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Attorneys for Plaintiffs-Petitioners

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

INNOVATION LAW LAB and LUIS
JAVIER SANCHEZ GONZALEZ by
XOCHITL RAMOS VALENCIA as next
friend,

Plaintiffs-Petitioners,

v.

KIRSTJEN NIELSEN, Secretary,
Department of Homeland Security,
THOMAS HOMAN, Acting Director,
Immigration and Customs Enforcement,
ELIZABETH GODFREY, Acting Field
Office Director, Seattle Field Office of ICE,
JEFFERSON BEAUREGARD SESSIONS,
III, U.S. Attorney General, HUGH J.
HURWITZ, Acting Director, Federal Bureau
of Prisons, JOSIAS SALAZAR, Warden,
FCI Sheridan Medium Security Prison, in
their official capacity only,

Defendants-Respondents.

Case No. 3:18-cv-01098

**DECLARATION OF CHANPONE
SINLAPASAI IN SUPPORT OF
PLAINTIFFS-PETITIONERS' EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER**

I, Chanpone Sinlapasai, hereby declare as follows:

1. I am an attorney in good standing licensed to practice in the State of Oregon (OR 071740). I am over the age of 18 and have personal knowledge of the facts described herein.

2. I am an attorney with Marandas Sinlapasai, P.C. a law firm that has long represented individuals, families and victims' in immigration and family court proceedings. We routinely visit immigration detention facilities to meet with and screen immigration detainees to determine whether they may be eligible to receive legal representation in their removal proceedings.

3. On June 8, 2018, I learned that Immigration and Customs Enforcement ("ICE") had transferred 123 immigration detainees to the Federal Correctional Institution, Sheridan ("FCI Sheridan"), a federal detention facility in Sheridan, Oregon.

4. On June 14, 2018, my colleague Stephen Manning sent an email to ICE Officer Chad Allen requesting clearance to meet with thirteen immigration detainees at FCI Sheridan on June 15, 2018. Officer Allen asked for a list of the team, which Mr. Manning provided. Six of us planned to visit FCI Sheridan: myself, Stephen Manning, Luis Garcia, Mat dos Santos, Elena CaJacabo, and an interpreter (together, the "Team"). On June 14, 2018, Officer Allen approved the visit by email, and sent a reminder that the Team should bring our bar cards.

5. On Friday, June 15, 2018, at 7:26 a.m., I wrote an email to SDDO Chad Allen asking for the number of immigration detainees by country and language spoken, so we could arrange for in-person interpreters to join the pro bono attorneys for consultations with those detainees. A true and correct copy of this email is attached as **Exhibit A**.

6. The Team began its trip to Sheridan in the early morning of Friday, June 15, 2018: it is a long drive and we wanted to get there as early as possible because we had to conduct thirteen visits. At 7:58 a.m., I received an email from SDDO Allen, indicating that the federal Bureau of Prisons (“BOP”) had informed him that we could not see the detained immigrants we were on our way to see because FCI Sheridan was holding social visits until 4 p.m. He also informed me that formal count began at 4 p.m. and would not end until 4:45 p.m. No visits would be allowed until after the count and we could only visit with detainees until 8 p.m. Upon receipt of the email, I shared this information with the Team. A true and correct copy of this email is attached as **Exhibit B**.

7. On Monday, June 18, 2018 at 8:52 a.m., SDDO Michael T. Louie wrote Stephen Manning and copied me, asking us to confirm our arrival time so he could have staff present and plan for “body movement.” A true and correct copy of this email is attached as **Exhibit C**.

8. On Monday, June 18, 2018 at 10:33 a.m., I replied to SDDO Louie’s email confirming that our team had planned to arrive beginning at 11:45 a.m., but we had just been informed that we would not be allowed access until 12:30 p.m. I asked SDDO Louie to confirm this information for me. A true and correct copy of this email is attached as **Exhibit D**.

9. On Monday, June 18, 2018 at 10:34 a.m., SDDO Louie confirmed that we would not be able to see the detained immigrants until 12:30 p.m. A true and correct copy of this email is attached as **Exhibit E**.

10. On Monday, June 18, 2018 at 10:38 a.m., I wrote back and said “Perfect, will see you shortly.” A true and correct copy of this email is attached as **Exhibit F**.

11. On Monday, June 18, 2018 at 11:07 a.m., SDDO Louie wrote me back and informed me that we could visit detainees. SDDO Louie said that the denial was again because the prison was holding social visits. After being denied access on Friday and Monday while *en route* to the facility for appointments *that we had confirmed with ICE*, SDDO Louie informed us that attorney visits to FCI Sheridan would be limited to Tuesdays, Wednesdays and Fridays only, from 12:30 to 3:30 p.m. A true and correct copy of this email is attached as **Exhibit G**.

12. On June 20, 2018, at approximately noon, I spoke to Acting Field Office Director Elizabeth Godfrey on the phone. During that call, FOD Godfrey confirmed that our pro bono team was authorized to provide know-your-rights training at FCI Sheridan on Tuesday, Wednesday, and Thursday from 4:45 p.m. to 8 p.m. on each day. I was also told that we could do the presentation beginning June 21, 2018.

13. I understand that on Thursday, June 21, 2018, in direct contradiction with information that was provided to me by ICE officers, two legal teams were denied entry to FCI Sheridan. The first team attempted access detainees who requested legal help at 12:30 p.m., during the time SDDO Louie confirmed we could visit. They were turned away by BOP officers. The second legal team attempted to provide a know-your-rights presentation shortly after 5 p.m., as authorized by FOD Godfrey. They were also turned away by BOP officers.

14. ICE and BOP have effectively cut off our ability to provide meaningful representation to the 121 immigration detainees at Sheridan. These detainees are seeking legal assistance and representation, and our access, even if it is ever granted, is currently limited to one visitation room, for three hours a day for three days a week. Given my experience with interviewing and preparing immigration detainees for legal proceedings, at the current level of

access, it would likely take more than 3 months to even conduct an initial consultation with each of the detainees.

15. Moreover, the immigration detainees at Sheridan do not yet have phone access or other means to retain counsel. With the highly restrictive and abnormal limitations on attorney visitation and calls, I am deeply concerned about the absence of any legal assistance to any of the immigration detainees at Sheridan. Based on my extensive experience as an immigration attorney, I know that access to legal assistance is critical for immigration detainees. Immigration law is incredibly complicated, and many detainees do not know how to properly identify potential defenses or claims for relief or adequately prepare their cases. In my experience, representation is often the single most important factor in whether an immigration detainee is able to prevail in their immigration case. I believe that, as a result of the government's limitation and repeated denials of attorney access to FCI Sheridan, the fateful consequence is that immigration detainees face a real and imminent risk of having their cases adjudicated without the legal assistance they need and being deported as a consequence of not having access to an attorney.

16. I have agreed to represent clients, as needed, though the pro bono project created by Innovation Law Lab. I understand that dozens of detainees have now contacted the Innovation Law Lab or been referred by the Federal Public Defender's office. I am concerned that my clients' cases could be adversely be affected, if I am unable to contact them regularly or quickly. I would like to consult with them on their cases, and how to best prepare for their asylum hearing, help request parole or bond eligibility. From my years of experience as an immigration attorney, I know it is critical that I regularly communicate with clients about their cases to ensure the best possible outcome.

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PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

17. I have been prepared and am ready to drive down to Sheridan or anywhere else as soon as I am granted access. I am waiting to meet with immigration detainees so I can be prepared to appear and represent them before the asylum office or the immigration court and/or ensure that they have proper representation. The immigration detainees cannot receive legal relief if they are denied access to counsel.

I hereby declare under the penalty of perjury pursuant to the laws of the state of Oregon, that the above is true and correct to the best of my knowledge.

EXECUTED this 21st day of June, 2018.

s/Chanpone Sinlapasai

Chanpone Sinlapasai, OSB #071740

From: Chanpone Sinlapasai [mailto:chanpone@mshpc-law.com]
Sent: Friday, June 15, 2018 7:26 AM
To: Allen, Chad <Chad.Allen@ice.dhs.gov>
Cc: Stephen Manning <smanning@ilgrp.com>; Eileen Sterlock
<eileen@sterlockimmigration.com>

Subject: Re: Legal Visits | FCI Sheridan

Thank you Chad for helping us coordinate this effort. When you get a chance to get all the different countries and needed language, can you please let us know so I can coordinate with Linguava and Passport to get in person interpreters for our attorneys who would like to meet with the non-Mexican nationals.

Have a wonderful day!

Sincerely,

Chanpone Sinlapasai



Chanpone P. Sinlapasai, Attorney

Marandas Sinlapasai, P.C.

[16771 Boones Ferry Road, Suite 100](#)
[Lake Oswego, Oregon 97035](#)
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Website: www.mspc-law.com

On Fri, Jun 15, 2018 at 7:58 AM Allen, Chad <Chad.Allen@ice.dhs.gov> wrote:

I was just informed by BOP, they have all social visits going until 4pm today. They start their formal count at 4pm and everyone will be on lockdown until 4:45. After count clears, you will be allowed to meet with your clients until 8pm. SO please don't go out there until 4:30pm - 4:45pm.

Please notify everyone from your crew that will be coming. I don't have email addresses for everyone.

Chad

On Mon, Jun 18, 2018 at 8:52 AM, Louie, Michael T <Michael.T.Louie@ice.dhs.gov> wrote:

Stephen,

Let me know when you and your crew plan on being out at Sheridan, that way I can have some staff out there to help with body movement.

Thanks

Michael T. Louie

Acting Supervisory Detention and Deportation Officer

U.S. Department of Homeland Security

Immigration and Customs Enforcement

Enforcement and Removal Operations

Fugitive Operations

[4310 SW Macadam Avenue](#)

[Portland, Oregon 97239](#)

Desk: 503.326.7512

Mobile: 503.849.1318

Fax: 503.326-7183

Email: michael.t.louie@ice.dhs.gov

From: Chanpone Sinlapasai <chanpone@mspc-law.com>

Date: Monday, Jun 18, 2018, 10:33 AM

To: Louie, Michael T <Michael.T.Louie@ice.dhs.gov>

Cc: Stephen Manning <smanning@ilgrp.com>, Eileen Sterlock <eileen@sterlockimmigration.com>

Subject: Re: Legal Visits | FCI Sheridan

Dear SDDO Louie,

Our team will start arriving at 11:45p.m., however we were told that we will not have access until 12:30 and only to 3:30 p.m., is that correct?

Thank you for your help in coordinating efforts.

Sincerely,

Chanpone Sinlapasai



Chanpone P. Sinlapasai, Attorney

Marandas Sinlapasai, P.C.

16771 Boones Ferry Road, Suite 100
Lake Oswego, Oregon 97035
Phone: 503-607-0444

Fax: 503-210-0369

Website: www.mspc-law.com

On Mon, Jun 18, 2018 at 10:34 AM, Louie, Michael T <Michael.T.Louie@ice.dhs.gov> wrote:

Yes. That is correct.

Michael T. Louie

From: Chanpone Sinlapasai <chanpone@mspc-law.com>

Date: Monday, Jun 18, 2018, 10:38 AM

To: Louie, Michael T <Michael.T.Louie@ice.dhs.gov>

Cc: Stephen Manning <smanning@ilgrp.com>, Eileen Sterlock <eileen@sterlockimmigration.com>

Subject: Re: Legal Visits | FCI Sheridan

Perfect, will see your shortly.

Sincerely,

Chanpone Sinlapasai



Chanpone P. Sinlapasai, Attorney

Marandas Sinlapasai, P.C.

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Website: www.mspc-law.com

From: Louie, Michael T
Sent: Monday, June 18, 2018 11:07 AM
To: Chanpone Sinlapasai <chanpone@mspc-law.com>
Cc: Stephen Manning <smanning@ilgrp.com>; Eileen Sterlock
<eileen@sterlockimmigration.com>; Heaton, Corey <Corey.Heaton@ice.dhs.gov>

Subject: RE: Legal Visits | FCI Sheridan

Champone,

Just got to the prison here, and it seems we're still working out some logistical issues. The lieutenant informed me today that they cannot do any attorney visits today. Mondays and Fridays are reserved for prison social visits and that is not something they are flexible about.

Attorney visits will be limited to Tuesday, Wednesday, and Friday.

Sorry for the inconvenience.

Michael T. Louie