

DECLARATION OF EMILY CHRISTINE TROSTLE

I, Emily Christine Trostle, swear under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am an immigration attorney based in New Orleans, Louisiana, and am admitted to the Louisiana bar (bar roll no. 36058).
2. I represent both detained and non-detained individuals. I am a solo practitioner.
3. I am incredibly concerned about my detained clients health and well-being, and at the risk of sounding hyperbolic — their survival, due to their ongoing detention by DHS ICE during the COVID-19 outbreak in Louisiana. While the Governor of Louisiana as well as the federal government have both instituted guidance regarding “social distancing” and many jurisdictions, including Louisiana, are under mandatory “stay at home” orders, this safeguard is simply not an option for individuals detained in Louisiana. A prisoner in Oakdale, Louisiana (literally steps away from the Oakdale Immigration Court which hears cases for ICE detainees detained at the Pine Prairie ICE Processing Center), has already died in custody¹.
4. On March 27, 2020, I received a call from a client detained at River Correctional Center in Ferriday, Louisiana who told me he was scared and anxious that he would catch the virus. He said there is no way to “socially distance” while detained. They are essentially sleeping on top of each other.
5. On March 30, 2020, I received a call from a client detained at Jackson Parish Correctional Center (JPCC) who told me that he is also fearful of becoming infected. He reported that they do not have soap. He also said that the tables they eat on are filthy and there is nothing to clean them with. He told me that last night a friend almost died when he cut three veins in his foot in an attempt to kill himself.
6. I am equally concerned that while being held in tight quarters with substandard care and no way to prevent the spread of infection, my clients’ due process rights are also being trampled. My clients who are detained at JPCC appear before Immigration Judges located in other states — Virginia, New York, etc. The clients who appear before judges at the Falls Church, Virginia “Immigration Adjudication Center” must file documents with another court, the Bloomington Immigration Court in Fort Snelling, Minneapolis, which is the “administrative control court” for these cases.

¹ https://www.washingtonpost.com/national/an-explosion-of-coronavirus-cases-cripples-a-federal-prison-in-louisiana/2020/03/29/75a465c0-71d5-11ea-85cb-8670579b863d_story.html

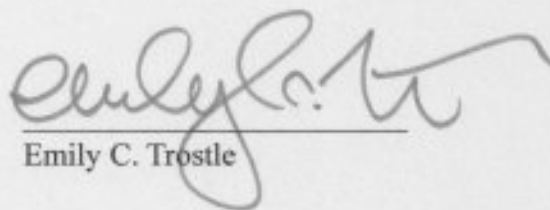
7. I urgently need to file a *Motion for Custody Redetermination* for a client detained at JPCC. As of Friday, March 27, 2020 the Bloomington Immigration Court was listed as closed. Per the EOIR website, it is closed and does not indicate that filings will still be accepted there (as is listed for other courts). On Monday, March 30, 2020 I called the Falls Church Immigration Adjudication Center and spoke to Sierra (last name unknown), a clerk for IJ Lisa de Cardona (who sits at the Falls Church Immigration Adjudication Center) who advised that hearings were still going forward. When I asked where I should file documents for clients detained at JPCC, she said she did not know and had been asking her supervisors for guidance on this question but had not received an answer. I asked her if I could file the motion directly with the Falls Church Immigration Adjudication Center since the Bloomington Immigration Court was closed and she advised that no, that was not an option.

8. I am deeply concerned that my clients' health, as well as their due process rights, will be negatively impacted as a result of their continuing detention during this pandemic. I am also not confident that I can adequately prepare them for Individual Merits Hearings without endangering them or myself. As of March 30, 2020, New Orleans, LA has an alarming death toll due to COVID-19 and a very high number of infected persons. While I am able to do *some* preparation with clients by phone, I am not able to have them sign documents, I am not able to review documents with them in person or do any of the routine trial preparation steps. Significantly I am also unable to have my clients, many of whom are torture survivors, evaluated by physicians for the purpose of a forensic evaluation as these physicians are now unable to leave their posts due to the escalating COVID-19 crisis that is unfolding in Louisiana now.

9. While telephonic "standing orders" have been put in place by the LaSalle Immigration Court for example, these orders include the stipulation that, "[a]ny party appearing telephonically waives the right to object to admissibility of any document offered in Court on the sole basis that they are unable to examine the document." This puts me in the difficult position of risking my health (and others') or my ability to zealously represent my client. As is widely known, the practice of DHS ICE OCC in this region is to ambush respondent's counsel with documents during hearings.

Dated:

03/30/2020


Emily C. Trostle