

MAYER BROWN LLP
Matthew H. Marmolejo (CA Bar No. 242964)
mmarmolejo@mayerbrown.com
333 S. Grand Avenue
47th Floor
Los Angeles, CA 90071-1503
Telephone: +1.213.229.9500
Ori Lev (DC Bar No. 452565)
(pro hac vice)
olev@mayerbrown.com
1999 K Street, N.W.
Washington, DC 20006
Telephone: +1.202.263.3000
Facsimile: +1.202.263.3300

VINSON & ELKINS LLP
Stephen M. Medlock (VA Bar No. 78819)
(pro hac vice)
smedlock@velaw.com
2200 Pennsylvania Ave., N.W., Ste. 500 W
Washington, DC 20037
Telephone: +1.202.639.6500
Facsimile: +1.202.879.8939

CENTER FOR GENDER AND REFUGEE
STUDIES
Melissa Crow (DC Bar No. 453487)
(pro hac vice)
crowmelissa@uclawsf.edu
1121 14th Street, N.W., Suite 200
Washington, DC 20005
Telephone: +1.202.355.4471
Facsimile: +1.415.581.8824

*Additional Attorneys for Plaintiffs Listed
on Next Page*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

AL OTRO LADO, INC., *et al.*,
Plaintiffs,
v.
ALEJANDRO N. MAYORKAS, *et al.*,
Defendants.

Case No.: 3:23-cv-01367-AGS-BLM

Hon. Andrew G. Schopler

**EXHIBIT 16 TO THE
DECLARATION OF STEPHEN M.
MEDLOCK IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PROVISIONAL CLASS
CERTIFICATION**

1 MAYER BROWN LLP
Michelle N. Webster (DC Bar No. 985265)
2 (*pro hac vice*)
Mwebster@mayerbrown.com

3 1999 K Street, N.W.
Washington, DC 20006
4 Telephone: +1.202.263.3000
Facsimile: +1.202.263.3300
5 Matthew E. Fenn (NY Bar No. 5391149)
(*pro hac vice*)

6 *Mfenn@mayerbrown.com*
71 S. Wacker Dr.
7 Chicago, IL 60606
Telephone: +1.312.782.0600

8 VINSON & ELKINS LLP
9 Evan Miller (DC Bar No. 219310)
(*pro hac vice*)

10 *emiller@velaw.com*
Nataly Farag (DC Bar No. 90006516)
11 (*pro hac vice*)
nfarag@velaw.com

12 Alex Rant (DC Bar No. 1780786)
(*pro hac vice*)
13 *arant@velaw.com*

Rami Abdallah E. Rashmawi (DC Bar No. 1780184)
14 (*pro hac vice*)
rrashmawi@velaw.com

15 2200 Pennsylvania Ave., N.W., Ste. 500 W
Washington, DC 20037
16 Telephone: +1.202.639.6500
Facsimile: +1.202.879.8939
17

18 CENTER FOR CONSTITUTIONAL RIGHTS
Baher Azmy (NY Bar No. 2860740)

19 (*pro hac vice forthcoming*)
bazmy@ccrjustice.org
20 Angelo Guisado (NY Bar No. 5182688)
(*pro hac vice forthcoming*)

21 *aguisado@ccrjustice.org*
666 Broadway, 7th Floor
22 New York, NY 10012
Telephone: +1.212.614.6464
23 Facsimile: +1.212.614.6499

24 AMERICAN IMMIGRATION COUNCIL
Gianna Borroto (IL Bar No. 6305516)

25 (*pro hac vice*)
gborroto@immcouncil.org
26 Katherine Melloy Goettel (IA Bar No. 53821)
(*pro hac vice forthcoming*)

27 *kgoettel@immcouncil.org*
Suchita Mathur (NY Bar No. 5373162)
28 (*pro hac vice*)

1 *smathur@immcouncil.org*
1331 G St. NW, Suite 200
2 Washington, DC 20005
Telephone: +1.202.507.7523
3 Facsimile: +1.202.742.5619

4 CENTER FOR GENDER & REFUGEE STUDIES
Neela Chakravartula (CA Bar No. 254746)
5 *neela@uclawsf.edu*
UC College of the Law, San Francisco
6 200 McAllister Street
San Francisco, CA 94102
7 Telephone: +1.415.565.4877
Facsimile: +1.415.581.8824

8 CENTER FOR GENDER & REFUGEE STUDIES
9 Robert Pauw (WA Bar No. 13613)
(*pro hac vice*)
10 *rpauw@ghp-law.net*
c/o Gibbs Houston Pauw
11 1000 Second Avenue, Suite 1600
Seattle, WA 98104
12 Telephone: +1.206.682.1080
Facsimile: +1.206.689.2270
13
14
15
16
17
18
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DECLARATION OF KIMIKO HIROTA

I, Kimiko Hirota, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Policy Advisor within the Migrant Rights and Justice program at the Women's Refugee Commission ("WRC"), a non-profit organization that aims to improve the lives and protect the rights of women, children, and youth displaced by crisis and conflict. In this role, I research and advocate for equitable access to asylum in the United States and at the U.S.-Mexico border.
2. In this role, I have visited various areas along the U.S.-Mexico border on five occasions in 2022 and 2023 and met with people seeking protection, migrant shelter staff, representatives of international and nongovernmental organizations, and United States and Mexican federal immigration and local government officials. Based on these visits and additional research, I document and publish briefs and reports that describe conditions at the U.S.-Mexico border and U.S. Customs and Border Protection's ("CBP's") processing of people seeking protection at ports of entry. I also provide recommendations to improve the treatment of women and families seeking protection and access to asylum.
3. I hold bachelor's degrees in Sociology and Comparative Studies in Race and Ethnicity from Stanford University.

Asylum seekers struggle to secure appointments, live in dire conditions, and have been turned back at ports of entry

4. The week of July 17, 2023, I traveled to the Rio Grande Valley (McAllen, Hidalgo, and Brownsville, Texas) and the Mexican northern border cities of Reynosa and Matamoros. In Mexico, I visited two shelters and three makeshift tent encampments. According to local service providers, there were approximately 3,000 asylum seekers total living in the informal encampments that I visited in Reynosa and Matamoros at the time of our visit. In Reynosa, there were approximately 1,000 people total waiting to seek asylum in the two shelters at the time of our visit.
5. During my time in northern Mexico, a colleague and I interviewed 35 people trying to seek protection in the United States. The vast majority were attempting to schedule an appointment via CBP One in order to present at a port of entry and request asylum. These individuals were from Venezuela, Mexico, Haiti, Brazil, El Salvador, Ecuador, Honduras, Guatemala, Kyrgyzstan, and Armenia. The length of time that individuals spent waiting in northern Mexico varied; some had spent a week at the border trying to get an appointment, while others had been attempting to secure an appointment every day for over three months. Several people seeking asylum shared technical issues they experienced while using CBP One and showed me inexplicable error messages they received in English in the app, which prevented them from registering for an appointment.

6. Local service providers and people seeking asylum mentioned criminal groups or authorities stealing their phones during the migratory journey in Mexico, inhibiting their ability to secure an appointment. For example, I met one Venezuelan man who was living with his family in the makeshift encampment in Matamoros. He reported that Mexican authorities stole his phone, and he had no money to purchase another phone in order to access an appointment. An Ecuadorian woman shared that she was kidnapped twice in Mexico, forced to pay a total of \$20,000 to be released, and had her phone's SIM chip stolen from her, resulting in her waiting in Mexico longer.
7. I spoke with several women who were afraid to wait in northern Mexico while they secured a CBP One appointment for fear that they could be tracked down by their persecutors. For example, a Mexican woman told me that her husband was disappeared by a criminal group in October 2022. After receiving threats and being followed, she fled her home in Guerrero with her four children, who are 3, 10, 12 and 14 years old, to the border city of Reynosa. She downloaded the CBP One application and has been trying to get an appointment. Last Friday, she saw someone she knew from her home state outside of a shop in Reynosa and feared that the individual would inform the criminal group of her location. Due to her desperation and fear, she went to the bridge without an appointment to seek asylum, but she told me that El Instituto Nacional de Migración ("INM") turned her away. A Venezuelan woman with her 15-year-old daughter also shared that they were turned away by INM when trying to seek protection at the bridge.
8. According to people seeking asylum and local service providers, Black and Asian-presenting asylum seekers are routinely stopped by INM when trying to present at the bridges in Reynosa and Matamoros and are turned away. I witnessed three Haitian men who were stopped and had to show their CBP One appointments on their phones to an INM official before being allowed to walk onto the McAllen-Hidalgo International Bridge. A group of eight men from Kyrgyzstan were unable to walk up and seek asylum at that same bridge because INM turned them back when they attempted to do so without appointments. One Kyrgyz man shared that he and his wife had been trying to secure a CBP One appointment for three months. The couple was trying to seek asylum without appointments because they had run out of money to continue waiting in Mexico. One Armenian man, who made it past INM officials, told me that he had been turned away by CBP Office of Field Operations officials on three different occasions. He had been trying to secure a CBP One appointment for 70 days to request asylum due to political persecution in his home country.
9. Based on what I heard and my observations, people seeking asylum waiting to secure CBP One appointments live in insecure shelter and experience dire, squalid conditions. The encampments, and some of the shelters, lack basic sanitation and hygiene, including non-functional toilets, makeshift portable toilets, or portable toilets that overflow before they are serviced. There is not enough food, and most people sleep in small tents that cannot protect them from weather. While some encampments have makeshift showers, many people bathe in the river, where they also are at greater risk of being targeted by criminal groups and contracting illnesses. Colds and other illnesses are very common, and there is limited access to medical services. People are constantly living in extreme

weather conditions, including highs of more than 100 degrees Fahrenheit in the area during the last two months. The electricity and internet are not consistent, and in some shelters people have to leave to access the internet.

10. People seeking asylum are at risk of physical harm and crimes while waiting in Mexico. One Venezuelan woman in a Reynosa shelter described how she and her child were threatened on the street, and she has been afraid to leave the shelter ever since. A number of people seeking asylum told me about their experiences being kidnapped, extorted, or robbed in Mexico. Local service providers shared that sexual assault of women waiting to seek protection is common.

I declare under the penalty of perjury under the laws of the United States of America and Texas that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: July 22, 2023, in Houston, Texas, United States.

Signature:



Kimiko Hirota