

I declare under penalty of perjury pursuant to 28 USC §1746 that the following is true and correct:

1. My name is Homero López, Jr. I am the Executive Director of Immigration Services and Legal Advocacy (ISLA), a nonprofit, legal services organization focused on providing pro bono direct representation to detained individuals in Louisiana.
2. Over the past two years, ISLA has focused exclusively on handling a detained caseload with the majority of our cases arising out of the Pine Prairie ICE Processing Center (PPIPC) but also handling cases out of the many other detention centers which have opened up in the state. During this time, we have made weekly trips, oftentimes staying the night or making multiple trips in a week, to the detention centers and immigration courts to meet with clients and attend hearings.
3. At this moment, our office is representing clients who are detained at the PPIPC in Pine Prairie, Louisiana and the Winn Correctional Center (Winn) in Winnfield, Louisiana.
4. As a result of the COVID-19 outbreak in Louisiana, and the subsequent quarantines and changes in visitation policies by the detention centers, it has been nearly impossible to visit or communicate with our clients since March 17, 2020.
5. On March 17, 2020, we received calls from clients at PPIPC informing us that there were suspected cases of COVID-19 there and that an entire dorm had been quarantined. I followed up with the Executive Administrative Assistant at PPIPC, Ms. Tammy Fontenot, who confirmed that there were folks who were “cohorted,” the term the detention center uses regarding quarantines. As a result, in person, contact visitations were cancelled at PPIPC. While PPIPC does have access to video teleconference meetings for attorneys, those are limited to 30 minutes per client per day.
6. These video calls present many problems. First, there are only two visitation rooms, meaning that only two attorneys can be handling the calls at the same time. As such, scheduling the times can become very complicated as the facility staff needs to coordinate the various requests coming in and schedule them on a first come first serve basis. This ends up creating conflicts with hearings, other meetings, family obligations, etc. which leads attorneys to have to sacrifice either the client meeting or their other obligations. Second, while, in theory, there are 30 minutes per call, that’s not always the case in practice. Clients who are in segregation or in quarantine cannot be in the same room as those who are not. Therefore, if a two-hour time block is scheduled with four clients and one is in quarantine and one in segregation, the facility staff will first bring the two that are not segregated or quarantined, allowing them to go back to back. Then, those two will have to be returned to their dorms, the walkway and waiting room cleared, and then the segregated client can be brought. After that call is over, the same process must take place before the quarantined client can be brought. These additional steps take time and that time is deducted from the 30 minutes allocated to that client’s visit. Third, not being in person with a client makes it nearly impossible to properly review and discuss documents. This is a result of the connection oftentimes being interrupted; either the video stops working, the call completely drops, the audio goes in and out, or all three. This mostly happens due to the remote, rural location of this facilities and the fact that internet service in those areas is not of the highest quality. That internet connection is worsened when the weather is bad, creating situations where the actual, real time amount of time spend with clients is closer to 10 minutes than the allocated 30. As a result of these various issues, many attorneys

oftentimes “stack” their video requests, requesting more clients than they actually need to visit with in order to use their left over time from these other clients for the ones they really need to prepare. While this may serve as a workable loophole at times, given that there are approximately 32 slots a day available (visitation is from 8AM-5PM with 30 minute slots and two available visitation rooms), this deprives other attorneys from being able to get a slot to prepare their clients as well.

7. On March 23, 2020, we received a memorandum from Mr. Keith Deville, Warden at Winn, informing attorneys that, as per ICE instructions, all attorneys must wear gloves and an N-95 mask when conducting visits. Given the nationwide shortage of such protective equipment, even for medical personnel, such a requirement has, in practice, created a ban on in-person attorney visits. Winn is not equipped to handle video teleconferencing, so attorneys are left with nothing more than telephone calls with clients in order to prepare them for their hearings and discuss important, complex legal matters. Due to these limitations, we have found ourselves forced to submit motions to continue merits hearings, prolonging our clients’ unnecessary detention. Since we do not know when the situation will become safe enough to allow attorneys to visit clients in a way that will allow proper preparation, we are uncertain if the reset hearings, approximately a month out, will actually end up going forward.
8. On March 12, 2020, four days after the first community transmission case in Louisiana and a day after the Louisiana governor issued a state of emergency, I submitted motions to allow my telephonic appearance at hearings scheduled for March 26, 2020. On March 23, 2020, at 4:31 P.M., the day after the Louisiana governor issued a Stay at Home Order and the day when two cases of COVID-19 were reported at the Oakdale Federal Institute, which shares grounds with the Oakdale Immigration Court, I received a voice message from the Oakdale Immigration Court informing me that both of my motions for telephonic appearance had been denied. On March 24, 2020, I called the Immigration Court to discuss the denials and was informed that the Immigration Judge had not given a reason for denying them but that he had asked if I planned to file a motion to continue. Due to the remoteness of the Oakdale Immigration Court, and the fact that the only same day courier who delivers there was self-isolating and not delivering filings, the earliest such a motion would have arrived at the court would have been on Thursday March 26, 2020, the day of the hearing. I informed the court clerk of such a barrier to filing timely before the hearing and, that I was planning on disobeying the governor’s order to stay home in order to attend the hearings and uphold my ethical responsibilities as an attorney, endangering myself and others. On March 25, 2020, I received a call from the court clerk asking me to email a motion to continue, an extraordinary request since the immigration courts do not allow electronic filings. In order to protect my, my family’s, my clients’, the court staff, and others who I may have encountered safety, I decided to submit the electronic motion, forcing my clients’ cases to be delayed.
9. Our clients are extremely worried about potentially becoming ill with the virus, in particular since various dorms have been quarantined at different facilities and they hear the news of the virus’s spread throughout the state. Of particular concern are two of our clients at Winn who fall within the World Health Organization’s and the Center for Disease Control’s list of people with higher risks for severe illness: one who is HIV positive and one who suffers from severe asthma. Both of these clients are incredibly scared of contracting the virus because they realize they will run a much higher risk of dying from

it. Further exacerbating the situation is that these facilities do not have adequate infrastructure to properly contain and prevent the spread of the virus within, and outside, its walls, much less the required medical care to make sure that people who become infected will be well treated. These facilities are located in isolated, remote areas of the state, approximately three to four hours radius from any major metropolitan area. Making it difficult, or nearly impossible, to timely access the required medical care. With hospitals around the country already strained in the fight against the virus, detained individuals in rural areas are at the highest risk of being left untreated.

10. All of our clients have family, friends, or a community organization who can, and has offered to, receive them should be released. Many of our clients have been denied parole by Immigration Customs Enforcement even after showing they have community ties who will support and provide for them.

Executed on March 29, 2020.

          /s/ Homero Lopez, Jr.          

Homero López, Jr.