

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

YAMIL LUNA GUTIERREZ, *et al.*,

*Plaintiffs, on behalf of themselves and all others
similarly situated,*

V.

KRISTI NOEM, Secretary of Homeland Security, in her official capacity, *et al.*,

Defendants.

Case No. 1:25-cv-1766

DECLARATION OF NOOR ZAFAR
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

I, Noor Zafar, hereby declare:

1. I am an attorney at the American Civil Liberties Union Foundation (“ACLU”) Immigrants’ Rights Project, and I am co-counsel for Plaintiffs in this case. I make this declaration to describe my qualifications and those of my ACLU colleagues Lee Gelernt and Eunice Cho to serve as counsel for the Proposed Class in this case.
2. I am a Staff Attorney at the ACLU, where I have worked since 2018. I graduated from Harvard Law School in 2016. I am a member of the New York bar, and I am admitted to practice before the U.S. Court of Appeals for the Second, Ninth, Tenth, and Eleventh Circuits, and the U.S. District Court for the Southern District of New York.
3. I have served as counsel on several major immigration-related cases. *See, e.g., Padres Unidos v. Drummond*, 24-cv-526 (W.D. Okla. 2024) (preemption challenge to state immigration law); *Am. C.L. Union Immigrants’ Rts. Project v. United States Immigr. & Customs Enft*, 58 F.4th 643, 646 (2d Cir. 2023) (FOIA obtaining disclosure of ICE records); *Sierra Club v. Trump*, 963 F.3d 874 (9th Cir. 2020) (injunction against diversion of military funds to construct border wall); *New Hampshire Indonesian Community v. Trump*, 25-cv-38 (D.N.H. 2025) (injunction against Executive Order revoking birthright citizenship).
4. I also served as counsel in *Samma v. U.S. Dep’t of Def.*, No. 20-cv-1104 (D.D.C. 2020), a class action on behalf of noncitizen service members that successfully challenged a policy denying them an expedited path to citizenship.
5. Prior to joining the ACLU, I worked as a Bertha Justice fellow at the Center for Constitutional Rights, where I represented detainees at Guantánamo Bay and engaged in litigation and advocacy relating to the laws of war, immigration, and religious profiling. *See, e.g., Hassan v. City of New York*, 14-1688 (3d Cir. 2015); *al-Hajj v. Trump*, 9-cv-745 (D.D.C. 2018) (habeas action on behalf of law of war detainees at Guantánamo).

Lee Gelernt

6. Lee Gelernt has been an attorney with the American Civil Liberties Union since 1992. He currently holds the positions of Deputy Director of the ACLU's national Immigrants' Rights Project, and Director of the Project's Program on Access to the Courts. Mr. Gelernt graduated from Columbia Law School in 1988.
7. Mr. Gelernt is a member of the New York bar, and he is admitted to practice in the U.S. Supreme Court, the U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Circuits, and the U.S. District Courts for the Eastern District of New York and the Eastern District of Michigan. He has argued dozens of notable immigrants' rights cases at all levels of the federal court system, including in the U.S. Supreme Court, the U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Eighth, Ninth, and Eleventh Circuits, and in numerous district courts around the country.
8. Mr. Gelernt has served as lead counsel, or argued in, many class action immigration cases, including recently *Ms. L. v. ICE* (involving the Trump administration's family separation practice), and in a series of cases involving classes of long-term U.S. residents subject to deportation to countries where they feared death, persecution, or other harms. *See Hamama v. Adducci*, 258 F. Supp. 3d 828, (E.D. Mich. 2017), *vacated and remanded* by 912 F.3d 869 (6th Cir. 2018); *Devitri v. Cronen*, 290 F. Supp. 3d 86 (D. Mass. 2017); *Ibrahim v. Acosta*, No. 17-CV-24574, 2018 WL 582520 (S.D. Fla. Jan. 26, 2018); *Nak Kim Chhoeun v. Marin*, No. 17-CV-01898, 2018 WL 571503 (C.D. Cal. Jan. 25, 2018); *see also P.J.E.S. v. Wolf*, 502 F. Supp. 3d 492 (D.D.C. 2020); and *Huisha-Huisa v. Mayorkas*, 560 F. Supp. 3d 146 (D.D.C. 2021).
9. Mr. Gelernt is also lead counsel in numerous systemic cases challenging the federal government's efforts to restrict noncitizens from accessing asylum. *See, e.g., East Bay Sanctuary Covenant v. Barr*, 964 F.3d 832 (9th Cir. 2020) (affirming injunction of bar on asylum for individuals who transit through third country); *Capital Area Immigrants' Rights Coal. v. Trump*, 471 F. Supp. 3d 25 (D.D.C. 2020) (vacating same bar); *East Bay Sanctuary Covenant v. Trump*, 950 F.3d 1242 (9th Cir. 2020) (affirming injunction of ban of asylum for noncitizens entering between ports of entry); *East Bay Sanctuary Covenant v. Trump*, 932 F.3d 742 (9th Cir. 2018) (denying stay of same injunction), *stay denied*, 586 U.S. 1062 (2018); *M.A. v. Mayorkas*, No. 23-CV-1843 (D.D.C. filed June 23, 2023); *Las Ams. Immigration Advoc. Ctr. v. Dep't of Homeland Sec.*, No. 24-CV-1702 (D.D.C. filed June 12, 2024).
10. Mr. Gelernt has also testified as an expert before both the U.S. Senate and House of Representatives on immigration issues. He served as a law clerk to the Honorable Frank M. Coffin, formerly of the First Circuit Court of Appeals. In addition to his work at the ACLU, Mr. Gelernt is an adjunct professor at Columbia Law School, and for many years taught at Yale Law School as an adjunct.

Eunice Cho

11. My colleague and co-counsel, Eunice Cho, is Senior Counsel at the ACLU National Prison Project. Ms. Cho graduated from Stanford Law School in 2009, and clerked for the Hon. Kim McLane Wardlaw of the U.S. Court of Appeals for the Ninth Circuit.
12. Ms. Cho has also served as a Staff Attorney at the ACLU of Washington, a Staff

Attorney at the Southern Poverty Law Center, and as a Skadden Fellow and then a Staff Attorney at the National Employment Law Project.

13. Ms. Cho is a member of the California, Georgia, Washington, and the District of Columbia bars. She currently has active admission in Washington and the District of Columbia, and inactive status in Georgia and California. She is admitted to practice in numerous appellate and district courts, including the U.S. Courts of Appeals for the First, Third, Sixth, Eighth, Ninth, and Eleventh Circuits, and the U.S. District Courts for the District of Columbia, Middle District of Georgia, Northern District of Georgia, and Western District of Washington.
14. Ms. Cho's practice has focused on the civil rights of immigrants and prisoners, including conditions of confinement in immigration detention and state prison systems, law enforcement abuse by ICE, and the labor and employment rights of non-citizens.
15. Ms. Cho has served as lead or co-counsel in numerous class actions challenging conditions of confinement on behalf of immigrant detainees throughout the United States. Significant cases include *Agusto v. Moniz*, No. 1:20-cv-10685 (D. Mass); *Coreas v. Bounds*, 457 F. Supp. 3d 460 (D. Md. 2020); *Castaneda Juarez v. Asher*, 556 F. Supp. 3d 1181 (W.D. Wash. 2021); *Malam v. Adducci*, 459 F. Supp. 3d 867 (E.D. Mich. 2020); *Yanes v. Martin*, 464 F. Supp. 3d 467 (D.R.I. 2020); *Gomes v. U.S. Dep't of Homeland Sec.*, 460 F. Supp. 3d 132 (D.N.H. 2020) (provisional certification); and *Alcantara v. Archambeault*, No. 3:20-cv-00756-DMS-AHG (S.D. Cal.) (provisional certification). She has served as lead or co-counsel in over two dozen additional cases related to COVID-19 conditions in immigration detention facilities, and as lead counsel in *Americans for Immigrant Justice v. DHS*, No. 1:22-cv-03118-CKK, 2023 WL 1438376 (D.D.C. Feb. 1, 2023) (challenging inadequate access to counsel in ICE detention facilities).
16. Ms. Cho has also served as co-counsel in numerous complex class and collective action suits on behalf of non-citizens and prisoners, including *Braggs v. Dunn*, 257 F. Supp. 3d 1171 (M.D. Ala. 2017); *Parsons v. Shinn*, No. 2:12-cv-00601 (D. Ariz.); *Bojoroquez-Moreno, et al. v. Shores & Ruark Seafood Co., Inc.*, No. 3:14-cv-670 (E.D. Va.) (Federal Labor Standards Act (FLSA) collective action suit); *Cordova, et al. v. R&A Oysters, Inc.*, et al., No. 1:4-cv-462 (S.D. Ala.) (same); *Franco-Hernandez et al. v. Southern Valley Fruit and Vegetable, Inc.*, No. 714-cv- 62 (M.D. Ga.) (same).

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct. Executed in Oakland, California.

Dated: June 4, 2025


NOOR ZAFAR