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

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DECLARATION OF FELICIA RANGEL-SAMPONARO

I, Felicia Rangel-Samponaro, 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.

Background and Experience

2. I am the co-founder and co-director of the Sidewalk School for Asylum Seekers (“Sidewalk School”), a non-profit organization with offices in Matamoros and Reynosa, Mexico. The Sidewalk School exists to provide quality education, medical care, and other humanitarian assistance to individuals who would otherwise go without as they experience displacement on the U.S.-Mexico border.

3. I have been employed at the Sidewalk School since its founding in August 2019. Previously, I worked as a volunteer providing direct services to asylum seekers in Matamoros. In my current position, I am primarily responsible for the day-to-day operations of the Sidewalk School, including programmatic and financial decisions. I work daily in Matamoros and Reynosa, where I manage our school, medical clinics, and shelters. Through my work, I have personally provided, or overseen the provision of, education to upwards of 2,000 child migrants in several cities at the border and in the interior of Mexico, including Matamoros, Reynosa, Juarez, Playa del Carmen, and Tampico.

4. I graduated from the University of Houston with a bachelor’s degree in psychology in 2009. I subsequently became certified as a general educator for pre-kindergarten through eighth grade. From 2010-2011, I taught seventh grade. Between 2011 and 2018, I worked as a volunteer at my son’s school. In this capacity, I organized a myriad of events,

including dances, parties, an annual Chinese New Year celebration, and graduations.

Establishment of the Sidewalk School

5. Having witnessed firsthand the acute educational delays faced by child asylum seekers forced to wait with their families for prolonged periods in northern Mexico, I co-founded the Sidewalk School in 2019. To achieve our mission of providing quality education and addressing the basic needs of individuals and families waiting to seek asylum in the United States, we rely on experienced professionals currently facing displacement in refugee camps and shelters to create lesson plans, teach classes, and provide other support to children in need.

6. Given the living situations of our students, the Sidewalk School provides extensive wrap-around services, including social and medical services, to them and their families. Local shelters are usually at capacity, so most of these families stay in encampments in and around the northern Mexican cities of Reynosa and Matamoros, across from Hidalgo-McAllen, Texas and Brownsville, Texas, respectively. They generally live in tents with nothing more than thin plastic tarps for shelter and inadequate toilet facilities. We provide food, clothing, and camping supplies such as blankets and tents when students and their families experience homelessness. I have also connected dozens of students and other asylum-seeking migrants with medical and legal aid, and regularly provide information to migrants regarding the U.S. government's current policies on accessing asylum at the border, which change frequently and often without much forewarning.

7. In 2021, the Sidewalk School partnered with Kaleo International, a faith-based organization, to build and assist in running a shelter in Reynosa, the Kaleo Immigrant Center. We built this shelter because of the large numbers of migrants who began coming to Reynosa at that time in the hope of crossing into the United States. Because of the Title 42 policy, they were

largely unable to cross the border into the United States and were living in tents in an encampment. At one point the encampment swelled to approximately 8,000 people, with limited access to toilets and clean water and subject to predation by cartels. The shelter provides safety, housing, education, and access to medical care to over 200 displaced people at a time. We provide all these services free of charge.

8. The Sidewalk School also operates free medical clinics in both Reynosa and Matamoros. In addition to our Mexico-based staff, we have a rotation of volunteer doctors from California who provide telehealth services in both locations. We have hired two registered nurses in Matamoros and are about to do the same in Reynosa. The clinics operate five days a week.

9. Although the Sidewalk School assists all asylum seekers, we focus on the needs of those who are Black, Indigenous, and/or LGBTQ+. Racism and discrimination against Black people are very prevalent in Mexico. As a Black woman, I actively seek out Black asylum seekers because I know they need help. Black asylum seekers stand out in Mexico by virtue of their skin tone and because most of them do not speak fluent Spanish. The language barrier prevents them from getting jobs, which makes it impossible for them to provide for themselves and their families. They also encounter discrimination when trying to find housing and accessing medical care.

The Sidewalk School's Experience With The CBP One App

10. In both my current position and previously as a volunteer in Matamoros, I have helped thousands of asylum-seeking migrants navigate various applicable U.S. government border policies, including metering, the Migrant Protection Protocols, and the Title 42 expulsion policy, including its various exemption processes.

11. Around December 2022, Customs and Border Protection (“CBP”) officials

advised the Sidewalk School and other advocates working with migrants in Mexico that obtaining an appointment on CBP One, a mobile application, would be a requirement for inspection and processing at a port of entry. Through CBP One, a noncitizen located at or near the U.S.-Mexico border could access and fill out an application for an exception within the Title 42 policy that would allow them to schedule a date and time to come to a port of entry to be inspected and processed for entry into the United States.

12. The Sidewalk School also provides one-on-one assistance to people who cannot access the CBP One app for other reasons – for example, because they cannot read, are blind, have limited mobility in their hands, or do not have enough formal education to understand what is being asked of them. My co-director Victor Cavazos and I, along with our staff and several other nongovernmental partners, also started spending significant time and effort acting as unofficial “tech support” for migrants attempting to use the app because of the numerous glitches that prevented migrants from getting appointments. We go from one encampment to the next to ensure that people have the help they need. Although CBP provides an email address where people can send questions, I do not know of anyone who has received a response.

13. The implementation of CBP One has been riddled with problems from the very beginning of this new process in January 2023. Accessing CBP One requires a cell phone and an internet connection. Many migrants struggle to secure both of these at the same time. From helping numerous migrants use the app, I have learned that CBP One runs best on Apple iPhones. However, iPhones are more expensive than many other types of phones. Most migrants cannot afford an iPhone and are forced to contend with severe lagging and timeouts that result from trying to use the app on older-model Android phones. On some phones, it is impossible to download the CBP One app at all. As a result, people living in tents in an encampment have to

save up money to buy smartphones. I have seen many families selling fruit or gum in the middle of the street to save up money to buy a smartphone just so they can download the app. Although CBP has frequently mentioned working on a desktop version of CBP One, that has not been released.

14. Difficulty accessing a stable, reliable internet connection is so common that migrants are forced to travel within dangerous border towns in northern Mexico to reach a shelter that might provide such a connection. Some migrants are forced to get on the roof of the shelter to pick up a good signal. Even with a good signal, migrants often must make multiple attempts to successfully submit their registrations and daily applications. Once the app has been stalled for 15 minutes, it times out with an error message that reads “token 200.” Once the app times out, an individual must return to the beginning of the process. Migrants in the encampment in Matamoros must pay USD \$6 per day for wireless internet access, plus additional money to keep their phones charged. Often, they must decide if they will spend their money to pay for internet and phone charging, or food for themselves and their families.

15. I have personally witnessed dozens of migrants attempting to complete the lengthy CBP One registration and/or appointment process for themselves and their families, only to have the app drop connection with their phone and crash. Many of these people successfully completed the application, hit submit, and watched the app freeze and give them an error message.

16. Another problem is that the CBP One app uses “geofencing” technology, meant to prevent people from signing up for CBP One appointments if they are not physically located in northern Mexico. However, the geofencing technology does not always work correctly. I have seen individuals located very close to the border receive error messages because the app thought

they were not in the northern Mexico border region.

17. Migrants with darker skin tones have had particular difficulties with CBP One's facial recognition software, disproportionately impacting Black and Indigenous migrants. Initially, around January 2023, applicants were required to take a photograph of themselves and every member of their family with facial recognition software embedded in the app. However, we saw time and again that the app rejected photos from migrants with darker skin tones. I have witnessed Black migrants going to extraordinary, almost absurd lengths to capture a photograph that the app would accept – including climbing onto the roof of the Kaleo shelter in Reynosa at the exact time of day when the sun would hit their face with maximum brightness. The Sidewalk School publicized this situation widely on social media and repeatedly advocated with CBP to fix this problem. It took at least a month after the launch of CBP One for Title 42 exceptions in January 2023 before we started seeing a significant number of Black people with CBP One appointments in line at the port. We still monitor the bridges in Matamoros and Reynosa every day, seven days a week.

18. Lack of language access has also proven to be a barrier to using CBP One. When CBP One became a requirement for inspection and processing at certain ports of entry, the app was only available in English and Spanish. Black and Indigenous asylum seekers are less likely than other migrants to have a high level of educational attainment in Spanish or English, and therefore more likely to be semiliterate or unable to understand written Spanish or English, making it difficult or impossible for them to use the app at all. The initial roll-out of the app only in English and Spanish caused these migrants to be passed over for the precious few appointment slots in favor of Spanish-fluent migrants. The frequency of CBP officials' encounters with Haitian migrants, who for several years have comprised the majority of people seeking asylum in

Reynosa, should have made it obvious that the app would need a Haitian Creole translation.

After a great deal of advocacy by the Sidewalk School, among others, CBP ultimately realized this and updated the app to include Haitian Creole instructions.

19. Another problem with CBP One is that the app assumes that users know the geography of Mexico. Victor and I have met with CBP officials who designed the app for land crossings and asked them to add a map so people can get a clear understanding of how far various ports are from their current location. Without this tool, people have made appointments at different ports of entry without understanding that they had to travel hundreds or thousands of miles to certain ports. We have heard many reports of families who have traveled from Matamoros or Reynosa to Nuevo Laredo or Tijuana for a CBP One appointment and gotten kidnapped or assaulted along the way.

20. People with disabilities are also at a severe disadvantage due to the required use of the app. There is no place within the app to indicate if an applicant has a disability or other medical condition that should make them a priority for humanitarian reasons. I have observed firsthand how devastating the requirement to use CBP One can be. The Sidewalk School assisted one man who uses a wheelchair and has a medical condition that causes his hands to seize up, along with stage 3 pressure ulcers. With the severity of his condition, he could not even hold a phone. I have also assisted a woman with a brain tumor who was pregnant and had a small child in tow. She had difficulty getting CBP One to accept her photograph because of the partial paralysis in her face. Another client had problems with their eyesight that made it impossible for them to use the app.

21. In another case, a family had traveled to the U.S.-Mexico border to try to obtain medical care for their daughter, who had cancer. While the family was waiting for a CBP One

appointment, the girl died. Many people with medical complications whom the Sidewalk School has assisted have expressed fears that this will be the outcome in their case, too. I comfort people and tell them that they are doing all they can for themselves and their sick children. Seeing the anxiety and worry on people's faces is heartbreaking.

22. The Sidewalk School operates in several homeless encampments of migrants in both Matamoros and Reynosa. Those camps are predominantly comprised of Black migrants, including significant numbers of Indigenous people. These people are in a particularly vulnerable position, given their exposure to the elements and lack of security. All migrants are deserving of a dignified process to present themselves at ports of entry, but the systemic problems with the app discussed above place Black and Indigenous migrants at a profound disadvantage.

23. Northern Mexico is not safe for migrants. The Mexican cartels are active, particularly in the evenings, and kidnap, beat, rape, and steal from the people living in the encampments. In or around April 2023, the cartel came through the Matamoros camp and set over twelve tents on fire. As conditions worsened, people grew more desperate. In the weeks that followed, more people attempted to cross the Rio Grande River, as they were too desperate to continue waiting for an appointment through CBP One. The cartel requires people to pay a fee to cross the Rio Grande, but many cannot afford this. So they attempt to cross without paying the cartel's fee. The cartel retaliates by kidnapping and beating people who attempt to cross without paying, as well as those associated with people who did cross. This violence is ongoing and also impacts people who have not even attempted a river crossing. The number of rapes of people in the Matamoros encampment by cartel members has increased significantly since April.

CBP is not fulfilling its own assurances that migrants can be processed at POEs without CBP One appointments

24. While the Title 42 policy was still in effect, CBP provided repeated assurances that asylum seekers would be encouraged, but not required, to make CBP One appointments to access ports of entry. They claimed that there would be two lines at the port—one for individuals with appointments and one for those without appointments. Since the Title 42 policy expired at 11:59 pm EST on May 11, 2023, my colleagues and I have closely monitored developments at the Brownsville port of entry. Most people who do not have a CBP One appointment have been blocked from even accessing the bridge leading to the boundary or “limit line” that controls U.S. ports of entry. Officers of Mexico’s Instituto Nacional de Migración (“INM”), which works in coordination with CBP, are responsible for blocking asylum seekers without a CBP One appointment from waiting on the bridge to enter the United States, contrary to the “two lines” impression we were given by CBP officials prior to May 12, 2023.

25. Since Title 42 ended, CBP and INM have been coordinating closely on the management and processing of asylum seekers in Matamoros and Reynosa. The INM officers on the bridge leading to the Brownsville port of entry start work at 6:30 am every day. By the time they arrive, there is usually a line of individuals on the Mexican side of the bridge waiting to present themselves to CBP. The INM officers ask the people in line to present their CBP One appointment confirmations and promptly send away those who do not have one.

26. Since May 12, 2023, CBP has processed a fixed number of people with CBP One appointments at ports of entry across the border, with two increases in overall numbers on June 1 and July 1. CBP also permits non-governmental organizations at certain ports of entry, including Matamoros and Reynosa, to present limited numbers of individuals without CBP appointments. The Sidewalk School generally selects individuals with severe medical conditions, whom we

assist in obtaining evidence to rebut the presumption of asylum ineligibility under the Biden Asylum Ban Rule. We select individuals in consultation with medical doctors from California, who take turns volunteering at the Sidewalk School's medical clinics. Several hours ahead of the designated crossing times, we have to submit a list of the individuals' names and nationalities. INM regularly turns back individuals whose names were not on the list. Many of these individuals and families wait for prolonged periods on the Mexican side of the bridge, up to several days in extreme heat despite their vulnerabilities. CBP often does not promptly take them into the port because CBP One appointments get priority. People have at times been scared to leave the bridge for food, water, or bathroom access for unsafe lengths of time, because INM may not let them back on.

27. On Friday, May 12, 2023, in the early evening, I returned to Matamoros from Brownsville and encountered a young mother with four children between one and eight years old. I knew this woman well as she and her children had resided in one of the Matamoros encampments for nearly a year and were really suffering. They left after a man entered their tent and tried to rape the woman in front of her children. Because the mother is not fluent in Spanish, she had lots of problems with the CBP One app. She came to the Sidewalk School's building every day for free internet because she could not afford to pay \$6 a day for it and still feed her children.

28. When I found them, the mother was slumped to the ground on the plaza near the bridge, completely despondent. She said she could not wait any longer to seek safety. CBP officers were standing at the midpoint of the bridge, and we were at the end of a long line of families waiting to present at the port. Victor and I, accompanied by a U.S. lawyer, accompanied the family onto the bridge. We waited there for a while with a group of approximately 100 other

people, most of whom appeared to be asylum seekers.

29. At approximately 8:30 pm, INM officers walked onto the bridge. A supervisor spoke to Victor and explained that everyone needed to leave that bridge. He said that we could all do so nicely and everything would be easy, or we could do it the hard way and we wouldn't like how that turned out. As Victor and I were conferring, the officer told Victor more insistently that everyone needed to clear off the bridge. Victor explained to me that he had told the INM officer that the people in line had a right to present themselves and ask for asylum, but the INM officer said that was not correct because they needed to have a CBP One appointment in order to present.

30. At that point, we, along with everyone else I could see who was waiting in the line, began to leave the bridge. We did not want to put the children in any danger, and the situation was frightening.

31. Two CBP officers in the middle of the bridge just stood there and watched. As we were walking off the bridge, we saw armed Mexican military personnel with machine guns on the side of the plaza, and helicopters started flying overhead. It felt like a war zone.

32. We walked as quickly as we could. The children were terrified. One of the young girls, age 6 or 7, repeated several times, "*tengo miedo, tengo miedo*" ("I am scared, I am scared"). We told the families closest to us to follow us to the Sidewalk School building. Once we got everyone inside, we locked the door.

33. The next day, Saturday May 13, was equally trying. That morning, I accompanied two families to the bridge. They were asylum seekers without CBP One appointments who were facing medical emergencies so grave they could not wait any longer to present themselves. The first family included a father with a colostomy that had become badly infected, along with his

wife and six children. The second family was a woman who had had a stroke and her partner. The woman was having difficulty walking. As we approached the border, INM officers told us (myself, my co-director Victor, and the two families) that we could not walk on the bridge or even be in the plaza at the foot of the bridge.

34. The only individuals without CBP One appointments being processed are those with connections to NGOs. It is not right that a person's ability to seek asylum depends on having the right connections. Over the past few years, I have seen many cases where waiting hours or days to enter the United States determines whether a person lives or dies.

35. While CBP maintains that they will process anyone on the bridges between Matamoros and Brownsville, and Reynosa and Hidalgo, the protocols they and INM follow severely restrict the processing of asylum seekers. While INM officials have admitted the existence of coordination with CBP to Sidewalk School staff, CBP has repeatedly denied it and blamed INM for preventing individuals from crossing the bridge.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 3rd day of August 2023.


Felicia Rangel-Samponaro