

Keith Ketterling, OSB No. 913368
Email: kketterling@stollberne.com
Nadia H. Dahab, OSB No. 125630
Email: ndahab@stollberne.com
STOLL STOLL BERNE LOKTING & SHLACHTER P.C.
209 SW Oak Street, Suite 500
Portland, Oregon 97204
Telephone: (503) 227-1600

Mathew W. dos Santos, OSB No. 155766
Email: mdossantos@aclu-or.org
Kelly K. Simon, OSB No. 154213
Email: ksimon@aclu-or.org
ACLU FOUNDATION OF OREGON, INC.
PO Box 40585
Portland, OR 97240
Telephone: (503) 227-3186

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 STEPHEN W.
MANNING IN SUPPORT OF
PLAINTIFFS-PETITIONERS' EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

I, Stephen W. Manning, declare as follows:

1. I am an attorney licensed to practice in the State of Oregon and am a member in good standing of the bars of the United States District Court for the District of Oregon, the United States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. I am a member of the American Immigration Lawyers Association (“AILA”), a former member of the Board of Governors of AILA, and a former Chair of the Oregon Chapter of AILA. I am over 18 and have personal knowledge of the facts described herein.

2. I am the Executive Director of the Innovation Law Lab (“the Law Lab”), a nonprofit in Oregon that I founded to improve the legal rights of immigrants and refugees in the United States. In my role at the Law Lab, I led the organizing of the Artesia Pro Bono Project in 2014 and the Dilley Pro Bono Project in 2015, which are detention-based projects that provided universal representation to detained families in rapid removal proceedings. I designed the model for the Southeast Immigrant Freedom Initiative, an initiative of the Southern Poverty Law Center in collaboration with the Law Lab, to provide representation to adult noncitizens detained at immigration facilities in the Southeastern United States in 2017. I designed and direct the pro bono representation project called the Centers of Excellence, which provide support to noncitizens and their pro bono attorneys including legal, technical, and strategic assistance in the preparation and presentation of claims. Through the Centers of Excellence, I direct representation projects in Georgia, Kansas, Missouri, North Carolina, and Oregon. In Oregon, under my direction, approximately 125 pro bono lawyers have been trained on asylum and removal defense. These are lawyers from large, medium, and small firms, solo practices, and in-house counsel. I designed and directed a program called BorderX that uses technology and collaboration tools to provide support

to legal service providers at immigrant detention centers. I designed BorderX so that remote attorneys and advocates—that is, attorneys and advocates who are unable to physically enter a detention center because of its remoteness—can participate by telephone and through cloud-software to scale representation efficiently.

3. The Artesia Pro Bono Project provided representation to more than 700 women and children who were detained at the Artesia Family Residential Center in Artesia, New Mexico, including representation during the credible and reasonable fear screenings, applications for release, and merits adjudication on immigration relief. The Artesia Pro Bono Project lasted six months and ended when the detention center in Artesia was closed in December 2014.

4. The Dilley Pro Bono Project, which continues to operate at the South Texas Family Residential Center, has represented more than 40,000 noncitizens during proceedings since its inception in 2015.

5. As part of designing and scaling representation projects at detention centers, I have relied on data acquired during the different representation phases of immigration proceedings to make estimates about when and how long attorneys and other legal workers must spend interviewing, conferring, and consulting with clients. My estimates form the basis of the representational models, which have proven to be very successful, when measured by client outcomes, with most individuals prevailing in seeking relief.

6. In 2015, I was awarded the AILA Founder Award as a person who had the most substantial impact on the field of immigration law or policy in relation to the Artesia Pro Bono Project and the Dilley Pro Bono Project. In 2017, I was named the most innovative lawyer in North

America by *Financial Times* for my work in creating these immigrant and refugee representation detention-based projects.

7. On June 8, 2018, when I learned that the immigration authorities were using the Federal Correctional Institution Sheridan, Oregon (“FCI Sheridan”) to civilly detain 123 immigrant men, the Law Lab staff discussed the situation and made an organizational choice to provide pro bono legal representation to every man in the Sheridan cohort. My previous experience deploying large scale representation models gave me confidence that, as long as pro bono attorneys were provided meaningful access as allowed at least by ICE’s Performance-Based National Detention Standards (“Detention Standards”), an attorney cohort pro bono project at FCI Sheridan would be capable of representing the newly detained men through their immigration proceedings, as required by the U.S. Constitution.

8. Based on my experience in designing representation projects, I estimated that on average each individual detained at FCI Sheridan would need at a minimum of three attorney contacts: (a) a know-your-rights group orientation that provides an overview of immigration relief; (b) an individualized screening with a trained advocate; and (c) an individualized client conference. While each client would be unique and might need more or less time or contact, based on my experience and the different language groups represented at Sheridan, I estimated that at least three (and more likely four) know-your-rights orientations of 60 to 90 minutes would be necessary to orient the Sheridan detainees. I estimated that individualized screenings would take, on average, approximately one hour and an individualized client conference would take, on average, two to three hours. In my experience, the know-your-rights orientation, the screening, and the individualized client conference are best held on separate days because of client exhaustion

and attorney exhaustion. Again, each pro bono attorney would be responsible for determining what is necessary in each client's case and the estimates are never intended to control a lawyer's representation. Instead, I made these estimates in order to plan and scale representation and organize the pro bono attorneys.

9. After the initial screening and client conference, representation of a noncitizen in proceedings also requires preparation for fear interviews, immigration court hearings, and release applications, among other potential elements of the individual's unique case. For each of these instances of representation, an attorney would need access to her client to adequately perform her duties as the client's lawyer. Some of this contact can be by telephone or video and some is best in person. In-person contact is especially critical when it involves language interpretation of complex facts and legal concepts.

10. My experience has been that the most critical element of meaningful representation is the individualized attorney conference. Without the individualized attorney conference, the client does not actually receive any legal advice, so to speak, about what he or she should do for their particular case. Simply attending a group presentation about the immigration process does not adequately prepare a client.

11. On June 8, 2018, the Law Lab was contacted by the partner of one of the detained men, J.V.F., who asked us to represent him. I asked Philip Smith, a local immigration attorney with substantial experience representing individuals, to conduct an intake screening for legal services in accordance with the pro bono representation model I designed for FCI Sheridan.

12. On June 8, 2018, I wrote a letter to the FCI Sheridan Warden and the Acting Field Office Director for Immigration and Customs Enforcement for Oregon, Elizabeth Godfrey. I sent

the letter by email to the address published on the FCI Sheridan website and to Ms. Godfrey's email. A copy of the letter is attached as **Exhibit A**. On this same day, under my direction, the Law Lab created a hotline with a local telephone number to allow anyone detained as a civil immigrant detainee to call us for legal assistance. Through the Mexican Consulate, I provided this telephone number to ICE. The next day, I caused this same letter to be published on the Law Lab's website.

13. On June 12, 2018, when I learned that one of our pro bono attorneys had been denied access, I sent a letter to the FCI Sheridan Warden and Ms. Godfrey by email. A copy of the letter is attached as **Exhibit B**. As part of that letter, I provided a list to the Warden and Ms. Godfrey of approximately 100 noncitizens who I understood were detained at Sheridan and I requested meaningful access on an individual basis to each of them.

14. On June 14, 2018, I grew increasingly concerned that the men detained at FCI Sheridan would begin to be interviewed for credible fear, the first step in the asylum process, without representation because they still had no ability to pay for outgoing phone calls to the hotline created for the pro bono project. I learned that the men detained at FCI Sheridan were still not able to access telephones despite being at Sheridan for more than a week. In order to facilitate free telephone calls, as required for any facility holding immigration detainees by the Detention Standards, the Law Lab took it upon itself to create a toll-free hotline number. I provided this number to the Mexican Consulate, who I knew was visiting Mexican nationals at Sheridan that day. I understand that the consulate delegation, which included a member of the Law Lab staff, was able to give this telephone number to the men detained at FCI Sheridan.

15. On June 14, 2018, I received referrals from Lisa Hay, the Federal Defender of Oregon, of three men detained at Sheridan who requested an immigration attorney.

16. On June 14, 2018, I received from the Mexican Consulate in Oregon referrals for 10 men detained at Sheridan who requested an immigration attorney.

17. On June 14, 2018, I learned that even with a toll-free number, the immigrant detainees at FCI Sheridan were still not able to make free legal phone calls. I understand that this was due to FCI Sheridan's phone system, which is not set up to allow free legal calls as required by the Detention Standards. In my experience, without access to free legal calls, attorneys cannot adequately represent their clients in detention.

18. On June 14, 2018, I submitted to Chad Allen, a Supervisory Detention and Deportation Officer, a list of 13 men who had requested access to immigration counsel as well as a list of the legal team members who would be coming with me. Mr. Allen approved the visit by e-mail and sent a reminder that the attorneys on the legal team should bring their bar cards. A copy of the email exchange is attached as **Exhibit C**. Even though the Bureau of Prisons regulations do not require providing the names of the attorneys in advance, I did so because I thought that this might facilitate the individuals' access to counsel.

19. On June 15, 2018, our pro bono team left Portland, Oregon for the long drive to Sheridan, Oregon. We departed Portland around 7 a.m. in order to arrive in the morning because we anticipated needing an entire day to interview the 13 men. Around 8 a.m., while we were in route, Officer Allen informed me by email that our access was denied and that BOP would not permit us to enter the facility. Officer Allen advised that we would be denied access until some

unspecified time in the evening, and no earlier than 4:45 p.m., and that our access would be only be permitted until 8:00 p.m. A copy of the email is attached as **Exhibit D**.

20. In light of the access denial, I requested access for the weekend—for June 16 and June 17. Officer Allen advised that access would be denied over the weekend and that all weekend legal visits would be denied. Officer Allen advised that visitation would be permitted Monday through Friday from 12:30 p.m. to 3:30 p.m. A copy of the email is attached as **Exhibit E**.

21. On June 15, 2018, I spoke with Officer Allen, about the denial of access to counsel. I was informed that attorney visitation would be limited to a single room for three hours a day, Monday through Friday. I was informed that there were no immigration library materials and that an “ABA know your rights” video was being sent to Sheridan by ICE. I was informed that the free direct call platform was not operational and had not been operational. I sent an email to Officer Allen after our phone call. A copy of the email is attached as **Exhibit F**.

22. On June 17, 2018, I submitted to ICE a list of nine individuals who had requested immigration attorney representation. On June 18, 2018, our pro bono team traveled from Portland to Sheridan, Oregon. Around 11 a.m., Officer Michael T. Louie, an officer with Portland’s ICE office, advised that our access was denied. He advised that legal visitations could only occur on Tuesday, Wednesday, and Friday from 12:30 p.m. to 3:30 p.m. A copy of the email is attached as **Exhibit G**.

23. On June 17 and June 18, 2018, I received from Ms. Hay referrals for 38 men detained at Sheridan who requested an immigration attorney.

24. On June 18, 2018, I emailed Director Heaton twice. First, I emailed him around

3 p.m. after our earlier conversation, during which we discussed different options for the know-your-rights presentation, and during which Director Heaton stated that ICE would “hold off” on scheduling asylum interviews until the week of June 25. After Director Heaton confirmed that plan via e-mail, I responded to him via e-mail and outlined the Law Lab’s model for providing pro bono representation, which requires that pro bono attorneys be provided individual access to their clients in the days and weeks after the group know-your-rights presentation. I emphasized the importance of this access, access to telephones, and access to an adequate law library, all of which are required by both the Detention Standards and the U.S. Constitution. A copy of the email, along with Director Heaton’s earlier confirmation of ICE’s intent to schedule asylum interviews next week, is attached as **Exhibit H**. I sent Director Heaton a separate email around 8:30 p.m. to emphasize our desire to work collaboratively on achieving individual attorney access and emphasizing the importance of such access to representing individuals. A copy of the email is attached as **Exhibit I**. I emailed again on June 19, 2018 around 11:30 a.m. to request that we continue the conversation around individual attorney access and the specific logistics around scheduling. A copy of the email is attached as **Exhibit J**.

25. On June 19, 2018, I received a referral from a close friend of a man detained at FCI Sheridan who requested an immigration attorney.

26. On June 19, 2018, I received a referral from the family of a man detained at FCI Sheridan who requested an immigration attorney. The family explained that the individual had fled his home country because he feared for his life and came to the United States to seek asylum and protection. He fears that he would be subjected to serious harm and mistreatment if returned to his home country.

27. As of today, the pro bono representation project at FCI Sheridan has at least 50 requests for representation. Consistent with the model I created for the pro bono Sheridan project, the Law Lab, through pro bono attorneys will engage and represent all of these men as soon as attorneys are allowed access to their clients as required by the Detention Standards and the U.S. Constitution.

28. As of today, only one attorney associated with the project to represent all detained immigrants held at FCI Sheridan has been able to meet with his client. That meeting lasted one hour and was a preliminary consultation. Subsequently, that man was transferred to the North West Detention Center in Tacoma. Despite our public commitment to engage every person detained at FCI Sheridan, no other attorney associated with the project to represent all detained immigrants held at FCI Sheridan has been able to secure meaningful access to any of the dozens of men who have requested our legal counsel.

29. Based on my experience with representation projects, the limitations of in-person access and telephone access that the immigrant detainees at Sheridan prison face are immense and functionally act to deny access. If more than 100 clients need access to a single visitation room, which is only available for 9 hours a week for multiple instances of representation, at different stages of each proceeding, there is simply no representation system that can permit an attorney to competently provide legal services and zealous representation.

30. Based on my numerous communications with ICE officers and officials, many of which are attached as exhibits to this declaration, I believe that ICE intends to initiate fear interviews as soon as next week, beginning Monday, June 25, despite having failed to provide any meaningful access to counsel.

31. Because many, if not all, of the men detained at FCI Sheridan have existing removal orders, ICE could and, based on my experience, will begin deportations immediately.

32. If the men detained at FCI Sheridan who are seeking asylum are not provided meaningful access to counsel, which includes, in addition to the know-your-rights presentations, an intake screening, an individualized client conference, one or more meetings as required by each client to prepare for fear interviews with ICE officials, and accompaniment to fear interviews, they will likely be unable to pursue meritorious claims for relief or identify defenses to which they are entitled. As a result, they will face a real and imminent risk of deportation and, ultimately, physical harm, violence, or death.


33. Luis Javier Sanchez Gonzalez is currently detained at FCI Sheridan. His domestic partner of ten years is Xochitl Ramos Valencia. They have two young children, ages one and five.

34. Luis Javier is inaccessible and unable to file a complaint on his own because he has been denied access to legal counsel. Xochitl Ramos is therefore in the position of seeking legal relief in his name. As his domestic partner and the mother of his children, Xochitl Ramos has a significant relationship with Luis Javier and is truly dedicated to his best interests.

35. Xochitl Ramos has requested that the Law Lab provide pro bono representation to Luis Javier. On two occasions, including on Thursday, June 21, 2018, the Law Lab, through its pro bono attorneys, attempted to meet with Luis Javier at FCI Sheridan to provide the requested pro bono representation. On both attempts, the Law Lab's requests to meet with Luis Javier were denied.

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

EXECUTED this 21st day of June, 2018.



Stephen W. Manning, OSB #013373

PAGE 11 - **DECLARATION OF STEPHEN W. MANNING IN SUPPORT OF
PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

Stephen Manning <smanning@ilgrp.com>

Request for Access to Counsel

Stephen Manning <smanning@ilgrp.com>

Fri, Jun 8, 2018 at 6:06 PM

To: "Godfrey, Elizabeth" <Elizabeth.Godfrey@ice.dhs.gov>, SHE/ExecAssistant@bop.govCc: Caroline van der Harten <cvanderharten@emoregon.org>, Chanpone Sinlapasai <chanpone@mshpc-law.com>, John Marandas <john@mshpc-law.com>, Eileen Sterlock <eileen@sterlockimmigration.com>

Please see the attached letter.

STEPHEN W MANNINGsmanning@ilgrp.com

503.241.0035

333 SW 5th Avenue #525

Portland OR 97204

f. 503.241.7733

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Ltr-Ives-Godfrey-Sheridan-Access.pdf

23K

Mr. Richard Ives, Warden
FCI SHERIDAN
27072 Ballston Road
Sheridan OR 97378
Via fax: 503-843-6645 & email

Ms. Elizabeth Godfrey, Field Office Director
IMMIGRATION & CUSTOMS ENFORCEMENT
4310 SW Macadam Avenue
Portland OR 97239
Via email

RE: Access to counsel and other legal resources for civil immigrant detainees at FCI Sheridan

Mr. Ives and Ms. Godfrey,

On behalf of the Oregon Chapter of the American Immigration Lawyers Association and the Innovation Law Lab, a nonprofit organization in Oregon that coordinates an immigration pro bono representation project in Oregon, we write to request that you (1) grant access for our pro bono lawyers to provide a legal rights presentation to the civil immigrant detainees; (2) provide a written notice describing the availability of pro bono lawyers to the civil immigrant detainees with our hotline information; (3) permit civil immigrant detainees to call the pro bono hotline without charge in a confidential, private manner; and (4) not remove any civil immigrant detainee prior to being informed of their legal rights.

It is our understanding that there are more than 100 civil immigrant detainees who arrived at FCI Sheridan this week. From reports and information, we understand that these are individuals who recently arrived in the United States. Many, if not most, of these individuals may have legal remedies. The Fifth Amendment of the U.S. Constitution as well as a host of statutes, regulations, and long-standing practice provides that these individuals are entitled to access counsel to understand their legal remedies and pursue the same.

The Law Lab, in collaboration with our pro bono partners the Oregon Chapter of the American Immigration Lawyers Association, is well qualified to provide the legal rights presentation at the Sheridan FCI. *See* ICE PBNDS 2011 at Ch. 6.4 (revised 2016). The Law Lab established the immigration pro bono projects in Artesia, New Mexico and Dilley, Texas for civil immigrant detained families. We operate pro bono representation projects in Oregon, Missouri, Georgia, and North Carolina for non-detained individuals. We provide support to the pro bono project at the Southern Poverty Law Center's Southeast Immigrant Freedom Initiative at four adult detention centers in the southeastern United States. The Oregon Chapter of the American Immigration Lawyers Association has a robust pro bono program and has been involved in providing legal rights presentations throughout the state.

Generally, immigrant detention facilities “shall permit detainees to make direct or free calls to the offices and individuals listed below...legal representatives, to obtain legal representation, or for consultation when subject to expedited removal (when a detainee is under an expedited removal order, his/her ability to contact pro bono legal representatives shall not be restricted).” *See* ICE PBNDS 2011 at Ch. 5.6(V)(E). We request that the Sheridan facility immediately provide such access to all civil detainees in your custody. We can provide the hotline number and a suggested written notice to provide to detainees at your request.

We appreciate your prompt courtesies and attention to our request and are happy to provide additional information as needed.

Sincerely,

INNOVATION LAW LAB

/s/ Stephen W Manning
STEPHEN W MANNING, Executive
Director
stephen@innovationlawlab.org
503-241-0035

AMERICAN IMMIGRATION LAWYERS
ASS'N, OREGON CHAPTER

/s/ Caroline van der Harten
CAROLINE VAN DER HARTEN, Chapter
Chair
cvanderharten@emoregon.org

**Stephen Manning** <smanning@ilgrp.com>

FCI Sheridan | Access to counsel

Stephen Manning <smanning@ilgrp.com>

Tue, Jun 12, 2018 at 9:30 AM

To: "Godfrey, Elizabeth" <Elizabeth.Godfrey@ice.dhs.gov>, SHE/ExecAssistant@bop.govCc: "Lara, Sarah C" <sarah.c.lara@ice.dhs.gov>, chad.allen@ice.dhs.gov, Caroline van der Harten <cvanderharten@emoregon.org>, Eileen Sterlock <eileen@sterlockimmigration.com>

Please see the attached correspondence.

STEPHEN W MANNINGsmanning@ilgrp.com

503.241.0035

333 SW 5th Avenue #525

Portland OR 97204

f. 503.241.7733

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2 attachments**SheridanFCI-Demand-June-12.pdf**
22K**Sheridan List.pdf**
30K

June 12, 2018

Mr. Richard Ives, Warden
FCI SHERIDAN
27072 Ballston Road
Sheridan OR 97378
Via email

Ms. Elizabeth Godfrey, Field Office Director
IMMIGRATION & CUSTOMS ENFORCEMENT
4310 SW Macadam Avenue
Portland OR 97239
Via email

RE: Denial of access to counsel; request for private legal meetings with each civil immigrant detainee

Mr. Ives and Ms. Godfrey,

On June 8, 2018, we requested that the individuals detained under civil immigration law—some of whom we understand are fathers separated from their children—be provided access to counsel. Specifically, we asked that pro bono attorneys be allowed access, that you provide legal services contact information and permit us to conduct an orientation as to their legal rights, and that you provide free telephone usage to access those services to the individuals detained. We advised that we had established a hotline that any detained individual could contact. We are informed that deportations are scheduled. Yet, as of this letter, none of the requests for systemic access to counsel have been fulfilled.

On June 10, after following all of the published rules for obtaining access to pretrial inmates at the Sheridan facility, two pro bono attorneys working through the Innovation Law Lab, were refused access to the Sheridan facility. They were there because a detained individual had asked for legal counsel and advice. They were informed that they could not meet with him because none of the attorney visitation rooms were available—that is, at 8.30am on a Sunday morning. We were also told that ICE civil detainees were not permitted *any* visitation on the weekends.

It is concerning that the deportation process is running full speed without any of the necessary mechanisms in place for systemic and individual access to counsel. We hereby request that no individual in the Sheridan cohort is deported until they are provided adequate access to counsel.

Every individual detained under civil immigration process at Sheridan will have access to our pro bono services. We ask for immediate arrangements on an individual basis for access to counsel for the individuals contained in the attached list. We emphasize that individuals who may not appear on this list are still entitled to access counsel and we will provide such counsel to them. It seems prudent that we work together in an orderly, transparent, and fair manner, to establish meaningful

mechanisms for access to counsel. However, because there are no assurances that deportations will not occur in spite of the denial of access to counsel and without opportunity for individualized legal advice, we make this request for access in good faith and with great urgency. We hope you will respond with dispatch and no later than end of business today with written assurances that deportations will not take place until individuals have had access to counsel.

Sincerely,
INNOVATION LAW LAB

/s/ Stephen W Manning
STEPHEN W MANNING
Executive Director

AMERICAN IMMIGRATION LAWYERS
ASS'N, OREGON CHAPTER

/s/ Caroline van der Harten
CAROLINE VAN DER HARTEN
Chapter Chair

cc:
Sarah C. Lara, Deputy Chief Counsel, Immigration & Customs Enforcement
Chad Allen, Deputy Field Office Director, Immigration & Customs Enforcement

On Thu, Jun 14, 2018 at 9:08 PM, Allen, Chad <Chad.Allen@ice.dhs.gov> wrote:

Please tell all of the attorneys take their Oregon or other state barred card.

Sheridan should ask for them.

Sent with BlackBerry Work
(www.blackberry.com)

From: Stephen Manning <smanning@ilgrp.com>

Date: Thursday, Jun 14, 2018, 7:24 PM

To: Allen, Chad <Chad.Allen@ice.dhs.gov>

Cc: Chanpone Sinlapasai <chanpone@mspc-law.com>, Eileen Sterlock <eileen@sterlockimmigration.com>

Subject: Re: Legal Visits | FCI Sheridan

Here are the lawyers & paralegal.

Stephen Manning

Chanpone Sinlapasai + interpreter

Luis Garcia

Mat dos Santos

Elena CaJacobbo (paralegal)

STEPHEN W MANNING

smanning@ilgrp.com

503.241.0035

[333 SW 5th Avenue #525](#)

[Portland OR 97204](#)

f. 503.241.7733

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On Thu, Jun 14, 2018 at 5:39 PM Allen, Chad <Chad.Allen@ice.dhs.gov> wrote:

Good evening Steve,

I have forward your list to the ICE case officer. They will work with BOP staff.

On a different note, I am waiting to receive the names who will be medically restriction until the medical staff clears them.

Chad

From: Stephen Manning [mailto:smanning@ilgrp.com]
Sent: Thursday, June 14, 2018 5:16 PM
To: Allen, Chad <Chad.Allen@ice.dhs.gov>
Cc: Chanpone Sinlapasai <chanpone@mspc-law.com>; Eileen Sterlock
<eileen@sterlockimmigration.com>
Subject: Legal Visits | FCI Sheridan

Hi Chad,

Below is a list of individuals I would like to see for a legal visit on Friday, June 15.

I will email later this evening with the list of lawyers and paralegals. I will certainly be one of the lawyers.

1. Damian Santiallan Galvan, DOB 12/1/1993, BOP # 03856-461
2. Luis Javier Sanchez Gonzalez, DOB 10/22/1992, BOP #03855-461
3. Ulices Daniel Bailon Arzeta, DOB 4/21/1993, BOP #03832-461
4. Javier Bailon Arzeta, DOB 4/21/1993, BOP #03833-461
5. Rafael Camarillo Paz, DOB 9/22/1998,
6. Gerardo Florez Perez, DPB 8/19/1992, BOP # 03839-461
7. Javier Barrientos Cabrera, DOB 2/12/1981, BOP # 03834-461
8. Victor Rosas Perez, DOB 3/29/1980, BOP # 03854-461
9. Daniel Hernandez Salcedo, BOP # 03867-461
10. John Valiente Farfan, BOP # 03914-461
11. Hector Martinez Ordonez, BOP 03816-461
12. Kevin Veliz Herrera, BOP# 03912-461
13. Wagner Villatoro-Torres, BOP# 03915-461

STEPHEN W MANNING
smanning@ilgrp.com
503.241.0035

[333 SW 5th Avenue #525](#)
[Portland OR 97204](#)
f. 503.241.7733

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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

From: Allen, Chad
Sent: Friday, June 15, 2018 1:21 PM
To: Stephen Manning <smanning@ilgrp.com>
Cc: Chanpone Sinlapasai <chanpone@mshpc-law.com>; Eileen Sterlock
<eileen@sterlockimmigration.com>
Subject: RE: Legal Visits | FCI Sheridan

Unfortunate, Sheridan cannot support weekend visitations. They don't have the logistics to provide this opinion/service.

Tonight they are offering the late access because of my mix-up (I forgot about their normal social visits that were prescheduled).

Beginning Monday, June 18th, attorney for ICE detainee visits will be from 12:30pm to 3:30pm, M - F.

Chad

From: Stephen Manning [<mailto:smanning@ilgrp.com>]
Sent: Friday, June 15, 2018 11:27 AM
To: Allen, Chad <Chad.Allen@ice.dhs.gov>
Cc: Chanpone Sinlapasai <chanpone@mshpc-law.com>; Eileen Sterlock
<eileen@sterlockimmigration.com>
Subject: Re: Legal Visits | FCI Sheridan

Hi Chad,

Our volunteer attorneys could only attend this morning.

Can you advise what the schedule will be this weekend?

STEPHEN W MANNING
smanning@ilgrp.com
503.241.0035

[333 SW 5th Avenue #525](#)
Portland OR 97204
f. 503.241.7733

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On Fri, Jun 15, 2018 at 8:21 AM Stephen Manning <smanning@ilgrp.com> wrote:

Thanks, Chad for the alert. We were mid-way there!

I will be in touch shortly to see if our team will make it this evening.

Do you know if the telephone system will allow for calls to the hotline or our offices?



Stephen Manning <smanning@ilgrp.com>

Questions re: Telephone availability, Room availability, KYR presentation

Stephen Manning <smanning@ilgrp.com>

Sat, Jun 16, 2018 at 11:48 AM

To: "Allen, Chad" <chad.allen@ice.dhs.gov>, "Lara, Sarah C" <sarah.c.lara@ice.dhs.gov>

Cc: Chanpone Sinlapasai <chanpone@mspc-law.com>, Eileen Sterlock <eileen@sterlockimmigration.com>

Hi Chad,

Thank you for talking yesterday; it is a very trying situation and we really appreciate the difficulties involved. I've cc'd Eileen, who is the incoming AILA chair, and Chanpone, with the pro bono committee.

If any of the below are inaccurate, would you correct me? We are making our logistical plans based on what you explained to me in our conversation yesterday. We also had a few questions about timing & coordination after today (when your planned leave starts).

My understanding after our conversation is this:

1. Our request that no official interviewing take place until each detainee has had a meaningful chance to speak with counsel has been denied.
2. Triggering documents have been filed with the asylum office and the intent is to have interviews begin. (See question below on timing).
3. Of the four visitation rooms, the pro bono attorneys may have access to one room, M-F, for 3 hours, 12.30pm-3.30pm.
4. The other three rooms are allocated: one to the court, one to ICE, and one to the asylum office. The VTC will be available to the court and not the pro bono lawyers. The asylum interviews will occur from 12.30pm to 6.00pm.
5. Our KYR proposal has not been approved; there is no indication when a decision will be made and it is unlikely that we will be approved to conduct a KYR on Monday June 18 or Tuesday June 19. There are no materials in the facility currently on rights; materials including the ABA KYR video have been requested and may arrive. (See question below about content and timing).
6. Free direct calls are not yet operational; enabling the free direct call platform is underway and those calls, when enabled, will connect to the EOIR legal services list for Portland, the 1-888-274-7292 hotline, and the consulates. (See question below on availability, timing, and platform).
7. The Immigration Court is San Francisco.

Our questions:

1. When you do expect asylum office interviewing to begin?
2. Is there an order in which the interviewing will take place? (We can prioritize representation as appropriate).
3. How will notification of the fear interview be made and how far in advance of the interview?
4. Is the free direct telephone access available during all waking hours? I currently understand that the telephone hours will only be available 12.30pm-3.30pm.
5. How many telephones are available now and how many will be available using the call platform? Are the telephones in the visitation rooms or units?
6. Will the detainees be able to access the telephone during all waking hours?
7. When will the free direct call platform be enabled?
8. Can we schedule telephonic legal appointments using the call platform?
9. What is the process for the pro bono lawyers to make incoming calls to clients?

EXHIBIT F

1 of 2

6/19/18, 9:24 PM

10. Will the call platform permit a detainee to leave a message (that is, a live person is not required to answer the call)?
11. Will the ABA KYR video be available in English, Spanish, and French? (We understand that those are the available languages). Will it be available in any other language? Will the supplemental ABA KYR materials be available in any other languages?
12. Will we be able to attend the asylum interviewing after the 3.30pm (assuming the interviews take place afterwards)?
13. To arrange for a legal visit, what is the cut-off time, if any, of submitting a name to ERO? In your absence, to whom should we direct our list of clients?
14. Could you provide a list of languages or, at least, a list of nationalities?

As I explained during our call, we were intending to provide a KYR presentation as outlined in our proposal. After the KYR, we were intending to schedule / stage legal visitations in an orderly manner so that every person would know when he was going to meet with a legal worker and could get prepared for that meeting. While individual cases will vary (and I leave that client-based determination to the individual legal worker), I was making scheduling estimates around needing 3 hours per person. Some clients may need more, some less and we will need to arrange for pro bono interpretation. Our intent is to provide every person access to a pro bono legal worker. This was my working assumption for planning purposes to make certain that every person can meaningfully exercise his right to counsel and consultation.

Also, we are aware that the federal defenders have been appointed for non-immigration related purposes and require their own access to individuals to fulfill those appointments. These independent access to counsel requirements will clearly need to be accommodated and are separate from the immigration-side.

If it is helpful and faster to discuss by telephone, I am available most any time this weekend. I cannot promise that we won't have more questions about logistics as we go forward and we very much appreciate your willingness to working through the issues towards solutions.

STEPHEN W MANNING
smanning@ilgrp.com
503.241.0035

333 SW 5th Avenue #525
Portland OR 97204
f. 503.241.7733

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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

On Mon, Jun 18, 2018 at 2:55 PM Stephen Manning <smanning@ilgrp.com> wrote:

Thanks, Corey.

Chanpone and I are on to talk about the KYR in the meeting space.

I wanted to respond to our earlier call about what we think is a feasible solution and get this to you:

- For the entire cohort, all asylum interviewing and removals stop until the KYR and counsel meetings take place (as proposed below).
- For the entire cohort, all asylum interviewing and removals stop until the library is adequate with materials outlined in the PBNDS as well as access to the copy machine and the ability to make the free copies and other case preparatory materials as noted in the PBNDS. This is very important because it allows the individuals to give us copies of their documents.
- Allow us to immediately conduct KYR presentations. Allow us to conduct at least 3, and probably 4 (b/c of the language combinations, 4 seems better, but we could probably do 3 if given the space and time). We think it would function best if we grouped individuals by language with the largest language groups going first (Spanish, Punjabi) and then the last KYR in the remaining languages.
- At the conclusion of the KYR, we would ask each person if he would like a lawyer. If he responds yes, then we will schedule him with a lawyer meeting. Those lawyer meetings for planning purposes probably would last 90m to 3 hours (thinking about interpreter issues). By scheduling the attorney meeting, we can make certain that we have the appropriate interpreter. By letting you know at the very beginning when that attorney meeting is, you can schedule the fear interview appropriately.
- We would make that interview date transparent to you so that you would know when individuals were being seen.
 - The availability of in-person counsel -- that is, the hours for legal visitation - - should be closely aligned with the PBNDS. The PBNDS provides for 8 hours on weekdays and a minimum of 4 hours on the weekend. Once the process begins, the competing needs for that limited single room for an attorney visit for 3 hours a day for 3 days a week would create an impossible situation.
 - I would note that the federal defenders, who are appointed in this case on other issues, would also conceivably need access. The defenders can speak for

themselves (and for their clients) - I am not intending to do that here, I only mention it because I am trying to propose a workable system and thinking out loud about the enormous practical challenges of confining physical access to such a small window of time.

- To help us get things rolling and move forward as quickly as reasonably possible, individuals would have to be able to call us. We would use the phone to augment the in-person appointments so that more people could be seen. That is, we will schedule both in-person attorney meetings (particularly for challenging language interpretation) as well as by phone. That means, individuals would need to have access to the phones for confidential communications for as many hours as possible. Obviously, more access is better.
 - The free call platform needs to be verified that it is operational, obviously.
- Once the KYR and individual counsel meetings have taken place and the library is sufficient, the fear interviews can take place.
- We would expect to be able to attend those interviews as well for our clients and prepare with our clients ahead of time, too. So notification of the date of the interviews is important.
- As the process begins, plainly, there will be a need to have access as well for the different stages of the CFI, asylum, removal process - we can work that out and maintain communication to make it functional.

STEPHEN W MANNING

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503.241.0035

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[Portland OR 97204](#)

f. 503.241.7733

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On Mon, Jun 18, 2018 at 2:09 PM Heaton, Corey <Corey.Heaton@ice.dhs.gov> wrote:

Stephen/Chanpone,

Can I have one of you call me when you get a chance?

Corey R. Heaton

Assistant Field Office Director

ICE | Enforcement and Removal Operations

Portland CAP/VCAS & Fugitive Operations

[4310 SW Macadam Avenue, Portland, OR 97239](#)

[Office 503](#)-326-5181 | iPhone 503-849-6394

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From: Heaton, Corey

Sent: Monday, June 18, 2018 12:20 PM

To: Louie, Michael T <Michael.T.Louie@ice.dhs.gov>; 'Chanpone Sinlapasai' <chanpone@mshpc-law.com>

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

Subject: RE: Legal Visits | FCI Sheridan

FYI...I now have got the asylum office to hold off on interviews until next week.

Stephen,

If we can work out the plan that I proposed to you, all the KYR presentations can be worked out this week.

Corey R. Heaton

Assistant Field Office Director

ICE | Enforcement and Removal Operations

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From: Stephen Manning <smanning@ilgrp.com>

Date: Mon, Jun 18, 2018 at 8:37 PM

Subject: Re: Legal Visits | FCI Sheridan

To: <Corey.Heaton@ice.dhs.gov>

CC: Chanpone Sinlapasai <chanpone@mshpc-law.com>, Godfrey, Elizabeth <Elizabeth.Godfrey@ice.dhs.gov>, Allen, Chad <Chad.Allen@ice.dhs.gov>, <Michael.T.Louie@ice.dhs.gov>, Ian Philabaum <ian@innovationlawlab.org>

Thanks, Corey.

We are getting ready for Wednesday.

I don't want to lose the thread about the in-person & phone access, the library, and the pause on removals and interviews which are critical to making this work. We are trying to determine how to stage the attorney follow-ups and need to know:

- the hours individuals will be available for the attorney follow-up
- the number of rooms available (we are asking for all 4)
- the days of the week

We feel that we need to reach agreement on how that will work, the library, and the phone access before we start the KYRs - this is mission critical from our point of view. I've reposted below for the same of the new names on this email thread, our proposed transparent & functional baseline for making this work. If we can reach agreement on the below by 5pm tomorrow, then I think we can proceed with the KYR.

Because I will only be available by email tomorrow, I've also included my colleague Ian Philabaum who is the Program Manager at the Law Lab and operated our detention projects in Dilley and established the representation project in Stewart, Irwin, and Cibola.

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From: Stephen Manning <smanning@ilgrp.com>

Date: Tue, Jun 19, 2018 at 11:23 AM

Subject: Re: Legal Visits | FCI Sheridan

To: <Corey.Heaton@ice.dhs.gov>

CC: Allen, Chad <Chad.Allen@ice.dhs.gov>, Chanpone Sinlapasai <chanpone@mspc-law.com>, Godfrey, Elizabeth <Elizabeth.Godfrey@ice.dhs.gov>, Ian Philabaum <ian@innovationlawlab.org>, <Michael.T.Louie@ice.dhs.gov>

Good morning,

I wanted to touch base with the team and find out if there is space for further conversation about the amount of access individuals will have for legal visitation. This information is critical to have because without it we cannot meaningfully stage legal visitation. I essentially need to understand the capacity you can provide (time/confidential space) so we can generate interview slots and assign attorneys *after* the KYR.

Also, separately, the asylum office thought we had been granted access yesterday, which wasn't so, so I told that to Emilia and she may be in touch with you.

I'm in the air today. So I apologize in advance if I cannot get on a call to talk. Chanpone, Luis and Ian would be available.