

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 11 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

19

20

21

22

23

24

25

26

27

28

DECLARATION OF NICOLE ELIZABETH RAMOS

I, Nicole Elizabeth Ramos, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I make this declaration based on my personal knowledge, except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am the Border Rights Project Director of Al Otro Lado (“AOL”). In this capacity, I am responsible for managing the provision of legal orientation to asylum seekers and other migrants in Mexico. I supervise staff and volunteers who assist at our legal orientation clinic, as well as those who assist with the legal accompaniment of asylum seekers and human rights monitoring at U.S. ports of entry (“POE”) in Tijuana.

3. Since May 12, 2023, I have accompanied numerous vulnerable individuals without CBP One appointments to the San Ysidro, PedWest, and Otay POEs in the hope that Customs and Border Patrol (“CBP”) would allow them to seek asylum. All the individuals and families that I have accompanied since May are Mexican asylum seekers trying to flee their own country due to persecution and violence at the hands of organized crime, the Mexican government, as well as victims of domestic violence whose abusers are often frequently associated with organized crime, and thus have the power and means to find them and do them harm.

4. I have accompanied only Mexican asylum seekers to the POEs because asylum seekers who are not Mexican run the risk of being intercepted and detained by Mexican immigration officers who are stationed at and around the POEs. It is not uncommon for CBP officers to contact Mexican immigration authorities and/or Tijuana Municipal Police to intervene with asylum seekers who refuse to leave the POE, and insist on being processed. I have personally witnessed CBP officers threaten to contact authorities to remove asylum seekers, and I have also

personally engaged with Tijuana Municipal Police officers responding to asylum seekers who did not want to leave the POE, insistent on their right to seek asylum without a CBP One appointment.

5. The individuals I have accompanied to the U.S. POEs in Tijuana include the following named plaintiffs in *AOL v. Mayorkas*, No. 3:23-cv-1367: Diego Doe, Luisa Doe, Laura Doe, Guadalupe Doe, Somar Doe, and Elena Doe, along with their family members who are also seeking asylum. I have observed CBP officers turning back asylum applicants on many occasions, including each of the above-named individuals.

6. On July 17, 2023, I accompanied Luisa Doe to the San Ysidro POE. Luisa Doe explained to two female CBP officers that she came to seek asylum. The officers were in CBP uniforms with name tags identifying them as Officer Angulo and Officer Gallego. Officer Angulo told her “you need to log in to the app,” that it’s “very easy” and that Luisa had to “go online and figure it out.” Officer Gallego told Luisa Doe “you can’t be here” and threatened to call officers on “this side” if she did not leave. I clarified that she was referring to calling Mexican police officers located on the Mexican side of the POE to remove Luisa. In English, Officer Angulo repeated that the app is “too easy, too easy, so easy. Get online, look it up, do your research, and then you can seek it.” This is confirmed by audio tape “TJ POE (San Ysidro) 7.17.23 5pm.”

7. On July 18, 2023, I accompanied Laura Doe to the Otay POE. There, she spoke with a male CBP officer with a name tag identifying him as Officer Foote. Laura Doe explained that she was there to seek asylum. Officer Foote stated that “the notion that people come here and can just get in through the gate for asylum, that doesn’t happen, we don’t do that.” He said that “There’s an app” and that “they have to make an appointment.” He explained that Laura Doe

“has to start the process” of registering with the app. This is confirmed in attached audio tape “TJ POE (Otay) 7.18.23.”

8. On July 18, 2023, I also accompanied Elena Doe to the San Ysidro POE, where she spoke with two CBP Officers with name tags identifying them as Officer Lopez and Officer Ling. Elena Doe explained to the officers that she had come to request asylum. Officer Lopez told her that a CBP One appointment was “the only way” and that Elena Doe would “have to come in with an appointment through CBP One.” This is confirmed in attached audio tape “TJ POE (San Ysidro) 7.18.23.”

9. I did not accompany Michelle Doe to the POE, but I encountered her there on the same date that I accompanied Elena Doe, and witnessed CBP officers turn her away at the same time that they turned away Elena Doe. Because Michelle Doe indicated that she was homeless and without a cell phone, after recently escaping her abuser, I transported her back to the Al Otro Lado office, and our team assisted Michelle Doe and her infant to secure spots in a local migrant shelter, and provided her with a cell phone.

10. On July 25, 2023, I accompanied Guadalupe Doe, her three children, and Somar Doe to the PedWest POE, where I witnessed them speak with an officer with a name tag identifying him as Officer Lara Ramirez. Guadalupe explained that she was there to seek asylum. Guadalupe had told me that her family previously tried to present at the San Ysidro POE. At PedWest, Officer Ramirez told her that they were only taking people with CBP One appointments. I inquired if there was a list for emergencies. Officer Ramirez confirmed such a list existed at the San Ysidro POE, and that Mexican immigration officials maintained a list for people without CBP One appointments. Upon leaving the bridge and walkway that separates the U.S. and Mexico sides of the POE, we encountered a Mexican immigration officer in a green

vest. Guadalupe Doe asked about the special list of emergency cases, and the officer told us to go to the San Ysidro POE, where Guadalupe had already been turned away. Her interactions with CBP and Mexican officers on July 25th, 2023, is confirmed with audio tapes “Chaparral POE 7.25.23 – 8/15 am” and “Chaparral POE - in the Plaza -MX Immigration Officer - 7.25.23 - 8/34 am.”

11. On July 26, 2023, I accompanied Diego Doe and his wife to the San Ysidro POE. Diego Doe spoke with a CBP officer identified by his name tag as Officer Gaskins, and told him that he needed help, that he was there to seek asylum, that his life was in danger, and that he was experiencing problems with the CBP One App. Officer Gaskins told him he needed to talk to the Mexican immigration officials, and to tell them he was having trouble with the CBP One app, and they would know how to help him. Officer Gaskins then directed them to speak with the Mexican immigration official standing right behind us at that moment in time. This is confirmed in audio tape “San Ysidro POE 7.26.23 7/41 am.”

12. Individuals and families who have indicated that they want to attempt presenting themselves to U.S. immigration officers at the POE will program a day and time with our staff. On the date of the accompaniment, I will meet the asylum seeker(s) and accompany them to the POEs to speak to the CBP officers at the gate, where officers conduct preliminary checks that pedestrian travelers attempting to cross the border on foot have legal status or a valid travel document to enter the US. At the gate, the asylum seeker will wait off to the side until the pedestrian line is paused for processing, so as not to disrupt the flow of pedestrian travel. CBP officers must pause the line periodically in order to give officers inside the POE building enough time to process the travelers that have already passed the first document inspection point. When the line is paused, the asylum seeker will approach the CBP officers to speak with them, while I

stand nearby audio recording the exchange. I interact with the officer only as needed in order to facilitate communication with the asylum seeker, assist in clarifying points the asylum seeker is trying to communicate if it appears the CBP officer does not understand, and ask follow-up questions.

13. After leaving the POE, I returned home to transfer the recordings to my laptop, and send copies of the recordings via email to the attorneys representing AOL in this litigation, and upload copies to our shared cloud folder for documents related to the litigation. Under no point between leaving the POE, and returning home to transfer the recordings, did they leave my custody.

14. I understand that Plaintiffs will submit the six recordings referenced above that I made using the above-mentioned process in support of Plaintiffs' motions for preliminary injunction and provisional class certification. The file names of those recordings are: "TJ POE (San Ysidro) 7.17.23 5pm"; "TJ POE (Otay) 7.18.23"; "TJ POE (San Ysidro) 7.18.23"; "Chaparral POE 7.25.23 - 8/15 am"; "Chaparral POE - in the Plaza -MX Immigration Officer - 7.25.23 - 8/34 am"; and "San Ysidro POE 7.26.23 7/41 am." Those recordings are true and accurate audio recordings of interactions between arriving noncitizens and CBP officers at Class A Ports of Entry. I have not edited or changed the content of the recordings in any way.

15. In addition to witnessing CBP communicate directly with Mexican immigration and law enforcement officials, AOL recently obtained via a FOIA request email correspondence from 2018 that confirms this coordination. In the emails, which pertain to two separate border visits by three Congressional representatives in December 2018, CBP officers reference communications with Mexican immigration officers from the Instituto Nacional de Migración ("INM"), and confirm that CBP and INM have communicated around preventing individuals from reaching the U.S. side of the POE. I am aware that this type of communication and coordination between CBP

and INM continues to this day. As recently as this morning, an INM officer at the San Ysidro POE intercepted AOL staff who were accompanying several unaccompanied minors to the port of entry, and asked the AOL staff members for the names of the migrants that staff were accompanying, in order to compare those names to list of names they had for persons with appointments today. A member of the Mexican National Guard, who was also present, reaffirmed the INM officer's message, telling AOL staff that they had to speak to either him (National Guard) or INM before approaching the gate to speak to CBP. Before staff could respond, the INM officer was called over to the gate by a CBP Officer Banuelos.

16. Based on my experience and knowledge of the processing of asylum seekers at the San Ysidro port of entry, the list maintained by INM at the San Ysidro POE appears to be for individuals being processed outside the CBP One system, because all asylum seekers with CBP One appointments are processed through the PedWest POE.

Executed on this 8th day of August, 2023, at Tijuana, Mexico.

Nicole Elizabeth Ramos

Nicole Elizabeth Ramos