

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NOLBERTA AGUILAR, SEBASTIAN AGUILAR, TERESA
AGUILAR, DIEGO AJPOP; 174 additional named
Petitioners/Plaintiffs listed on Schedule A attached to Amended
Complaint; and others similarly situated,

Petitioners/Plaintiffs,

v.

UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT DIVISION OF THE DEPARTMENT
OF HOMELAND SECURITY; JULIE L. MYERS,
Assistant Secretary of Homeland Security for Immigration
and Customs Enforcement; BRUCE CHADBOURNE, Field
Office Director for Detention and Removal, Boston Field
Office, Immigration and Customs Enforcement; MICHAEL
CHERTOFF, Secretary, Department of Homeland Security;
ALBERTO GONZALES, Attorney General of the United
States; PETER DEL ANGEL, Officer in Charge of the Port
Isabel Detention Center; MICHAEL A. WATKINS, Assistant
Field Office Director for Detention & Removal Operations,
Harlingen Resident Office, Immigration and Customs
Enforcement; and MARC MOORE Field Office Director, San
Antonio Field Office, Immigration and Customs Enforcement.

Respondents/Defendants.

CA No. 07-10471

**EMERGENCY
HEARING
REQUESTED**

**EMERGENCY MOTION FOR HEARING, TEMPORARY RESTRAINING
ORDER AND MOTION TO COMPEL DISCOVERY**

Plaintiffs/Petitioners ("Petitioners") respectfully move for an immediate hearing and a temporary restraining order enjoining Respondents/Defendants ("Respondents") from executing final removal orders for 113 Petitioners in Texas and Massachusetts.¹ As grounds for their

¹ On Friday, March 23, 2007, Respondents filed a Notice of Intent to Execute Removal Orders (Docket No. 21) ("Notice") in which they stated that 66 Petitioners in Massachusetts will be deported pursuant to removal orders issued prior to March 6, 2007, and 57 Petitioners have "voluntarily" agreed to waive any right to appeal their final

motion, Petitioners submit herewith preliminary evidence demonstrating that the Petitioners facing removal have accepted removal orders in the absence of their right to counsel and have not knowingly or voluntarily waived—and, in some instances, may have been coerced into waiving—their right to appeal the removal orders. Petitioners thus request a temporary stay of the removal orders to provide counsel for Petitioners the opportunity to advise Petitioners of their rights and assess whether their acceptance of removal orders was in fact voluntary.

Additionally, pursuant to this Court's March 21, 2007 order, Petitioners move to compel discovery pertaining to the jurisdictionally-relevant issue of bad faith. In its order, the Court granted Petitioners' request for jurisdictional discovery and ordered that the deposition of Respondent Chadbourne be taken on an expedited basis. Accordingly, Petitioners have noticed Respondent Chadbourne's deposition and have additionally requested documents and noticed depositions pursuant to Fed. R. Civ. P. 30(b)(6) concerning issues relevant to bad faith. Respondents have taken an overly-narrow view of the Court's order and refused all discovery except Respondent Chadbourne's deposition. Although Petitioner's counsel has repeatedly offered to reach some accommodation on discovery, counsel for Respondents is unwilling to alter its position. Petitioners therefore respectfully request that the Court compel Respondents to provide discovery critical to Petitioners' attempt to demonstrate bad faith for jurisdictional purposes.

Argument

In the Amended Complaint, Petitioners have alleged that they have been detained and transferred in violation of their constitutional and statutory rights, including, *inter alia*, their right to counsel of their choice and their right to present evidence on their own behalf. Pre-

orders of removal. Respondents did not seek permission of this Court to execute the removal orders, but instead merely stated their intention to do so.

discovery, preliminary investigation of the circumstances surrounding Petitioners detention and transfer—despite extremely restricted access to information concerning Petitioners and to Petitioners themselves—strongly supports these allegations and has revealed that Petitioners may be being coerced into signing documents and unknowingly waiving rights. For example, the husband of one of Petitioners reported that his wife called him and explained the circumstances in which she signed an agreement to be “voluntarily” removed:

She told me that all of the women who are being held [in the El Paso Service Processing Center] were awoken on Monday morning and taken in to a room. The officials of the detention center demanded that the women sign a paper. The paper was a deportation order and the officials yelled at the women that if they did not sign it, they would be considered criminals who did not want to leave the country. She told me that almost all of the women signed the forms, including herself. My wife was crying very upset and afraid, and told me that she does not want to be deported and separated from her family.

(See March 27, 2007 Aff. of Marco Arita, attached hereto as Exhibit B.²)

Other reports by Petitioners indicate that Respondents have engaged in a consistent pattern of denying access to counsel to Petitioners and failing to inform them of their statutory rights:

I was told to sign documents that were written in English. The officers did not read these documents to me in Spanish. The officer told me that I had to sign this paper, and that it related to my getting a lawyer. I now understand that what I signed was a documenting [sic] requesting an expedited hearing, waiving my right to a 10 day period before appearing before an Immigration Judge. I did not know this at that time, and would not have signed this document had I known what it was.

(See March 20, 2007 Aff. of Benjamin Luis-Garcia, at ¶ 13, attached hereto as Exhibit C.)

Another Petitioner has stated:

I was never told about my right to a bond hearing. Immigration officers never told me anything about my eligibility for a bond while I was detained. Until today, I did not even know that there was such a thing as a bond.

² Attached as Exhibit A is an affidavit from John Willshire explaining the circumstances in which the affidavits attached as Exhibits B-F were obtained.

(See March 27, 2007 Aff. of Juan De La Cruz Rodriguez, at ¶ 15, attached hereto as Exhibit D.)

Even where a Petitioner was able to resist agreeing to voluntary removal, her statements make clear that the process the government is not seeking informed consent and is trying to dupe Petitioners into waiving their rights:

Then I went into a room where an officer was at a table with papers. He showed me a paper and said that I had rights, and there was a place with small boxes to be checked off if I wanted to go before a judge or if I agreed to be deported and agreed that I had no fear of returning to my country. He then showed me that a box had already been checked off next to the part where one agrees to be deported and proceeded to state that obviously, since I already agreed to being deported that I had no fear of returning to El Salvador. He next stated to me that since I had already agreed to this, I should just initial the box that had been checked off. Having never agreed to that, I immediately responded that I wanted to go before a judge. I also told him that I had never agreed to being deported. I asked him to erase that X. He asked me if I was sure and allowed me to initial the box asking for a hearing. I explained that I had a small child.

(See March 27, 2007 Aff. of Sonia Quintanilla-Palacios, at ¶ 17, attached hereto as Exhibit E.)

Another Petitioner indicated that requests to use a telephone have been routinely denied.

(See March 27, 2007 Aff. of Karla Guerra, at ¶ 8, attached hereto as Exhibit F (“Although I asked to use the telephone, I was never allowed to. I remember many worried parents asking to make calls, and they were also denied.”)).

As counsel for Petitioners have previously represented to the Court through anecdotal evidence, Respondents have consistently and repeatedly posed significant restrictions and limitations on access to Petitioners by counsel. In a recent order in a separate immigration matter pending in the United States District Court for the Western District of Texas, the court found that Respondent ICE has interfered with detainees’ right to access counsel:

The Court is troubled by the evidence presented at yesterday’s hearing, in particular by the evidence that Plaintiffs’ access to private consultation with their attorneys is severely limited. Hutto is a detention facility, not a penitentiary. Even in a penitentiary, lawyers can see their clients privately. Whatever the

inconvenience may be to ICE, CCA, or any other organization in the alphabet soup responsible for the Hutto facility, this Court finds it hard to imagine a legitimate reason for rules giving immigrant detainees fewer rights to counsel than federal felons.

Emptage v. Chertoff, No. 07-CV-00165-SS (W.D. Tex. Mar. 22, 2007) (order removing restrictions on attorney visits) (attached hereto as Exhibit G). Similarly here, counsel for Petitioners have not had adequate information about or access to Petitioners to advise them of their rights or assess whether they have knowingly and voluntarily waived their rights.

Even when Petitioners are represented by counsel, it appears that Respondents may be interfering with Petitioners' right to counsel and constitutional and statutory rights. (See March 27, 2007 Letter from Rebecca Cazabon to Consul General Roxana Abrego, attached hereto as Exhibit H).

Counsel for Petitioners made a request to counsel for Respondents that Respondents temporarily stay the execution of removal proceedings identified in their filing, provide a full list of Petitioners in Texas, and allow counsel access to Petitioners. Counsel for Respondents refused to stay proceedings or provide a list and stated that "[i]f an individual detainee requests access to identified counsel, DHS has provided, and will provide such access at the facilities where detainees are currently housed, subject to the normal limitations of a detention setting." (See March 27, 2007 email from Elizabeth Stevens to Bernard Bonn, attached as Exhibit I). Petitioners have been transported over 2000 miles from their places of residence and have no way of knowing who is available or willing to provide them with legal services. Permitting Petitioners access only to legal counsel that they must specifically identify but have no way of knowing are even available renders the right to counsel empty.

Allowing a brief stay of the contemplated removal proceedings would ensure that any individual who is removed pursuant to a waiver of appeal has knowingly and voluntarily

accepted the removal order and would not harm Respondents in any identifiable way.

Conversely, if the removal is allowed to proceed as planned and *any* individuals are removed involuntarily, there would be certain and irreparable harm. If provided a list of the individuals intended to be removed and adequate access to them, counsel for Petitioners are willing to travel immediately to Texas to speak to those individuals and assess whether they have knowingly and voluntarily waived their right to appeal.

Additionally, Petitioners have filed with Chief Immigration Judge David Neal a motion to rescind any “in absentia removal orders” in Washington D.C. That filing entitles Petitioners to an automatic 30-day stay of proceedings pursuant to 8 U.S.C. § 1229a(b)(5)(C)(ii), 8 C.F.R. § 1003.23(b)(4)(ii). (See March 26, 2007 Letter to Chief Judge Neal from Harvey Kaplan, Nancy Kelly, and John Wilshire, with enclosures, attached hereto as Exhibit J). A stay by this Court pending resolution of that motion would prevent Respondents from removing Petitioners before the automatic statutory stay can be put into place.³

Finally, Petitioners last week served discovery requests on Respondents related to the jurisdictional issue relating to bad faith that is currently before the Court. Respondents indicated that they will not respond to those requests and intend only to comply with the portion of the Court’s order allowing the deposition of Respondent Chadbourne which is scheduled for Friday, March 30, 2007. Petitioners read this Court’s March 21 order as allowing discovery relating to jurisdiction, including but not limited to the expedited deposition of Respondent Chadbourne. At a minimum, the deposition of Respondent Chadbourne requires the prior production of relevant documents for Petitioners to have a meaningful opportunity to question Respondent Chadbourne

³ A court-ordered stay would permit an orderly BIA adjudication of the emergency motion filed on behalf of an entire group and avoid the risk that Respondents might opt to remove some of the Petitioners based on an interpretation of the mandatory stay provision that would deny its applicability in these circumstances, which have necessitated counsels’ filing of the group motion without all the individualized documentation Respondents’ practices have prevented counsel from obtaining on short notice.

on bad-faith-related issues. Such discovery is clearly allowed by the Federal Rules of Civil Procedure given Petitioners' *prima facie* showing of bad faith, and Petitioners merely seeking such discovery on an expedited basis given the obvious urgency of the case. To the extent Respondents contend the requested discovery is too broad, counsel for Petitioners has repeatedly offered to negotiate the scope of the discovery requests and try to reach a compromise. Counsel for Respondents, however, has adamantly refused to consider any discovery other than the Chadbourne deposition.

Relief Requested

WHEREFORE, Petitioners respectfully request that the Court grant an immediate emergency hearing and enter an order:

- (a) Granting their Motion to Compel Discovery and entering a Temporary Restraining Order;
 - (b) Enjoining Respondents from executing any removal orders for a 10 day period;
 - (c) Ordering Respondents to provide immediately to Petitioners a list identifying all individuals detained in the March 6, 2007 raid, their current location, and the status of any bond determination or removal hearings;
 - (d) Requiring Respondents to allow counsel for Petitioners access to individuals for whom Respondents intend to execute removal orders, without restrictions on the number of individuals who can be seen in a given day or other undue restrictions;
- and

(e) Granting Petitioners such other and further relief as is just and proper.

Dated: March 28, 2007

Counsel for Petitioners,

/s/ Bernard J. Bonn, III

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LOCAL RULE 7.1 (A)(2) CERTIFICATION

Counsel for Petitioners certifies that he has attempted to confer with counsel for Respondents in a good faith effort to resolve or narrow the issues presented by this Motion, but has been unable to reach Respondents' counsel.

/s/ Bernard J. Bonn, III

Bernard J. Bonn, III

March 28, 2007

Certificate of Service

I, Bernard J. Bonn, III, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 28, 2007.

/s/ Bernard J. Bonn, III
Bernard J. Bonn, III

686732.2.ADMINISTRATION

Exhibit A

DECLARATION OF JOHN WILLSHIRE

I, John E. Willshire, hereby state and depose:

1. My name is John E. Willshire.
2. I am an attorney employed by Greater Boston Legal Services and the Clinical Program of Harvard Law School.
3. I am counsel of record in *Aguilar v USICE*, Civil Action No. 07-10471-RGS.
4. The attached affidavits of Benjamin Luis-Garcia, Karla Guerra, Sonia Quintanilla-Palacios, Juana De LA Cruz Rodriguez are being offered to provide the court with information concerning their treatment during their arrest and detention by U.S. Immigration and Customs Enforcement during and after the raid on the Bianco factory in early March. Their statements were taken by myself and other lawyers and students affiliated with our program, with the assistance of Catholic Social Services in New Bedford.
5. The statement of Mr. Marco Alta is being offered to provide the Court with information conveyed to a family member concerning the treatment of detainees in El Paso, Texas. This statement was taken by Catholic Social Services in New Bedford. Over the last week, I have received several calls from family and friends of persons being detained in Texas, particularly in El Paso, in which they have similarly informed me that they are very concerned for their family members who are being coerced into waiving their rights and accepting removal.

I, John E. Willshire, hereby state this 27th day of March, 2007 in Boston, Massachusetts that the above statement is true and correct to the best of my information and belief.

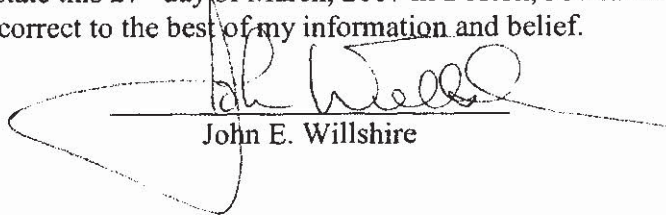

John E. Willshire

Exhibit B

Affidavit of Marco Arita

I hereby declare that the information below is truthful and to the best of my knowledge.

On Monday, March 27, at 10:00am, my life partner and mother of my five children, Maria del Carmen Villera called me from El Paso Service Processing Center. She told me that all of the women who are being held there were awoken on Monday morning and taken in to a room. The officials of the detention center demanded that the women sign a paper. The paper was a deportation order and the officials yelled at the women that if they did not sign it, they would be considered criminals who did not want to leave the country. She told me that almost all of the women signed the forms, including herself. My wife was crying very upset and afraid, and told me that she does not want to be deported and separated from her family.

I, Marco Arita, on March 27, 2007, in New Bedford, Massachusetts, hereby state that the above statement has been read to me from the English language to the Spanish language, and it is true and correct to the best of my information and belief.

Marco Arita
signature

3/27/2007
date

I, Monica Gomery, hereby state that I am fluent in the English and Spanish languages, and that I have translated the above statement to the affiant to the best of my ability.

Monica Gomery
signature

3/27/2007
date

Exhibit C

Affidavit of Benjamin Luis-Garcia

I, Benjamin Luis-Garcia, state and depose as follows:

1. I was born on August 28, 1985. I was detained on March 6, 2007 by Immigration and Customs Enforcement in New Bedford, MA. I was released on March 13, 2007 on my own recognizance.
2. I arrived at work the morning of Tuesday, March 6, 2007, as usual. Sometime around 8:30 AM, we heard an announcement that we should all turn off our machines and stay still. Someone yelled that immigration officers were in the facility, and the workers began to panic. There was complete chaos as hundreds of officers swarmed into the facility. The workers were in such a panic, that I could hardly move a few feet without running into another person. When an officer approached me, I was grabbed by my wrists forcefully, and was patted down. The officer then questioned me about my documents.
3. I was handcuffed with my arms in front of me. I saw other individuals in handcuffs with their wrists behind their back. I witnessed one person near me ask the officer to loosen the handcuffs because he was in pain. The officer replied that he didn't care if he was in pain. I was told later that the officers had also brought in dogs.
4. Our cell phones were confiscated during this process, so we were unable to communicate with our families as to what was happening. I asked if I could use a phone, but was told that since I was arrested, I could not use my cell phone. I was also told that there were no other telephones I could use.
5. By 1:00PM, many of us were hungry because we had been there since before 8:00AM. When some of the workers began to ask about food, the officers told them they would simply have to bear with it, and that it wasn't the officers' problem that they were hungry.
6. We waited in line from 9:00 AM to approximately 2:00 PM when we finally boarded a bus. It took a very long time for the officers to board all the workers onto the bus. I remember waiting two hours or so after I boarded the bus until we were ready to leave. I did not know at this time where I was going, and was not told by any immigration officer where they were taking us.
7. After we were all on board, we were given food. The food was largely distasteful, consisting of a sandwich that had frozen, among other things, but I ate it because I was hungry. We were not allowed to remove our handcuffs while eating.
8. Upon our arrival to the detention facility at approximately 5:00 PM, which I now know to be called Fort Devens, we were taken to a large cold room where our shoes were taken. We were given substitute shoes that did not fit. The shoes were very large and many of us received two shoes of the same foot. We were forced to walk in sets of three, our hands

connected to one another. We were made to wait for nearly five hours in this cold room until they were ready to interview us.

Processing/ Interview

9. After what seemed like several hours, we were taken to a large room where we were interviewed and fingerprinted. I believe it was about 10:00 PM at this time. I was fingerprinted, but apparently, my fingerprint did not properly register in the computer. The officers had to take my fingerprint numerous times, sometimes with force, until the computer could read my fingerprint. The officers told me that my finger wasn't "working."
10. The officers told me I had a right to a lawyer, but continued interviewing me. Questions I can remember the officers asking me included when I was born, where I was born, and the names of my parents. They asked me about entry into the country, and whether I had been caught by immigration before. They didn't ask me as many questions as they asked others since they confirmed that I had no prior immigration history.
11. I answered the officers' questions because I felt I had no other choice. I believed I might be mistreated if I refused to answer the officers' questions. I felt this way partly because I heard one of the workers before me in line telling the officer that he didn't want to sign anything. When he said this, the officer told this worker that he had to sign the papers, or else he would be taken "someplace else." At that moment, I understood this to be a threat of harm. I imagined that if I refused to respond to the officers' questions, I too might be taken "someplace else" where I imagined I might be beaten.
12. I was told to sign documents that were written in English. The officers did not read these documents to me in Spanish. The officer told me I had to sign this paper, and that it related to my getting a lawyer. I now understand that what I signed was a documenting requesting an expedited hearing, waiving my right to a 10 day period before appearing before an Immigration Judge. I did not know this at that time, and would not have signed this document had I known what it was.
13. I heard other friends of mine express their concern that they didn't know what they had just signed and were worried that they may have just signed their own deportation documents. Throughout this process, I was not told by the immigration officers that we would be moved. I was not told anything about the possibility of bond or a bond hearing.

Detention Facility Treatment

14. After the interview, we were all transported to a large room with a cement floor that we shared with approximately forty others. The room was very cold, with no beds or blankets. I could not sleep given conditions of that room. Once in this room, we were prohibited from talking to one another as well.

15. At that point in time, I did not know where I was or where I would be going. No one had told me during my interview that I might be transferred. I only learned, from officers who were guarding our room later that night, that we would be moved, though they did not specify the location.
16. I was finally allowed to make a phone call that night on a cellular phone provided to me by one of the guards. I called my father. However, our conversation was cut off after two minutes. While the officers had told me I could find a lawyer, I do not understand how it would have been possible for me to locate a lawyer in the amount of time they allowed us to use the telephone.
17. At approximately 6:00AM, we were taken out of that room into another large room with even more workers. The room was also one with a cement floor and no beds. I was exhausted. I am not sure why we were taken to this larger room.
18. At approximately 1:00 PM on Wednesday afternoon, we were taken to a room where everyone was checked by a doctor. We were also asked to sign papers. This time, I understood the papers to be an opportunity to write down all the property that had been taken from me by immigration including my cell phone and money.
19. It wasn't until Wednesday afternoon that we were finally brought to rooms with beds. Unfortunately, we were not able to sleep at that point either. The officers who stood guard outside of our rooms laughed and talked so loudly that it was impossible to sleep.

Treatment During Transfer

20. At this point, no one had told me that we would be transported to Texas on Thursday morning. At approximately 9:00 AM on Thursday morning, we were ordered to board a bus. The weather was unbearably cold, and the long boarding process was very difficult for us. We waited on the bus for two hours, and then oddly, were asked to get off the bus again. We were told to go back to our rooms at this time.
21. When we were told to go back to our rooms, I, along with two others, were asked to go and clean the bathroom and sweep the dormitory floors. I did as I was asked, and hoped that my compliance with this request might shorten my stay in the detention facility. I remember the officers laughed at us as we cleaned the bathrooms. I felt humiliated by this, and realized that they had simply asked us to do their work and had no intention of releasing us from detention sooner.
22. At approximately 1:00 PM, we re-boarded the bus. We were in handcuffs and our legs were chained, so it was difficult for us to board the bus. The officers seemed to be in a great deal of hurry and screamed at us for taking too long. I finally learned where we were going from other friends who told me that we were being moved to Texas.

23. When we arrived at an airport, two immigration officers boarded the bus. One had a list of names with him. Both officers had batons in their hand. They held these batons with their arms outstretched. One of the officers in the bus stood near a trash can. He said, "If you don't behave well..." and then kicked the trashcan with great force implying to me that they would not hesitate to kick us if we didn't do as they said. As we de-boarded, the officers yelled at us calling us "shit" and telling us we were worthless. They told us they never wanted to see us in their country again, and that we would be going back to our country very quickly.
24. I felt humiliated and afraid when the officers told us we were worthless and that they wanted us out of their country.
25. After we got off the bus, we were led to an airplane and were forced to board the plane very quickly. Again, because our hands and legs were bound, it was impossible to board the plane as quickly as they wanted us to do. When we would move slower than they wanted, they would become very angry and scream at us.
26. Once aboard the plane, I understood a few words some of the officers used to describe us in English. They said we were "ugly" and "worthless."
27. Given how long transportation to the airport had taken, some of the workers had to use the bathroom once on board the plane. They were told that they could not do so until the plane had taken off. I heard some individuals ask for medicine for the headaches, but they were denied this.
28. When individuals who were boarding the plane had difficulty taking their seats because of how they were bound, the officers would push them with great force into their seats.
29. I believe the plane took off at approximately 6:00 PM. We arrived in Texas at approximately 11:00 PM on Thursday night, I believe. Once arriving in Texas, we were taken to rooms that thankfully had beds. The next day was spent getting processed for this new facility. We were photographed, given bracelets and uniforms, and once again examined by a doctor. This entire process took a very long time. I don't believe we received our uniforms until late Friday night. Few of us questioned these processes because we were so tired. By this point, we felt that we simply had to comply with the rules out of necessity.
30. By the time I left, I had not seen any lawyers in the detention facility. I heard from other individuals that their families back in New Bedford, MA were trying to find lawyers. I also heard from those who had been before a judge that their judge had been someone who was very mean to individuals like myself. I learned that some friends had hearings where immigration judges told them they had to pay \$7500.00 in order to be released from detention.
31. People felt so desperate and only feared the worst. After receiving news that their bond would be so high, some of my friends decided they had no choice but to sign a document

agreeing to go back to their country. I believe they agreed to this in a moment of desperation and confusion. To begin with, like I said above, they felt that they had no chance with the judges who were not fair. The court would never listen to them, let alone believe them. They also believed that they would never get released by the court and would remain in detention for a very long time if they didn't pay this money. Some friends of mine approached me later and asked me if there was any way they could retract their agreement to go back to their country. They told me that had they known they could have appealed that amount, they would have never signed away their rights. They did not want to go back to their countries. It appeared to me that they were too overwhelmed or afraid to talk about why they couldn't or didn't want to return.

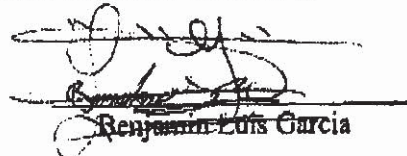
32. While I was detained in El Paso, some social workers came to visit us that Sunday I believe. They told us they were investigating who had young children or special needs back home. I told the social workers that I had a very ill father back home in New Bedford who was severely diabetic and needed care. I told the worker that no one else was present at home to care for him since his entire family had been detained.

33. I do not know if my release was connected to this conversation with the social worker, but I was flown back to New Bedford, MA on March 13, 2007. I have been complying with the terms of my release since that time.

34. When these immigration officers would say things like, "You're shit," or "You're worthless," or "It'll be worth it to you if you tell us the truth" or "You'll tell us your real name if you don't want any problems with us," it's almost impossible to disconnect these statements from the way people are treated in Guatemala. The language these officers were using carried so many implicit threats to me. In Guatemala, soldiers and police are able to stop people on the street and demand information. If they don't respond truthfully or willingly, the officers don't hesitate to beat or even kill them.

35. I lost several of my older family members during the war in Guatemala. I remember watching a video once when I was younger that talked about the war in Guatemala and showed individuals being rounded up into what looked like a mass grave. The officers were beating these individuals or pouring gasoline on them, forcing them all into this large hole that had been dug for them. It horrified me that anyone could treat another as if they weren't even human. The language used by the officers, as well as their mistreatment of us, while I was detained, brought me, and I believe several others, back to our knowledge of that history.

I, Benjamin Luis Garcia, hereby state this 20th day of March 2007 in Boston, Massachusetts that the above has been translated to me from English to Spanish and that it is true to the best of my information and belief.



Benjamin Luis Garcia

I, Hema Sarangapani, state this 20th day of March 2007 in Boston, MA that I am fluent in the English and Spanish languages and that I have translated the above statement to the affiant, prior to signature, to the best of my ability.


Hema Sarangapani

Exhibit D

DECLARATION OF JUANA DE LA CRUZ RODRIGUEZ

I, Juana De La Cruz Rodriguez, do hereby state the following:

1. My name is Juana Rodriguez and I currently live at 872 Southfield St. Apt. #3, in New Bedford, MA. I am 21 years old. I am married, have one three year old child, and am the caretaker of my minor brother.
2. Until March 6, 2007 I was employed at the Michael Bianco factory in New Bedford. On March 6, 2007, I went to work as usual at 7:30 a.m. I was working for approximately a half hour when I heard the secretary over a loudspeaker say, "Shut of the machines, shut off the machines." The secretary then told people to sit down. I saw people with guns that were dressed in blue shirts and jackets and military pants with masks over their faces enter the factory. At first I was not sure who these people were. I thought they might be soldiers. I did not understand because I was not doing anything wrong, I was just working. Some of the workers began to run, but those who ran were beaten by the uniformed officers. I remember feeling great fear.
3. The uniformed people began to order us to sit down and stay still. They said that they were the police. I later learned that they were not police but were in fact Immigration and Customs Enforcement (I.C.E.). One of the I.C.E. officers immediately bound my hands with plastic. The plastic was very tight on my hands and began to hurt. My hands started to become swollen. The officer ripped the elastic from my hair, removing my pony tail. He also took my belt off with great force. The force with which they did this caused me pain, and made me even more afraid. The officers were yelling at us and if anybody spoke they were told to be quiet. I was questioned about my documents and was asked whether I had any brothers or sisters.
4. We were all ordered to sit on the floor and wait. During this time I was very scared. I did not know what was going to happen to me. I thought that these officers would hurt me. I was also worried about my younger brother because I was afraid that he would have to stay by himself.
5. Hours later, I was given some food then told to get on a bus that was waiting outside. They did not tell us where they were taking us and I only expected the worst. It was very difficult to hold the bag carrying my sandwich and apple as I was very tightly handcuffed. I could not open the bag with my sandwich and I was not able to eat. When I got on the bus I became overcome with emotion and panic and started to cry. We rode on the bus for a few hours. After the bus stopped they called each of us by name. When they called our name we were taken off the bus. I was taken to the 3rd floor to a room that had 5 beds. It was at this time that the plastic binding was taken off my hands and I was finally allowed to use the toilet.
6. I was placed in a room with 4 other women for a few hours. I believe it was around 11:00 p.m. when I was taken to another room. I had to wait in this room for long time. I believe it was about 1:00 a.m. when I was fingerprinted and another photograph was taken. I was then asked to sign a paper confirming that I was who I stated I was. They explained that this paper was so that we could find a lawyer. I was then interviewed by an immigration officer who asked me

various questions including who I was, entry into the country, and where I was born. Once I was interviewed, I was sent to another room where I saw a doctor.

7. This was the first time anything like this had happened to me, and I was very afraid. I thought about the brutality with which these officers had handled us when we were first arrested and believed they were capable of harming us.
8. I was not returned to my room until after 3:00 AM. By this time I was exhausted, hungry, and very afraid. I was only allowed to rest for a very short time before the officers came for us again. I believe it was approximately 6:00 AM. They called us by name and told us to line up. We were then brought down stairs. At the bottom of the stairs there was a chair and we were forced to kneel with our hands against the wall. At this time they put chains around our hands, waist, and feet. Then, one of the officers grabbed me by the arm and forced me to board a bus. Again, I was not told where I was being taken.
9. By 7:00 AM we were. I later found out, on our way to Boston, MA. The immigration officers never told us throughout this journey where we were going. No one asked the immigration officers out of fear, but it became increasingly clear, from rumors other women had heard, that we might be transported to Texas.
10. We arrived at the airport in Boston where we were told by the officers that we would have to wait for an airplane to arrive. We ended up waiting in the bus for over twelve hours. We were allowed to use the bathroom, but because our wrists and legs were bound, it was difficult to use it. I had to have a friend come with me to the bathroom to lower my pants so that I could use the toilet. I felt humiliated, uncomfortable, and very afraid. As we waited for over twelve hours on the bus, we were given some food. However, I couldn't eat because my wrists were bound and connected to my waist.
11. The airplane arrived at approximately 8:00 PM. As we were handcuffed, with chains about our waist and around our ankles, boarding the airplane was very difficult. When we got into the airplane, the officers screamed at us to sit down quickly. As I had difficulty sitting down, one of the officers grabbed me by my arms and told me to sit down, pushing me into the seat.
12. We arrived in what turned out to be Texas after midnight. It was only upon our arrival in Texas that officers announced to us that we were now in Texas. I was terrified. I didn't know what was going to happen to me. When we arrived in Texas, we were transported by bus to another jail not far from the airport where we were given food. A couple hours later, we were driven to Port Isabel.
13. Once at Port Isabel, the officers told us we had to take off our clothes so that we could bathe, and that we would be given uniforms to wear. This was the first time I was allowed to bathe since being arrested. Although we were permitted to bathe, it was without privacy. Five women at a time were required to enter the showers together, bathe, and then change into our uniforms. I spent six days in Port Isabel.

TOTAL P.04

14. In Port Isabel, the officers there screamed at us constantly. They would scream at us for not forming a perfect enough line or other small things. They would scream at us until we felt extremely nervous and sad. I felt so afraid that I would be harmed by them.
15. I was never told about my right to a bond hearing. Immigration officers never told me anything about my eligibility for bond while I was detained. Until today, I did not even know that there was such a thing as a bond.
16. I don't remember exactly when I spoke to them but a few days after I arrived in Port Isabel, some social workers spoke with me. These social workers wanted to know whether I was caring for young children, and I told them I was taking care of my little brother who is 17 years old.
17. On Tuesday March 13, 2007, an officer woke me up as I was sleeping, told me to gather my things, and eventually told me I was going back to Massachusetts. I was so happy to hear this news. I, along with a few others, left on an airplane back to Boston, MA. With the assistance of an advocate from Greater Boston Legal Services, I was eventually able to return to my home in New Bedford, MA.
18. When I arrived at home, I felt so happy. But, I have learned that my detention has harmed my family a great deal. My family lived through a very traumatic war. When they heard that I had been detained, I learned that they were extremely worried about me. I learned that my little brother thought that I would be killed when he learned that I had been detained.
19. The first night I was back, I slept well. But now, when I sleep, I feel very nervous. I wake up many times during the night reliving the sensation of someone grabbing my arms or legs. I have recurrent nightmares about my experiences being detained.

I, Juana De La Cruz Rodriguez, hereby state this 27th day of March 2007 in Boston, Massachusetts that the above has been translated to me from English to Spanish and that it is true to the best of my information and belief.

Juana De La Cruz Rodriguez
Juana De La Cruz Rodriguez

I, Maritza Gomez, state this 27th day of March 2007 in Boston, MA that I am fluent in the English and Spanish languages and that I have translated the above statement to the affiant, prior to signature, to the best of my ability.

Maritza Gomez
Maritza Gomez

Exhibit E

DECLARATION OF SONIA QUINTANILLA-PALACIOS

I, Sonia Quintanilla-Palacios, hereby state and depose:

1. My name is Sonia Armida Quintanilla-Palacios. I live at 147 State Street #2, New Bedford, MA 02740. I was born June 9, 1968. I am 38 years old. I have two children. My son, Steven Francisco Carranza is a two year old US citizen, and lives with me. I am a single mother. My daughter, Eligia Stephanie Cordoba Quintanilla, is eighteen and lives in El Salvador.

2. I was detained on March 6th, 2007, at Fort Devens, and ultimately released on March 12, 2007, from the Bristol County jail in North Dartmouth.

3. On Tuesday, March 6th, I went to work at about seven-thirty. At eight-thirty a very large number of immigration agents raided the factory. They stormed in very suddenly wearing dark uniforms with guns at their side. I will never forget how terrified I felt. They started grabbing people and putting them in handcuffs. I saw a woman who was pregnant and her partner. She became very afraid and he tried to console her and protect her stomach. The agents grabbed both of them and pushed their heads to the ground. That made me even more frightened.

4. The officers ordered us all into a line and put plastic handcuffs on us. They took all our belongings and put them into a bag for each person. They handcuffed some people behind their backs and some in the front. They handcuffed me behind my back, which hurt a lot. After a while, many started asking to be allowed to use the bathroom. Finally, they started letting some go to the bathroom, but always under guard as if we were all the worst of criminals. At first they refused to take off the handcuffs, and an officer would pull down the women's pants and make them use the toilet with the door open. I held off as long as I possibly could as I dreaded being demeaned in this way. However, the guards finally let some women use the bathroom without handcuffs and so I, too, asked to use the toilet. Even then, I still had to go to the bathroom with the door open in front of the agent. They then immediately handcuffed me again, except this time my hands were handcuffed in front of me.

5. I remember feeling very worried, especially for my son, Steven Francisco. He is very young and would be lost without me. In my heart I felt that I was going to lose him and that terrified me.

6. We were then taken to the cafeteria of the factory where we were made to wait. We were all ordered to keep quiet. Whenever any one asked what was going to happen to us, we

were told to shut up. We were all very afraid of the officers and what they were going to do to us.

7. At one point, they took our personal information, and a photo, which they put in our bag of belongings. Someone I knew who had a baby was explaining to an agent that she couldn't leave her baby behind. I tried to go and sit near her because I wanted to explain that I had a small child that I couldn't leave behind either. But before I got to explain, an agent came and yelled at me.

8. After what felt like forever, I was ordered to board a bus. I was never told where they were taking us and only feared the worst. Everyone, including myself, was nervous. The guards told us not to say anything and made us only feel worse.

9. The bus took us to where everyone was being held. It looked like a very high security prison. It was full of guards and fences. I feared that I would never be let out.

10. Still handcuffed, I was escorted into building. The handcuffs were then taken off of us. After waiting, I was eventually assigned to a room with very small beds. A large number of officers were watching us and ordering us around. After this we were finally allowed to use the bathroom. Of course, we still had to ask permission and then they would take us down to the bathroom. Even then, a female agent would stand guard while we went to the bathroom with the door open.

11. Although we were in this room, I couldn't sleep because I was too upset and there was too much noise and commotion. It was also very cold and there was no heat in the room. I also remember having a very bad headache.

12. At one point, a person from what I believe was the Guatemalan Consul came into the room. If we were sick, felt bad, or were cold, he advised us that we should tell the officers, ask to see the nurse, or ask for more sheets, because it was our right. He said not to worry, that tomorrow someone would come from the Salvadoran consulate. I think the Salvadoran consul came by a couple of days later.

13. Among many other things, I remember the person picking up the trash ordering us not to gather around the window or touch the light switch in the room. I also remember one of the officers saying to us, when one of us said we were cold, "Why did you come to this country? You should have known it was cold here." All of this only made it evident to me that they thought of us as less than human.

14. At one point, they gave us a bag of food that had a ham sandwich, a small bottle of water, an apple, and a bag of chips. This was the first time I had eaten since before I was detained.

15. I remember worrying all the time about my son. I could not imagine what life was going to be without my son. Like so many others with me, I had been warned prior to the raid that if I was picked up by the government, since my son is a US citizen, my son would be taken away from me and I would never see him again.

16. Around four o'clock that morning, I was taken to a big room to give personal information, take another photo, and answer questions. They wanted to know about entry into the country and all about my family.

17. Then I went into a room where an officer was at a table with papers. He showed me a paper and said I had rights, and there was a place with small boxes to be checked off if I wanted to go before a judge or if I agreed to be deported and agreed that I had no fear of returning to my country. He then showed me that a box had already been checked off next to the part where one agrees to be deported and proceeded to state that obviously, since I had already agreed to being deported that I had no fear of returning to El Salvador. He next stated to me that since I had already agreed to this, I should just initial the box that had been checked off. Having never agreed to that, I immediately responded that I wanted to go before a judge. I also told him that I had never agreed to being deported. I asked him to erase that X. He asked me if I was sure and then allowed me to initial the box asking for a hearing. I explained that I had a small child.

18. The whole time we were there, we wore the same clothes every day, and did not get to shower.

19. Finally, on Thursday, they moved people to different places. Some people, I have since learned, were taken away to Texas. Again, they did not tell me where they were taking me. I ended up in a detention center in North Dartmouth (Bristol County) with other Salvadoran women. And again, I feared the worst as they transported us to an unknown destination. I was still in shock and only knew in my heart that the government wanted to process all of us as fast as possible to send us away from our families, our friends and our community. Without them, it would be next to impossible to get lawyers and support to save me from being deported.

20. Finally, in the Dartmouth detention center, they took my clothing and gave me new clothes to wear. Although I was still very anxious, including worrying for my son, at least I felt I could sleep and eat.

21. We were in large rooms with many small bunk beds. Everyone I was with were mothers with children, and two women were pregnant. I think that one of the pregnant women has still not been released. I was finally released from the Bristol Country jail on the 12th through

the help of the state child welfare department, DSS. I cannot express how wonderful it was to be reunited with my son, as well as others in my community.

22. To this day, I have problems with anxiety, such as great difficulty sleeping. My fears keep me up late at night thinking and worrying about what happened to me and my son. My son Steven also remains traumatized. Especially the first night I returned, he cried and cried. I cannot get over the humiliation I and my friends have been made to suffer. I find myself worrying and worrying about what will happen to me, to my son, and to all the people who are still detained. I grew up during the period when El Salvador was in the midst of a terrible war. This experience has made me think about and be traumatized by the terrible things my family witnessed there. When I think about being deported or my son being taken from me, it makes me cry and feel very scared. This experience was very ugly. We had no freedom and no rights. It is not an experience I would wish on any other person.

I hereby state this 27th day of March 2007 in Massachusetts that the above has been translated to me from English to Spanish and that it is true to the best of my information and belief.


Sonia Quintanilla-Palacios

Certificate of Translation

I, Maritza Gomes, hereby state this 27th day of March 2007 that I am fluent in the English and Spanish languages and that I have translated the above statement to the affiant, prior to signature, to the best of my ability.


Maritza Gomez

Exhibit F

Affidavit of Karla Guerra

I, Karla Guerra, state and depose as follows:

- 1. My name is Karla Guerra.**
- 2. I was born January 7, 1989.**
- 3. I live at 460 Bolton Street #1, New Bedford, MA.**
- 4. On March 6, 2007, I arrived at work at usual as 7:30AM. Suddenly, at around 8:20AM, I saw uniformed men wearing masks, with only their eyes showing, rushing into the place where I was working. Then, what felt like hundreds of armed officers stormed into the building. I remember feeling terrified.**
- 5. The officers ordered us to get down on the floor. I said, "no", that I hadn't done anything wrong. The officer insisted I get down onto the floor and pushed me down with great force. He then clasped my hands behind my back and handcuffed me. I wasn't able to move from the floor for over a half hour. The handcuffs were very tight and I felt great pain in my shoulders.**
- 6. Around me the armed officers were screaming very loudly. Among other things, I saw one man with a very bloody nose and a cut hand. I saw another individual, named Susanna; she was dirty, as if she had been brutally dragged. She was crying. I remember feeling great fear, both for myself and my fellow workers. We were being treated like the worst criminals in the world.**
- 7. At one point, I really had to go to the bathroom. Finally an officer took me to a bathroom. They expected that we would use the bathroom as they stood in front of the stall with the door open. They refused to remove our handcuffs and told us they would pull our pants down for us. I was menstruating and told them I needed sanitary products, which they could not provide to me. Humiliated and embarrassed, I insisted on using the bathroom with the door closed and managed to do so quickly before the officer could intervene.**
- 8. I was then taken to a large cafeteria where I was made to wait in line. At some point they changed my handcuffs and handcuffed me with my arms in front of me. By this time, my arms hurt me very much and my hands were swelling. Eventually, after many hours, I was processed. Although I asked to use the telephone, I was never allowed to. I remember many worried parents asking to make calls, and they were also denied. By this time, I also felt very confused as to what was going to happen to me. I felt as if I was in shock. As my sister was also there, I tried to see her, but was told to shut up.**
- 9. I and others were then ordered to board a bus. The officers did not tell us where they were taking us. Some workers asked and were told to shut up. As we were boarding**

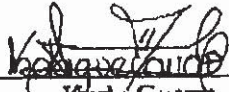
the bus, I remember that some officers were laughing at the sight of us boarding the bus with handcuffs. I heard one of them saying "so many ladies" in a laughing manner. I felt so humiliated.

10. Even on the bus they did not take off the handcuffs. When people asked to use the bathroom, we were told we could use it. However, as we were still handcuffed, it was next to impossible to use it. Again, if we tried to talk, we were ordered to shut up. At one point an officer came by and basically threw some food and a bottle of water at us. Again, as we were still handcuffed, I couldn't eat. I also didn't eat because I was too upset. I only managed at one point to drink some water. The fear of not knowing what was going to happen next was overwhelming.
11. My sister, Natalie, was with us on the bus. At one point she began to vomit out of nervousness. I got the attention of one of the officers who laughed and gave my sister a box in which she could vomit. We had no idea where we were going. We were all very afraid.
12. After several hours, we finally arrived at the new detention site. As we got off the bus, I and others were brought to a room where my handcuffs were taken off. We were given bracelets according to what they perceived as our nationality. We were put into groups of six and were taken to rooms. Finally, after waiting for hours, we were allowed to use the bathroom. However, the bathroom had open doors and officers still kept watching us.
13. I was then brought into a room with other women and told to stand against a wall. One by one, we were searched. Our jackets and shoes were taken. We were given socks and some very large thin shoes that were orange. It was a very, very cold room.
14. We waited for two or more hours and then were taken to a doctor who asked us if we were ill. The doctor found that I had very high blood pressure, and gave me pills saying they were for my headache and my nerves. I was asked to sign a form, and when I asked what it was, I was told that it was proof that I had received medical treatment.
15. While in the doctors office, I began to cry. The doctor reprimanded me and told me very sternly that I was fine, that I was in a safe place, and it wasn't as if I was losing a hand or a foot. I told him that I was not fine, that I was terrified and that I was losing my freedom in this place. The doctor simply told me that it was not his fault.
16. That evening, we were given food and water. However, I did not eat because I was too upset. I only had water. Many of the women with me did the same. Among other things, I felt very sick. I was so overwhelmed and exhausted by everything that my blood pressure began to rise and affect me. Again, I tried to make a telephone call and was told that I couldn't.

17. Fearing the worst, I waited and waited. Finally about 3:00 A.M. the next morning, I, and others, were taken to a large office with hundreds of computers where eventually we were told we were going to be fingerprinted.
18. I was again made to wait. As always, we were ordered to keep quiet. At approximately 5:30 a.m. I was fingerprinted. At first they confused me with my sister. After my objections, they brought in my sister. I managed to hug her once, but they quickly took her away. When they finally resolved the confusion, they told me I was done, and I was taken back to my room. I asked them whether they were going to give me any papers, but they said no, that I was awaiting a court date and didn't need any new papers. I told them that I wanted a lawyer and they told me that I would have to wait.
19. While being processed, I heard a woman near me telling an officer that she did not want to sign any papers. The officer asked her why, and she said that a man had come to her room and told her not to sign. The officer asked her who that man was, but she told the officer she didn't know who the man was. The officer insisted that she sign, and two other officers were called to pressure her. I did not see how this exchange ended, but I told another woman next to me that she had a right not to sign papers and shouldn't give up those rights.
20. From early morning, we were up and around. We were made to wait and wait. By then it had been over 24 hours since I had slept. I remember feeling terrible and like I was in shock. Again I tried to make a call and was not allowed access to a telephone.
21. Finally, on Wednesday evening, I and another twelve women were pulled out and taken out of the detention center. We were driven back to New Bedford and dropped off in front of the Bianco factory. I remember feeling like a miracle had happened. However, I felt very upset and worried about the others workers who remained detained, including my sister.
22. I finally heard from my sister. She told me very briefly over the phone that she, too, had been treated very badly. From the moment they invaded the factory she was in great fear and shock. During the search, they apparently humiliated her, asking her to stand in positions that made her feel very vulnerable and exposed. They wanted her to stand with her arms extended, hold her breasts, told her to turn such that her breasts and buttocks swayed. When she refused to stand in these positions, the officer, who I believed to be a male, became very angry.
23. My sister stayed detained for eight days. She, too, has finally been released in order to provide care for her child. She is very depressed. She's in constant fear that her child will be taken away. Her child has also been deeply affected by the loss of her mother. They both seem very sad all the time.

24. I, too, have not been able to overcome my sense of fear and loss of dignity. While I do not have children myself, I see how much this has affected my sister, and my community as a whole. I am outraged that we were treated as if we weren't even human beings -- as if we had no rights. I know, now more than ever, how important it is for me to stand up for my own rights and to help those more vulnerable and afraid than I stand up for their own rights as well.

I, Karla Guerra, hereby state this 27th day of March, 2007 in New Bedford, Massachusetts that the above statement has been translated to me from English to Spanish and it is true to the best of my information and belief.



Karla Guerra

Certificate of Translation

I, Maritza Gomez, hereby state this 27th day of March, 2007 that I am fluent in English and Spanish languages and I have translated the above statement to the affiant, prior to signature, to the best of my ability.



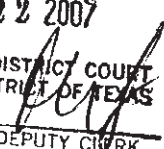
Maritza Gomez

Exhibit G

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

MAR 22 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

WESLEYANN EMPTAGE, by and through her
next friend and mother, Raouitee Pamela Puran,
Plaintiff,

-vs-

Case No. A-07-CA-158-SS

MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; JULIE L.
MYERS, Assistant Secretary, U.S. Immigration
and Customs Enforcement (ICE); JOHN P.
TORRES, Director, Office of Detention and
Removal Operations, ICE; MARC MOORE, ICE
Field Office Director; GARY MEAD, Assistant
Director of Detention and Removal Operations at
ICE; Simona Colon, ICE Officer in Charge; and
JOHN POGASH, ICE National Juvenile
Coordinator,

Defendants.

MOHAMMED IBRAHIM, by
and through his next friend and mother,
Deka Warsame,

Plaintiff,

-vs-

Case No. A-07-CA-161-SS

MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.

BAHJA IBRAHIM, by
and through her next friend and mother,
Deka Warsame,

Plaintiff,

-vs-

Case No. A-07-CA-162-SS

MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.

P

**AISHA IBRAHIM, by
and through her next friend and mother,
Deka Warsame,**
Plaintiff,

-vs-

Case No. A-07-CA-163-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

**SAULE BUNIKYTE, by
and through his next friend and mother,
Rasa Bunikiene,**
Plaintiff,

-vs-

Case No. A-07-CA-164-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

**EGLE BAUBONYTE, by
and through her next friend and mother,
Rasa Bunikiene,**
Plaintiff,

-vs-

Case No. A-07-CA-165-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

**SHERONA VERDIEU, by
and through her next friend and mother,
Delourdes Verdieu,**
Plaintiff,

-vs-

Case No. A-07-CA-166-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

**KEVIN YOURDKHANI, by
and through his next friend and mother,
Masomeh Alibegi,
Plaintiff,**

-vs-

Case No. A-07-CA-167-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

ORDER

BE IT REMEMBERED that on the 20th day of March 2007 the Court held a hearing in the above-styled cases. The parties were represented by counsel. The Court considered the minor Plaintiffs' request for a preliminary injunction ordering the immediate release of the minor Plaintiffs and their parents, and ordering access to Plaintiffs and their medical records for Plaintiffs' counsel and experts. The Court now confirms its oral orders with the following:

It is ORDERED that within SEVEN [7] days of the entry of this Order, the parties shall file the following additional briefing and evidence:

Plaintiffs and Defendants shall file affidavits describing each party's attempts to comply with the exhaustion requirements of Paragraph 24 of the *Flores* Settlement.

Plaintiffs and Defendants shall file affidavits detailing what proceedings regarding bond or parole, if any, have been held with regard to each Plaintiff.

Defendants shall file any available evidence relating to the licensing exemption allegedly granted the Hutto facility by the State of Texas.

The parties shall confer and submit a proposed scheduling order for expedited discovery and trial. To the extent the parties cannot agree on this schedule, each party may submit its own proposed scheduling order.

Plaintiffs and Defendants shall file supplemental briefing regarding (1) any contentions that provisions of the *Flores* settlement apply only to unaccompanied minors; (2) the effect of the claimed license exemption on the *Flores* "licensed program" requirements; and (3) the effect of legal proceedings for release, including bond, parole, and habeas corpus proceedings, on Plaintiffs' request for equitable release. Either party may file a response to these arguments within SEVEN [7] days of the entry of these supplemental briefs.

The Court is troubled by the evidence presented at yesterday's hearing, in particular by the evidence that Plaintiffs' access to private consultation with their attorneys is severely limited. Hutto is a detention facility, not a penitentiary. Even in the penitentiary, lawyers can see their clients privately. Whatever the inconvenience may be to ICE, CCA, or any other organization in the alphabet soup responsible for the Hutto facility, this Court find it hard to imagine a legitimate reason for rules giving immigrant detainees fewer rights to counsel than federal felons. Therefore,

IT IS ORDERED that the restrictions on the number of clients an attorney can see per visit and the requirement that children attend their parents' attorney visits be REMOVED immediately.

SIGNED this the 21st day of March 2007.



SAM SPARKS
UNITED STATES DISTRICT JUDGE

Exhibit H



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

Rebecca M. Cazabon
Boston Office
617-832-1755
rcazabon@foleyhoag.com

March 27, 2007

Ms. Roxana Abrego
Consul General
Consulate of El Salvador
143 Border Street
East Boston, MA 02128
617-567-8686 (fax)
617-567-8484 (phone)

URGENT--Automatic Stay of Removal

Via Facsimile

Re: Potential Claims for Relief for Detainees of New Bedford Raid

Dear Consul General Abrego:

As per our telephone conversation, I am sending you this letter to urgently request that you delay the removal of all the individuals included on the list attached. We understand from your consulate that our clients currently are being held in the John F. Kennedy Federal Building in Boston in anticipation of their imminent removal.

We have significant reason to believe that our clients currently are not accompanied by counsel and are being asked to waive their rights to certain forms of relief that we believe may be available to them. Those forms of relief may include asylum, relief under the U Visa program, among other forms of relief. Again, we urgently request that you delay the removal of the clients we have listed, so that we may meet with them to provide legal representation in this regard.

In addition, a motion to rescind the prior removal orders for all detainees detained as a result of the New Bedford immigration raid, has been filed with the Chief Immigration Judge.

B3335751.1

March 27, 2007
Page 2

We graciously thank you for your assistance in this very important matter.

Very truly yours,

Rebecca M. Cazabon, Esq. on behalf of
myself and several attorneys of our firm
similarly situated,


Foley Hoag LLP

crw

Guadalupe Rivas-Martinez	94-790-029
Ms. Juana Candelaria Joval Alvarado	98595235
Dora Mariciela Alvarado (Rivas)	99-665-242
Fatima Duran	200-114-703
Maria Isabel Rivas de Flores	094-789-912
Ivette Sanabria Henriques	98 987 035
Ms. Maria Irma Rosa Arguenta	098-654-074
Lilian Rivera Martinez	094 796 418

Exhibit I

Bonn, Bernard

From: Bonn, Bernard
Sent: Tuesday, March 27, 2007 1:59 PM
To: 'Stevens, Elizabeth (CIV)'; Grady, Mark (USAMA); Smith, Barbara H. (USAMA); Crowley, Frank J
Cc: Shin, Michael; Lyons, Matthew; nkelly@gbls.org; jwillshire-carrera@gbls.org; hkaplan@kof-law.com; Reinstein@aclum.org; Anjali Waikar; Stam, Jennifer; Iris Gomez; Laura Rotolo
Subject: RE: Discovery requests

Ms. Stevens, we also have filed a direct action for declaratory relief and the Federal Rules of Civil Procedure apply; we have served discovery requests and expect compliance, compromise or a protective order before the response dates.

Bernard J. Bonn III, Esq.
Dechert LLP
200 Clarendon Street, 27th Floor
Boston, MA 02116
Tel: +1-617-728-7143
Cell: +1-617-429-5854
Fax 617-275-8383
E-mail: bernard.bonn@dechert.com

From: Stevens, Elizabeth (CIV) [mailto:Elizabeth.Stevens@usdoj.gov]
Sent: Tuesday, March 27, 2007 1:46 PM
To: Bonn, Bernard; Grady, Mark (USAMA); Smith, Barbara H. (USAMA); Crowley, Frank J
Cc: Shin, Michael; Lyons, Matthew; nkelly@gbls.org; jwillshire-carrera@gbls.org; hkaplan@kof-law.com; Reinstein@aclum.org; Anjali Waikar; Stam, Jennifer; Iris Gomez; Laura Rotolo
Subject: RE: Discovery requests

Mr. Bonn:

1. Discovery in a habeas proceeding is solely available through the authorization of the Court. Pursuant to the Court's order, we will make Mr. Chadbourne available for oral deposition, and pursuant to the Court's request, we will make him available on an expedited basis, to wit, March 30. It is Respondents' position that, pursuant to the oral orders of the Court, no other discovery has been authorized by the Court. To the extent that this issue is a matter of dispute, Respondents will timely seek an appropriate Order of clarification from the Court
2. Respondents will not provide lists of detainees.
3. If an individual detainee requests access to identified counsel, DHS has provided, and will provide such access at the facilities where detainees are currently housed, subject to the normal limitations of a detention setting.
4. The proper procedures for filing a motion to reopen in absentia proceedings with the immigration court are established by regulation. To the extent that you have asked for an opinion of law regarding automatic stays, the regulations clearly speak for themselves.
5. Respondents will not consent to any further delays in removing the individuals who have expressed an wish to be removed, or those with pre-existing final orders.

ELIZABETH (BETTY) STEVENS
Trial Attorney
DOJ/CIV/OIL

3/28/2007

202-616-9752

fax (NEW): 202-233-0397

From: Bonn, Bernard [mailto:bernard.bonn@dechert.com]**Sent:** Tuesday, March 27, 2007 11:00 AM**To:** Stevens, Elizabeth (CIV); Grady, Mark (USAMA); Smith, Barbara H. (USAMA); Crowley, Frank J**Cc:** Shin, Michael; Lyons, Matthew; nkelly@gbls.org; jwillshire-carrera@gbls.org; hkaplan@kof-law.com; Reinstein@aclum.org; Anjali Waikar; Stam, Jennifer; Iris Gomez; Laura Rotolo**Subject:** RE: Discovery requests**Importance:** High

Betty, I left a voicemail with a number of items including the scope of discovery to discuss with you. Please give me a call when you get a chance.

We have noticed the discovery and absent an order from the court or an agreement it is incumbent upon the defendants to comply. If you intend to seek a protective order or clarification, I am available today for a hearing. My preference is we reach some accommodation.

The other matters I identified in my message were: the notice of intent to remove 123 of the Plaintiffs from the US; access to the plaintiffs in Texas; the names of the plaintiffs in Texas; and whether you agree that the motion filed with the immigration judge to rescind the absentia removal orders results in an automatic stay of those orders.

Thanks, Bernie

Bernard J. Bonn III, Esq.

Dechert LLP

200 Clarendon Street, 27th Floor

Boston, MA 02116

Tel: +1-617-728-7143

Cell: +1-617-429-5854

Fax 617-275-8383

E-mail: bernard.bonn@dechert.com

From: Stevens, Elizabeth (CIV) [mailto:Elizabeth.Stevens@usdoj.gov]**Sent:** Tuesday, March 27, 2007 10:16 AM**To:** Bonn, Bernard; Grady, Mark (USAMA); Smith, Barbara H. (USAMA); Crowley, Frank J**Cc:** Shin, Michael; Lyons, Matthew; nkelly@gbls.org; jwillshire-carrera@gbls.org; hkaplan@kof-law.com; Reinstein@aclum.org; Anjali Waikar; Stam, Jennifer; Iris Gomez; Laura Rotolo**Subject:** RE: Discovery requests

Mr. Bonn: Defendants' counsel unanimously noted Judge Stearns' oral order that the one deposition authorized was that of Mr. Chadbourne, and Judge Stearns' disallowance of document discovery. It is our position that no other discovery has been authorized by the Court.

/s

ELIZABETH (BETTY) STEVENS

Trial Attorney

DOJ/CIV/OIL

202-616-9752

fax (NEW): 202-233-0397

From: Bonn, Bernard [mailto:bernard.bonn@dechert.com]

3/28/2007

Sent: Monday, March 26, 2007 10:10 PM

To: Stevens, Elizabeth (CIV); Grady, Mark (USAMA); Smith, Barbara H. (USAMA); Crowley, Frank J

Cc: Shin, Michael; Lyons, Matthew; nkelly@gbls.org; jwillshire-carrera@gbls.org; hkaplan@kof-law.com; Reinstein@aclum.org; Anjali Waikar; Stam, Jennifer; Iris Gomez; Laura Rotolo

Subject: RE: Discovery requests

Importance: High

I am happy to discuss some middle ground; we are looking for certain information at this point and if we can get it without all of the Rule 30(b)(6) depositions at this time, we would be willing to agree to postpone them for now. For any deposition to be meaningful, however, we would need some document production and again perhaps we can agree on a narrower request for now and postpone some of the discovery until later. We could also seek production under Rule 30(b)(5) in connection with the Chadbourne deposition, if that would make it easier for you to produce what we are looking for. I understand that the purpose of this first wave of discovery is to provide plaintiffs with an opportunity to discover evidence in support of jurisdiction since the issue before the court is the motion to dismiss for lack of jurisdiction. I am willing to discuss limiting the immediate discovery to that question. I don't know what Mr. Chadbourne actually knows but if he is able to address the Rule 30(b)(6) topics that are relevant to jurisdiction (and we would need to come to some agreement on what topics those are) and we can get the documents we seek on that issue before the deposition, I think we can come to an agreement. Otherwise, the defendants would need to file a motion for a protective order or a motion for clarification. As you can see from the order on the docket sheet, Plaintiffs' motion for discovery was allowed, and we were encouraged to depose Mr. Chadbourne on an expedited basis; his deposition does not appear to be the only discovery we are allowed to conduct, however. I am available first thing in the morning to discuss this further and see if we can reach agreement. Bernie

ElectronicClerk's Notes for proceedings held before Judge Richard G.

Stearns : Hearing/Status Conference held on 3/21/2007. Attys. Bonn, Kaplan, Shin, Kelly and Wilshire present for the plaintiffs/petitioners.

Attys. Stevens, Grady and Crowley present for the defendants/respondents.

Plaintiffs' request to conduct limited discovery on the jurisdictional issues is granted by the Court, and Court suggests to counsel that the deposition of Bruce Chadbourne be taken on an expedited basis. The response to the pending motion to dismiss shall be filed by plaintiffs on April 4, 2007. The defendants will be allowed to file a reply within 7 days. A hearing on the motion to dismiss is scheduled for APRIL 19, 2007 at 11:30 A.M. Adjourn 11:40 A.M. (Court Reporter James Gibbons.) (Johnson, Mary)

Bernard J. Bonn III, Esq.
Dechert LLP
200 Clarendon Street, 27th Floor
Boston, MA 02116
Tel: +1-617-728-7143
Cell: +1-617-429-5854
Fax 617-275-8383
E-mail: bernard.bonn@dechert.com

From: Stevens, Elizabeth (CIV) [<mailto:Elizabeth.Stevens@usdoj.gov>]

Sent: Monday, March 26, 2007 3:51 PM

To: Bonn, Bernard; Grady, Mark (USAMA); Smith, Barbara H. (USAMA); Crowley, Frank J

3/28/2007

Cc: Shin, Michael; Lyons, Matthew; nkelly@gbls.org; jwillshire-carrera@gbls.org;
hkaplan@kof-law.com; Reinstein@aclum.org; Anjali Waikar; Stam, Jennifer; Iris Gomez;
Laura Rotolo
Subject: RE: Discovery requests
Importance: High

Mr. Bonn:

Respondents take the position that the Court's Order was limited to the deposition of FOD Chadbourne. As a consequence, your Rule 30(b)(6) depositions and requests for document production are unauthorized and improper. We will be requesting that the Court clarify its Order with respect to discovery. Please let us know whether you will withdraw the requests or join the motion seeking clarification.

Sincerely,

ELIZABETH (BETTY) STEVENS
Trial Attorney
DOJ/CIV/OIL
202-616-9752
fax (NEW): 202-233-0397

From: Bonn, Bernard [mailto:bernard.bonn@dechert.com]
Sent: Friday, March 23, 2007 7:58 PM
To: Grady, Mark (USAMA); Smith, Barbara H. (USAMA); Crowley, Frank J; Stevens, Elizabeth (CIV)
Cc: Shin, Michael; Lyons, Matthew; nkelly@gbls.org; jwillshire-carrera@gbls.org;
hkaplan@kof-law.com; Reinstein@aclum.org; Anjali Waikar; Stam, Jennifer; Iris Gomez;
Laura Rotolo
Subject: Discovery requests
Importance: High

Mark, sorry not to have responded sooner. Let me know if you want to discuss any of the dates. Thanks, Bernie

<<Document.pdf>> <<Document.pdf>> <<Document.pdf>> <<Document.pdf>>
<<Document.pdf>>

Bernard J. Bonn III, Esq.
Dechert LLP
Attorneys at law,
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Cell: +1-617-429-5854
Fax: 617-275-8383
E-mail: bernard.bonn@dechert.com
Assistant: Kara Dunn
Tel: 617-728-7132
E-mail: kara.dunn@dechert.com

This e-mail is from Dechert LLP, a law firm, and may contain informat

3/28/2007

Exhibit J

**Harvard Immigration and Refugee Clinic
of
Greater Boston Legal Services, Inc.
and
Harvard Law School**

Deborah Anker
Clinical Faculty/Attorney
Nancy Kelly
Co-Managing Atty of Clinic/Manager of Unit
Jane Rocamora
Clinical Supervisor/Senior Attorney

John Willshire-Carrera
Co-Managing Atty of Clinic/Senior At
Jeroboam Tisme
Clinical Assistant/Paralegal

3/26/2007

Honorable Chief Judge David L. Neal
Office of the Chief Immigration Judge
Executive Office of Immigration Review
5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

RE: JESUS VICENTE LOPEZ, et al
A 98 912 215

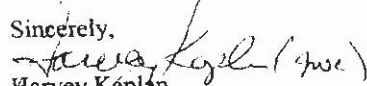
JANE DOE, et al

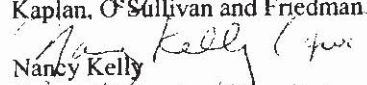
**JOINT MOTION TO RESCIND IN ABSENTIA REMOVAL ORDERS
AND REOPEN PROCEEDINGS, AND ACKNOWLEDGMENT OF THE STAY OF REMOVAL
PROVIDED BY STATUE**

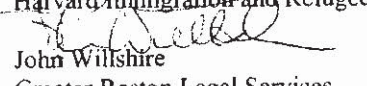
Dear Chief Judge Neal:

On Friday, March 23, 2007, the Department of Homeland Security provided notification of its intention to immediately remove all Respondent's detained in the March 06, 2007 Bianco factory (Operation United Front) raid with outstanding orders of removal (see attached Notice). Attached please find, on behalf of those Respondents who remain unrepresented, including those listed above, Respondent's Joint Motion to Rescind in Absentia Removal Orders and Reopen Proceedings, and Acknowledgment of the Stay of Removal Provided by Statue and Certificate of Service.

Sincerely,


Harvey Kaplan
Kaplan, O'Sullivan and Friedman


Nancy Kelly
Greater Boston Legal Services
Harvard Immigration and Refugee Clinic of GBLS


John Willshire
Greater Boston Legal Services
Harvard Immigration and Refugee Clinic of GBLS

197 Friend Street, 8th Floor, Boston, MA 02114 - Phone: 617-603-1808 - Fax: 617-371-1222

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NOLBERTA AGUILAR, SEBASTIAN AGUILAR,	)	
THERESA AGUILAR, DIEGO AJPOP, 174 additional	)	
named Petitioners listed on Schedule A attached hereto,	)	
and others similarly situated,	)	
	)	Civil Action No.
Petitioners and Plaintiffs,	)	07-10471-RGS
	)	
v.	)	
	)	
UNITED STATES IMMIGRATION AND CUSTOMS	)	RESPONDENTS' NOTICE
ENFORCEMENT DIVISION OF THE DEPARTMENT	)	OF INTENT TO EXECUTE
OF HOMELAND SECURITY; JULIE L. MYERS,	)	REMOVAL ORDERS
Assistant Secretary of Homeland Security for Immigration	)	
and Customs Enforcement; BRUCE CHADBOURNE,	)	
Field Office Director for Detention and Removal, Boston	)	
Field Office, Immigration and Customs Enforcement;	)	
MICHAEL CHERTOFF, Secretary, Department of	)	
Homeland Security; and ALBERTO GONZALEZ,	)	
Attorney General of the United States,	)	
	)	
Respondents and Defendants.	)	

Respondents hereby provide advance notice to the Court of their intention to execute removal orders in cases covered by the Court's order where a detainee has accepted a final administrative order of removal in proceedings commenced after March 6, 2007, the date of the New Bedford worksite enforcement action, and has waived appeal of that order. At this time, the U.S. Immigration and Customs Enforcement ("ICE") intends to remove 57 individuals who fall within this category, 43 from El Paso and 14 from Harlingen.

Efforts to obtain the necessary travel documents for removal of these final order detainees have now been successful, and ICE is now able to execute final orders of removal relating to these detainees.

Therefore, Respondents provide advance notice to the Court of the ICE intention to execute removal orders in 57 cases covered by the Court's order where a detainee has accepted a final administrative order of removal in proceedings commenced after March 6, 2007, and where the detainee has waived appeal of that order.

Additionally, during the March 21, 2007, hearing, Respondents provided the Court with oral notice of their intent to remove all individuals with final administrative orders of removal pre-dating March 6, 2007. Those removals, which total 66 (50 from the Massachusetts area, 10 from El Paso, and 6 from Harlingen), are in progress.

Respectfully submitted,

March 23, 2007

PETER D. KEISLER
Assistant Attorney General

MICHAEL J. SULLIVAN
United States Attorney

DAVID KLINE
Principal Deputy Director

MARK GRADY
Assistant United States Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

By: s/Elizabeth J. Stevens
ELIZABETH J. STEVENS (VA 47443)
Attorney
Office of Immigration Litigation
Civil Division
United States Department of Justice
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20044
(202) 616-9752

FRANK CROWLEY
Special Assistant U.S. Attorney
ICE Office of Chief Counsel
Boston, Massachusetts
617-565-2415
Frank.Crowley@dhs.gov

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on March 23, 2007.

By: /s Elizabeth J. Stevens
ELIZABETH J. STEVENS (VA # 47443)
Attorney
Office of Immigration Litigation
Civil Division
United States Department of Justice
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20044
(202) 616-9752

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF IMMIGRATION JUDGE
FALLS CHURCH, VIRGINIA**

IN THE MATTER OF:

JESUS VICENTE LOPEZ

A 98 912 215

JHANN CARLOS MATUTE VALLECILLO

A 94 797 912

DANIEL ANTONIO CARRANZA-FLORES

A 200027715

JOSE ALBERTO GALILEO

A 99 665 243

JOSE ALFREDO GUERRA-ALFARO

A 96 079 553

OSCAR PEREZ-VIVAS

A 98 599 149

RICARDO MEZA-GARCIA

A 99 680 341

SIGFREDO ARGUETA

A 99 523 489

JANE DOE

Respondents

REMOVAL PROCEEDINGS

**JOINT MOTION TO RESCIND *IN ABSENTIA* REMOVAL ORDERS
AND REOPEN PROCEEDINGS, AND ACKNOWLEDGMENT OF THE STAY OF
REMOVAL PROVIDED BY STATUE**

Respondents, and Jane Doe, through legal counsel respectfully move the Chief Immigration Judge to acknowledge their stay of removal proceedings pursuant to 8 U.S.C. §1229a (b)(5)(C)(ii), 8 C.F.R. §1003.23(b)(4)(ii). Respondents were ordered removed *in absentia* by respective Immigration Courts and hereby seek review of their Removal Orders in order to be

given a fair opportunity to review the record for proper service of those presently not represented.

Respondents include all aliens, not presently represented by counsel, detained by USICE on March 6, 2007 at the Bianco factory in New Bedford, Massachusetts during and as a result of Operation United Front who, on or prior to that date, had been issued *In Absentia* removal orders by Immigration Courts of the Executive Office of Immigration Review.

On information and belief, numerous Respondents with in absentia removal orders were improperly served notice of their removal hearings. Respondents respectfully move the Chief Immigration Judge acknowledge the stay or removal provided by statute pending a decision on the motions pursuant to 8 U.S.C. §1229a(b)(5)(C)(ii) so that they may have a proper opportunity to review their record for proper service, as well as to determine if they are eligible for other defenses from removeability.

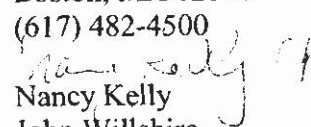
Respondents have also been denied full access to counsel after being detained on March 6, 2007 (see attached Petition/Complaint filed in *Aguilar v. USICE*, CA (Federal District Court of Massachusetts - No. 07-10471)).

The Respondents request the Chief Immigration Judge to notify the Department of Homeland Security that a stay of removal is in effect provided by statute for each and every Respondent.

Respondent respectfully requests a rescission of their *in absentia* removal orders, a reopening of their proceedings and a stay of removal pursuant to 8 U.S.C. §1229a(b)(5), 8 C.F.R. §1003.23(b)(4)(ii).

Respectfully submitted this day of March, 2007.

Attorney for Respondents


Harvey Kaplan
Kaplan, O'Sullivan and Friedman
Ten Winthrop Square
Boston, MA 02110
(617) 482-4500

Nancy Kelly
John Willshire
Greater Boston Legal Services
197 Friend Street
Boston, MA 02114
(617) 603-1808/(617) 515-3042/3

*JS 44 (Rev. 11-04)

Case 1:07-cv-10471-RGS Document 22-2 Filed 03/08/2007 Page 1 of 2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Carlos Enrique Avila Sandoval, et al.

(b) County of Residence of First Listed Plaintiff Providence, RI
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Bernard J. Bonn, III, Dechert LLP, 200 Clarendon St., 27th floor, Boston, MA 02116

DEFENDANTS

Immigration and Customs Enforcement Division of the Department of Homeland Security, et al.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Plaintiff: ☒ 1 Citizen of This State
- Plaintiff: ☐ 2 Citizen of Another State
- Plaintiff: ☐ 3 Citizen or Subject of a Foreign Country
- Defendant: ☒ 1 Incorporated or Principal Place of Business in This State
- Defendant: ☐ 2 Incorporated and Principal Place of Business in Another State
- Defendant: ☐ 3 Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	☐ 310 Airplane	☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate Sentence	☐ 610 Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reapportionment
☐ 120 Marine	☐ 315 Airplane Product Liability	☐ 220 Foreclosure	☐ 442 Employment	☐ 530 General	☐ 620 Other Food & Drug	☐ 423 Withdrawal 28 USC 157	☐ 410 Antitrust
☐ 130 Miller Act	☐ 320 Assault, Libel & Slander	☐ 230 Rent Lease & Ejectment	☐ 443 Housing/Accommodations	☐ 535 Death Penalty	☐ 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	☐ 430 Banks and Banking
☐ 140 Negotiable Instrument	☐ 330 Federal Employers' Liability	☐ 240 Torts to Land	☐ 444 Welfare	☐ 540 Mandamus & Other	☐ 630 Liquor Laws	☐ 820 Copyrights	☐ 450 Commerce
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 340 Marine	☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment	☐ 550 Civil Rights	☐ 640 R.R. & Truck	☐ 830 Patent	☐ 460 Deportation
☐ 151 Medicare Act	☐ 345 Marine Product Liability	☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other	☐ 555 Prison Condition	☐ 650 Airline Regs.	☐ 840 Trademark	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)	☐ 350 Motor Vehicle		☐ 440 Other Civil Rights		☐ 660 Occupational Safety/Health	SOCIAL SECURITY	☐ 480 Consumer Credit
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 355 Motor Vehicle Product Liability				☐ 690 Other	☐ 861 HIA (1395ff)	☐ 490 Cable/Sat TV
☐ 160 Stockholders' Suits	☐ 360 Other Personal Injury				LABOR	☐ 862 Black Lung (923)	☐ 510 Selective Service
☐ 190 Other Contract					☐ 710 Fair Labor Standards Act	☐ 863 DIWC/DIWW (405(g))	☐ 580 Securities/Commodities/Exchange
☐ 195 Contract Product Liability					☐ 720 Labor/Mgmt. Relations	☐ 864 SSID Title XVI	☐ 875 Customer Challenge 12 USC 3410
☐ 196 Franchise					☐ 730 Labor/Mgmt. Reporting & Disclosure Act	☐ 865 RSI (405(g))	☐ 890 Other Statutory Actions
					☐ 740 Railway Labor Act	FEDERAL TAX SUITS	☐ 891 Agricultural Acts
					☐ 790 Other Labor Litigation	☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 892 Economic Stabilization Act
					☐ 791 Empl. Ret. Inc. Security Act	☐ 871 IRS—Third Party 26 USC 7609	☐ 893 Environmental Matters
							☐ 894 Energy Allocation Act
							☐ 895 Freedom of Information Act
							☐ 900 Appeal of Fee Determination Under Equal Access to Justice
							☐ 950 Constitutionality of State Statutes

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/08/2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Carlos Enrique Avila Sandoval, et al. v. United States
Immigration and Customs Enforcement Division of the Department of Homeland Security, et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. **Also complete AO 120 or AO 121 for patent, trademark or copyright cases*
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

07, CA 10471 RGS

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☐ NO ☒

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐Central Division ☐Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☒Central Division ☐Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Bernard J. Bonn, IIIADDRESS 200 Clarendon St., 27th floor, Boston, MA 02116TELEPHONE NO. (617) 728-7143

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CARLOS ENRIQUE AVILA SANDOVAL, the Consul
of Guatemala, as NEXT FRIEND of THREE-HUNDRED
AND FIFTY NEW BEDFORD IMMIGRANT WORKERS
(a.k.a. JOHN/JANE DOE ## 1-350),

Petitioners,

No. _____

v.

UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT DIVISION OF THE DEPARTMENT
OF HOMELAND SECURITY; JULIE L. MYERS,
Assistant Secretary of Homeland Security for Immigration
and Customs Enforcement; BRUCE CHADBOURNE, Field
Office Director for Detention and Removal, Boston Field
Office, Immigration and Customs Enforcement; MICHAEL
CHERTOFF, Secretary, Department of Homeland Security;
and ALBERTO GONZALES, Attorney General of the
United States,

Respondents.

07 CA 10471 RGS

CLERK OF COURT

Bader

**PETITION FOR WRIT OF HABEAS CORPUS
AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

This is a petition for a writ of habeas corpus and complaint for declaratory and injunctive relief filed by Carlos Enrique Avila Sandoval, the Consul of Guatemala, as Next Friend and on behalf of Petitioners John/Jane Doe ## 1-350 ("Petitioners"). Petitioners, acting on their own and through their Next Friend, seek a class writ and declaratory and injunctive relief to remedy violations of their constitutional and statutory rights. Petitioners are approximately three hundred-fifty New Bedford immigrants whose identities remain unknown at this time due to the expedited manner in which Respondent Immigration and Customs Enforcement Division of

4. Carlos Enrique Avila Sandoval, Petitioners' Next Friend, is the Consul of Guatemala for Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Petitioner Sandoval has personally visited and met with Petitioners detained at Fort Devens following the March 6, 2007 raid.

5. Respondent ICE, the largest investigative arm of the Department of Homeland Security (DHS), is responsible for eliminating vulnerabilities in the nation's border, and with economic, transportation and infrastructure security. DHS is charged with, among other things, administering the United States Immigration and Customs Enforcement ("USICE") and implementing and enforcing the Immigration and Nationality Act. As such, it has decision-making authority over the matters alleged in this Petition and Petitioners' custody.

6. Julie L. Myers ("Myers"), is the Assistant Secretary of Homeland Security for Immigration and Customs Enforcement.

7. Alberto Gonzales is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the immigration laws. As such, he is the ultimate legal custodian of Petitioners.

8. Michael Chertoff is Secretary of the Department of Homeland Security and has delegated his authority to administer the laws of the United States to ICE, a component of the Directorate of Border and Transportation Security.

9. Respondent Bruce Chadbourne is the Field Office Director for Detention and Removal in the Boston Field Office of the Bureau of Immigration and Customs Enforcement ("ICE") and has legal custody of the Petitioners.

Facts

10. Petitioners appear to have been taken into custody by ICE on March 6, 2007 from their place of employment.

11. The exact number of Petitioners taken into custody is not specifically known. Based on media reports, it appears that approximately 350 persons were seized.

12. According to various media reports, Petitioners were taken into custody because of investigations concerning the working conditions. According to a news release posted on the ICE website on March 6, 2007:

Boston -- Early this morning in an Immigration and Customs Enforcement-led investigation, federal authorities executed a search warrant at the New Bedford business Michael Bianco, Inc. (MBI). The owner of the company and three managers were arrested on charges in connection with alleged hiring of illegal aliens. Another individual was arrested on charges that he provided fraudulent identification documents to workers at the factory, announced United States Attorney Michael J. Sullivan, Assistant Secretary of the Department of Homeland Security Julie L. Myers, and Immigration and Customs Enforcement special agent in charge Bruce M. Foucart.

13. Petitioners are or were being held at Fort Devens in Devens, MA. According to media reports, Petitioners are or were being held at the Devens Reserve Forces Training Area within Fort Devens.

14. On information and belief, as a result of the raid, approximately 100 children of Petitioners were stranded with baby sitters, caretakers, and others. Advocates have collected the names of 70 detained parents of minor children and estimate that as many as 210 children might have been affected. Lawyers and advocates in Massachusetts have begun the task of assisting in providing care for the children. Transferring the parents of these children would significantly hamper this process.

15. The families and children affected by the Petitioners' detention have already suffered the fear and hardship of having a loved one detained almost 100 miles away. Any further transfer would only add to this hardship. Upon information and belief, many of the spouses and children of the detained Petitioners are in the United States legally and many are United States citizens.

16. On information and belief, some of Petitioners appear to be indigenous Guatemalan women who may be retraumatized by separation from their families, given the history of massacres and persecution that decimated indigenous communities in that country.

17. On information and belief, Petitioners have been or will be transported out of this District to remote locations in Texas and other distant jurisdictions to be charged administratively and placed in removal proceedings. Upon information and belief, over a dozen lawyers have met with some of the Petitioners and have established relationships with them. Transferring Petitioners outside of Massachusetts, and especially to Texas, which is over 2,300 miles away, would substantially hamper Petitioner's access to these lawyers.

18. On information and belief, pro bono counsel from local bar associations and nonprofit legal services providers have organized to respond to the detainees' needs for legal rights information, legal advice and counsel, and representation, but due to the massive numbers of immigrants arrested by Defendants at one time, these resources cannot be deployed effectively without a reasonable amount of time for attorneys accompanied by language-appropriate interpreters to adequately interview each detainee prior to the detainees' imminent transfer to remote facilities out of this court's jurisdiction.

19. Significantly, some detainees are Guatemalan and Salvadorans, according to media reports, and may not even be properly subjected to detention under the terms of a national

class action lawsuit, as reflected in the Nicaraguan Adjustment and Central American Relief Act (NACARA) and *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991) ("*ABC*"), or pursuant to the injunction issued in *Orantes-Hernandez v. Messe*, 685 F. Supp. 1488 (C.D. Cal. 1988), *aff'd*, 919 F.2d 549 (9th Cir. 1990). These agreements arose in response to civil wars and horrific conditions in those countries, and many Salvadorans and Guatemalans still have *bona fide* asylum claims arising from those horrific conditions. However, this cannot even be determined by the lawyers struggling to conduct all the interviews before the detainees are transferred to remote locations out of this Court's jurisdiction.

Claims for Relief

Count I (Constitutional Claim)

20. Petitioners allege and incorporate by reference paragraphs 1-19.
21. Respondents are liable for the conduct of the agencies they administer.
22. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the right of the detained Petitioners to be free from arbitrary prolonged and indefinite detention, in violation of the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.
23. To the extent that Petitioners' detention is without basis in law or fact and violates common law principles of due process and the Due Process Clause of the Fifth Amendment to the Constitution, Petitioners' detention is unlawful.
24. Respondents have violated Petitioners' right to consult with counsel by denying them access to counsel or any means to obtain counsel in a prompt and effective manner. This

includes a meaningful opportunity to make decisions concerning the care of their children, a task for which proper access to counsel is fundamental.

**Count II
(Statutory Claim)**

25. Petitioners allege and incorporate by reference paragraphs 1-24.
26. Respondents' actions violate the INA.

Prayer for Relief

WHEREFORE, Petitioners respectfully request that the Court grant the following relief:

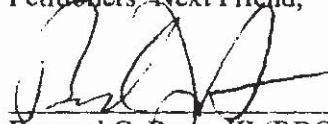
1. Assume jurisdiction over this matter;
2. Issue process to the respondents with an order to show cause why the writ should not be granted;
3. Order declaratory, habeas and injunctive relief as well as any other relief the court may deem appropriate, including but not limited to
 - (a) Immediate release, or
 - (b) A reasonable period of time, prior to any out-of-district transfer, for detainees to obtain a meaningful opportunity to meet with counsel and have confidential communications; to be fully advised of their rights to remain silent and have counsel; to seek relief under NACARA, the *ABC* Agreement, or *Orantes*, where applicable, or release on bond or personal recognizance; and to have counsel identify any derivative United States citizens and *bona fide* asylum seekers;

4. Enjoin Respondents from transferring Petitioners out of this District until they have been afforded their full statutory and constitutional rights and ordering the return to this District any Petitioners who have already been transferred; and

5. Grant such other relief as the Court may deem necessary and appropriate to protect Petitioners' rights under the common law, the United States Constitution, and federal statutory law.

Dated: March 8, 2007

Counsel for Petitioners and
Petitioners' Next Friend,



Bernard C. Bohn, III (BBO # 049140)

Michael Shin (BBO #658134)

DECHERT LLP

200 Clarendon Street, 27th Floor

Boston, MA, 02116

(617) 728-7100

Nancy Kelly (BBO # 44562)

GREATER BOSTON LEGAL SERVICES

197 Friend St.

Boston, MA 02114

(617) 371-1234

John Willshire (BBO # 547200)

GREATER BOSTON LEGAL SERVICES

197 Friend Street

boston, MA 02114

(617) 603-1808

Harvey Kaplan (BBO # 258640)

KAPLAN, O'SULLIVAN AND FRIEDMAN

Ten Winthrop Square

Boston, MA 02110

(617) 482-4500

Ondine Sniffin (BBO#638899)

Catholic Social Services of Fall River, Inc.

1600 Bay St.

Fall River, MA 02724

(508) 674-4681

Address of Petitioners' Next Friend:

Consul of Guatemala

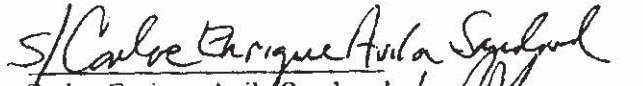
754 Branch Ave, Suite 201

Providence, RI 02904

(401) 270-6345

VERIFICATION

The foregoing is true to the best of my knowledge, information, and belief. Sworn to
under the pains and penalties of perjury, this 8th day of March 2007.


Carlos Enrique Avila Sandoval by 
with power

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

Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME: (See attached list)

(First)

(Middle Initial)

(Last)

ADDRESS: Detained by ICE

(Number & Street)

(Apt. No.)

(City)

(State)

(Zip Code)

DATE (mm/dd/yy): 03/26/2007

ALIEN NUMBER(S) (List lead alien number and all family member alien numbers and names, if applicable. Continue on next page as needed.)
See attached

Please check one of the following:

- ☒ 1. I am a member in good standing of the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or District of Columbia:

Full Name of Court

Supreme Judicial Court

State Bar No. (if applicable)

MA-258640

(Please use space on the reverse side to list additional jurisdictions.)

I ☒ am not (or ☐ am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law.

- ☐ 2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review pursuant to 8 C.F.R. § 1292.2 (provide name of organization):

- ☐ 3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 1292.1 (explain fully on reverse side.)

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 representation before the Immigration Court. 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#

DATE (mm/dd/yy)

X

Harvey Kaplan / [signature]

03/26/2007

NAME OF ATTORNEY OR REPRESENTATIVE (type or print)

Harvey Kaplan

Kaplan, O'Sullivan and Friedman

ADDRESS

☐ Check here if new address

10 Winthrop Square

Boston

MA

02110

PHONE NUMBER (with area code)

(617) 482-4500

FAX NUMBER (with area code)

(617) 371-1222

Proof of Service

I, Harvey Kaplan mailed or delivered a copy of the foregoing Form EOIR-28 on 03/28/2007
 (Name) (Date-mm/dd/yy)

to the DHS (U.S. Immigration and Customs Enforcement - ICE) at J.F.K. Federal Building, Government Center Boston, MA
 (Number and Street, City, State, Zip Code)

X

Harvey Kaplan (per)
 Signature of Attorney or Representative

APPEARANCES - 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). When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature shall constitute a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals. 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 appearances for limited purposes 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 (8 C.F.R. § 1003.38(g)). Further proof of authority to act in a representative capacity may be required.

AVAILABILITY OF RECORDS - During the time a case is pending, a party to a proceeding or his/her attorney or representative shall be permitted to examine the Record of Proceeding in the Immigration Court having administrative control over the Record of Proceeding, in accordance with the standard procedures of the Court.

REPRESENTATION - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1001.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 1292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 1292.1(a)(3).
- (4) Accredited representative as defined in 8 C.F.R. § 1292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 1292.1(a)(5).

All representatives must comply with the specific requirements to represent aliens before the Board of Immigration Appeals. For more information on the requirements, see 8 C.F.R. § 1292.1 and the particular subsections referenced above as applicable. Note that law students and law graduates must submit additional materials pursuant to 8 C.F.R. § 1292.1(a)(2).

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 contained in 28 C.F.R. §§ 16.1 - 16.11 and appendices. For further information about requesting records from the 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 through the EOIR's website at <http://www.usdoj.gov/eoir>.

CASES BEFORE THE EOIR - Automated information about cases before the EOIR is available by calling 1-800-898-7180.

ADDITIONAL INFORMATION:

(Please attach additional sheets of paper if necessary.)

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 General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

**ATTACHMENT TO EOIR-28
FOR HARVEY KAPLAN, NANCY KELLY AND JOHN**

**LIST OF RESPONDENTS DETAINED ON 3/06/07 AT BIANCO FACTORY IN NEW
BEDFORD, MASSACHUSETTS WHO HAVE OUTSTANDING ORDERS OF
REMOVAL AND ARE OTHERWISE UNREPRESENTED.**

**JESUS VICENTE LOPEZ
A 98 912 215**

**JHANN CARLOS MATUTE VALLECILLO
A 94 797 912**

**DANIEL ANTONIO CARRANZA-FLORES
A 20027715**

**JOSE ALBERTO GALILEO
A 99 665 243**

**JOSE ALFREDO GUERRA-ALFARO
A 96 079-553**

**OSCAR PEREZ-VIVAS
A 98 599 149**

**RICARDO MEZA-GARCIA
A 99 680 341**

**SIGFREDO ARGUETA
A 99 523 489**

JANE DOE, et al

OMB#1125-0006

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

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Representative Before the Immigration Court**

I hereby enter my appearance as attorney or representative for, and at the request of,
the following named person(s):

NAME: (See attached list)

(First)

(Middle Initial)

(Last)

ADDRESS: Detained by ICE

(Number & Street)

(Apt. No.)

(City)

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ALIEN NUMBER(S) (List lead
alien number and all family member
alien numbers and names, if applica-
ble. Continue on next page as needed.)

See attached

Please check one of the following:

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commonwealth(s), or District of Columbia:

Full Name of Court

Supreme Judicial Court

State Bar No. (if applicable)

544562

(Please use space on the reverse side to list additional jurisdictions.)

I ☒ am not (or ☐ am - explain fully on reverse side) subject to any order of any court or administrative agency
disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above
comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law.

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United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

EOIR ID#

DATE (mm/dd/yy)

X *Nancy Kelly (fwr)*

03/26/2007

NAME OF ATTORNEY OR REPRESENTATIVE (type or print)

ADDRESS

☐ Check here if new address

Nancy Kelly

Harvard Immigration Clinic at GBLS

197 Friend St.

Boston

MA

02114

PHONE NUMBER (with area code)

(617) 603-1808

FAX NUMBER (with area code)

(617) 371-1222

Proof of Service

Nancy Kelly

(Name)

mailed or delivered a copy of the foregoing Form EOIR-28 on

03/28/2007

(Date-mm/dd/yy)

to the DHS (U.S. Immigration and Customs Enforcement - ICE) at J.F.K. Federal Building, Government Center Boston, MA

(Number and Street, City, State, Zip Code)

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JANE DOE, et al

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

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Representative Before the Immigration Court**

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NAME: SEE ATTACHED LIST

(First)

(Middle Initial)

(Last)

ADDRESS:

(Number & Street)

(Apt. No.)

(City)

(State)

(Zip Code)

DATE (mm/dd/yy): 03/26/2007

ALIEN NUMBER(S) (List lead alien number and all family member alien numbers and names, if applicable. Continue on next page as needed.)

See List

Please check one of the following:



1.

I am a member in good standing of the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or District of Columbia:

Full Name of Court

SJC of the Commonwealth of Mass.

State Bar No. (if applicable)

547200

(Please use space on the reverse side to list additional jurisdictions.)

I ☒ am not (or ☐ am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law.



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3.

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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 representation before the Immigration Court. 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#

DATE (mm/dd/yy)

X John Willshire

ADDRESS

☐ Check here if new address

NAME OF ATTORNEY OR REPRESENTATIVE (type or print)

John Willshire

Har. Immig. & Ref. Clinic of GBLS

197 Friend St.

Boston

MA

02114

PHONE NUMBER (with area code)

617-603-1808/617

FAX NUMBER (with area code)

617-371-1222

Proof of ServiceI John Willshire

(Name)

mailed or delivered a copy of the foregoing Form EOIR-28 on

3/26/07
(Date-mm/dd/yy)to the DHS (U.S. Immigration and Customs Enforcement - ICE) at Room 425, JFK Building, Gov. Center, Boston, MA 02203

(Number and Street, City, State, Zip Code)

X

Signature of Attorney or Representative

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- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 1292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 1292.1(a)(3).
- (4) Accredited representative as defined in 8 C.F.R. § 1292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 1292.1(a)(5).

All representatives must comply with the specific requirements to represent aliens before the Board of Immigration Appeals. For more information on the requirements, see 8 C.F.R. § 1292.1 and the particular subsections referenced above as applicable. Note that law students and law graduates must submit additional materials pursuant to 8 C.F.R. § 1292.1(a)(2).

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 contained in 28 C.F.R. §§ 16.1 - 16.11 and appendices. For further information about requesting records from the 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 through the EOIR's website at <http://www.usdoj.gov/eoir>.

CASES BEFORE THE EOIR - Automated information about cases before the EOIR is available by calling 1-800-898-7180.

ADDITIONAL INFORMATION:

(Please attach additional sheets of paper if necessary.)

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 General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

**ATTACHMENT TO EOIR-28
FOR HARVEY KAPLAN, NANCY KELLY AND JOHN**

**LIST OF RESPONDENTS DETAINED ON 3/06/07 AT BIANCO FACTORY IN NEW
BEDFORD, MASSACHUSETTS WHO HAVE OUTSTANDING ORDERS OF
REMOVAL AND ARE OTHERWISE UNREPRESENTED.**

**JESUS VICENTE LOPEZ
A 98 912 215**

**JHANN CARLOS MATUTE VALLECILLO
A 94 797 912**

**DANIEL ANTONIO CARRANZA-FLORES
A 20027715**

**JOSE ALBERTO GALILEO
A 99 665 243**

**JOSE ALFREDO GUERRA-ALFARO
A 96 079-553**

**OSCAR PEREZ-VIVAS
A 98 599 149**

**RICARDO MEZA-GARCIA
A 99 680 341**

**SIGFREDO ARGUETA
A 99 523 489**

JANE DOE, et al