

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Ángel Alejandro Heredia Mons et al.)	
)	
<i>Plaintiffs,</i>)	
v.)	Civ. No.: 1:19-cv-01593
)	
Kevin K. McALEENAN et al.)	
)	
<i>Defendants/Respondents.</i>)	
)	

DECLARATION OF A.P.E.

I, A.P.E., declare under penalty of perjury that the following is true and correct to the best of my knowledge:

Biographical Information

1. My initials are A.P.E., and I was born in Cuba.
2. I am a native-Spanish speaker. I do not speak English.
3. I am an asylum-seeker and have been in immigration detention since June 2019. I was forced to flee Cuba due to my opposition to the Cuban government. After being forced to serve in the Cuban army, my small agricultural business was taken away by the government due to my political opinion. I was wrongfully detained by police who threatened my life.
4. In February 2019, I decided I had no choice but to flee the country to save my life. I flew to Nicaragua, and from Nicaragua I took buses to get to the Mexico-United States (US) border. I arrived at the border in April 2019. I had to wait almost two months for my name to be called, at which time I presented myself to immigration authorities at the port of entry in Presidio, Texas on or around June 24, 2019. I was immediately detained and transferred to the custody of Immigration and Customs Enforcement (ICE). I spent time at detention

centers in Texas and New Mexico before being transferred to Tallahatchie Correctional Facility (Tallahatchie), in Tutwiler, Mississippi, in or about the beginning of July 2019.

Impediments to Parole Access

5. About three weeks after I arrived at Tallahatchie, I was provided a credible fear interview (CFI). I received a positive finding of my CFI on or around July 22, 2019. Around this time, I received a packet of papers, but I did not understand them because it was written entirely in English. I asked a fellow bunkmate to translate it for me. The documents explained that I could apply for parole and provide documents in support of a parole request but that I only had three days to do so. In such a short time, I could barely get any documents together.
6. Although it was difficult, my US citizen sponsor collected all the documents she could, and on July 30, 2019, she tried to fax them to my Deportation Officer (DO) based on the fax number I had been provided. She repeatedly received error messages, but she did not know any other fax numbers to use to attempt sending the documents. At Tallahatchie, I was never provided a parole interview, and I received a parole denial letter in English about three days after trying to submit my initial parole request. There were two boxes checked explaining why I had been denied. My bunkmates tried to help me understand what they stated. They told me I had been denied for not submitting documents and because ICE couldn't be sure I would attend my hearings and check-ins if released.
7. On or around August 2, 2019, I was transferred from Tallahatchie to Allen Parish Public Safety Complex (Allen Parish) in Oberlin, Louisiana. During my first month and a half at Allen Parish, I never received any information from ICE about the parole process. Everyone in my dorm at Allen Parish told me that parole was never granted at that facility.

However, I decided to hire an attorney and submit a parole redetermination request. Neither she nor I ever got a response to this request.

Incidents After the Preliminary Injunction

8. In or about mid-September 2019, ICE gave everyone some documents discussing parole and about the new order in the *Heredia Mons* case. After consulting with my attorney, she again submitted a parole redetermination request to ICE on my behalf. The request for parole contained all necessary documentation, including an affidavit of support from my US Citizen sponsor and evidence of her trucking company, through which she earns over \$500,000 annually—more than enough to support me fully while I proceed with my immigration case.
9. My attorney followed up on my parole request numerous times by phone, but to this day, I have not received a parole determination or parole interview in response to this request. Neither my attorney nor I have never even received any document confirming receipt of my parole request. My family members have called ICE numerous times, and they have never been able to get any answer

of Immigration Appeals. Just last week, I was able to secure an attorney to help me submit my appeal brief.

12. I also submitted a new parole-determination request today

VERIFICATION

I, [REDACTED], am the individual referred to as A.P.E. in the attached declaration. I declare under penalty of perjury that the foregoing is true and correct.

I have authorized a legal agent for Plaintiffs in the *Heredia Mons* litigation to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. I am also foregoing the option to sign documents sent by mail due to the urgency of the COVID-19 situation and due to reasonable fear of destruction of mail or retaliation by officials at this facility. If required to do so, I will provide a signature when I am able.

Jaclyn Cole

Date: April 28, 2020