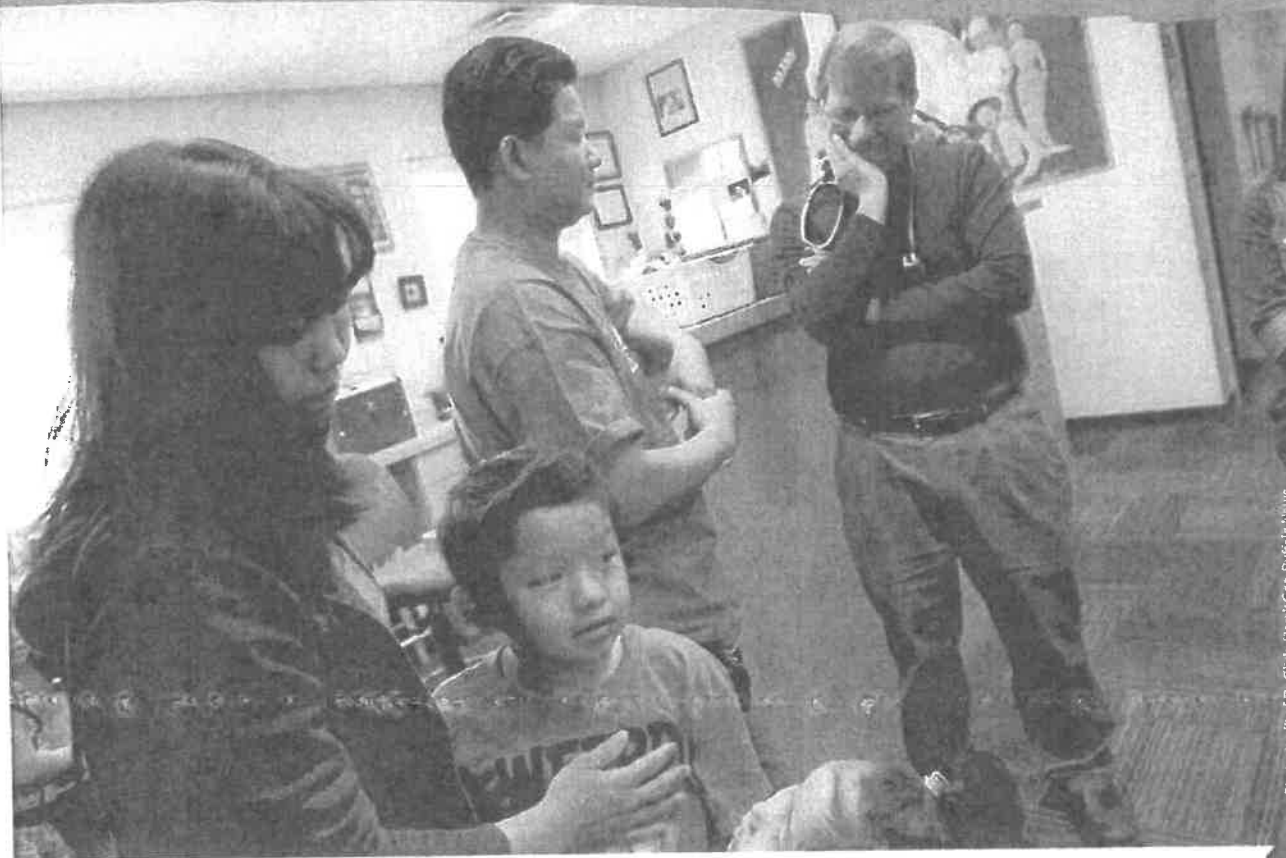
Sincerely,

A handwritten signature in black ink, appearing to read "Steven Lang", is written over a white background.

Steven Lang
Program Director
Office of Legal Access Programs



Jericho Road Community Health Center provides a culturally sensitive medical home, especially for refugee and low-income community members, facilitating wellness and self-sufficiency by addressing health, education, economic, and spiritual barriers in order to demonstrate Jesus' unconditional love for the whole person.



NOTE FROM OUR CEO

When we started out in 1997 we needed to come up with a name for our new little clinic. I guess we could have named it something like Barton Street Clinic, but instead we decided on Jericho Road, after the parable of the Good Samaritan as told by Jesus in the Gospel of Luke.

In this story, a man is beaten up and left for dead on the road from Jerusalem to Jericho. Both a priest and a teacher pass by on the other side of the road and don't stop to help. Later, a stranger comes along and decides to help at great personal cost. In telling this parable, Jesus meant to challenge our notion of who is our neighbor and what it means

to truly love our neighbor.

Echoing down through the ages, this story still compels us to live out our faith in God by showing genuine love to our neighbors here in Buffalo, as well as in Sierra Leone, the Democratic Republic of Congo, and Nepal. It is this simple desire to care for our neighbors that has motivated us to be Jericho Road for more than 21 years and to continue to grow worldwide — both in Buffalo (this year we expanded into the Broadway-Fillmore neighborhood) and in countries around the world (this year we started operations in Nepal).

As you partner with us, you are helping us live out this biblical imperative to love

our neighbor and to care for the most vulnerable. I am profoundly humbled by your faithful support of this work. Your investment is helping to bring healing and hope to the broken, to those who have been beaten and left for dead, and to our neighbors who are most in need. Through large and small acts of courage and kindness, we witness incredible transformations happening every day. It is a great privilege.

Thank you for standing with us.

Myron Glick, M.D.

What we do: Our suite of services includes primary medical care and community development programs in Buffalo, as well as health outreach in some of the world's most medically underserved countries.

LOCAL PRIMARY MEDICAL CARE

- Family Care
- Maternity Care
- Children's Health
- Diabetes Care
- Behavioral Health
- Care Coordination
- and more!

GLOBAL MEDICAL OUTREACH

- **Sierra Leone**
Adama Martha Memorial Community Health Center;
Orfonthy Community Health Center
- **Democratic Republic of Congo**
The Wellness Clinic
- **Nepal**
Motorbike medical outreach program

HOLISTIC CARE AND SUPPORT FOR ALL

LOCAL COMMUNITY DEVELOPMENT PROGRAMS

- Hope Refugee Drop-In Center
- Financial Education • Vive • Priscilla Project
- Parent-Child Home Program
- English as a Second Language

Jericho Road Community Health Center provides high-quality **medical care** for the whole family — especially people with limited access to medical care — like families in poverty, refugees, and immigrants. We are a Patient-Centered Medical Home that offers full-spectrum care to all, even those without insurance or the ability to pay.

Jericho Road patient Valerie is a maternal figure for many. Not only does she have four adult children and ten grandchildren of her own, she also proudly boasts the title of “Neighborhood Mom” in her community on Buffalo’s East Side. She describes her community as “neighborly,” but a lot of that has to do with how much effort she puts into being a good neighbor herself. She knows her area councilman personally, has previously served as the president of her neighborhood block club, and is an active member of her church.

Valerie’s journey with Jericho Road began in 2008 when she walked into the Barton Street health center feeling sick. At the time, she did not have a primary care provider and would go to the emergency room to receive care only when absolutely necessary. That day, Valerie was treated by Jericho Road founder and CEO, Dr. Myron Glick, who is still her primary care physician. For Valerie, Dr. Glick is more than just her doctor. He is a trusted friend who has been part of her family’s life through both joyful and trying times. “You have the number one physician here...I love [Dr. Glick] so much,” she says.

An especially trying time began about a year ago, when Valerie’s son Joshua fell seriously ill and was admitted to Buffalo General Medical Center. For several weeks, a band of specialists poked and prodded him, but could offer no answers. Joshua

became so frustrated he wanted to shut down the whole process, but Valerie knew he couldn’t afford to forgo medical attention. That’s when Joshua decided to build his own medical team, which

she gets a spare minute and she doesn’t have to, you know? She is such a sweet woman. I thank God for Miss Yvette.”

Now, Joshua is waiting to become eligible to get on the kidney transplant



For Valerie, Dr. Glick is more than just her doctor. He is a trusted friend who has been part of her family’s life through both joyful and trying times.

included his kidney specialist, his Jericho Road care manager, Yvette Morrow, and his primary physician, Dr. Glick.

“When Dr. Glick stepped in as my son’s primary care physician and took over, he dotted all the i’s and crossed all the t’s for us,” Valerie remembers. “He was very thorough and to this minute, he still is.”

After over a month in the hospital, Joshua was finally diagnosed with kidney failure. Since that day, Dr. Glick and Yvette Morrow have been reliable familiar faces, providing care, comfort, and consistency. “When it was the critical time, every appointment Josh had, [Yvette] was there,” Valerie remembers. “Now, she calls to check on us from time to time when

list and his health is stable enough for Valerie to get back to doing things she loves, like organizing Unity Day at her church, taking her grandbabies out for Halloween, and enjoying the holidays with her family.

Overall, Valerie is optimistic about Joshua’s health and remains grateful for the attention and care provided to her and her son by the team at Jericho Road.

“It was a tough road. It took a lot to get to where we are now. We went from seeing Dr. Glick every two weeks, then every month, and now the last time we saw him was September and he doesn’t see Dr. Glick again until January. That’s a blessing.”

Medical Care Impact:

2017 UNIQUE PATIENTS

17,032



3,716

AT GENESEE ST.

13,316

AT BARTON ST.



CLINICAL VISITS

74,023

14,950

AT GENESEE ST.

59,073

AT BARTON ST.



PHARMACY

70,898

prescriptions filled

SEX OF PATIENTS

54% female

46% male



DELIVERIES

355



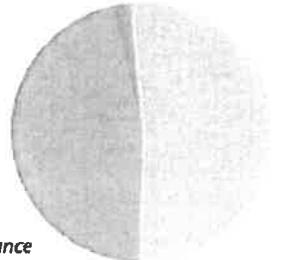
AGES:

0-18 **88%**

19-64

65+ **6%**

**96% of children we serve use Medicaid or other public insurance*



PRIMARY LANGUAGE

59%

Percentage of patients best served in a language other than English*

**The national average for HRSA-funded centers in 2016 was 23.6% of patients.*



English **40.7%**
Burmese **10.5%**
Arabic **7.1%**
Karen **6.6%**
Nepali **6.1%**

Somali **5.1%**
Bengali **3.5%**
Spanish **3.3%**
Swahili **2.8%**
Karenni **2.1%**

Tigrinya **1.3%**
Kinyarwanda **1.1%**
Farsi **1.1%**
French **0.9%**

Maay Maay **0.6%**
Unreported **3.0%**
Others **4.2%**

Our patients speak a combined total of 53 languages!

Our **community programs** seek to address the needs of those we serve more holistically. We recognize that physical health is impacted by environmental factors like literacy and education, financial stability, social support, and job opportunities. Our programs are designed to address some of these social determinants of health.

When Shamila Malik stepped into Jericho Road's Hope Refugee Drop-In Center in 2007, she was simply looking for someone to help translate her mail. She didn't realize that the Drop-In Center and its sister programs, Financially Fit and City Roots, would come to have a huge impact on her life.

Before Shamila and her family came to the United States, they did not have a bank account or credit cards and had never owned a home. Shamila and her husband, Mohammed, had no access to banks in their home country of Burma, but couldn't have used them even if they did. They never earned enough money to save, so banking wasn't a concern. After experiencing religious persecution in Burma, the couple fled the country with their children and entered Malaysia with refugee status.

As refugees, Shamila and Mohammed were not granted the same privileges as Malaysian citizens. They were restricted from working and could not send their children to school. Without access to work, education, and quality healthcare, the family had no viable future in Malaysia.

Luckily, the Office of the United Nations High Commissioner for Refugees stepped in and helped resettle the family in the United States in 2015. Upon arriving in Buffalo, Shamila and Mohammed were able to dream about their family's future again; however,

they also faced new challenges, made especially daunting by the language barrier and complete lack of knowledge about Western financial institutions. In order to realize their dream of owning a home and building a better future for their children, Shamila and Mohammed knew they would need to educate themselves about personal finance in their new country.



After Mohammed secured a full-time job, Shamila began to seek help from Jericho Road's financial education program, Financially Fit. At first, Shamila found the American banking system incredibly confusing and intimidating. As she worked with program staff to learn the

basics about U.S. currency and banking, Shamila became more comfortable. Eventually, Shamila was able to open her first bank account with the assistance of Cai Lee, Financially Fit team member at the Drop-In Center. Her Financially Fit class even went to a local bank to get some hands-on experience with an ATM.

After completing Financially Fit, Shamila felt ready to embark on the process of buying a house. She enrolled in Jericho Road's City Roots class, a 12-week first-time homebuying program where

Upon arriving in Buffalo, Shamila and Mohammed were able to dream about their family's future again.

she learned about mortgages and loans, best techniques for saving, and the people she would need to have on her homebuying team.

In this upcoming year, Shamila and Mohammed will close on their first home! Now that they better understand the banking and credit systems, they appreciate the convenience of using debit and credit cards and even enjoy navigating these systems. Shamila is especially appreciative of the education she has received at Jericho Road, because it has allowed her to achieve goals she wasn't even able to set for her family back in Burma and Malaysia.

Community Program Impact:

**HOPE REFUGEE
DROP-IN CENTER
TOTAL NUMBER
OF APPOINTMENTS**

10,209



**ASYLUM SEEKERS SERVED
AT VIVE SHELTER**

1,816

**PRISCILLA PROJECT
WOMEN SERVED**

497



**ESL (ENGLISH AS SECOND LANGUAGE)
STUDENTS ENROLLED**

318

**PARENT-CHILD
HOME PROGRAM
FAMILIES SERVED**

90



**FINANCIAL EDUCATION
CLIENTS SERVED**

507

Jericho Road's **global health outreach** tangibly demonstrates the love of God by addressing health disparities in the home countries of our refugee patients. Currently, Jericho Road has health centers in Sierra Leone and the Democratic Republic of Congo and operates a medical outreach program by motorbike in Nepal.

In the United States, most 17-year-old girls are busy with finishing high school, planning for prom, participating in extra-curricular activities, and maybe working part-time. Life for teenage girls in Sierra Leone is just as busy, but looks very different.

regularly served by the mobile medical team at Jericho Road's Adama Martha Memorial Community Health Center (AMMCHC). Multiple times a year, AMMCHC staff members bring medical care to people like Sia who live in some of the most remote areas of Kono District.

For over 10 years, Sia has been

individuals in extremely rural areas of Sierra Leone are often unable to access even basic medical care. Sierra Leoneans who suffer from seizures also face cultural stigma that may ostracize them from their communities. In some areas, seizures are not well understood and are associated with possession by evil spirits. Consequently, Sia's family had taken her to numerous traditional healers over the years, but never a primary care facility or medical professional of any kind.

Sia and her family are relieved to have found an answer to their ten years of prayer in the team at Adama Martha Memorial Community Health Center.

During a mobile medical outreach visit to Woama, the AMMCHC team diagnosed Sia with epilepsy and assured her family that, with the appropriate medication, she could live seizure-free. A few days after her initial visit, Jericho Road's village representative in Woama accompanied Sia on the bumpy, hour-long drive to AMMCHC. Sia is now receiving medication that will manage her seizures through the health center.

For Sia, this treatment plan brings complete life transformation! With her seizures finally under control, she can go back to school, build new friendships, and enjoy greater independence and freedom. Sia and her family are relieved to have found an answer to their ten years of prayer in the team at Adama Martha Memorial Community Health Center.



Many young women are responsible for the care of their younger siblings or work to help support their families. Three in eight young women in Sierra Leone give birth to their first child by the time they are 18. Some teenagers have the opportunity to pursue an education and set goals for future careers, but about a third of young female Sierra Leoneans (12-17 years old) do not attend school at all. For 17-year-old Sia, all of these paths have been unavailable for the past ten years due to severe medical issues.

Sia lives two miles off the main road in Woama, one of the five rural villages

experiencing epileptic seizures several times a month. Sia's seizures can last up to 45 minutes at a time and have completely disrupted her ability to lead an independent life. Her family is afraid that Sia could become seriously injured or lost if a seizure occurs when she is alone, so Sia does not attend school, never travels unaccompanied, and is rarely unsupervised in her daily activities.

In the United States, children experiencing seizures are typically seen by a specialist to determine the best method of treatment. Sia's condition is controllable with medication, but

Global Health Impact:

**ADAMA MARTHA MEMORIAL
COMMUNITY HEALTH
CENTER PATIENT VISITS**

16,845



**AMMCHC
DELIVERIES**

116



**AMMCHC
SURGERIES**

315



**ORFONTHY COMMUNITY HEALTH
CENTER PATIENT VISITS**

3,820



**WELLNESS CLINIC
PATIENT VISITS**

11,092



**WELLNESS CLINIC
DELIVERIES**

155



**WELLNESS CLINIC CHILDREN
IN FEEDING PROGRAM**

(highest monthly total number of children participating in feeding program)

152



NEPAL PATIENT VISITS

Over 1,000+



M E D I C A L M I L E S T O N E S

Opened our **3rd** local medical clinic site in Buffalo, NY, located at 1021 Broadway



Added our **1st** OB-GYN doctor, strengthening our ability to provide excellent obstetrical care



P R O G R A M M I L E S T O N E S

Welcomed **1,559** volunteers who served over **18,000** hours!

Implemented new programming for **elderly refugees**, an identified in-need population, via our **Hope Refugee Drop-In Center**



G L O B A L M I L E S T O N E S



Opened a surgical suite at the Wellness Clinic in Goma, Democratic Republic of Congo

Opened a **pediatric inpatient service and a blood transfusion program** at Adama Martha Memorial Community Health Center in Kono District, Sierra Leone



Opened a new clinic in Sierra Leone: Orthonfy Community Health Center

Began **partnership with World Relief** to create a Church Empowerment Zone

Appointed a new chief medical officer, **Dr. Ethan Gable**, and a new chief quality officer, **Dr. Allana Krolkowski**, to take over the operational management of the local medical clinics in Buffalo



Passed our **3** year Health Resources and Services Administration review

Priscilla Project and Polly Project fully integrated their programming under Priscilla Project, which now assists all pregnant Buffalo women, not just refugees



Vive began children's programming focused on trauma reduction, community integration, and physical and social wellness

Prepared to start a **mobile medical outreach program in Nepal**



Started a **6**-acre farm nearby **Adama Martha Memorial Community Health Center**, which will provide fresh fruits and vegetables to the community, as well as income to help sustain local families

Staff and volunteers bring critical energy, skills, time, and resources to Jericho Road. Through meaningful opportunities to serve, we are sharing Jesus' love in tangible ways by helping our neighbors overcome the challenges of poverty. The reward for this work is mutual transformation. We thank you for your hard work and dedication.

EXECUTIVE TEAM

Myron Glick, M.D.
Founder and Chief Executive Officer

Allana Krollkowski, M.D.
Chief Quality Officer

Ethan Gable, M.D.
Chief Medical Officer

Anna Ireland Mongo, Ph.D.
Chief Program Officer

Brett Lawton, MPA
Chief Operating Officer

Magdalena Nichols, MHA
Chief Officer of Administration
& Strategic Partnerships

Karen Hardick, CPA
Chief Financial Officer

Jessie Mossop
Chief Information Officer

Takesha Leonard, Ed.D., FNP-BC
Genesee Site Medical Director

Luther Robinson, M.D.
Student Program Director

Krista Schwartzott, MPA, PHR
Chief Human Resources Officer

BOARD OF DIRECTORS

President Claity Massey, Ph.D. – Founder of King Center Charter School

Vice President Nlemvo Fidele Menavanza – Paralegal, Center for Elder Law & Justice

Treasurer J. David Sampson – Judge at New York State Court of Claims

Secretary Jill Meyer – Human Resources, Baillie Lumber

Pastora Bolden – Retired Education Administrator

Donna Darrell – Retired Social Worker and Teacher

Mark Herskind – Manager of Sales, Baillie Lumber

Law A Htoo – Burmese Community Leader, Church Elder

Ram "Thomas" Kaldan – Deacon and Trustee at Refuge International Fellowship

Rev. Dr. Alberto Lanzot – Senior Pastor at Primera United Methodist Church

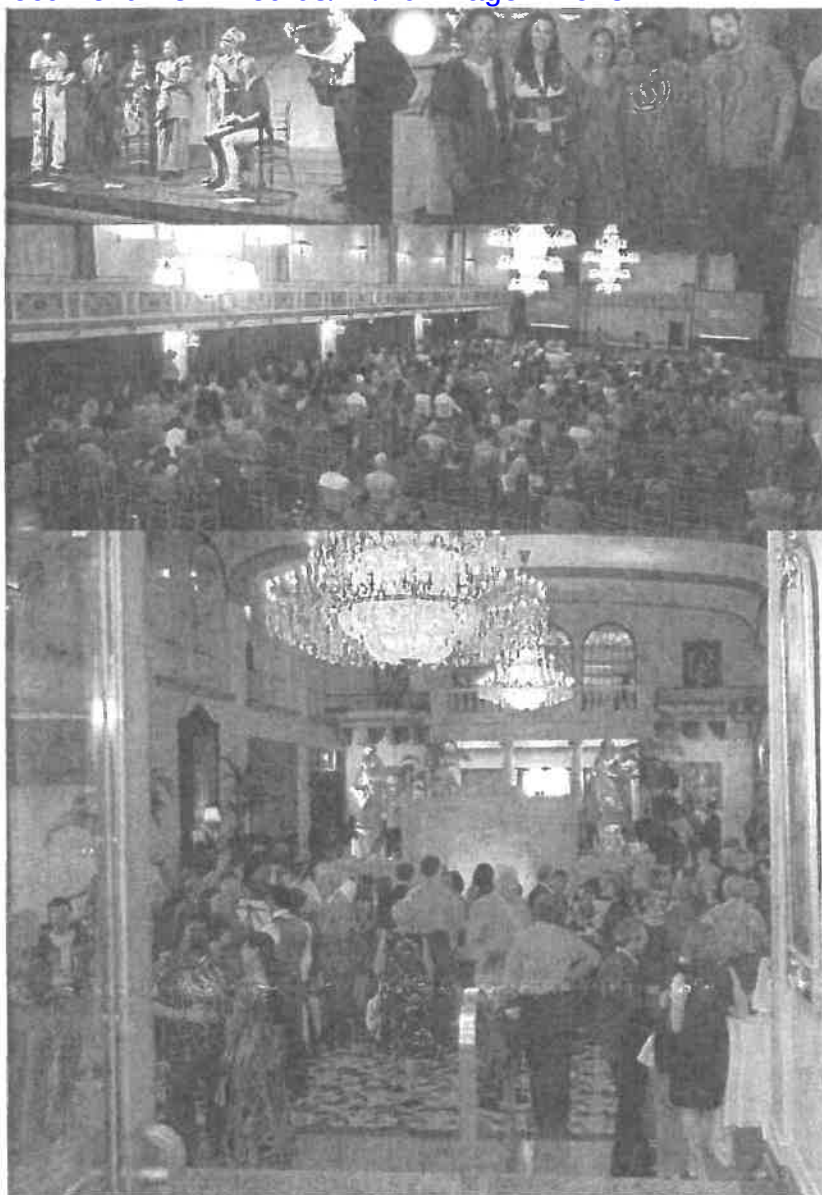
John Lee – Retired Vice President of Praxair

Connie Jozwiak Shields, Ph.D., ANP-BC, RN – Assistant Professor of Nursing, D'Youville College
Adult Nurse Practitioner, Upstate Clinical Research Associates

Thank you, event sponsors, for a successful 2018 event season!

**BRIDGING THE GAP:
A JERICHO ROAD GLOBAL
HEALTHCARE EVENT
SPONSORS**

Baillie Lumber
BlueCross BlueShield of WNY
Buffalo Design & Printing
Buffalo Vineyard Church
The Chapel
Dopkins & Company, LLP
D'Youville College
Evergreen Health Services
Harmac Medical Products
Harter Secret & Emery
Hover Networks
Independent Health
Lawley
Liberty Solutions
RiverRock Church
UBMD Family Medicine
WellCare
WNY Imaging



**CRAFTER HOURS
SPONSORS**

AXA Advisors
Buffalo Business First
Great Clips
Hodgson Russ LLP
Mental Health Advocates of WNY
Muslim Public Affairs Council - Western New York
Resurgence Brewing Company
Rise Collaborative
UnitedHealthcare



2018 Financial Statements

CONDENSED STATEMENT OF FINANCIAL POSITION

June 30, 2018 and 2017

	2018	2017
Cash	\$ 628,491	\$ 683,173
Medical Accounts Receivable	2,069,253	1,698,483
Other Current Assets	467,197	369,695
Total Current Assets	3,164,941	2,751,351
Property & Equipment	4,545,222	2,777,188
Total Assets	\$ 7,710,163	\$ 5,528,539
Notes & Current Maturities of Debt	\$ 243,345	\$ 140,137
Accounts Payable & Accrued Expense	2,228,029	1,546,657
Total Current Liabilities	2,471,374	1,686,794
Long Term Debt	1,208,976	467,408
Total Liabilities	3,680,350	2,154,202
Net Assets	4,029,813	3,374,337
Total Liabilities & Net Assets	\$ 7,710,163	\$ 5,528,539

ABRIDGED STATEMENT OF OPERATIONS

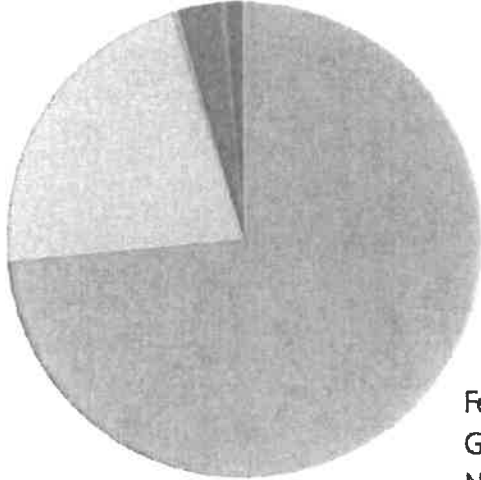
For the Year Ended June 30, 2018 and 2017

Description	2018 Amount	2017 Amount
Revenues		
- Fees, Service and Program Revenues	\$ 13,515,951	\$ 10,642,735
- Grant Revenues	3,992,997	2,855,754
- Income from Events (Net)	64,274	68,279
- Contributions	565,228	497,437
- Rental & Other (Net)	55,614	57,355
- Prior Year Rate Adjustments	201,374	1,115,390
Total Revenue & Support	\$ 18,395,438	\$ 15,236,950
Expense		
- Program Services	\$ 16,022,090	\$ 12,730,691
- Marketing & Development	519,016	445,609
- General & Administrative	1,198,856	1,078,330
Total Expense	\$ 17,739,962	\$ 14,254,630
Operating Surplus Achieved	\$ 655,476	\$ 982,320



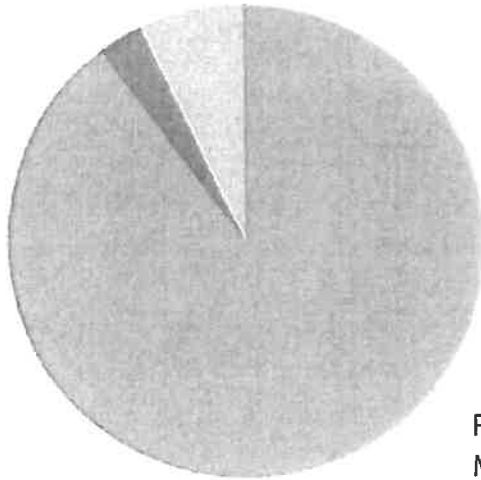


FISCAL YEAR 2017/18 REVENUES

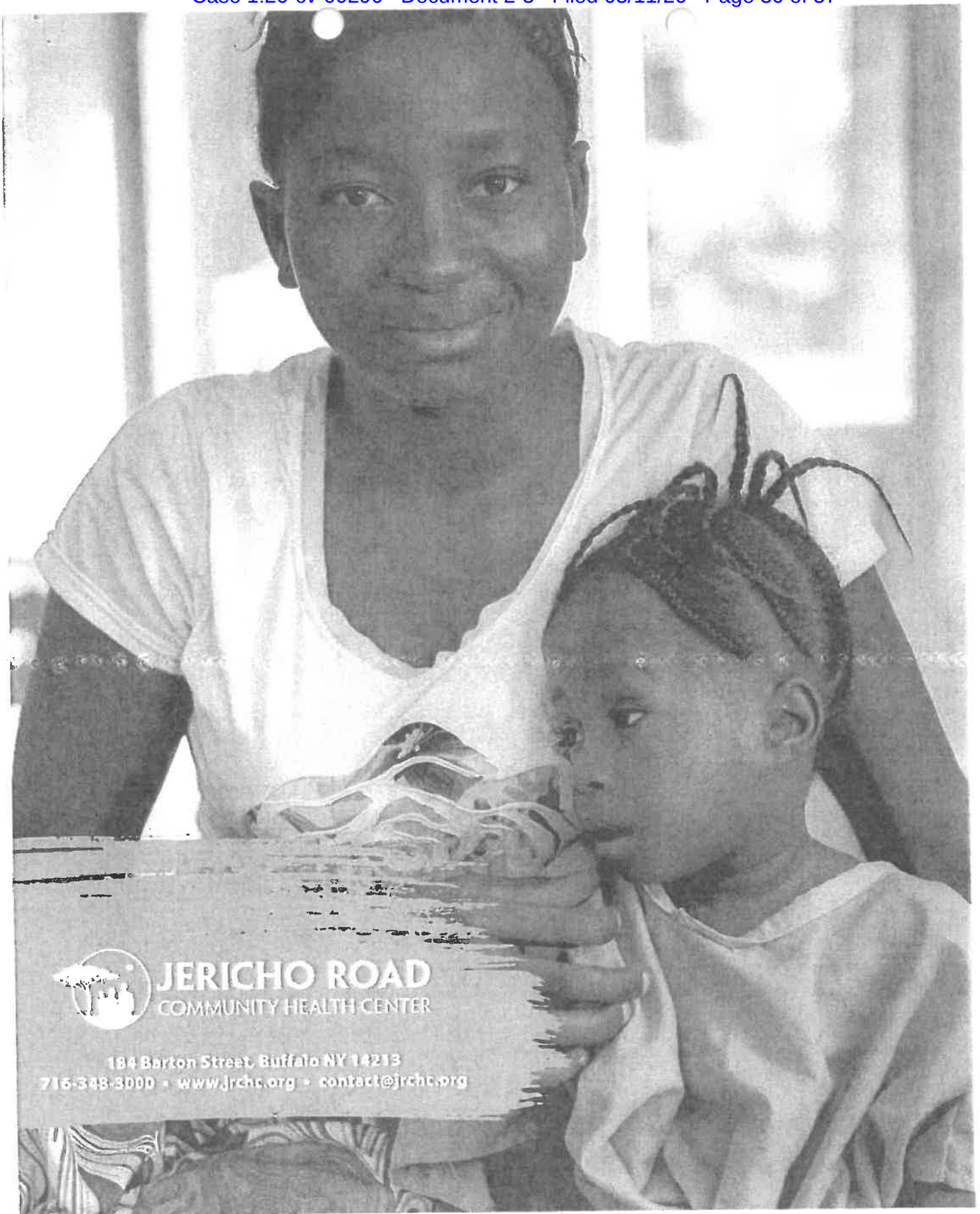


Fees, Service & Program Revenues	73.5%
Grant Revenues	
Net Income from Events	
Contributions	3.1%
Rental & Other Income	0.3%
Prior Year Rate Adjustments	1.1%

FISCAL YEAR 2017/18 EXPENSES



Program Services	89%
Marketing & Development	
General & Administrative	7%



JERICHO ROAD
COMMUNITY HEALTH CENTER

184 Barton Street, Buffalo NY 14213
716-348-3000 • www.jrchc.org • contact@jrhc.org



JERICHO ROAD
COMMUNITY HEALTH CENTER

2019 Fall/Winter Issue

MEDICAL CARE COMMUNITY PROGRAMS GLOBAL WORK



FOR EVERYBODY AND EVERY BODY

INDEPENDENT HEALTH MEDICALLY ORIENTED GYM AT JERICHO ROAD OPENS

It's Wednesday morning and Jericho Road's new East Side fitness center is bustling. The receptionist is on the phone, a physical therapist is working with a patient on a treatment table, and gym regulars are using the large battle rope machine and upper body bikes. Since opening in April, the Independent Health Medically Oriented Gym at Jericho Road is quickly becoming a community hub in the Broadway-Fillmore district, an area where fitness centers are few and far between, particularly ones that offer the kinds of comprehensive services that this gym provides.

Emelie Obrochta, director of operations, says that the gym's role perfectly aligns with Jericho Road's mission of creating whole, healthy people, especially in underserved populations. It offers services that traditional gyms do not, including customized physical therapy, nutrition consultations, and individualized exercise programs based on fitness evaluations,

functional tests, and physical histories. Personalized programming takes into account health factors like diabetes and recent surgeries, as well as other circumstances like anxiety, work stress, transportation issues, and financial barriers.

"It's not a one-size-fits-all approach," says Obrochta. "We want to know—who are you? What is your health today? How can we work together with you and your provider to coach you to create lasting, behavioral change?"

The Independent Health Medically Oriented Gym at Jericho Road, powered by a long-term partnership with Independent Health, is a resource for

both medical providers and patients. Obrochta also sees it as an extension of Jericho Road's ability to build meaningful relationships with community members. Gym staff call clients for periodic check-ins and provide updates to members' medical providers to encourage data-driven, goal-based conversations with patients.

Betty and Dorothy are gym members and friends who live in the neighborhood. They've been coming to exercise together as accountability partners every Monday through Saturday since June. Working out together helps keep them motivated and committed. Betty enjoys using the upper body bike and the battle ropes.

cont. on inside

Thank you to our 2019 Crafter Hours sponsors!

Buffalo Business First, Great Clips, Hodgson Russ LLP, Mental Health Advocates of WNY, Quest Diagnostics, Resurgence Brewing Company, Rise Collaborative, Roswell Park Comprehensive Cancer Center



Betty (left) and Dorothy (right) begin their workout session with Emelie Obrochta, director of operations (center)

"When I first started coming in, I could do 20 times on the battle ropes and now I can do 40," she says triumphantly. Betty used to have problems with her knee but says it doesn't hurt much anymore and notes that she has stopped limping.

Dorothy was referred to the gym by her medical provider at Jericho Road, Dr. Aung Ko Ko Thant. Dr. Thant and Dorothy met with Obrochta to discuss Dorothy's health goals and ensure that her custom exercise plan would complement her medical treatment plan.

Now, Dorothy likes to use all of the machines and has noticed a change in her muscle tone. She says she feels better generally and looks forward to coming to the fitness center every day. Her outlook is a good reflection of the gym's overall approach to health.

"If I try something and I see that I can't do it today, I know that I'll be back in and I'll try again tomorrow."

To learn more about the gym, please call 716-431-5141.

Healthcare in the Himalayas A Medical Student in Nepal



By James Lioi

Buffalo is unique in many ways, one of which is its large refugee population. These are vulnerable people, as they have been uprooted from what was familiar and thrust into the unknown. This is why Jericho Road and its mission are so important. As a medical student and

future physician, I share Jericho Road's belief that we need to provide equal care to the underserved and historically marginalized.

Throughout the past year, I have joined Jericho Road CEO Dr. Myron Glick in welcoming new refugees during their first Jericho Road medical visit. In April, I traveled to Nepal with a Jericho Road medical team and five fellow medical students from the University at Buffalo. While there, we spent most of our time providing basic primary care in the Himalayan villages of Hagam and Hapra.

In Nepal, every day was a new adventure, but one particular day has remained in

my thoughts. It was our third day in the mountains and relatively uneventful, until a man was brought in on a stretcher. He had fallen from his roof while making repairs.

As Americans, we would typically envision this scene playing out in an emergency room with medics rushing in the patient on a gurney. On this day, though, there were no sirens or other signals that this was urgent. Half of us stopped seeing patients to help our team leaders. Arjun Bhattarai, a health educator and liaison between Jericho Road and Roswell Park Comprehensive Cancer Center in Buffalo, is originally from this area of Nepal and speaks fluent Nepali. He immediately

THANK YOU TO OUR 2019 BRIDGING THE GAP SPONSORS!



began communicating with the men who had carried in the patient and was rapidly interpreting for my fellow student, Abby. The man was unresponsive, very likely from a fractured neck.

Over the next hour, the man slowly regained consciousness but remained unable to move his toes. The nearest hospital was four hours away down bumpy mountain roads. If he traveled, he would risk more permanent damage. Additionally, his family could not afford to pay for an ambulance, let alone any procedures. Eventually, Jericho Road decided to pay for the ambulance and the

man was taken to the hospital.

I don't know if that man survived. Unfortunately, he was not the only person we struggled to care for. We simply could not treat every person adequately. That was the reality. It was difficult for me to confront that reality because, as a budding physician-in-training, I'm ready to fix the world! Yet, I was being told by experienced medical professionals that there was nothing I could do.

We know we cannot fix everything in a week, especially in areas that do not have sufficient infrastructure in place. That is

why Jericho Road employs a team of local Nepali medical workers who visit these mountain villages multiple times a month to provide basic care.

Ultimately, though, this story speaks to greater systemic issues, like lack of access to quality health services. As medical providers, we cannot do everything. We are not God. We have to recognize our limits, but continue to push to improve inadequate and unjust systems that leave people, like our neighbors in Hagam and Hapra, vulnerable.

Vive Adapts to New Challenges

Two little girls, about 4- and 5-years-old, are laughing as they toss a bread roll back and forth outside the cafeteria at Vive.

They have just finished eating lunch at the shelter and are eager to rejoin their friends who are kicking around a soccer ball in the hallway.

Since the arrival of about 100 asylum seekers from the Democratic Republic of Congo in early June, there have been many more children—as well as women and men—at Vive than the shelter typically accommodates. These Congolese asylum seekers are part of a larger group that left the DRC earlier this year to embark on a long and arduous journey through South America, Central America, and Mexico to reach the southern border. Once there, many of them heard about Vive and traveled by bus to Buffalo to seek services there.

Their arrival was sudden and unexpected, but the Vive team has worked to adapt to the new challenges. School-aged children at the shelter, including those who arrived recently, attend Buffalo Public Schools and many of the adults are taking ESL or job training courses.

Brunette is in her mid-twenties and arrived over the summer. She has a preschool-aged daughter with a big smile who can already speak five languages, many of which she picked up while

crossing numerous countries on their journey to America. Brunette is seeking asylum in the U.S. and hopes to someday work in a medical office.

"In a medical office you can help people," she says. "I've received so much help from people at Vive, and I want to be able to help people too and give back."

Vive's legal office has worked on educating clients about the complex asylum system in the U.S., holding "Know Your Rights" sessions and bringing in more interpreters, especially French and Lingala speakers.

"It's crucial for people to understand how to navigate the system in order to improve their chances with their cases," says Bryan Overland, Vive's legal services manager. "Most asylees arrive not knowing the system. Most people in general don't know the system."



Brunette, a client at Vive



Bryan Overland, legal services manager at Vive, reviews a client's case

In addition to housing, feeding, and providing legal support for the large group from the DRC, Vive also continues to manage a steady, though slower, flow of new arrivals and supports long-term residents who have been working on cases for the past two years. Among these long-term residents is JR, who has been at Vive for over a year. Since arriving from the Republic of Congo, JR has worked with the legal office to put together his U.S. asylum application. Like many asylum seekers, JR's case is predicated on political persecution in his home country.

"I was involved in some human rights activism and also I was the president of a youth think tank back home," explains JR. "We were advocating for justice, democracy, talking about the democratization of our country, talking about education and so on and so forth."

cont. on back



JERICHO ROAD
COMMUNITY HEALTH CENTER
184 Barton Street, Buffalo, NY 14213



Make a gift to ParentChild+ or Vive part of your holiday plans. Visit bit.ly/ViveList19 and bit.ly/PCPlusList to purchase warm clothing, books, toys, and more for ParentChild+ families and Vive residents.

If you'd like to be removed from our mailing list please email us at contact@jrhc.org or call us at 716-348-3000 ext. 417.

When Congolese President Denis Sassou Nguesso, who has been in office since 1997, advocated for changing the country's constitution to allow him to run for a third term, JR participated in demonstrations against the change. Later, he campaigned for an opposition candidate who ultimately lost.

"That created much more problems," he says. "I was obliged to move... I was not expecting to one day leave my country and seek asylum, but I had no choice. I'm still young and I still have time. Better to protect myself so that I can still fight."

These days, the intensity of the summer has subsided somewhat, but the staff at Vive are still grappling with what it takes to meet the needs of a larger-than-usual population, including one with higher numbers of clients who will stay at Vive long-term. Historically, the majority of individuals coming through Vive have been focused on making a refugee claim in Canada. Vive's legal department assists them with gathering the necessary documentation to request an appointment with Canadian border

authorities. Generally, the process takes only one to two weeks. Recently, though, Vive has seen a major shift in its population, as residents like Brunette and JR make asylum claims in the U.S. That process that can take up to two years.

No one can say how long it will take for JR and Brunette to get answers about their applications. In the meantime, Vive staff do what they can to help.

"I always look forward to those days when clients come back to say they won their case and can start building their lives," Overland says. "I'm glad Vive exists because there are hardly any other places in the country like Vive. I don't know where our clients would go if Vive weren't here."



DONOR SPOTLIGHT

Martin Gugino
Jericho Road donor

In the Sermon on the Mount, Jesus said to clothe the naked, shelter the homeless, feed the hungry, and give drink to the thirsty. We are blessed to have Vive, a place that shelters the asylum seeker, in our midst. I'm grateful that Jericho Road "rescued" Vive some years ago. Jesus also said to love God and love your neighbor, and, as he said to the rich young ruler, you can switch the order. It is a blessing to have had Vive here every day for so long. This is why I give to Jericho Road and to Vive, specifically.

Anna Porter

02/05/2020

Dear Honorable Judge,

My name is Anna Elisabeth Porter. I am writing in regard to Junior Onosamba Ohindo, A # [REDACTED], and his community and support network in the United States. This letter is intended to be used in support of his release on bond.

Firstly, I would like to introduce myself. I am a citizen of the United States and I live in Buffalo, NY. I am originally from Syracuse, but moved to Buffalo to attend University at Buffalo in 2014. Now, I am an EAL (English as an Additional Language) teacher at a local refugee resettlement agency, Journey's End Refugee Services, and one of the visitation coordinators at Justice for Migrant Families. These are both non-profits (501c3) that serve immigrants, refugees, asylum seekers, and more in Western New York in a variety of ways.

I was first introduced to Junior in the summer of 2019 through my teaching position at Journey's End Refugee Services. Journey's End is a resettlement agency that provides resettlement/ housing services, case management, legal services, interpretation services, employment services and educational services. Junior was a student in our beginner adult EAL class and was quickly progressing in his English abilities. He was soon to transition into my intermediate EAL class at the agency. However, in September 2019, Junior was put into detention and was unable to continue his studies. If Junior were to be released on bond, he would gladly be welcomed back to Journey's End as a student. As a student, he would be able to receive the variety of services and support we provide to our clients.

After teaching Junior, I was able to reconnect with him through the visitation program for Justice for Migrant Families WNY. Justice for Migrant Families is a volunteer-based organization made up members from different Catholic, Episcopalian and Methodist churches. We provide services to immigrants in Western New York including those detained in Batavia. We offer visitation for those that are in Batavia, but also support those released from Batavia by connecting them to housing, travel assistance, church services, or providing referrals to other organizations that provide services that we do not. Junior has been supported by Justice for Migrant Families through our visitation program during his detention at Batavia and if released he would continue to be supported by our organization. If requested, we would be able to provide transportation for getting to and from court hearings as needed. We would also be able to provide short or long-term housing in the Buffalo area before and after court as needed.

Furthermore, my interactions with Junior in the last 8 months lead me to believe that he poses no threat to the United States and its residents. I have spoken to and interacted with Junior many times in person while he was a student and continued to talk to him over the phone numerous times during his time in detention. Every time I have spoken to Junior, he has been friendly, kind, and respectful. Before being detained, he was attending classes every morning and was a dedicated and hardworking student. He worked to improve his English and it showed as his English skills progressed. He has no criminal record and does not cause trouble, always greeting new people and new opportunities with a smile. If released, he has expressed to me that he would like to continue to learn English in our school. It is my belief that Junior is genuine in his wish to stay in the United States and that he will not break his terms if granted bond.

I swear these statements are true under penalties of perjury of the United States.

Sincerely,

Anna Elisabeth Porter



To: The judge

From: Message of Life Church of the Nazarene

25 Calumet Place

Buffalo, NY 14213

January 19, 2020

Dear Your Honor,

I am writing in you concerning the matter of Junior Onosamba Ohindo . I was troubled to hear about his recent case as he has always been solid people.

The purpose of this letter is to attest that the above-mentioned person is serving members of our church and hence has the full support of our church in all matter whether financial or other. I understand the seriousness of this matter and hope the court will show some leniency.

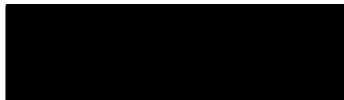
Please feel free to contact me with any questions you may have. My contact information is listed below.

Kind Regards,

A handwritten signature in black ink, appearing to read "J.P. Kabeya" with a date "20" at the end. The signature is written in a cursive style.

Pastor Jean Pierre Kabeya

Message of Life Church of the Nazarene



DECLARATION OF JUNIOR ONOSAMBA-OHINDO

I, Junior Onosamba-Ohindo, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. My name is Junior Onosamba-Ohindo. I am currently detained at the Buffalo Federal Detention Facility in Batavia, New York. I am married to Merlise Elemu Lowenga, who is also detained here.
2. I was born in the Democratic Republic of the Congo on February 2, 1984.
3. I fled my country in February 2018 with my wife, Merlise, because it was no longer safe for us there. We traveled through South America to the United States, and along the way met up with my cousin's wife, Belinda, and her two-year-old son, [REDACTED]. During the journey, our group was attacked, and I was separated from my wife, Belinda, and [REDACTED]. I reunited with my wife and [REDACTED] later but Belinda was still missing. We couldn't find her but continued on with [REDACTED] to keep him safe.
4. In June 2019, my wife, [REDACTED], and I crossed the U.S.-Mexico border and presented ourselves to the first border patrol agents we saw, who brought us to an office to process our information.
5. After the officers released us, the three of us traveled to Buffalo, New York, and began living at a refugee shelter. We joined a church there and began taking English classes. We were active in our community. We lost everything when we left the Congo to come to the United States, so we relied on help from the refugee shelter and the church.
6. While living in Buffalo, we were able to locate Belinda and reunite her with [REDACTED]. She and [REDACTED] are now living in Canada. I do not currently have a phone number or address for her, as we always communicated through Facebook.
7. In September 2019, my wife and I went to report at the ICE office. The officers asked us where [REDACTED] was. We told them he joined his mother in Canada. Then we were arrested and detained because [REDACTED] was not with us anymore. This was scary for me because other than when ICE arrested me, I have no criminal history. I was arrested once in Congo for peacefully protesting against the president, but I have never been charged with a crime.
8. My wife and I have been in detention in Batavia since September 5, 2019—more than six months.
9. Attorneys from the Volunteer Lawyers Project visited me a few days before my first hearing in immigration court and agreed to represent me in my immigration case. I was grateful because I had never been before a judge before. I did not know what to expect in

my bond hearing, and I don't think I would have been able to prepare for it without my attorneys.

10. On February 10, 2020, I had a bond hearing in immigration court. My attorney explained and presented evidence that I was homeless and living in a refugee shelter, and asked the Court to consider releasing me on an ankle monitor or having regular ICE check-ins. The immigration judge said she could not consider those things and set a bond at \$8,000.
11. Since February 10, 2020, I have remained in jail because I cannot pay this bond. We have no income or savings available to pay a bond because we left everything behind in the Congo.
12. Ever since I have been in detention, I have had chest pains, back pains, and serious headaches. I cry a lot unexpectedly. When I go to the clinic, they only give me ibuprofen. It does not help. I am suffering here.
13. Even though my wife is here in Batavia, I can only speak to her once a week during a Saturday visit. It is so painful to be separated from her like this.
14. Since I have been in jail, I have been unable to contact Belinda to explain what happened because I do not have access to Facebook here. I also cannot contact anyone in the Congo to gather further evidence for my case. I have been trying to reach my older brother, but the calls never go through.
15. I think it is unfair that the immigration judge required me to prove that I am not a danger or a flight risk, and that she set a bond so high that I cannot pay. I am willing to wear an ankle monitor, report to ICE, or do anything else the Court asks me to do, but I do not have the money to pay an \$8,000 bond. I want this class-action lawsuit to help not only me but also other people facing similar situations.
16. I have talked with attorneys at the New York Civil Liberties Union about what it means to be a class representative, and I have decided I want to take on that role if the Court will permit me to do so. I want to speak up for everyone who is denied a fair chance to be released from detention just like me, and I am asking the Court to allow me to speak for them.
17. I write this declaration to show my interest in serving as a class representative in this class action lawsuit to represent the other people who are facing situations similar to mine. I know that I am asking the Court to allow me to represent other people facing situations similar to mine.
18. I am willing to travel to attend any hearings or other court proceedings. No matter if I win release from detention during my immigration case, win my immigration case, or lose my immigration case and have to leave the country, I still will be in this lawsuit until the end.

I am happy to keep working on it in the future and to be a spokesperson for other people facing situations similar to the one I now face.

This statement was interpreted to me in French, a language I know and understand, and I affirm that everything in it is true to the best of my knowledge and belief.

Executed this 10th day of March, 2020 in Batavia, NY

J.O.O

Junior Onosamba-Ohindo

DECLARATION OF CHRISTINE LAO-SCOTT
Regarding Antonio Lopez Agustin

I, Christine Lao-Scott, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a staff attorney with Arnold & Porter. My office is located at 601 Massachusetts Ave NW in Washington, D.C. I am admitted to practice law in New York and the District of Columbia.
2. This affidavit is based on my personal knowledge and my work on his case, including a review of various documents relating to it. All documents attached as exhibits to this declaration are true and accurate copies, in some instances with redactions.
3. I volunteered to represent Mr. Antonio Lopez Agustin *pro bono* in his bond hearing in approximately September 2019. My work was done through the Project Corazon volunteer lawyer program.
4. I did not initially agree to represent Mr. Agustin in his removal case. After the immigration court denied Mr. Agustin bond in November 2019, I agreed to also represent him in his removal proceedings because he was unable to find other counsel.
5. The immigration court scheduled a bond hearing for Mr. Agustin on November 19, 2019 – more than three months after ICE arrested and detained him.
6. The hearing was scheduled before Judge Mary C. Baumgarten at the Batavia Immigration Court.
7. Judge Baumgarten sits at the Buffalo Immigration Court but was to appear at the Batavia court by videoconference.
8. Mr. Agustin is detained at the Richwood Correctional Center in Richwood, Louisiana. Although he is detained in Richwood, his bond and removal proceedings are venued at the Batavia Immigration Court in Batavia, NY. Mr. Agustin appears by videoconference for these hearings from the Richwood jail.
9. On October 23, 2019, I moved to advance the bond hearing. I also moved the court to allow me to appear telephonically, as my office is located in Washington, D.C., a seven-hour drive from the Batavia Immigration Court.
10. Judge Baumgarten denied my motion to expedite the bond hearing and did not rule on my motion to appear telephonically, effectively denying the motion.

11. I had heard from other *pro bono* volunteers that their motions to appear telephonically were also not ruled on and, if counsel did not appear in person, Judge Baumgarten was proceeding at the hearings with the clients *pro se*.
12. Because I was unable to appear in person at Mr. Agustin's bond hearing and could not appear by telephone, Project Corazon arranged for substitute counsel to appear on my behalf at the last minute.
13. Before the bond hearing, I filed numerous letters of support and other records on his behalf. A true and correct copy of those letters are attached as Exhibit A, though some identifying information has been redacted.
14. Although I was not present at the bond hearing, I was told after the fact that Judge Baumgartner denied bond because Mr. Agustin did not meet his burden to prove he was not a flight risk. In her decision, Judge Baumgartner did not consider alternatives to detention that could mitigate any flight risk.
15. I promptly appealed Judge Baumgarten's decision to the Board of Immigration Appeals, but the Board has yet to make a decision. Mr. Agustin's removal case at the immigration court will likely be completed before the Board decides his appeal.
16. In January 2020, I appeared with Mr. Agustin from the Richwood Correctional Center at his Master Calendar hearing and filed an application for cancellation of removal. That application remains pending.
17. Mr. Agustin's continued detention has made it very difficult for me to represent him because communication at the jail is very burdensome. The only way to have a legal phone call with him is if I fax a request to the jail 24 hours in advance. I then have to call several times to confirm that the call has been scheduled. About half the time, they do not have my fax and I have to resend the fax a second time.
18. Because Mr. Agustin is detained and his removal proceedings are venued over 1,000 miles from his hometown of Carthage, Mississippi, witnesses who might otherwise testify in support of his cancellation application are unavailable to come to court. Mr. Agustin's limited ability to communicate with the outside world also prevents him from helping to gather evidence for his case.

Executed this 9th day of March, 2020 in Batavia, NY

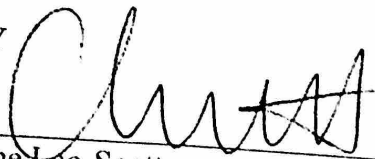

Christine Lao-Scott

EXHIBIT A

CHRISTINE LAO-SCOTT
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
Phone: [REDACTED]
Fax: (202) 942-5000
Email: [REDACTED]

DETAINED

PRO BONO COUNSEL FOR RESPONDENT

**U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BATAVIA IMMIGRATION COURT
BATAVIA, NEW YORK**

In the matter of:

LOPEZ AGUSTIN, Antonio

In Custody Proceedings

File No.: [REDACTED]

Immigration Judge: Mary C. Baumgarten

Bond Hearing Date: 11/19/ 19 at 1pm

**RESPONDENT'S BRIEF AND EVIDENCE
IN SUPPORT OF CUSTODY REDETERMINATION**

I. Introduction

Respondent, Antonio Lopez-Agustin, by and through undersigned *pro bono* counsel, hereby requests that this Court grant him release on recognizance or on a reasonable bond. Respondent is not a danger to persons or property, he does not pose a flight risk, and he is not a danger to national security. *See Matter of Guerra*, 24 I&N Dec. 37, 38 (BIA 2006). Accordingly, he merits release from custody.

II. Statement of the Facts

Antonio was born on [REDACTED] 1983, in Mexico. He entered the United States in approximately 1996. He and his long-term partner have one United States Citizen (“USC”) daughter, [REDACTED] who is seven-years-old. *See* Tabs B, N–P. Antonio’s daughter has suffered from stomachaches and anxiety since her father’s detention, and Antonio’s financial and emotional support are integral to her wellbeing. *See* Tab E. Antonio has lived at the same address for the last eight years and has helped the landlord with home repairs. *See* Tab F. Antonio recently entered into discussions with the landlord to purchase the property. *Id.*

Antonio’s criminal history consists of one conviction of Possession of a False Identification Document in violation of 18 U.S.C. § 1028(a)(6) in 2005. *See* Tab J. He was sentenced to supervised release for one year. Several months into that year, Antonio told his Probation Officer that he may need to return to Mexico for financial reasons. Antonio ultimately did not abscond, but the Probation Officer erroneously filed a Petition for Warrant or Summons for Offender Under Supervision. *See* Tab K. An Order to Dismiss Petition to Revoke Term of Suspended Release was filed in 2012 and the Court did dismiss. *See* Tab L. He had had no subsequent contact with law enforcement until he was apprehended by Immigration and Customs Enforcement on August 7, 2019.

Antonio has been in the custody of the Department of Homeland Security since August 7, 2019.

III. Argument

In *Matter of Guerra*, 24 I&N Dec. at 40, the Board of Immigration Appeals determined that an Immigration Judge may look to the following factors in deciding whether an individual merits release from custody, as well as the appropriate amount of bond: (1) whether the individual has a fixed address in the United States; (2) length of residence in the United States; (3) family ties in the United States; (4) employment history; (5) record of appearance in court; (6) criminal record; (7) history of immigration violations; (8) any attempts to flee prosecution; and (9) manner of entry to the United States. The Immigration Judge has broad discretion in deciding the factors that he or she may consider in custody redeterminations and may choose to give greater weight to some factors, as long as the decision is reasonable. *Id.*

Under the *Guerra* analysis, and as discussed below, Antonio's positive factors significantly outweigh any negative factors. Accordingly, the Court should grant *de minimus* bond.

A. Antonio is not a danger to persons or property

Antonio is not a danger to the community. He has been arrested once for a non-violent crime (cite to the statute here), took responsibility by pleading guilty, and was sentenced to time served and probation. He remained in Mississippi for the required probation, and the term of supervised release was terminated. Since that time, Antonio has had no additional arrests and has dedicated himself to the care of his long term-partner, his USC daughter, and his friends.

Indeed, Antonio's community provides insight into his good moral character and positive contributions to the community. He is considered an, "honest, kind, responsible, and respectful man." *See* Tab I. Antonio's landlord, Randy Alford, describes him as a, "hardworking and honest man who helps anyone he can in the community." *See* Tab F. Long-time friend Vicki Edwards states that, "he is a good man with a daughter and wife who needs him," and that he, "is a good person." *See* Tab H. Neighbor Lisa Bishop describes Antonio as a, "law-abiding man. He doesn't get into any trouble and he would never hurt anyone. He is a family man who is all about taking care of his wife...and his little girl [REDACTED]" *See* Tab D. Quite to the contrary of being a danger to the community, Respondent has positively contributed to the lives of those around him in numerous ways. As his neighbor Steven explains, "This man has helped me in so many ways. He helped me recover from colon cancer and two major strokes in 2013 by not giving up on me and not letting me give up on myself." *See* Tab C.

B. Antonio does not pose a flight risk

Respondent does not pose a flight risk because he (1) has deep connections in his community, (2) is a major financial provider for his family, and (3) is prima facie eligible for non-LPR cancellation of removal under INA § 240A(b)(1).

Respondent has lived in Mississippi for over fifteen years. *See* Tabs G & H. He is deeply ingrained in his community, as demonstrated by letters of support indicating that he has maintained friendships for over ten years, *id.*, is a member of a local soccer team, *see* Tab H, and has, "become part of [the] family" in the eyes of his USC neighbors, Lisa Bishop and Steven Newsom. *See* Tabs C and D. Respondent's daughter even calls these neighbors, "Grandma" and "Grandpa." *Id.* Both Lisa Bishop and Steven Newsom have offered to take him to all of his

upcoming court dates. *Id.* Should he be released on bond, Respondent intends to reside at his permanent residence, a home that he rents located at [REDACTED], where he has resided for approximately eight years. *See* Tab F.

Additionally, Respondent is a major financial provider for his family, including his long-term partner and USC daughter. Just as importantly, Respondent provides essential emotional support to his family. As his neighbor Lisa Bishop explains, “We are helping [long-term partner] and [REDACTED] as much as we can, but they need Antonio. He is the one who works and takes care of this family. He is the rock of this family.” *See* Tab D. Respondent’s neighbor Steven Newsom states, “[h]is wife and child need this man to come home. [REDACTED] needs her father...she’s having trouble in school and cries a lot...please let me brother come home to his family.” *See* Tab C. Respondent is extremely motivated to defend his removal case so that he can continue to support his family financially and otherwise.

Finally, Respondent has provided evidence that he is *prima facie* eligible for cancellation of removal under INA § 240A(b)(1). The statute states that there are four requirements: (1) he has been physically present in the United States continuously for at least ten years; (2) he has had good moral character for ten years; (3) he has not been convicted of certain offenses (including a crime involving moral turpitude (CIMT)); and (4) to deport him would cause exceptional and extremely unusual hardship to his LPR or U.S. citizen spouse, child, or parent.

Here, Antonio has resided continuously in the United States since 1996, *see* Tab G, and he is a person of good moral character, *see* Tabs C-D, and F-I. Additionally, Antonio has not been convicted of any disqualifying crimes. *See Matter of Serna*, 20 I&N Dec. 579 (BIA 1992) (concluding that “the crime of possession of an altered immigration document with the knowledge that it was altered, but without its use or proof of any intent to use it unlawfully, is

not a crime involving moral turpitude.”). *See also Matter of X*, 2013 WL 5538153 (AAO Feb. 8, 2013) (finding, “mere knowing possession of a fraudulent identification document is not a crime involving moral turpitude, and as 18 U.S.C. § 1028(a)(6) is clear on its face and proscribes only such knowing possession.”). *See also Matter of X*- 2011 WL 9159245 (AAO Dec, 27, 2011) (“even if a conviction under 18 U.S.C. § 1028(a)(6) was a CIMT, it would meet the petty offense exception at section 212(a)(2)(A)(ii)(II) of the Act. Pursuant to 18 U.S.C. § 1028(a)(6) the maximum penalty for the petitioner’s conviction would have been “a fine...or imprisonment for not more than one year, or both.””).

Additionally, Antonio has filed prima facie evidence that his USC daughter, [REDACTED] would suffer exceptional and extremely unusual hardship if he were deported. Antonio’s financial and emotional support is integral to her care and wellbeing. In her own words, [REDACTED] writes, “I miss my daddy so much. Please let him come home. My mama and me need him. We cry everyday. He is a good daddy. He works everyday and takes care of me.” *See* Tab A. Respondent’s daughter’s teacher, Michelle Quick states, “[REDACTED] has missed school due to stomach issues. She has cried to me and on multiple occasions told me she misses her dad and wishes he was home.” *See* Tab E. Randy Alford states that Antonio’s partner is “struggling to make ends meet during [his] absence,” *see* Tab F, and Lisa Bishop asserts, “[Antonio] is the rock of this family.” *See* Tab D.

Furthermore, the Mississippi Center for Justice has offered to screen Respondent for pro bono legal services to represent him on his non-LPR cancellation of removal case in his ongoing removal proceedings. *See* Tab P.

C. Antonio is not a threat to national security

Antonio is an upstanding member of his community with no record indicating that he represents a threat to national security.

IV. Conclusion

Antonio is an integral member of his family and his community. He has lived and worked in the United States for over twenty years, supports his U.S. citizen daughter and partner, and is by all accounts an upstanding member of his community. He was convicted of a single non-violent criminal offense over a decade ago and has taken full responsibility for his actions. The record clearly reflects that he is neither a flight risk nor a danger to the community. These factors should weigh heavily in this Court's determination as to whether Respondent merits release. *See Matter of Guerra*, 21 I&N Dec. at 40.

For these reasons, Respondent contends that he has met his burden of demonstrating that he merits release on recognizance or a reasonable bond.

Dated: October 23, 2019

Respectfully submitted,



CHRISTINE LAO-SCOTT
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
Phone: [REDACTED]
Fax: (202) 942-5000
Email: [REDACTED]

PRO BONO COUNSEL FOR RESPONDENT

Tab	INDEX OF DOCUMENTATION SUBMITTED IN SUPPORT OF CUSTODY REDETERMINATION Antonio Lopez Agustin A [REDACTED]	Page(s)
A	Letter of support from USC daughter, [REDACTED]	1
B	Birth Certificate of Respondent's USC daughter	2
C	Letter of support from family friend, Steven Newsom, and driver's license copy	3-5
D	Letter of support from family friend, Lisa Bishop, and driver's license copy	6-8
E	Letter from Respondent's daughter's teacher, Michelle Quick	9
F	Letter from Respondent's landlord, Randy Alford	10
G	Letter of support from family friend, Jimmy Howell, and driver's	11-12
H	Letter of support from family friend, Vicki Edwards	13
I	Letter of support from family friend, Doris Garcia	14
J	Judgment in Possession of False Identification Document case	15-20
K	Petition for Warrant for Offender Under Supervision	21
L	Order to Dismiss Petition to Revoke Term of Suspended Release	22-23
M	Photograph of Respondent, USC daughter, and long-term partner	24
N	Photograph of Respondent, USC daughter, and long-term partner	25
O	Photograph of Respondent, USC daughter, and long-term partner	26
P	Letter from Mississippi Center for Justice offering to screen	27
	<i>Certificate of Service</i>	

CERTIFICATE OF SERVICE

I, Christine Lao-Scott, hereby certify that on October 23, 2019, I served a true and correct copy of the foregoing **Respondent's Brief and Evidence in Support of Custody Redetermination** to the Department of Homeland Security Office of the Chief Counsel via email at the following address:

bataviadutyattorney@ice.dhs.gov



Christine Lao-Scott

U.S. Department of Justice
 Executive Office for Immigration Review
 Immigration Court

OMB#1125-0006
Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

(Type or Print) NAME AND ADDRESS OF REPRESENTED PARTY Christine G Lao-Scott _____ (First) (Middle Initial) (Last) 601 Massachusetts Avenue, NW _____ (Number and Street) (Apt. No.) Washington DC 20001 _____ (City) (State) (Zip Code)	ALIEN ("A") NUMBER (Provide A-number of the party represented in this case.) [REDACTED] Entry of appearance for (please check <u>one</u> of the following): <input type="checkbox"/> All proceedings <input checked="" type="checkbox"/> Custody and bond proceedings only <input type="checkbox"/> All proceedings other than custody and bond proceedings
--	--

Attorney or Representative (please check one of the following):

- I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).
Full Name of Court District of Columbia **Bar Number (if applicable)** 975682
- I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:

- I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).
- I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).
- I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country).
- I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

Attorney or Representative (please check one of the following):

- I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.
 - EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.
- I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 *et seq.* I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE	EOIR ID NUMBER	DATE
X	HH286350	10/23/2019

NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS

Name: Christine G Lao-Scott

 (First) (Middle Initial) (Last)
 Address: 601 Massachusetts Avenue, NW

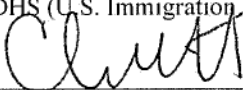
 (Number and Street)
 Washington DC 20001

 (City) (State) (Zip Code)
 Telephone: [REDACTED] Facsimile: (202) 942-5000 Email: [REDACTED]

Check here if new address

Indicate Type of Appearance:
 Primary Attorney/Representative Non-Primary Attorney/Representative

 On behalf of _____ (Attorney's Name) for the following hearing: _____ (Date)

 I am providing pro bono representation. Check one: yes no
Proof of Service
 I (Name) Christine Lao-Scott mailed or delivered a copy of this Form EOIR-28 on (Date) 10/23/2019
 to the DHS (U.S. Immigration and Customs Enforcement – ICE) at bataviadutyattorney@ice.dhs.gov
X


Signature of Person Serving

APPEARANCES - An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at www.justice.gov/eoir. An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. *See Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see *How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review*, available on EOIR's website at <http://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101*et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

FURTHER INFORMATION - For further information, please see the *Immigration Court Practice Manual*, which is available on the EOIR website at www.justice.gov/eoir.

ADDITIONAL INFORMATION:

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Honorable Judge,

My name is [REDACTED], I am 7 years old.
My daddy is Antonio Lopez Agustin, I miss my
daddy so much, Please let him come Home,
My moma and me need him, we cry
every day. He is a good daddy, He works
everyday and takes care of me.

Please [REDACTED]
[REDACTED]

STATE OF MISSISSIPPI

MISSISSIPPI STATE DEPARTMENT OF HEALTH
VITAL RECORDS



ajn-1773871-1-2



10277054

CERTIFICATE OF LIVE BIRTH

FILING DATE: NOV 07 2011

STATE FILE NUMBER: [REDACTED]

Child

Name: [REDACTED]
Date of Birth: [REDACTED] 2011 Hour Of Birth: 3:21 p.m. Sex: FEMALE
Plurality/Order: SINGLE BirthWeight: 3470 Grams
Location of Birth: UNIVERSITY MEDICAL CENTER
City/Town of Birth: JACKSON County of Birth: HINDS

Father

Name: ANTONIO LOPEZ
Race: HISPANIC
Date of Birth: [REDACTED] 1983 State/Country of Birth: MEXICO

Mother

Maiden Name
Race: HISPANIC
Date of Birth: [REDACTED] 1979 State/Country of Birth: [REDACTED]

Residence

State: MISSISSIPPI County: LEAKE
Street Address/Location: [REDACTED]
Mailing Address: [REDACTED]

Personal Information Certification

Parent Signature on Certificate: YES Date Signed: 10-31-2011 SSN Requested for Child: YES

Certification of Child Information

Certifier: KASSANDRA COUSIN, HIS TECH II Certifier Signature on Certificate: YES
Date Signed: 10-31-2011
Certifier Mailing Address: 2500 NORTH STATE ST

COMPUTER GENERATED COPY OF INFORMATION CONTAINED ON CERTIFICATE OF LIVE BIRTH ON FILE IN THIS OFFICE FOR ABOVE NAMED CHILD
THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE CERTIFICATE ON FILE IN THIS OFFICE

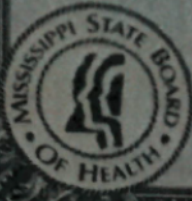
DATE ISSUED: MARCH 09, 2012

Judy Moulder
Judy Moulder
STATE REGISTRAR

WARNING: A REPRODUCTION OF THIS DOCUMENT RENDERS IT VOID AND INVALID. DO NOT ACCEPT UNLESS EMBOSSED SEAL OF THE MISSISSIPPI STATE BOARD OF HEALTH IS PRESENT. IT IS ILLEGAL TO ALTER OR COUNTERFEIT THIS DOCUMENT.

VERIFY PRESENCE OF WATERMARK HOLD TO LIGHT TO VIEW

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. THIS IS WATERMARKED PAPER. DO NOT ACCEPT WITHOUT FIRST HOLDING TO LIGHT TO VERIFY WATERMARK

OCTOBER 8, 2019

RE: ANTONIO LOPEZ AGUSTIN

HONORABLE JUDGE:

MY NAME IS STEVEN KYLE NEWSOM. I AM A UNITED STATES CITIZEN. ANTONIO LOPEZ HAS BEEN MY NEIGHBOR FOR 8 YEARS NOW. OVER THESE LAST 8 YEARS ANTONIO AND HIS WIFE AND DAUGHTER HAVE BECOME PART OF MY FAMILY. THIS MAN HAS HELPED ME IN SO MANY WAYS. HE HELPED ME RECOVER FROM COLON CANCER AND 2 MAJOR STROKES IN 2013 BY NOT GIVING UP ON ME AND NOT LETTING ME GIVE UP ON MYSELF. I'M DOING JUST ABOUT ALL THE THINGS I USE TO ENJOY AGAIN. HE KEEPS ME WALKING, RUNNING, KICKING A SOCCER BALL AROUND, THROWING THE FOOTBALL... OUR FAMILIES DO ALOT TOGETHER. WE GO FISHING, PLAY SOCCER AT THE PARK, FLEA MARKETS ON SATURDAY MORNINGS, ROASTING CORN ON A FIRE IN THE BACKYARD, AND THE LIST GOES ON.

ANTONIO HAS AN 8 YEAR OLD DAUGHTER WHO CALLS ME HER GRANDPA. SHE IS A BIG DADDY'S GIRL. HE SPOILS HER ROTTEN AND TEACHES HER RIGHT AND WRONG. HE IS A GOOD MAN WHO DOES NOT GET INTO

ANY KIND OF TROUBLE. HE'S A HARD WORKING MAN. FAMILY COMES FIRST TO HIM.

HIS WIFE AND CHILD NEED THIS MAN TO COME HOME. [REDACTED] NEEDS HER FATHER. SHE IS VERY ATTACHED TO BOTH OF HER PARENTS. SHE'S HAVING TROUBLE IN SCHOOL AND CRY'S A LOT. SHE'S ONLY 8 YEARS OLD. SHE DOESN'T UNDERSTAND FULLY. THEY NEED HIM HERE TO WORK AND PROVIDE FOR THEM ALSO.

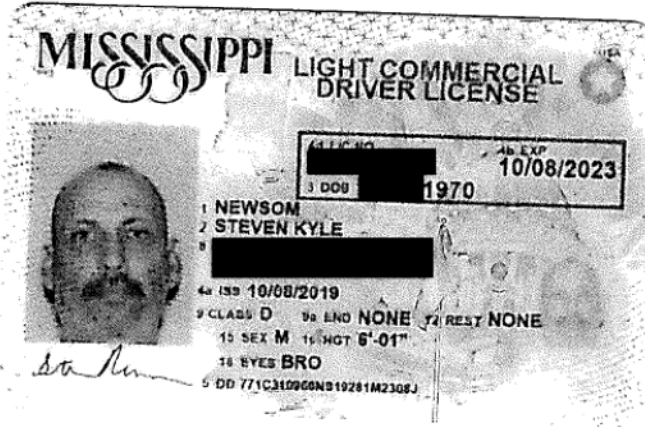
I WILL MAKE SURE HE GETS TO EVERY COURT DATE HE HAS. I AM JUST AS CLOSE TO HIM AS I AM MY OWN BROTHER. PLEASE LET MY BROTHER COME HOME TO HIS FAMILY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY OWN PERSONAL KNOWLEDGE.

STEVEN KYLE NEWSOM



10/8/2019



OCTOBER 8, 2019

RE: ANTONIO LOPEZ AGUSTIN

HONORABLE JUDGE:

MY NAME IS LISA BISHOP. I AM A UNITED STATES CITIZEN. I HAVE LIVED IN MISSISSIPPI MY ENTIRE 55 YEARS. ANTONIO AND HIS FAMILY HAVE LIVED NEXT DOOR TO ME FOR 8 YEARS NOW. THEY ARE MORE THAN MY NEIGHBORS; THEY ARE PART OF MY FAMILY.

ANTONIO IS A WONDERFUL YOUNG MAN AND A GREAT FATHER AND HUSBAND. HE AND MY HUSBAND ARE VERY CLOSE. WE ALL SPEND ALOT OF TIME TOGETHER. WE GO FISHING, HAVE COOKOUTS, GO TO THE STATE FAIR EVERY YEAR, GO TO FLEA MARKETS, AND ALL KINDS OF THINGS. HIS DAUGHTER, [REDACTED] CALLS US GRANDMA AND GRANDPA.

IN 2013 MY HUSBAND, STEVE, HAD COLON CANCER AND 2 STROKES IN THE COURSE OF TWO MONTHS. HE DIDN'T WANT TO DO ANYTHING BUT LAY IN BED. TONY WOULD NOT LET HIM. HE MADE HIM GET UP AND EXERCISE TO GET HIS STRENGTH BACK. HE EVEN HAS HIM PLAYING SOCCER.

ANTONIO IS A LAW-ABIDING MAN. HE DOESN'T GET INTO ANY TROUBLE AND HE WOULD NEVER HURT

ANYONE. HE IS A FAMILY MAN WHO IS ALL ABOUT TAKING CARE OF HIS WIFE, [REDACTED], AND HIS LITTLE GIRL, [REDACTED] [REDACTED] WILL BE 8 YEARS OLD ON [REDACTED].

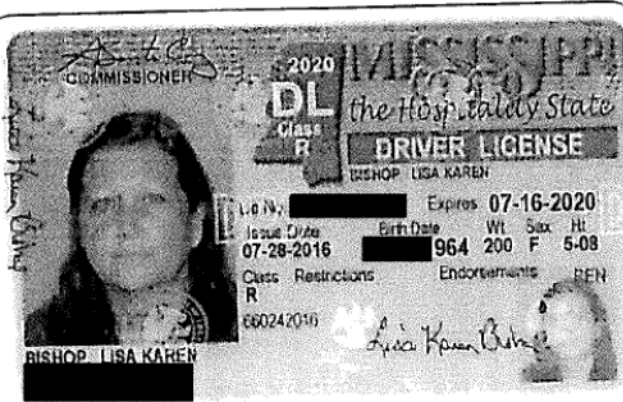
WE ARE HELPING [REDACTED] AND [REDACTED] AS MUCH AS WE CAN, BUT THEY NEED ANTONIO. HE IS THE ONE WHO WORKS AND TAKES CARE OF THIS FAMILY. HE IS THE ROCK OF THIS FAMILY. I AM USE TO SEEING TONY AND [REDACTED] OUTSIDE EVERY EVENING PLAYING. NOW, SHE DOESN'T EVEN COME OUTSIDE ANYMORE. SHE'S A GREAT STUDENT IN SCHOOL, BUT SHE DOESN'T WANT TO LEAVE HER MOM HOME ALONE. HER WHOLE WORLD HAS BEEN TURNED UPSIDE DOWN. I HUMBLE ASK YOUR HOHOR TO PLEASE LET THIS MAN COME HOME TO HIS FAMILY. I WILL BE MORE THAN HAPPY TO MAKE SURE HE GETS TO ALL THE COURT DATES HE HAS. WHATEVER HE NEEDS TO DO.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY OWN PERSONAL KNOWLEDGE.

LISA BISHOP

Lisa Bishop

10/8/2019



October 3, 2019

To Whom It May Concern:

I am, Michelle Quick, [REDACTED] second grade teacher at Leake Central Elementary. I just wanted to inform you that [REDACTED] has missed school due to stomach issues. She has cried to me and on multiple occasions told me she misses her dad and wishes he was home.

Thank you,



Michelle Quick



Honorable Judge

My name is Randy Alford, I am a proud United States Citizen.

I was born and raised in Mississippi.

I own a small farm and a rental house in the city of [REDACTED]

Antonio Lopez-Augustin and his wife [REDACTED] have rented a house located at [REDACTED] [REDACTED] for approximately 8 years. They have been wonderful tenants, they keep the house in excellent condition and Antonio always does minor repairs to the home and assists with any larger ones.

Antonio and [REDACTED] were talking to me about purchasing the home before Antonio was detained.

He is a hardworking and honest man who helps anyone he can in the community.

Antonio and [REDACTED] have a beautiful daughter who is a student in my friend's second grade class and I am told that she is a model student.

[REDACTED] is a wonderful mother but she is struggling to make ends meet during Antonio's absence.

I honestly believe that Antonio is and would continue to be a valuable part of our community.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.

Randy Alford

10-10-2019

[REDACTED]

Randy A

HOWELL'S CHECK CASHING



8/21/2019 WHOM IT MAY CONCERN,

I HAVE KNOWN ANTONIO LOPEZ AGUSTIN FOR AT LEAST 15 YEARS HE IS A VERY GOOD PERSON AND A VERY HARD WORKER. I THINK HE WOULD MAKE A GREAT U.S. CITIZEN. THEY ARE RENTING AT [REDACTED] [REDACTED] THE PEOPLE IN THE NEIGHBORHOOD NEVER HAD ANY COMPLAINTS . ALWAYS PAID BILLS ON TIME.

ANY ASISSTANCE TO GET HIM BACK WITH HIS FAMILY WOULD BE HELPFUL AND APPRECIATED.

THANKS,

Jimmy Howell
JIMMY HOWELL





U.S. Department of Veterans Affairs



Member ID [REDACTED]

Card Expires: 08/24/2024

VA HEALTHCARE ENROLLEE

Plan ID (80840) [REDACTED]



Member
JIMMY D HOWELL



COMMISSIONER

the Hospitality State

HOWELL JIMMY DALE

License No.	[REDACTED]	Expires	02-19-2022
Issue Date	02-18-2014	DOB Date	[REDACTED]
Class	R	Restrictions	Endorsements
	440842214		REN

HOWELL, JIMMY DALE

[REDACTED]

Jimmy Howell

To Whom It May Concern

I have been knowing Antonio Lopez Agustin for about 10 years. He is a good man with a daughter and wife who needs him here. Tony worked to support his family and on the weekends played soccer. I am asking the Court to please let him stay here with his family and friends. Tony is a good person.

Thank You
Kikki Edwards



State of Mississippi
County of Leake
Subscribed and sworn to before me this 18th day of Sept. 2019
Dot Merchant
Chancery Clerk
By Daniell Clay D.C.

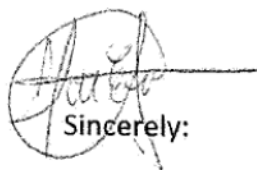
Doris Garcia

Sept. 19, 2019



Whom it may concern, this letter is in regards of Antonio Lopez Agustin, I am recommend for his case with immigration. From my experience Antonio is honest, kind, responsible and respectful man.

He is a generous man who give help to of those in need help. He is easy to get along with and make you feel good with his presence.

A handwritten signature in cursive script, appearing to read 'Andy', written over a circular stamp. Below the signature is the word 'Sincerely:'.

Sincerely:

Tienda Andy



861

UNITED STATES DISTRICT COURT

Southern

District of

Mississippi

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

ANTONIO LOPEZ-AGUIAR

Case Number:

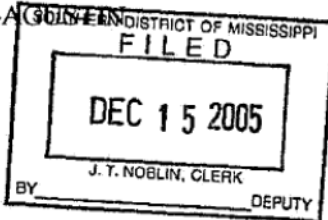
1:05cr961G-JMR-001

USM Number:

[REDACTED]

John Weber

Defendant's Attorney



THE DEFENDANT:

- pleaded guilty to count(s) Information
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. 1028(a)(6)	Possession of False Identification Document	10/18/05	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 7, 2005

Date of Imposition of Judgment

Signature of Judge

John M. Roper, Chief U.S. Magistrate Judge

Name and Title of Judge

Date

12-15-05

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

TIME SERVED

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

ONE YEAR

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall abstain from the use of alcohol and illegal drugs.

The defendant shall not use any mood altering substances, including prescribed medication, without permission of the probation office.

If deported, the defendant is not to re-enter the United States without the written permission of the Secretary of Homeland Security.

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
TOTALS	\$ 25		\$		\$

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	0	\$ _____	0
---------------	----------	---	----------	---

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

19

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 25 due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

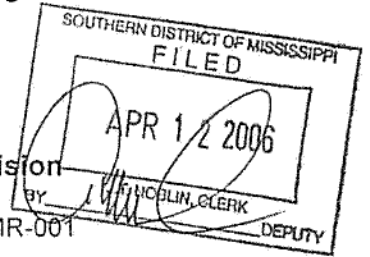
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PROB 12C
(7/93)

United States District Court
for the
Southern District of Mississippi
Petition for Warrant or Summons for Offender Under Supervision



Name of Offender: Antonio Lopez-Agustin Case No: 1:05cr96LG-JMR-001
Name of Sentencing Judicial Officer: Honorable John M. Roper, Chief U.S. Magistrate Judge
Date of Original Sentence: December 7, 2005
Original Offense: 18 U.S.C. § 1028(a)(6); Possession of False Identification Document
Original Sentence: One (1) Year Probation
Type of Supervision: USM Probation Date Supervision Commenced: December 7, 2005
Asst. U.S. Attorney: Glenda Haynes Defense Attorney: John Weber

PETITIONING THE COURT

The following information is to be released to U.S. Probation Officer, U.S. Attorney, and U. S. Marshal Service only.

To issue a WARRANT

Last address provided: 2536 Mount Charity, Lot D #5, Carthage, MS. 39351

The probation officer believes that the probationer has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
Standard Condition No. 1	The supervised releasee left the Judicial District of the Southern District of Mississippi without permission of the Court or the probation officer and is believed to be in the State of Oaxca, Mexico, and has absconded supervision.

Reviewed and Approved,

by Marty Williams

Marty Williams, Supervising
U. S. Probation Officer
Date: March 31, 2006

Respectfully submitted,

by James W. Fentress II

James W. Fentress, II
U.S. Probation Officer
Date: March 31, 2006

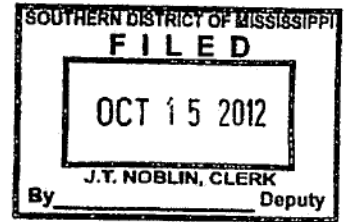
THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons for a hearing to be held at _____ am/pm, on the _____ day of _____, 2006 at the U. S. District Courthouse in _____, Mississippi.
- Other

[Signature]

Signature of Judicial Officer

April 7, 2006
Date



**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

VS.

CRIMINAL NO: 1:05cr96-JMR-001

ANTONIO LOPEZ-AGUSTIN

**ORDER TO DISMISS PETITION TO REVOKE TERM OF SUPERVISED
RELEASE**


This cause is before the Court on a request by the United States Probation Officer to dismiss the petition to revoke the defendant's term of supervised release. The defendant was placed on supervision December 15, 2005, for a term of one year for Possession of a False Identification Document, 18 U.S.C. § 1028(a)(6). On April 12, 2006, a petition for a warrant to revoke the defendant's supervision was filed with the U.S. District Clerk's office alleging the defendant had returned to Mexico.

Whereas the Court has been made aware that this is a misdemeanor case and there is not information before the Court that this defendant has attempted re-entry, nor committed any other criminal offense, the Court finds that it can best utilize its resources, which includes the U.S. Marshals Service, the U.S. Probation Office, the U.S. Attorney's Office, the Federal Defender's Office, and this Honorable Court, in other areas.

RE: LOPEZ-AGUSTIN, Antonio
Docket No: 1:05cr96-JMR-001
Order To Dismiss Petition to
Revoke Term of Supervised Release
Page 2 of 2

Therefore, the Court finds the request to be well taken. The petition is hereby dismissed and the term of supervised release in this case is terminated.

SO ORDERED, this the 15th day of October, 2012.



Honorable John M. Roper
Chief U.S. Magistrate Judge



24





MISSISSIPPI
CENTER
FOR JUSTICE

14 October 2019

Re: Antonio Lopez Agustin [REDACTED]

To the Honorable Court:

My name is Amelia McGowan, and I am a Senior Attorney for the Mississippi Center for Justice, a non-profit law firm in Jackson, Mississippi, and I am also an Adjunct Professor of Law at Mississippi College School of Law, where I direct the Immigration Clinic. My practice not only focuses on pro bono removal defense, but I have also spent the past three years working to recruit, train, and mentor area attorneys interested in providing pro bono immigration representation for immigrants in Mississippi.

In the aftermath of the August 7 ICE raids—the largest statewide workplace raid in US history—MCJ joined a coalition of other local organizations and independent immigration attorneys, including the Mississippi Immigrants' Rights Alliance (MIRA), the MacArthur Justice Center at the University of Mississippi School of Law, the Southeast Immigrant Rights Network (SEIRN), the American Civil Liberties Union of Mississippi, El Pueblo, the Southern Poverty Law Center (SPLC), and Catholic Charities of the Diocese of Jackson, to provide comprehensive humanitarian and legal assistance to Mississippi families impacted by the raids. Within that coalition, my team's role is to coordinate pro bono representation for Mississippi immigrants in removal proceedings who are unable to afford counsel.

Should Mr. Lopez Agustin be released on bond, our team is prepared to provide him with a screening to refer him to pro bono counsel and other coalition services that he may need, which include food, clothing, assistance with rent and other bills, and physical and mental health care. I will ensure that his bond counsel be provided my contact information to ensure a smooth transition upon release.

We look forward to hearing from and assisting Mr. Lopez Agustin. Should you have any questions about our proposed referral plan for Mr. Lopez Agustin, please do not hesitate to contact me at [REDACTED]. Thank you for your time and consideration.

Very sincerely yours,



Amelia McGowan, Senior Attorney (MSB# 103610)
Mississippi Center for Justice
5 Old River Pl., Ste. 203
Jackson, Mississippi 39202
Tel.: [REDACTED]
Fax: 601-352-4769
E-mail: [REDACTED]

Declaration of Antonio Lopez Agustin

I, Antonio Lopez Agustin, state and declare as follows:

1. My name is Antonio Lopez Agustin. I was born in Mexico and am thirty-six years old.

My Background and Life in the United States

2. I have lived in the United States for my entire adult life. I came to the United States when I was sixteen years old, in 1999.
3. I have one U.S. citizen daughter who is eight years old. I am her primary caretaker.
4. For the past eight years, I have lived at the same address in Carthage, Mississippi. Before ICE arrested me, I was speaking with the landlord about buying the place.
5. About fifteen years ago, I was convicted for having a fake identification and sentenced to one year of supervised release. I also have some traffic fines, including for driving without a license, which I have paid in full. I have no other criminal history.

ICE's Arrest and My Detention

6. On August 7, 2019, ICE arrested me during a raid at my workplace. Many of my co-workers were also arrested.
7. After ICE arrested me, I was detained at a jail in Mississippi for about one month. Then they brought me to the jail in Richwood, Louisiana. I am currently detained at the jail in Richwood.
8. The past seven months in jail have been very hard on me and my family. Although my neighbors and church try to help a bit financially, my daughter and partner do not have money to pay for food, shelter, and other necessities. My daughter especially has been suffering since her dad has been in jail. I missed her birthday, Thanksgiving, and Christmas because I have been in detention.
9. Being in jail has been very hard. The food is very bad. I am very used to being with my daughter. I used to bring her to school and pick her up. I can't bear to tell her what is happening. I'm just waiting and hoping that I will be released.
10. Before I was detained, I earned about \$280 a week and was responsible for supporting for my daughter. I do not have the money to pay for an attorney.
11. After a few weeks, I found an attorney who was willing to represent me for free. Her name is Christine. Christine was just helping me for my bond hearing, and I still needed to find an attorney to help me with my removal case.

12. I hoped that I would be released on bond, then I could save money and pay for an attorney to help in my removal case.
13. Before I spoke with Christine, I did not know the process for seeking bond or what I needed to submit to help me get released from jail.
14. The immigration court scheduled a bond hearing for me on November 19, 2019 with Judge Baumgarten. I believe Christine asked for the hearing to happen earlier, but her request was denied.
15. I had heard that Judge Baumgarten was very strict and did not let the attorneys or people before her talk in the hearings. Of the eighty people who I came in with, I heard that only two were released. I believe she denied bond to all of them.
16. Although I am detained in Louisiana, I was assigned to an Immigration Court in Batavia, New York. I watched my hearing on a video from the jail in Richwood.
17. My lawyer Christine works in Washington, D.C. and told me that she would be there on the phone.
18. Before my hearing, Christine told me that the judge would not let her be there on the phone and she would have another lawyer in court on her behalf. I had never met the other lawyer who appeared for me at my bond hearing.
19. Christine told me that she had given to the judge many letters, including letters from my landlord for the past 8 years, my daughter's teacher, and my friends.
20. In total, my bond hearing lasted for about 5 minutes. The only thing the judge asked me was my name.
21. At my hearing, Judge Baumgarten denied bond. She said that because I had a hearing before, and did not go, I was a flight risk. I do not know what she was talking about, as I don't remember ever missing any court dates. I would have been willing to wear an ankle monitor, report to ICE, or do any other type of program that would allow me to fight my case from outside jail.
22. After bond was denied, Christine agreed to help me in my removal case. She appeared with me from the jail in Richwood, Louisiana at my removal hearing in January 2020 and filed an application for cancellation of removal.
23. My removal case is still pending.

Willingness to Serve as Class Representative

24. I think it is unfair that the judge required me to prove that I am not a danger or a flight risk, and that she denied my request for release. I am willing to participate in whatever program the Court asks me to do instead of being in jail. I want this class-action lawsuit to help not only me but also other people facing similar situations.

25. I have talked with an attorney with the New York Civil Liberties Union about what it means to be a class representative, and I have decided I want to take on that role if the Court will permit me to do so. I want to speak up for everyone who is denied a fair chance to be released from detention just like me, and I am asking the Court to allow me to speak for them.

26. I write this declaration to show my interest in serving as a class representative in this class action lawsuit to represent the other people who are facing situations similar to mine. I know that I am asking the Court to allow me to represent other people facing situations similar to mine.

27. I am willing to travel to attend any hearings or other court proceedings. No matter if I win release from detention during my immigration case, win my immigration case, or lose my immigration case and have to leave the country, I still will be in this lawsuit until the end. I am happy to keep working on it in the future and to be a spokesperson for other people facing situations similar to the one I now face.

Executed this __ day of March, 2020 in Richwood, LA.

Antonio Lopez Agustin

Declaración de Antonio Lopez Agustin

Yo, Antonio López Agustin, digo y declaro lo siguiente:

1. Mi nombre es Antonio López Agustin. Yo nací en México y tengo treinta y seis años de edad.

Mi Historia y Vida en los Estados Unidos

2. Yo he vivido en los Estados Unidos durante toda mi vida adulta. Vine a los Estados Unidos cuando tenía dieciséis años, en 1999.
3. Tengo una hija ciudadana de los Estados Unidos que tiene ocho años. Soy su cuidador principal.
4. Durante los últimos ocho años, he vivido en la misma dirección en Carthage, Mississippi. Antes de que ICE me arrestara, estaba hablando con el propietario sobre la compra del lugar.
5. Hace unos quince años, fui condenado por tener una identificación falsa y sentenciado a un año de libertad supervisada. También tengo algunas multas de tráfico, incluso por conducir sin licencia, que he pagado en su totalidad. No tengo otro historial criminal.

El Arresto de ICE y Mi Detención

6. El 7 de agosto de 2019, ICE me arrestó durante una redada en mi lugar de trabajo. Muchos de mis compañeros de trabajo también fueron arrestados.
7. Después de que ICE me arrestó, estuve detenido en una cárcel en Mississippi durante aproximadamente un mes. Luego me llevaron a la cárcel en Richwood, Louisiana. Actualmente estoy detenido en la cárcel de Richwood.
8. Los últimos siete meses en la cárcel han sido muy duros para mí y mi familia. Aunque mis vecinos y la iglesia intentan ayudar un poco económicamente, mi hija y mi pareja no tienen dinero para pagar la comida, el refugio y otras necesidades. Mi hija ha sufrido especialmente desde que su padre estuvo en la cárcel. Me perdí su cumpleaños, Acción de Gracias y Navidad porque he estado detenido.
9. Estar en la cárcel ha sido muy difícil. La comida es muy mala. Estoy muy acostumbrado a estar con mi hija. Solía llevarla a la escuela y recogerla. No puedo soportar decirle lo que está sucediendo. Solo sigo a la espera y con esperanzas de ser liberado.
10. Antes de ser detenido, ganaba alrededor de \$280 por semana y era responsable de mantener a mi hija. No tengo el dinero para pagar un abogado.
11. Después de algunas semanas, encontré un abogado que estaba dispuesto a representarme de forma gratuita. Se llama Christine. Christine me estaba ayudando para mi audiencia de fianza y todavía necesitaba encontrar un abogado que me ayudara con mi caso de expulsión.

12. Esperaba ser liberado bajo fianza, luego podría ahorrar dinero y pagar a un abogado para que me ayudara en mi caso de deportación.
13. Antes de hablar con Christine, no conocía el proceso para buscar fianza o lo que necesitaba presentar para ayudarme a salir de la cárcel.
14. El tribunal de inmigración programó una audiencia de fianza para mí el 19 de noviembre de 2019 con el juez Baumgarten. Creo que Christine solicitó que la audiencia se llevara a cabo antes, pero su solicitud fue denegada.
15. Escuché que el juez Baumgarten era muy estricto y no permitió que los abogados o las personas antes de ella hablaran en las audiencias. De las ochenta personas con las que vine, escuché que solo dos fueron liberadas. Creo que ella negó el vínculo con todos ellos.
16. Aunque estoy detenido en Louisiana, me asignaron a un tribunal de inmigración en Batavia, Nueva York. Vi mi audiencia en un video de la cárcel en Richwood.
la
17. Mi abogada Christine trabaja en Washington, D.C. y me dijo que estaría allí por teléfono.
18. Antes de mi audiencia, Christine me dijo que el juez no la dejaría estar allí por teléfono y que tendría otro abogado en la corte en su nombre. Nunca había conocido al otro abogado que apareció por mí en mi audiencia de fianza.
19. Christine me dijo que le había entregado al juez muchas cartas, incluidas cartas de mi propietario durante los últimos 8 años, el maestro de mi hija y mis amigos.
20. En total, mi audiencia de fianza duró aproximadamente 5 minutos. Lo único que el juez me preguntó fue mi nombre.
21. En mi audiencia, el juez Baumgarten negó la fianza. Dijo que porque tuve una audiencia antes y no fui, era un riesgo de fuga. No sé de qué estaba hablando, ya que no recuerdo haber perdido ninguna cita en la corte. Hubiera estado dispuesto a usar un monitor de tobillo, informar a ICE o hacer cualquier otro tipo de programa que me permitiera luchar contra mi caso desde fuera de la cárcel.
22. Después de que se negó la fianza, Christine aceptó ayudarme en mi caso de expulsión. Ella apareció conmigo en la cárcel de Richwood, Louisiana, en mi audiencia de deportación en enero de 2020 y presentó una solicitud de cancelación de deportación.
23. Mi caso de expulsión aún está pendiente.

Disponibilidad para Servir como Representante de la Clase

24. Creo que es injusto que el juez me haya requerido que demuestre que no soy un peligro o un riesgo de fuga, y que ella negó mi solicitud de liberación. Estoy dispuesto a participar en cualquier programa que el Tribunal me pida que haga en lugar de estar en la cárcel. Quiero que esta demanda colectiva me ayude no solo a mí sino también a otras personas que enfrentan situaciones similares.
25. He hablado con un abogado de la Unión de Libertades Civiles de Nueva York sobre lo que significa ser un representante de la clase, y he decidido que quiero asumir ese papel si el Tribunal me lo permite. Quiero hablar por todos a quienes se les niega una oportunidad justa de ser liberados de la detención como yo, y solicito al Tribunal que me permita hablar por ellos.
26. Escribo esta declaración para mostrar mi interés en servir como representante de clase en esta demanda colectiva para representar a las otras personas que enfrentan situaciones similares a las mías. Sé que solicité al Tribunal que me permita representar a otras personas que enfrentan situaciones similares a las mías.
27. Estoy dispuesto a viajar para asistir a cualquier audiencia u otro procedimiento judicial. No importa si gano la libertad de detención durante mi caso de inmigración, gano mi caso de inmigración o pierdo mi caso de inmigración y tengo que salir del país, todavía estaré en esta demanda hasta el final. Estoy feliz de seguir trabajando en ello en el futuro y de ser portavoz de otras personas que enfrentan situaciones similares a la que ahora enfrento.

Esta declaración me fue interpretada en español, un idioma que conozco y entiendo, y afirmo que todo lo que contiene es fiel a mi leal saber y entender.

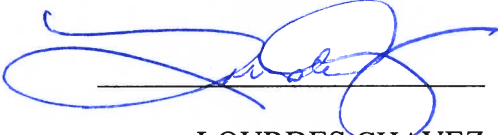
Ejecutado este 10 día de marzo de 2020 en Richwood, LA.

Antonio Lopez Agustin
Antonio Lopez Agustin

CERTIFICATE OF TRANSLATION

I, Lourdes Chavez, affirm, under the penalty of perjury, the truth of the following:

1. I am a paralegal at the New York Civil Liberties Union, 125 Broad Street, 19th Floor,
New York, NY 10004
2. I am fluent in both English and Spanish and competent to translate from English into
Spanish and *vice versa*.
3. I translated the within Declaration of Antonio Lopez Agustin from English into Spanish.
The Spanish translation is a true and correct translation of the English declaration.



LOURDES CHAVEZ

Dated: March 10, 2020
New York, NY

Sworn to before me this
10th Day of March 2020



NOTARY PUBLIC

JESSICA PERRY
NOTARY PUBLIC-STATE OF NEW YORK
No. 02PE6392775
Qualified in Kings County
My Commission Expires 06-03-2023

DECLARATION OF KIMBERLY HUNTER

I, Kimberly Hunter, truthfully declare as follows under penalty of perjury:

1. I am Kimberly Hunter. I operate my immigration practice at 656 Selby Avenue, St. Paul, Minnesota, 55104. My office phone number is 651-641-0440.
2. As pro bono counsel, I traveled from Minnesota to Batavia, New York in November 2019 to cover bond hearings for three other pro bono attorneys with cases in front of Judge Baumgarten. All three attorneys had filed motions to appear telephonically which were not ruled upon. I traveled at the request of Lawyers for Good Government, a nonprofit organization which had placed the bond cases with the attorneys.
3. I have practiced immigration law for nearly 20 years. Detained removal defense has always been a significant part of my practice, and I have represented clients in many different detained courts.
4. In my experience, it is very unusual for a motion for telephonic appearance to not be ruled upon or granted. This is particularly true when appearances are pro bono and limited to bond only, as was the case here. This failure to act upon (and grant) telephonic motions is additionally concerning where, as here, the Respondents are already in a detention location, the IJ is appearing by televideo (from Buffalo), and counsel is compelled to appear in a third location (Batavia). As of the hearing date, those motions to appear by phone were of course moot.
5. On November 19, 2019, I witnessed approximately ten bond hearings (including the three cases I had).
6. It would be difficult to overstate my shock at the standards Judge Baumgarten applied in bond cases and the decisions she issued.
7. One of my cases I presented was that of Antonio Lopez Agustin, who is clearly eligible for non-resident cancellation of removal (COR). He had a 12-year old record of possessing a false identity document for which a warrant was requested, alleging he had fled the jurisdiction. (In fact, he had moved and simply failed to receive a notice during a period of unsupervised probation).

8. The petition for revocation of supervised release was eventually dismissed. Documentation of the misunderstanding – that Mr. Lopez Agustin has not absconded - was included in the supporting documents for bond. Judge Baumgarten nevertheless found this to be evidence that he was a flight risk, despite additional evidence that he has lived in the same community for over ten years and had multiple substantive character references.
9. The judge also found the fact that his minor U.S. citizen daughter could not “confer legal status upon him” was a negative bond factor. If this was in fact the legal standard, few detained non citizens would ever be released with bond.
10. When I asked the court to give my client an EOIR 42B application, the judge informed me that only I-589s are available at that detained court location. I found this both puzzling and frankly galling, as I later watched her deny bond for reasons that included the fact that the Respondent had not submitted a form 42B after months of detention. There, she made a comment along the lines of “failing to submit the form reflects (Respondent’s) lack of commitment to his case” and was therefore a negative bond factor.
11. I witnessed just one hearing wherein she appeared to give serious consideration to granting a bond. In that case, the Respondent presented evidence of owning a home. Nevertheless, rather than issue a ruling, she postponed the bond decision for that Respondent’s next master hearing date, which in 2020 and therefore well after the holiday season.
12. I did not witness the judge giving any consideration to ordering alternatives to detention as a means of mitigating perceived flight risk. Further, though immigration law places the burden of proof upon Respondents to secure bond, I did not see any evidence that the judge deployed the proper preponderance of the evidence standard. She micro-analyzed the supporting evidence, searching for perceived flaws to deploy against Respondents. Based upon the hearings I witnessed, there would be no way a pro se Respondent could secure bond in her courtroom, as she framed questions in such a way to bias Respondents in a game of “gotcha.”
13. In sum, I found that Judge Baumgarten’s conduct and decision making reflected strong bias against Respondents. She demonstrated minimal respect toward defense counsel, and left me with the impression she is making up bond factors on an ad hoc basis in order to find ways to deny cases rather than act as an impartial arbiter.

DECLARANT SAYETH FURTHER NOT.

3/9/2020

Date



Kimberly Hunter

Declaration of Nicholas J. Phillips
March 10, 2020

DECLARATION OF NICHOLAS J. PHILLIPS

I, NICHOLAS J. PHILLIPS, declare under penalty of perjury, pursuant to 8 U.S.C. § 1746, that the following is true and correct:

1. I am the Immigration Appellate Attorney of the Immigration Unit of Prisoners' Legal Services of New York ("PLS"). In this capacity, I represent indigent non-citizens who are appealing their immigration cases to the Board of Immigration Appeals and Second Circuit Court of Appeals. Prior to assuming this position in November 2019, I regularly represented indigent non-citizens in removal proceedings in Immigration Court, including individuals detained at the Buffalo Federal Detention Facility ("Batavia") whose immigration removal proceedings are calendared in the Batavia Immigration Court.
2. My office routinely represents individuals at Batavia detained under 8 U.S.C. § 1226(a) in their bond and removal proceedings. I have been representing detained immigrants before the Batavia Immigration Court for over four years.
3. PLS and the Volunteer Lawyers Project of the Erie County Bar Association ("VLP") are part of the New York Immigration Family Unity Project ("NYIFUP"), the first and largest public defender program in the country for detained immigrants facing deportation. As NYIFUP providers, both PLS and VLP aim to represent all indigent detained non-citizens in the Batavia Immigration Court.

Bond Hearings at the Batavia Immigration Court

4. I have represented detained immigrants before the Batavia Immigration Court in approximately thirty bond hearings. In addition, I estimate that I have observed close to 100 bond hearings at Batavia.
5. In every bond hearing pursuant to 8 U.S.C. § 1226(a) where I or my staff have represented a detained person before the Batavia Immigration Court, the burden of proof always has been placed on the detainee, unless a federal district court ordered the burden to be placed on the government in granting a habeas corpus petition.
6. When setting a bond amount, the immigration judges do not typically consider an individual's ability to pay or alternative conditions of release that do not involve paying bond, unless specifically ordered to do so by a federal district court as the result of a habeas petition. All of our clients are indigent and, based on their indigency, are represented by our organization *pro bono* through NYIFUP.
7. In the Batavia Immigration Court, over the past several years, bonds are often denied altogether. If bond *is* granted, bonds have generally ranged from \$10,000 to \$50,000. A typical bond amount is \$15,000. As a result, we have had clients who have been granted bond (after being found not to be a danger to the community or a flight risk) but who are then forced to stay in detention due to their inability to pay the bond amount imposed.

Declaration of Nicholas J. Phillips
March 10, 2020

Rather than a bond to ensure their presence, often the bond amounts are so high that they ensure that a person remains detained.

8. Notably, individuals are not allowed to pay an immigration bond with a security interest of any sort. They must pay the entire amount to the Department of Homeland Security.

Detention's Effects on Detainees' Ability to Meet Their Burden in Bond Hearings

9. As an initial matter, many of our detained clients do not speak English and are unfamiliar with the U.S. legal system, much less immigration law. They are unaware of the legal standard they must meet to obtain release at a custody hearing, or the evidence they must gather as proof.
10. Even with experienced counsel, bond applications can be complicated and time-intensive. Most successful bond applications are accompanied by supporting letters and materials such as criminal records and proof of employment and residence that detained individuals need to acquire from their family, friends, employer, and community. Often, immigration judges consider a detained person's likelihood of obtaining immigration relief in their bond hearing, and showing this requires presenting even more evidence that goes toward the strength of their claims. Gathering this evidence requires significant coordination with the detained client.
11. It is very difficult for detainees to contact family and friends to obtain this evidence. At Batavia, detainees must pay for phone calls themselves, and rates are often prohibitively expensive. Ultimately, it falls on the lawyers, if people have them, to contact family and friends for supporting letters and materials. But these people can be reluctant to pick up the phone if they see a call from a lawyer they do not know. Language barriers can also make it difficult for lawyers to obtain evidence from third parties who do not speak English.
12. Lawyers at PLS try to meet with clients in person at least once before their bond hearings to review the supporting evidence. But visitation constraints burden our efforts to do so. Batavia, a facility that can house 650 detainees, only has four attorney visitation rooms, and so lawyers often have to wait for an hour or more to meet with their clients. In addition, legal visits are prohibited while the facility conducts the "count," during which they check the location of each detainee. "Count" occurs from 11:30 a.m. to 1 p.m. and 5 p.m. to 6 p.m., further limiting access to detainees during business hours. Moreover, lawyers have to drive 45 minutes from our Buffalo office or nearly four hours from our Albany office to visit clients, given Batavia's semi-rural location.
13. Even beyond visits, communicating with detained clients to prepare for their bond hearings can be difficult and costly. Batavia does not provide for incoming legal calls or video calls. The facility does provide a phone in each legal visit room but does not provide free access to a language line service, so if clients do not speak English—and many of ours do not—lawyers must either arrange for interpreters or pay for a language line themselves. This is especially problematic for clients who speak rare languages for

Declaration of Nicholas J. Phillips
March 10, 2020

whom it may be necessary to schedule phone interpreters in advance given the inability to guarantee visitation at a particular time.

Detention's Effects on Detainees' Ability to Prepare for Their Individual Merits Hearings

14. Detention also makes it much more difficult for individuals to adequately prepare for their immigration proceedings. The same barriers lawyers and their clients face in preparing detained clients for bond hearings apply to merits hearings.
15. Given Batavia's constraints on phone calls, it is often difficult for individuals held there to obtain documentary evidence and affidavits from witnesses in their home countries, which are critical especially for those seeking fear-based relief like asylum, withholding of removal, or deferral of removal under the Convention Against Torture. When I have worked with such clients, it has been extremely difficult to litigate their cases.
16. In contrast, non-detained clients can actively assist in the preparation of their merits cases by reaching out to family and friends both in the United States and in the home countries over the phone, email, and via social media like WhatsApp and Facebook.
17. It is also very difficult to get medical evaluations for detained clients. For example, in every case where an asylum-seeker has experienced past persecution, it is important to get psychological and physical examinations from medical specialists to corroborate their testimony. Doctors require that these evaluations be conducted in-person and so ICE officials at the Batavia facility must drive detainees to doctors' offices or doctors must come to the facility.
18. It is incredibly difficult to get these evaluations given the remoteness of the facility, logistical issues around transport, and the limited availability of doctors who conduct these evaluations *pro bono*. I estimate that PLS is able to arrange such evaluations in only about one out of ten cases where such evaluations would aid the asylum case in particular.
19. In several of our asylum cases for which PLS has obtained medical evaluations, I believe those evaluations contributed significantly to the ultimate resolution of those cases in my clients' favor. Were they not detained, it would be significantly easier for asylum-seekers to get these evaluations.
20. In my experience some detainees, especially those who are traumatized from past persecution, are unable to tolerate the restrictive conditions of their confinement at Batavia. They also hear from other detainees how difficult it is to litigate cases. In some cases, they get discouraged and just give up meritorious cases and accept removal.

/s/ Nicholas J. Phillips
NICHOLAS J. PHILLIPS

Dated: March 10, 2020
Buffalo, N.Y.

DECLARATION OF JESSE BARBER

I, Jesse Barber, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am employed as a Research Analyst at the New York Civil Liberties Union. I received training in social science statistics at Brown University.
2. I am fully familiar with the facts and circumstances surrounding the data analysis in this action. All facts stated in this affidavit are true and correct to the best of my knowledge. If called upon to testify, I would do so competently.

Data Source and Details

3. On March 7, 2020, I downloaded the “EOIR Case Data (January 2020)” which is the most recent published dataset from the United States Department of Justice website.¹ Among the documents downloaded from these EOIR data, there is a spreadsheet named “D_TblAssociatedBond.” It is my understanding that this spreadsheet contains the records of every documented bond hearing in the United States. All statistics provided in this declaration were calculated using this dataset.
4. Because of the volume of this spreadsheet, which would be hundreds or thousands of pages in length if printed or saved in paginated format, it is impractical to submit a copy to the Court. As a result, pursuant to Federal Rule of Evidence 1006, this declaration contains a summary of the contents of the spreadsheet as they relate to bond grant rates of immigration judges during that period. I have appended an excerpt of the dataset containing the variables used in the analysis as Exhibit A.

¹ <https://www.justice.gov/eoir>

5. I used a variable titled “Comp Date,” which, according to a document titled “EOIR Case Data Code Key (May 2019)” available on the United States Department of Justice website,² is the date that the immigration judge made the bond decision, to narrow the spreadsheet to decisions made in the period from March 1, 2019, through February 7, 2020 (inclusive of both end dates). All statistics provided in this declaration were calculated using this time period.
6. I used the following information from the spreadsheet in my analysis:
 - a. The unique three digit code of the city where the immigration court which issued the bond decision is located;³
 - b. The unique three digit code of the immigration judge who issued the bond decision;
 - c. The bond decision code which classifies the action that the immigration judge took;⁴
 - i. “C” represents a bond “Change.” The immigration judge recommended a bond amount and that bond amount differed from the recommendation made by ICE. This occurred 35,534 times in the dataset;

² <https://www.justice.gov/eoir/frequently-requested-agency-records>

³ The immigration courts of “Buffalo” and “Batavia” are treated as a single court in this analysis and referred to as simply “Batavia.”

⁴ I received additional information about this field from David Hausman, a Ph.D. candidate in Political Science at Stanford University and a former attorney at the American Civil Liberties Union’s Immigrants’ Rights Project in New York. Mr. Hausman has published several quantitative analyses of immigration data, including articles in the University of Pennsylvania Law Review and the Fordham Law Review, and has worked with this particular dataset.

- ii. “S” represents “no change.” The immigration judge made no change to the initial bond recommendation made by ICE. This occurred 7,148 times in the dataset;
 - iii. “A” represents “no action.” The immigration judge took no action in revising the initial bond recommendation made by ICE. This occurred 32,188 times in the dataset;
 - iv. “N” represents “no bond.” The immigration judge denied bond. This occurred 16,486 times in the dataset;
 - v. “J” represents “no jurisdiction.” The immigration judge decided that the person was subject to mandatory detention. This occurred 3,847 times in the dataset;
- d. The bond decision date. Wherever dates are referred to in this declaration, they refer to this bond decision date;
 - e. The initial bond amount set by U.S. Immigration and Customs Enforcement (ICE);
 - f. The final bond amount set by the immigration judge;
 - g. The unique case code associated with each observation.
7. I created and altered the following variables for the purpose of my analysis:
- a. The variable “grant” was created to indicate whether a final bond amount was set by the immigration judge in the case;
 - i. If the bond decision code was “change” or the bond decision code was “no action” or “no change” and there existed an initial bond amount and/or final bond amount that is not zero, I coded the observation as “granted;”

- ii. If the bond decision code was “no bond,” the bond decision code was “no action” or “no change” and the initial bond amount and final bond amount did not exist or were zero, or the decision code was “no jurisdiction,” I coded the observations as “not granted;”
- b. I created a variable named “change” which indicated whether the judge affirmatively changed ICE’s initial recommendation to a different bond amount. All observations with the decision code “change” were considered “changed.” All observations with any other decision code were considered “not changed;”
- c. In 107 instances, the judge ordered a respondent released on their own recognizance. This occurred in 0.1% of cases. Because these decisions were very exceptional, the occurrences are removed from the rest of the analysis.
- d. A total of 31 observations were dropped because the entries were incomplete or contradictory.⁵

Analysis

Grant Rates

- 8. In the period from March 1, 2019 through February 7, 2020 (inclusive), immigration judges nationwide granted bond in 36,619 of 95,195 cases (38%).

⁵ 12 observations were dropped because they contained decision codes “F” or “L” for which I could not find definitions. 11 observations were dropped because the initial bond amount or revised bond amount matched the decision date converted into a numeric string i.e. the bond amount for a decision made on 09-25-2019 was \$9,252,019. These were excluded because they were obviously erroneous. 8 observations were dropped because the code representing the name of the immigration judge was missing.

9. In the same period, there were 204 judges⁶ who heard at least 50 cases in the period (n = 204). They granted bond in 35,708 of 92,504 cases (39%). The median grant rate for judges who heard 50 or more cases was 36%.
10. Table 1, below, the judges with the 10 lowest grant rates nationwide (out of 204 judges who heard 50 or more cases).

Table 1: The Judges with the 10 Lowest Grant Rates (out of 204 judges who heard 50 or more cases)

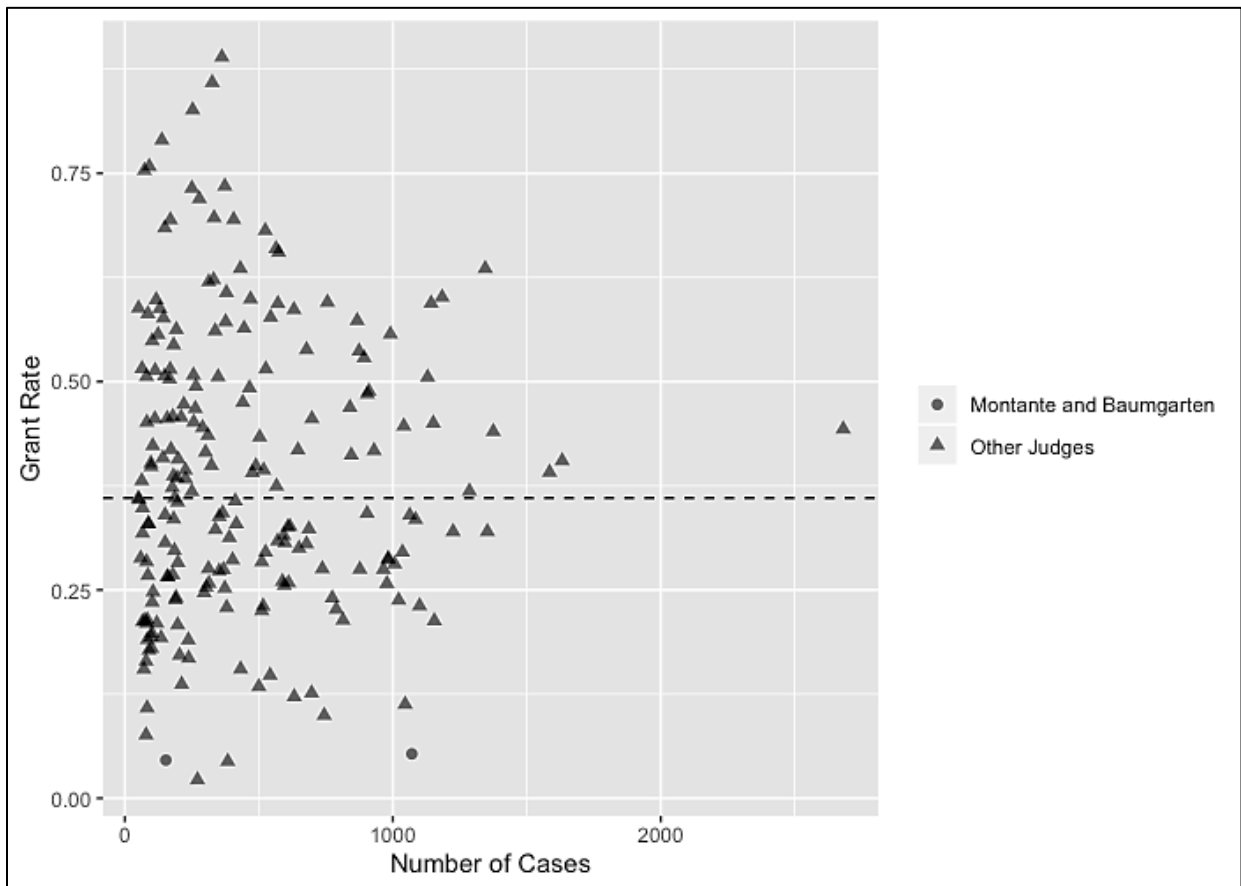
<i>Ranking</i>	<i>Grants</i>	<i>Cases</i>	<i>Grant Rate</i>	<i>Judge Name</i>	<i>Court</i>
1	6	271	2.21%	LARAGY, W. SCOTT	FORT SNELLING
2	17	384	4.43%	CROOKS, GRADY A	JENA
3	7	153	4.58%	MONTANTE JR, PHILIP J.	BATAVIA
4	57	1071	5.32%	BAUMGARTEN, MARY C.	BATAVIA
5	6	79	7.59%	FERNANDEZ, LORELY RAMIREZ	DALLAS
6	74	744	9.95%	LANDIS, BRENT H.	JENA
7	9	83	10.84%	TAYLOR, BROCK E.	OTERO
8	118	1046	11.28%	DUCK, JOHN A., JR.	OAKDALE
9	77	632	12.18%	PALOMINO, JACINTO	OTERO
10	88	697	12.63%	LARAGY, W. SCOTT	OAKDALE

11. Judges Philip J. Montante Jr. and Mary C. Baumgarten have the third (4.58%) and fourth (5.32%) lowest grant rates (respectively) of the 204 judges who heard 50 or more cases in the time period.
12. Together, Judges Montante and Baumgarten were about seven times less likely to grant bond than the median judge who heard 50 or more cases during the time period.

⁶ For all judges *except* judges sitting at the Buffalo and Batavia courts, if a single judge had two caseloads across two different immigration courts, their caseloads are considered separately. When a judge is referred to, I am referring to the caseload of the judge at a specific immigration court, not the judge's combined caseload across multiple immigration courts. The only exception to this is that a judge's caseload at the Batavia and Buffalo courts are combined. *See* n. 3, *supra*.

13. Graph 1, below, is a scatter plot showing the grant rates and number of decisions of the judges that heard 50 or more cases in the time period. The points represented as circles are Judges Montante (in the bottom-left corner) and Baumgarten (in the bottom-right corner). The horizontal dashed line represents the median grant rate for the judges in question.

Graph 1: Grant Rate vs. Number of Cases (of judges that heard 50 cases or more during the period).



14. Table 2, below, shows the grant rates and caseloads of all seven judges in Batavia that heard 50 or more cases during the time period sorted by grant rate.

Table 2: The Grant Rates of Judges at Batavia (of judges that heard 50 or more cases)

<i>Ranking</i>	<i>Grants</i>	<i>Cases</i>	<i>Grant Rate</i>	<i>Judge Name</i>	<i>Court</i>
1	7	153	4.58%	MONTANTE JR, PHILIP J.	BATAVIA
2	57	1071	5.32%	BAUMGARTEN, MARY C.	BATAVIA
3	18	100	18.00%	AIKMAN, SUSAN, F	BATAVIA
4	283	1007	28.10%	MERRIMAN, JOY A.	BATAVIA
5	58	142	40.85%	HOCHUL, DENISE	BATAVIA
6	96	210	45.71%	CONNELLY, STEVEN J.	BATAVIA
7	58	113	51.33%	RUEHLE, WALTER H.	BATAVIA

15. Judges Baumgarten and Montante combined granted bond in 64 out of 1224 cases

(5.23%). All other judges who heard 50 or more cases in Batavia during the period combined granted bond in 513 out of 1572 cases (33%), meaning that Judges Baumgarten and Montante together were about six times less likely to grant bond as compared to the other Batavia judges who heard 50 or more cases.

16. Table 3, below, shows the 10 lowest grant rates of the 40 courts that heard 50 or more cases in the time period.

Table 3: The Courts with the 10 Lowest Grant Rates (of courts that heard 50 or more cases)

<i>Ranking</i>	<i>Court</i>	<i>Cases</i>	<i>Grants</i>	<i>Grant Rate</i>
OAK	OAKDALE	2209	290	13.13%
OTO	OTERO	1418	270	19.04%
BTV	BATAVIA	2852	596	20.90%
HAR	HARTFORD	84	18	21.43%
SND	SAN DIEGO	177	38	21.47%
JNA	JENA	4512	987	21.88%
ATD	ATLANTA	2452	640	26.10%
ELZ	ELIZABETH	2773	732	26.40%
OMA	OMAHA	1080	295	27.31%
SFR	SAN FRANCISCO	584	171	29.28%

17. Bond was granted in 596 of 2,852 cases (21%) heard at Batavia. This rate is the third lowest bond grant rate of any immigration court that heard 50 cases or more during this period. The median grant rate for all immigration courts who heard 50 or more cases is approximately 35%.

Rates of Change from ICE's Initial Bond Decision

18. In the period from March 1, 2019 through February 7, 2020 (inclusive), immigration judges nationwide made a change to ICE's initial bond decision in 35,534 of 95,195 cases (37%).

19. In the same period, there were 204 judges who heard 50 or more cases during the time period. In the aggregate, these judges changed the bond in 34,629 of 92,504 cases (37%). The median change rate for judges who heard more than 50 cases is 35%.


20. Table 4, below, shows the judges with the 10 lowest change rates of the 204 who heard 50 or more cases during the period.

Table 4: The Judges with the 10 Lowest Change Rates (of judges who heard over 50 cases)

<i>Ranking</i>	<i>Changes</i>	<i>Cases</i>	<i>Change Rate</i>	<i>Judge Name</i>	<i>Court</i>
1	6	271	2.21%	LARAGY, W. SCOTT	FORT SNELLING
2	4	153	2.61%	MONTANTE JR, PHILIP J.	BATAVIA
3	17	384	4.43%	CROOKS, GRADY A	JENA
4	57	1071	5.32%	BAUMGARTEN, MARY C.	BATAVIA
5	6	79	7.59%	FERNANDEZ, LORELY RAMIREZ	DALLAS
6	74	744	9.95%	LANDIS, BRENT H.	JENA
7	9	83	10.84%	TAYLOR, BROCK E.	OTERO
8	117	1046	11.19%	DUCK, JOHN A., JR.	OAKDALE
9	12	100	12.00%	AIKMAN, SUSAN, F	BATAVIA
10	77	632	12.18%	PALOMINO, JACINTO	OTERO

21. Judges Montante and Baumgarten had the 2nd (2.61%) and 4th (5.32%) lowest change rates (respectively) of the judges who heard 50 or more cases during the time period.
22. Judge Montante is 13 times less likely to change bond than the median judge who heard 50 or more cases during the time period.
23. Judge Baumgarten is about 6 and a half times less likely to change bond than the median judge who heard 50 or more cases during the time period.

Executed this 10th day of March, 2020 in New York, NY.



Jesse Barber
Research Analyst

Exhibit A

IDNASSOBOND	BASE_CITY_CODE	BASE_CITY_NAME	HEARING_LOC_CODE	IJ_CODE	IJ_NAME	DEC	COMP_DATE	INITIAL_BOND	BOND_HEARING_TELEPHONIC	BOND_HEARING_DATE	NEW_BOND	BOND_TYPE
2	ATD	ATLANTA	ATD	GMR	G. M. RAST	C	1/26/01	NA	NA	1/26/01	10000	BD
3	LVG	LAS VEGAS	LVG	RLM	RONALD L. MULLINS	C	2/23/99	4500	NA	2/23/99	2000	BD
4	FLO	FLORENCE	FLO	SMJ	SCOTT M. JEFFERIES	C	7/29/96	10000	P	7/29/96	1000	BD
5	CHI	CHICAGO	CHI	DRK	DENNIS R. KRAMER	G	2/17/87	15000	NA	2/17/87	5000	BD
6	CHI	CHICAGO	CHI	JRF	JAMES R. FUJIMOTO	C	3/28/96	15000	NA	3/14/96	10000	BD
7	OAK	OAKDALE	ADC	CAW	CHARLES A. WIEGAND,	C	10/2/97	0	NA	10/2/97	5000	BD
8	CIC	CONROE	HOD	SY	SUSAN YARBROUGH	A	4/24/98	0	NA	4/24/98	0	BD
9	SFR	SAN FRANCISCO	SFD	MH	MIRIAM HAYWARD	A	2/23/99	0	NA	2/23/99	0	BD
10	SFR	SAN FRANCISCO	SFD	MJY	MICHAEL J. YAMAGUCHI	R	10/31/00	0	NA	10/31/00	0	BD
11	EPD	EPD	EPD	BAZ	BERTHA A. ZUNIGA	C	12/19/01	0	NA	12/19/01	2500	BD
12	LOS	LOS	SPD	LRM	LAUREN R. MATHON	C	9/29/93	20000	NA	9/29/93	1000	BD
13	SEA	SEATTLE	SEA	KJ	KENNETH JOSEPHSON	S	6/12/91	0	NA	6/12/91	0	BD
14	AUR	AUR	WSI	JPV	J. P. VANDELLO	C	3/15/95	10000	NA	3/15/95	5000	BD
15	SFR	SAN FRANCISCO	SFR	BKS	BETTE KANE STOCKTON	C	4/3/92	25000	NA	4/3/92	1500	BD
16	FLO	FLORENCE	FLO	JWR	JOHN W. RICHARDSON	C	4/18/94	75000	P	4/18/94	10000	BD
17	LOS	LOS	SPD	DDS	D. D. SITGRAVES	C	6/10/98	0	NA	6/10/98	3000	BD
18	CIC	CONROE	HOD	SY	SUSAN YARBROUGH	G	8/15/90	0	NA	8/15/90	0	BD
19	PIS	LOS FRESNOS	PIS	CAL	CHARLES A. LAUER	N	10/11/94	25000	NA	10/11/94	0	SB
20	PIS	LOS FRESNOS	PIS	CAL	CHARLES A. LAUER	C	6/27/94	0	NA	6/27/94	25000	BD
21	SFR	SAN FRANCISCO	SFR	BKS	BETTE KANE STOCKTON	G	6/15/90	40000	NA	6/15/90	15000	BD
22	SFR	SAN FRANCISCO	SFR	PPL	PHILIP P. LEADBETTER	G	9/30/86	25000	NA	9/30/86	10000	BD
23	ELO	ELOY	EAZ	TMO	THOMAS MICHAEL O'LEA	N	12/3/02	0	NA	12/3/02	0	BD
24	SNA	SAN ANTONIO	LAR	SEC	SUSAN E. CASTRO	A	11/13/98	0	NA	11/13/98	0	BD
25	CIC	CONROE	HOD	SY	SUSAN YARBROUGH	C	9/23/93	0	NA	9/23/93	5000	BD
26	IMP	IMPERIAL	ELC	JWS	JACK W. STATON	S	3/11/02	0	NA	3/11/02	0	BD
27	PIS	LOS FRESNOS	PIS	HEA	HOWARD E. ACHTSAM	N	3/11/96	0	NA	3/11/96	0	BD
28	PIS	LOS FRESNOS	PIS	ASG	ANNIE S. GARCY	C	9/12/91	15000	NA	9/12/91	3000	SB
29	PIS	LOS FRESNOS	PIS	ASG	ANNIE S. GARCY	C	8/5/91	30000	NA	8/5/91	15000	BD
30	CHI	CHICAGO	CHI	TLP	THOMAS L. PULLEN	G	4/6/89	2500	NA	4/6/89	0	BD
31	ELO	ELOY	EAZ	WLA	WILLIAM L. ABBOTT	C	2/7/96	0	NA	2/7/96	2500	BD
32	IMP	IMPERIAL	ELC	MHB	MICHAEL H. BENNETT	G	5/30/91	0	NA	5/30/91	5000	BD
33	DET	DETROIT	DED	RDN	ROBERT D. NEWBERRY	A	12/8/03	NA	NA	11/24/03	NA	BD
34	FLO	FLORENCE	FLO	LSF	LAMONTE S. FREERKS	R	7/16/96	0	P	7/16/96	0	BD
35	CHI	CHICAGO	CHI	CMZ	CRAIG M. ZERBE	O	9/24/90	40000	NA	9/24/90	0	BD
36	LOS	LOS	SPD	RCP	ROSE PETERS	C	3/17/97	0	NA	3/17/97	5000	BD
37	ELO	ELOY	EAZ	SHK	SEAN H. KEENAN	N	3/4/98	0	NA	2/10/98	0	BD
38	NEW	NEWARK	NEW	EP	EUGENE PUGLIESE	R	4/5/99	0	NA	4/5/99	0	SB
39	NEW	NEWARK	NEW	EP	EUGENE PUGLIESE	S	12/28/98	0	NA	12/28/98	0	BD
40	CIC	CONROE	HOD	SY	SUSAN YARBROUGH	A	12/24/03	0	NA	12/24/03	0	BD
41	TAC	TAC	AIR	KW	KENDALL WARREN	C	11/30/00	0	NA	11/30/00	3000	BD

Declaration of Tanika Vigil

I, Tanika Vigil, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a 31-year-old resident of Denver, Colorado.
2. I am a 2014 graduate of Harvard Law School. At Harvard Law School, I co-directed the Bond Hearing Project, which represented detained immigrants at their bond hearings in immigration court.
3. Since law school, I have represented immigrants as an Immigrant Justice Corps fellow with Legal Services of New York City and as an attorney at the Rocky Mountain Immigrant Advocacy Network (“RMIAN”). I also clerked at the Colorado Supreme Court.
4. I am currently a consulting attorney for the Catholic Legal Immigration Network, Inc. (“CLINIC”) on immigration matters, including its partnership with Lawyers for Good Government’s (“LAGG”) Project Corazon. LAGG is a non-profit organization, and Project Corazon is LAGG’s immigration project that, among other things, deploys *pro bono* attorneys to address urgent immigration needs nationwide under a rapid response legal model.
5. As part of its collaboration with Project Corazon, CLINIC has received 52 requests from individuals who were arrested during workplace raids in Mississippi on or about August 7, 2019, and were interested in obtaining *pro bono* representation in their immigration bond matters.
6. In my capacity as a consulting attorney for CLINIC, among my other responsibilities, I support the LAGG Project Corazon *pro bono* attorneys representing the detained Mississippi raid victims at bond hearings held pursuant to 8 U.S.C. § 1226.
7. I personally assisted and advised *pro bono* attorneys for twelve individuals who were detained at the Richwood Correctional Center in Richwood, Louisiana, and were scheduled to appear at the Immigration Court in Batavia, New York by videoconference.
8. None of these volunteer attorneys lived in either Louisiana or upstate New York and agreed to the representation assuming they would be able to appear at the hearing by telephone.
9. Judge Baumgarten either denied or did not rule on all twelve motions to appear telephonically at their clients’ bond hearings. In one case, the attorney filed a renewed motion to appear telephonically after appearing in person at the first hearing, which was granted.

10. Judge Baumgarten's practice of denying motions to appear telephonically was not limited to the individuals and attorneys with whom I was working. Private attorneys representing other individuals detained in Richwood also reported to me that their telephonic motions had been similarly denied.
11. The denial of motions for telephonic appearance substantially undermined pro bono attorneys' ability to represent their clients.
12. When *pro bono* attorneys' motions to appear telephonically were denied, those attorneys expressed significant concern about their ability to continue with representation through the hearing, as they would have had to undertake expensive and time-consuming travel from California, Florida, or other places to either Richwood or Batavia in order to appear in person.
13. In fact, the immigration judge who was initially hearing the cases in Batavia was herself sitting in the Buffalo Immigration Court. Since travelling to Batavia necessitated flying to Buffalo and then driving 45 minutes to Batavia, one of the attorneys asked whether they could go to the judge's courtroom in Buffalo. He was told that he could not, because that would constitute a telephonic representation -- the hearing was being held in Batavia. The result was that for all bond matters scheduled at Batavia where the motion for telephonic appearance was denied, hearings were conducted with the client appearing via VTC from detention in Louisiana, the IJ appearing via VTC from Buffalo, and the pro bono attorney traveling to Batavia to appear in a third, separate location.
14. To address the concerns of the pro bono practitioners, and to protect the interests of the individuals detained, L4GG and CLINIC had to arrange for substitute or additional counsel to appear in person at the Batavia Immigration Court for bond hearings when the original counsel could not do so.
15. These substitutions occurred in seven out of ten cases where the Richwood clients moved forward with their bond requests and where the Batavia Immigration Court judges denied motions to appear telephonically.
16. Substitute counsel had not undertaken the same evidence gathering, fact-finding, briefing, communication and rapport-building with detained clients, and other preparation that the initial pro bono attorneys had undertaken.
17. In one case in particular, a judge at the Batavia Immigration Court rejected filings, and a substitute attorney had to decide on the spot whether to proceed at the bond hearing without documents, or delay the hearing by three months. That substitute attorney did not know the client well and could not speak to the client privately during the hearing because of their respective locations but had to make the difficult decision to delay the hearing. That client, who had already been detained for about three months before the

initial bond hearing was scheduled, ultimately requested a removal order rather than face ongoing detention for three additional months before he could be considered for release on bond.

18. Arranging for, mentoring, and advising new or substitute counsel also required CLINIC to expend substantial resources.
19. Pro bono or volunteer attorneys that we worked with also had to allocate more resources as a result of the denied motions for telephonic appearance and expressed concern about the possibility of having to expend those resources on representing other detained individuals at bond hearings in the future.
20. I know of no Batavia Immigration Court bond hearing where a judge considered a detained individual's ability to pay or alternatives to bond.
21. One individual had a \$12000 bond granted by a Buffalo Immigration Court judge (after having been transferred from the Batavia Immigration Court) despite his pro bono attorney pleading that the amount was too high, and that a lower amount would have been appropriate.
22. Every individual granted bond by the Batavia Immigration Court whose attorneys I have advised needed to seek out donated funds in order to post their bond and be released from detention. This was because the individual did not have sufficient ability to pay the bond that was set and, but for the donated funds, would have remained in detention.
23. Donated funds are not always available and often take time to help arrange and pay a detained individual's bond even after the bond amount has been granted.
24. In conclusion, the Batavia Immigration Court's bond hearing practices resulted in many Mississippi raid victims remaining detained for between 3-7 months and, in various cases, choosing deportation over continuing to fight their cases from detention.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of March, 2020.

